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PROCEEDINGS AND DEBATES OF THE 103d CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Thursday, July 1, 1993*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 1, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

Rev. Dr. Frederick D. Perkins, Pastor, Marion Baptist Church, Monroe, LA, offered the following prayer:

Our Heavenly Father, thank You for blessing this Nation with the high concepts of equality of people, human rights under law, and freedom of worship as expressed in love for God and love for one another.

Help us, Lord, feed the hungry, shelter the homeless, care for the sick, and secure the elderly.

Our Heavenly Father, help us give leadership to other evolving nations that are struggling to form democratic governments of the people, by the people, and for the people.

Bless this Congress with the resources to provide jobs for the unemployed, safety for our homes, education for our children, healing for our sick, and growth for our Nation.

Our Heavenly Father, we pray that You will bless this Congress with that level of wisdom, vision, knowledge, understanding, and determination that when the last decision is made and the final act is passed, You, O Lord, can add a plus to the highest grade.

In the name of Jesus, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be led by the gentleman from North Carolina, Mr. BALLENGER.

Mr. BALLENGER led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1876. An act 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 message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 63. An act to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes.

H.R. 868. An act to strengthen the authority of the Federal Trade Commission to protect consumers in connection with sales made with a telephone, and for other purposes.

H.R. 1189. 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.

H.R. 2264. An act to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2264), an act to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints:

From the Committee on the Budget: Mr. SASSER, Mr. HOLLINGS, Mr. JOHNSTON, Mr. DOMENICI, and Mr. GRASSLEY; from the Committee on Agriculture, Nutrition, and Forestry: Mr. LEAHY, Mr. PRYOR, and Mr. LUGAR; from the Committee on Armed Services: Mr. NUNN, Mr. SHELBY, and Mr. COATS; from the Committee on Banking, Housing, and Urban Affairs: Mr. RIEGLE, Mr. SARBANES, and Mr. D'AMATO; from the Committee on Commerce, Science, and Transportation: Mr. HOLLINGS, Mr. INOUYE, Mr. BREAUX, Mr. STEVENS, and Mr. DANFORTH; from the Committee on Energy and Natural Resources: Mr. JOHNSTON, Mr. BUMPERS, Mr. FORD, Mr. WALLOP, and Mr. HATFIELD; from the Committee on Environment and Public Works: Mr. BAUCUS, Mr. MOYNIHAN, and Mr. CHAFEE; from the Committee on Finance: Mr. MOYNIHAN, Mr. BAUCUS, Mr. BRADLEY, Mr. MITCHELL, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. PACKWOOD, Mr. DOLE, Mr. ROTH, Mr. DANFORTH, and Mr. CHAFEE; from the Committee on Foreign Relations: Mr. PELL, Mr. KERRY, and Mr. HELMS; from the Committee on Governmental Affairs: Mr. GLENN, Mr. LEVIN, Mr. PRYOR, Mr. ROTH, and Mr. STEVENS; from the Committee on the Judiciary: Mr. DECONCINI and Mr. HATCH; from the Committee on Labor and Human Resources: Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. DODD, Mr. SIMON, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mr. WOFFORD, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. THURMOND, Mr. HATCH, and Mr. DURENBURGER; from the Committee on Veterans' Affairs: Mr. ROCKEFELLER, Mr. DECONCINI, and Mr. MURKOWSKI; to be the conferees on the part of the Senate.

The message also announced that pursuant to Public Law 102-246, the Chair, on behalf of the majority leader,

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

in consultation with the Republican leader, 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.

THE REVEREND DR. FREDERICK D. PERKINS

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

Mr. FIELDS of Louisiana. Mr. Speaker, I am very happy to welcome today our guest Chaplain The Reverend Dr. Frederick Douglas Perkins. Dr. Perkins is pastor of the Marion Baptist Church and vice president of the Monroe Union Theological Seminary of Monroe, LA.

It is a great honor as well as befitting that Dr. Perkins offer the opening prayer before this the U.S. House of Representatives.

Dr. Perkins is a fine citizen of this country and a great spiritual leader in my district. More importantly, he embodies the teachings of Christ and the basic fundamental democratic principles of this great country. Once again, on behalf of the State and the Fourth Congressional District of Louisiana, I am very happy to welcome today's guest Chaplain, the Reverend Dr. Frederick Douglas Perkins.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. One-minute speeches will be delayed until later in the day.

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2519, and that I be permitted to include tabulations, charts and other extraneous material.

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2519) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1994, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Kentucky [Mr. ROGERS] and myself.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Chair designates the gentleman from California [Mr. BROWN] as Chairman of the Committee of the Whole, and requests the gentleman from Florida [Mr. HASTINGS] to assume the chair temporarily.

□ 1006

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2519, with Mr. HASTINGS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN pro tempore. Under the unanimous consent agreement, the gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, I yield myself such time as I may consume.

First I want to thank the staff, the minority and the majority members of our subcommittee for their work on this bill. It was a very, very tough bill. It is the second year that we have had to report bills that were less than the current services level. That is very tough.

There are 105 pages of explanation and another 23 pages of tables that have been printed in the committee report on this bill and I do not intend to read them back to the Members of the House. They have had them for several days and have had a chance to study them, and it will not be necessary to elaborate on them any more than that.

But I do want to point out a few things.

The bill is within the 602(b) allocation for outlays. It is also substantially under the 602(b) allocation for budget authority by $751 million. The reason we are so far under in budget authority is that we had to be under that far in order to stay within the outlay allocation. The bill is even under last year's appropriated level by $593 million. The bill is also under the budget request by $1,963,000,000. And as I indicated earlier, on an average in this bill, we are only at 95 percent of current services. That means that anytime we increased something in the bill over 95 percent of current services, we had to reduce some other program below that level.

We did increase a few items like the FBI, the DEA, the INS, the support of U.S. prisoners account where we are opening up some new prisons. We also increased the NIST, which is a high priority with both the administration and Members of the House. We also increased the international trade and some of the other programs.

The administration required all of the agencies, or virtually all of them, not quite all of them, to take some reduction in FTEs, and in administrative costs in order to comply with the overall mandate to have some deficit reduction. We usually accepted those. There are some exceptions such as the Border Patrol in INS. But all of these agencies that we took the reductions in testified that they could comply with the reductions.

So we have brought Members the best bill that we could under the circumstances, with very, very stringent and tight overall caps that were placed on us.

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

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

Mr. Chairman, we bring to the House today this bill for fiscal 1994 for Commerce, Justice, State. And in my 9 years on the subcommittee, this was by far the most difficult year we have had to face.

□ 1010

I believe it is merely a foreshadowing of the years to come.

We are living in an austere budget climate, constrained by the spending caps in the 1990 budget agreement. We must control spending, yet we have to fund important programs needed to meet the diverse interests of our Nation. Diverse and compelling interests are competing for scarce resources, and nowhere is this more evident than in the Commerce, Justice, State appropriations bill.

This bill funds programs to fight the war on crime and drugs, to promote economic development, to increase U.S. trade and competitiveness, and to build peace and democracy in this New World.

Scarce resources demand we make hard choices—we have to prioritize and have to streamline programs. And, while we did not agree on all priorities, overall the subcommittee made the tough choices needed to bring a good bill to the floor.

Mr. Chairman, as our chairman said, this is a lean bill. Total funding is $756 million under our discretionary spending allocation, and $249 million below fiscal 1993. In addition, the total is $2 billion less than the President's request of us.

Consequently, we have cut 5 percent from the amount most programs need next year to operate at this year's level. For many of these programs, this comes on top of a 7 percent cut included in last year's bill.

Reflecting the need to put our own domestic needs first, we have cut spending for the Department of State and international programs 8 percent below the fiscal 1993 level, in that way freeing up funds for programs that help us here at home.

Having said that, Mr. Chairman, this bill still means real cuts in domestic programs that are of great concern to me, and I know others in the body.

While our spending constraints just did not allow us to fund more programs as we would have liked, we did do our best to channel our limited funds to a handful of very high priority areas.

In the Department of Justice, we have increased immigration inspectors at our borders, protected the border patrol from the cuts faced by other agencies, and provided funds to activate new prisons due to come on line in 1994, though with a slight delay.

For the Commerce Department, we have given significant increases to the administration's technology and manufacturing initiatives. The Economic Development Administration receives a slight increase over 1993, as does the weather service modernization program. Also, the Federal court system is given a substantial increase in this bill—12 percent over 1993 level. And, legal assistance to the poor receives a sizable 12-percent increase.

These two agencies are the ones that receive the highest increases in our proposals.

Mr. Chairman, now more than ever, this Congress must eliminate programs that have proven to be ineffective. A telling example comes in the area of broadcasting to Cuba. For several years, the evidence has overwhelmingly been mounting that TV Marti just does not work. Thus, our committee finally made the right choice by eliminating funding for TV Marti.

And finally, I want to bring to the Members attention an issue of extreme concern to me, and one that I believe should be of great concern to the Congress and the country—U.N. peacekeeping. Mr. Chairman, in the last 2 years, the number of peacekeeping operations has exploded to a record high—13 ongoing peacekeeping operations, somewhere in the World with the United Nations now considering even a 14th. The United States is assessed by the United Nations one-third of the cost, with the U.S. share for just these 13 operations estimated at close to $1 billion for this year, and another $1 billion next year.

And, this is just the beginning. There are as many as 12 additional conflicts the United Nations may choose to become involved in, which will generate even greater bills.

And if they do, they simply send us the bill for 31.7 percent. That is not a figure we decided; that is a figure they decided. And I have some real problems with another body telling the U.S. Congress, "You shall pay X, Y, or Z because this is what we decided you should pay, and you shall send so many troops to x location on the other side of the world whether you like it or not." I have got a problem with that, Mr. Chairman, and I think the administration and the Congress are going to have to grapple with this right away because the list keeps exploding and American men and women are being exposed to even greater dangers every day, not to mention the dollars that we are talking about in this bill.

U.N. peacekeeping has evolved beyond the traditional role of ensuring the implementation of a truce, to imposing that truce with an international militia. U.S. dollars and U.S. manpower are being put on the line in great numbers, in settings that are remote, at best, to this Nation's security interests.

At the same time, all efforts to decrease the U.S. assessment for peacekeeping have fallen on deaf ears at the United Nations.

As the chairman knows, we only pay 25 percent of the operating costs of the United Nations. But for peacekeeping operations they bill us for 31.7 percent. Our friends in Japan pay around 8 percent, and our friends in Germany pay about 12 percent, and Uncle Sam pays 31.7 percent. I have got a problem with that.

All attempts to get the United Nations to adopt even the most basic of reforms, such as creating an inspector general so that we know how our monies are being spent, have fallen, again, on deaf ears. They refuse to do it. Mr. Chairman, I have got a problem with that.

Mr. Chairman, I question how much longer we can go home and defend our commitment of enormous funds and manpower to a peacekeeping process that is exploding in numbers and dollars and locations, with sometimes questionable results. As it stands, the United Nations is sending the U.S. bills which we cannot pay. This bill proves that fact. Mr. Chairman, we have included less than half the amount that we may be asked to contribute for our share of these 13 peacekeeping operations. We cannot afford to pay the bills that they are sending us.

Therefore, I urge that both the Congress and the administration address this important area of issues.

Mr. Chairman, our subcommittee was faced with a difficult task, and I believe we have risen to the challenge. I commend my chairman, the gentleman from Iowa [Mr. SMITH], and all members of the subcommittee. We have several new members on the subcommittee who have rendered great service to us this year. We congratulate them and all of our staff on both sides of the aisle for their great work and long hours in preparing this bill.

Mr. Chairman, we bring to the House a good bill, one I believe all Members can support. I therefore urge support of this bill.

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

Mr. SMITH of Iowa. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. NATCHER], the chairman of the full Committee on Appropriations.

□ 1020

Mr. NATCHER. Mr. Chairman, I rise in support of the Commerce, Justice, State, and Judiciary appropriations bill for fiscal year 1994. This is the 10th appropriations bill for fiscal year 1994 to come before the House.

We on the committee want to thank Members on both sides of the aisle for their support and assistance. We would not be at this point without that taking place.

I want to commend the gentleman from Iowa [Mr. SMITH], chairman of the Commerce, Justice, State, and Judiciary Appropriations Subcommittee, and the gentleman from Kentucky [Mr. ROGERS], the ranking minority member on the subcommittee on the excellent job they have done in bringing out this bill.

Mr. Chairman, this bill provides for important law enforcement, business promotion, and research and technical assistance funding. It also provides funding for the State Department and for important U.N. peacekeeping activities. This is a difficult bill to develop under constrained funding. The subcommittee has done an excellent job.

Mr. Chairman, they have an excellent staff on this subcommittee. Time after time, long after we, the Members in the House, are at home, this staff is still on Capitol Hill gathering the facts and preparing reports on our bills, to assist us, and we appreciate it.

This is the fifth appropriations bill to be considered this week. I want to thank all Members from both sides of the aisle for their cooperation on these bills, and again I want to commend the chairman and the ranking minority member and all the other members of the subcommittee for a good job. This is an excellent subcommittee.

Mr. Chairman, I urge adoption of this bill.

Mr. ROGERS. Mr. Chairman, I yield 4 minutes to a member of the full committee, the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I commend the gentleman from Iowa and the gentleman from Kentucky for bringing a very fine bill to the floor. They have prioritized spending within very constrained parameters and have stayed below their 602(b)'s while funding a number of very important national priorities. I must mention, however, Mr. Chairman, a very high priority issue that I believe was overlooked in this bill.

The United States entered binding financial obligations under international law when it signed the historic Chemical Weapons Convention on January 13, 1992. Total U.S. commitment for fiscal year 1994 is $16 million, but funds to meet these obligations were not included in this bill.

Unlike many earlier arms control agreements, the Chemical Weapons Convention requires that critical verification and other implementation procedures be developed between signing and ratification, so that compliance can be verified from the moment the Convention enters into force. It specifies that this work will be done by a preparatory commission. By signing the Chemical Weapons Convention, the United States concurred in the establishment of this preparatory commission and, under international law, committed to pay $16 million, approximately 25 percent of the commission's expenses.

In order for the Secretariat to be operational by January 1995, the prepcom must begin work no later than January 1994. Failure to meet this international obligation could undermine many nations' ratification of the convention and severely hamper the Secretariat's ability to implement the convention.

I understand the constraints faced by the gentlemen from Iowa and Kentucky in this bill, but I believe that making a small investment to end the threat of chemical weapons is a very high priority. I hope that the gentlemen would look favorably on working in conference to provide these funds.

I am also very concerned about the future of our Nation's international broadcasting. During the campaign, Bill Clinton announced that he strongly supported creating a surrogate radio broadcast to beam messages of truth and freedom to the people of China and other tightly controlled, politically repressive nations in Asia, Burma, Tibet, Laos, North Korea, Cambodia, and Vietnam. The President's budget requested $30 million for such a program.

The State Department authorization bill that passed the House 2 weeks ago contains a provision clearing the way for creation of surrogate radio broadcasts to China and other Asian nations. The bill that we are considering tonight, however, except for two sentences of report language that was included at full committee at my request, makes no mention of Radio Free Asia and provides no funds for such a program. Instead, it appears that we are going to defer to some future Senate action on this issue and perhaps try to work something out in conference. Why do it this way? Apparently, the White House has not yet made up its mind.

Despite the tremendous wave of democracy sweeping across the world, China, North Korea, Tibet, Vietnam, Burma, and other Asian nations are not sharing in this surge of political freedom. We can, in a cost effective way, help promote positive change from within these nations by providing factual information specifically relevant to the people who live there through surrogate broadcasts.

I am very disappointed that this bill does not speak forcefully to this issue. I urge the Chairman and Mr. ROGERS to work with the Senate to find funds to create surrogate radios to Asia.

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this is my first year of service on the subcommittee, and I want to commend the chairman, Mr. SMITH, and my subcommittee colleagues on both sides of the aisle for producing a bipartisan, balanced bill. We tried to satisfy the needs of the diverse agencies under our jurisdiction, while at the same time paying attention to the chorus that is echoing throughout the land to cut spending. We have done both.

This bill was about setting priorities. We were working with a tight budget, and we approved a bill that's nearly $2 billion under the President's request and $600 million less than we're spending this year.

I want to point out that this bill contains specific spending cuts—the specific cuts that the mass-mailing fundraisers, the talk-show hosts, and some of the so-called good government groups have accused President Clinton and Congress of not making. One good example is our broadcasts to Cuba, which, by most objective accounts are as ineffective as they are expensive. Our subcommittee eliminated—for a number of reasons—funding for both TV and Radio Marti. I wish the full Appropriations Committee had held the line against both Radio and TV Marti, but it restored part of the funding for radio.

I am satisfied, though, that we did not restore funds for TV Marti. At least we will not continue to spend $28,000 an hour to broadcast Popeye cartoons and Lifestyles of the Rich and Famous to Cuba, broadcasts that have consistently been blocked by the Cuban Government, and which apparently reach Cuba for only a few minutes in the wee hours of the night.

We know how difficult it is to pull the plug on a program, even programs as ineffective as this one. I continue to believe that the country shouldn't be borrowing additional millions to fund broadcasts to Cuba, and I think the Coloradans who have been flooding my office with cut-spending-first postcards would agree.

By making cuts elsewhere in the bill, we were able to increase funding for NOAA, NIST, and NTIA programs that can play a major role in revitalizing our economy. The administration requested, and I strongly support, targeted increases in NOAA, NIST, and NTIA programs that invest in scientific research and the application of that research to strengthen the economy.

During our recent debates on the space station and the SSC, we have talked at great length about scientific research and the role the Federal Government should play in it. These three Commerce Department agencies deal with precisely the type of research and applied technology we should be encouraging, and I am pleased the committee was able to do so.

Most Americans are familiar with the good work of these agencies; they just are not aware who's doing it. When we watch the weather reports on the television news, we are impressed with the Doppler radar pictures that show approaching storms. But we probably don't know that the Doppler radar was developed in NOAA's labs. And we probably do not know that the weather satellite pictures are often transmitted from a NOAA satellite. And who is showing managers of marinas, resorts, and fishing docks how to deal with the tons of smelly waste that are left over from commercial and sport fishing? That's NOAA, too.

President Clinton, along with trying to make a dent in the Federal deficit, is trying to reverse 12 years of a hands-off attitude toward American business. He realizes that the Federal Government has to work hand-in-hand with our industries if we hope to stay competitive in the 21st century. The Federal agency that will be leading the charge is the one that has been working with American businesses for over 90 years: The National Institute of Standards and Technology [NIST]. I am proud that the committee has committed itself to helping finance this investment in our future by funding, as much as is possible in these tight fiscal times, NIST's efforts.

We have seen a multitude of articles recently about the information superhighway. This is a concept whose possibilities we are just beginning to realize, and it is one in which American industry has— and should have—the lead. But we have to make absolutely certain that, in dealing with a system as

enormous and complex as this, we are all singing from the same hymnal. The National Telecommunications and Information Administration [NTIA] is helping write that hymnal—or at least it is making sure the hymns are numbered the same in everyone's book. Without some kind of universal standards for operation, the superhighway could easily become filled with potholes. NTIA will help set those standards, and the committee has recognized the importance of NTIA's activity.

This bill also tackles the need for serious, responsible reforms in a number of important areas. The committee's report includes language supporting the administration's efforts to help make significant improvements in the financial management and administration of the United Nations, and to negotiate a more equitable assessment rate for the United States share of U.N. peacekeeping operations. I am a strong supporter of American participation in this body, but I recognize that improvements can—and must—be made if we are to convince the American taxpayer that U.N. operations are a solid and fair investment.

The committee also included language, which I requested, in its report regarding the need to reform the government's security classification system. The committee supports the President's decision to establish a task force that will produce a comprehensive post-cold war plan that addresses the current problem of over-classification of documents. This practice costs too much, both in dollars and in the ability of a democratic society to function. The committee expects that these new rules and procedures will mean future savings, and has directed the Departments of Commerce, State, and Justice to submit detailed reports on classification-related expenditures and specific plans for reducing costs in the next fiscal year.

We've also made some important strides in making our criminal justice system more effective and responsible to public need. The committee has included $16 million more than the adjusted current services level in the salaries and expenses account for the courts of appeals, district courts, and other judicial services, directing that this money is to be used to meet the highest priority needs of the Federal courts. Certainly, this could fund much, if not all, of the expenses necessary to add the 35 new bankruptcy judges we authorized during the 102d Congress. With the nearly threefold increases in bankruptcy filings over the last 12 years, these new judges are sorely needed. One of these judges would sit in my home State, and I hope that serious consideration is given to spending at least part of the $16 million on funding for these new bankruptcy judgeships.

The bill also provides $297,252 million for defender services and $77,095 million for fees for jurors. At these levels, we should avoid the problems we faced in the current fiscal year, when the courts came close to running out of money. That financial crisis led to a proposal to cancel civil trials to ensure that criminal trials could continue throughout the fiscal year. We have a constitutional obligation to provide access to the courts for civil litigants, and we should never put the courts in the position of having to close the courthouse door to those entitled to their day in court. I'm pleased that we haven't done that with this bill.

I'm also pleased that the committee was able to increase funding for the Legal Services Corporation [LSC]. The $400 million we propose is far less than the LSC requested, and far less than it needs. One of the basic principles of our system of justice that every American has a right to a fair hearing in a court of law. That right is an empty one without legal counsel, and so we have some obligation to provide legal representation to people who can't afford it. This is important in civil cases, too, not just in criminal ones. The LSC is an essential part of the effort to provide this assistance. I support their efforts and hope that we will be able to provide more resources for this valuable program in the future.

Another important step we have taken in this bill is to eliminate the restriction on the use of Federal funding to provide abortion services to women incarcerated in Federal facilities. This restriction affects only a very few women each year, but most of them are too poor to afford the costs of an abortion on their own. I believe that it is particularly cruel to force a woman to carry to term an unwanted pregnancy behind bars. The forced delivery is only the tragic prelude to the mandatory relinquishment of the child that immediately follows.

To summarize, the Mr. Chairman, this is a good, taut bill. It finances the necessary functions of government, and it takes into account the need to put our Federal financial house in order. I urge its passage.

Mr. ROGERS. Mr. Chairman, I yield 4 minutes to a very hard-working member of our subcommittee, the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I want to begin by commending my colleagues, the chairman of this subcommittee, the gentleman from Iowa [Mr. SMITH] and the ranking Republican, the gentleman from Kentucky [Mr. ROGERS] for the outstanding job that they have done on this legislation.

It has been said and will continue to be said during the course of this debate that this is a responsible and a fair bill. I think that is true.

I also think it should be said that the way they deal with other subcommittee members and our staffs is something to be commended, and I thank them for the courtesies they have shown us.

The fact that it is a fair bill I think is demonstrated by the numbers. I doubt that there are very many appropriation bills that we are considering this year that are as much below the fiscal year 1993 enacted levels as this bill is—about $602 million, to be exact, below last year's enacted levels and $2 billion below the administration's request.

While I support the overall outcome of this, I do want to take this time to share some of my concerns about some of the priorities, or I should say some of the misplaced priorities in the bill.

As my colleague, the gentleman from Kentucky [Mr. ROGERS] has suggested, we are concerned about the amount of money that is in here or not in here in the area of law enforcement for Justice Department programs for which our subcommittee has responsibility.

For example, support for the detention of U.S. prisoners, that is, Federal prisoners being held, is $50 million below the President's request and will result in funding 874,000 fewer jail days than originally estimated. That means Federal prisoners will have to be discharged in a fashion that does not support the safety of the American public.

So I think we should be very concerned by the fact we are not providing enough funds for maintaining people in the prisons that we have already built.

More funding is clearly needed for the Immigration Service. We have been hearing a lot these days about the growing crisis in Immigration, and this bill reduces funding from the President's request for the INS along our border.

□ 1030

The FBI and the DEA, the Drug Enforcement Agency, have also been reduced below the President's request. So, I have concerns about funding in law enforcement areas. But I want to, particularly at this time as we talk about those decreases, emphasize where there has been an increase that I have a real concern about, and that is in the area of the industrial services account. It is called the industrial technology services account in the Department of Commerce.

In 1993 we enacted $86 million. The President requested $233 million. Now our mark was considerably below that, at $162 million, but an increase of almost 100 percent.

The problem here, Mr. Chairman, is a matter of priority. I understand the President's request. I understand his view that the Federal Government can assist the private sector in trying to identify those technologies which will work and which can be developed.

There are two particular programs here that we are talking about: the advanced technology program, or ATP, and the manufacturing extension partnership, or MEP. Those are the two big ones.

Now ATP's purpose is, and I quote from the budget justification, "to share the cost of high risk research projects with U.S. companies and industry led joint ventures seeking to develop new, precompetitive, generic technologies." The MEP programs; that is, the manufacturing extension partnership, is one that is, and I quote, to assist manufacturers to modernize their production capability.

In both of these cases I think we are making a mistake. I do not believe Federal Government should indulge in an industrial policy that tries to pick winners and losers among new emerging technologies. I simply do not think it works. I do not think it can be done.

If we want to look at an example where it has failed, we need only look at Britain where the Government tried very specifically to pick out technologies and to assist those technologies. It simply does not work. The Government does not know how to pick those technologies. The private sector marketplace knows how to do that.

Having said that, I do want to again reiterate that I appreciate the hard decisions that have been made in this bill by the chairman and the members of the subcommittee. I may disagree on some of the priorities, but I certainly commend the overall levels of funding in this legislation.

Mr. Chairman, these are tough times, and I think we have made some tough choices, and I commend the subcommittee for its work.

Mr. SMITH of Iowa. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, as a member of the subcommittee, I rise in strong support of the fiscal year 1994 Commerce, Justice, State, and Judiciary appropriations bill.

Under the expert leadership of our able chairman and ranking member, we have put together a bill that is truly responsive to the needs of our Nation.

As always, Chairman SMITH has acted with the utmost fairness in conducting the business of the subcommittee.

We have done our best to increase funding for the Commerce Department. The President has targeted this agency as the engine of his competitiveness agenda. At the National Institute of Standards and Technology, funding for the advanced technology program will enable the Department of Commerce to continue its initiative to provide matching support to industry-led proposals for precompetitive, high-risk, generic technologies. Further, increases for the manufacturing extension program will enable the Commerce Department to continue the deployment of manufacturing centers and outreach initiatives. This means that our small and Medium-size manufacturers will get the help that they need to bring new technology to the shop floors.

I am pleased to report that the committee has provided a 2-percent increase over fiscal year 1993 levels for the Economic Development Administration. The EDA provides grants to assist economic development activities: For planning and coordination and other financial assistance that help reduce substantial and persistent unemployment in economically distressed areas.

Under the Small Business Administration, this bill provides funds for programs which are extremely beneficial to small business owners and individuals seeking to start their own businesses. A good number of these programs are geared toward helping people who are struggling to overcome a barrier—a handicap or some financial disadvantage—to achieve the American dream.

I have long been a supporter of the invaluable assistance that both EDA and SBA bring to my constituents, as West Virginia felt the effect of economic downturn over a decade ago. For my colleagues who represent districts currently under economic distress, I ask you to make a special note of the resources in these two programs and give these agencies your personal support.

This bill provides increases for certain priority programs in the Justice Department to continue the war on drugs and crime—including justice assistance programs, organized crime, drug enforcement, FBI, DEA, Immigration and Naturalization Service, and Federal prison salaries and expenses. In addition, this legislation takes important initiatives in the area of juvenile justice programs. We have provided funds for the expansion of a program to prevent and reduce the participation of at-risk youth in gangs, and have funded regional and local children's advocacy centers to coordinate assistance for victims of child abuse.

Mr. Chairman, I urge my colleagues to support this appropriations bill.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. PACKARD], a very hard-working member of the full committee.

Mr. PACKARD. Mr. Chairman, without question my district is one of the hardest hit by the flow of illegal immigrants. We rely on the Border Patrol to help stem the flow of illegal immigrants over our border.

This bill includes an increase of $6.4 million over the administration's budget request for the Border Patrol. This level of funding is intended to allow the Patrol to maintain its current level of agents.

Although I would like to see a much greater funding increase for the Border Patrol, I appreciate the attention given to the Patrol by Chairman SMITH and ranking member HAL ROGERS.

I wish I could offer the same regards to the Clinton administration. Under the budget request submitted to Congress, the administration directed the INS to make cuts to the Border Patrol over and above those already made. We cannot afford these cuts.

The Border Patrol is already seriously underfunded. Along the 14-mile San Diego-Mexico border, understaffed Border Patrol are trying to turn back 3,000 to 4,500 illegal aliens every night. Over half a million illegal immigrants enter California every year.

Once illegal aliens are across the border, costs associated with these aliens increase tenfold. Unfortunately, the tab is picked up by the Federal, State, and local taxpayers at a cost of $5 billion a year.

If the administration is serious about improving our immigration policy, a good place to start is to beef up the Border Patrol and give them the resources they need to stop the flood of illegal immigrants coming over the border.

While I greatly appreciate the willingness of the committee to work with us, there simply is not enough funding for the Border Patrol in this bill or in the administration's request. I hope to work with the administration and the committee to secure sufficient funding for the Border Patrol.

□ 1040

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I would like to address some of the issues raised by this bill regarding funding for law enforcement. First, I would like to commend Chairman SMITH and Chairman NATCHER for their work on this bill and for making their best efforts to fully fund law enforcement within the limitations of a very tight budget. They did their best to make special accommodations for accounts within the war on crime and drugs such as the organized crime task forces, the DEA, the FBI and others. If I had my way, Mr. Chairman, I would put even more resources into law enforcement but we have to do the best we can during times of austerity. I think this bill does the best it can in that regard.

There is one item I would like to address specifically and that is the area of Federal assistance to State and local law enforcement, specifically the Edward Byrne Memorial Drug Grants. One of the most important things that the Federal Government can do to help fight crime in my view is to provide assistance to State and local efforts. This bill provides for a cut of approximately $100 million from last year's appropriation in the formula grant part of the Byrne program. That cut, unfortunately, means less money for State and local law enforcement in every State. In the case of my State, New York, it comes to about $7 million.

Now, to be sure, some of that is made up through establishment of a new, $56

million special discretionary grant program which will fund four programs: Community policing, the FBI's NCIC 2000 system, the Washington Regional Task Force and police overtime. Two points about this new program: First, I support all four of these initiatives. No one in the Congress is a bigger supporter of community policing than this Member. In fact, I wrote a community policing cop-on-the-beat program for the crime bill last year. However, I would prefer that programs like this be written by the authorizing committees before they are funded. Second, I would also prefer that these programs be funded without having to make a 25-percent reduction in Federal block grant support of State and local law enforcement. The loss of that money is going to disrupt State and local law enforcement funding in every State. Finally, this bill provides for an increase in juvenile justice funding of another $56 million over last year—again, an admirable goal but not when it comes at the expense of desperately needed aid to the front lines of the war on crime—State and local law enforcement.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I wish to speak about the amendment that I am going to offer. I want to thank the gentleman from Kentucky [Mr. ROGERS], and I also want to thank the chairman, the gentleman from Iowa [Mr. SMITH], for the work that they did in trying to restore the Border Patrol moneys back up to at least the level of last year. We appreciate that deeply.

The problem is that the problem of smuggling of illegal immigrants and narcotics across the borders of the United States has grown by leaps and bounds. There is absolutely a torrent of cocaine flooding through the land borders right now.

We have increased the interdiction of cocaine in the California-Mexico border by 1,000 percent over the last several years. According to the GAO, 20 percent of the Federal inmate population are illegal aliens. The social service costs for California and every State in the Union has gone up markedly as a result of delivery of services to illegal aliens.

We have estimated in San Diego County that we spend $143 million a year in unreimbursed costs for social and criminal justice costs for illegal aliens. We have extrapolated that out to a cost that we feel is fairly reliable of $3 billion a year paid in California for social services and justice costs and other costs for illegal aliens.

Mr. Chairman, we have had now an increase of 1,000 percent of Chinese illegal aliens coming across the land border between Mexico and the United States over just the last 4 months of the year. That is, over 500 Chinese illegal aliens have been arrested coming across the land border.

Lastly, and perhaps most critical, Mr. Chairman, we have done an experiment in which we took illegal aliens who had been convicted of major crimes. After they did their time in the United States we sent them in deep repatriation to Mexico City. So far 34 of those 300 criminal aliens have been recaptured coming back across the border between the United States and Mexico.

Mr. Chairman, if you consider that at any given time our Border Patrol is so small that we only have about 50 to 60 agents on the entire California-Mexico border, and if you consider the fact that in excess of 5 illegal aliens come through for every 1 that is captured, that means that roughly half of these criminal aliens have already made their way back into the United States.

Mr. Chairman, there are many reasons, with our very liberal immigration policy, for having a border that has integrity. And that requires people. We need desperately to add about 2,000 border patrolmen to our present force.

Mr. Chairman, the amendment that I am going to offer will add some 600 Border Patrol agents. It is not up to what we need, but it will help us greatly. I hope that every Member will support this amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I would like to thank Chairman SMITH, Chairman NATCHER, and the gentleman from Kentucky [Mr. ROGERS], for offering the bill and doing such a good job for law enforcement.

Mr. Chairman, in California we are being overrun. Over 50 percent of the children born in Los Angeles County Hospital, over 50 percent of the children born in that hospital are to illegal aliens. "20/20" did an expose showing the costs to the Federal Government. They then go down and collect Medicaid. They are coming up with a health care bill in the Senate and the House, and you can imagine the costs that are being passed on.

Twenty-five percent of the felons in California prisons are illegal aliens. We would like to even ship them back to where their home country is, but we cannot do that because of our own laws.

At Palomar Hospital last month, Dr. Brown told me about an illegal that was in a knife fight and needed a $200,000 operation. Of course, he cannot pay for it. That cost goes on to the hospital. Who has to pay for that?

Drivers in my district, two families have been totally destroyed by illegal aliens driving with no driver's licenses and no ability to pursue that.

San Diego County Sheriff Jim Roache is having to turn out convicted felons out of the system because there is no room. Over 25 percent of those people are illegal aliens.

Drugs, I have been on eight drug raids in San Diego with local law enforcement. Every single one of them had illegal aliens dealing drugs. State Senator Craven and Governor Wilson released information on the cost to the State of California and the Federal Government: $2 billion to the State of California for illegal aliens in health care, in education, and in law enforcement.

Mr. Chairman, the money that we put in to stop this will come back one hundredfold, just to stop the flow of illegal immigration.

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in praise of the work that has been done on this bill, and especially to praise the committee for the fact that they had the wisdom to exclude from consideration TV Marti, a Government-funded station which supposedly beams information about democracy into Cuba.

The fact of life is that TV Marti has been a total failure. It has been seen, according to people who keep a watch on this, a couple of times during its first 3 years of existence. During that time it was able to beam some Popeye cartoons. Now, I am a big Popeye fan, but I do not think that is what we should be sending to Cuba to bring about political changes.

Second, there is a balloon, a technological balloon, that brings the signal across to Cuba, which is called Fat Albert. The balloon tends to get loose every so often and travel throughout the Everglades, where we have to spend money tracking it down.

It is almost difficult not to laugh when we talk about TV Marti, because it is supposed to be a very serious subject. But it is a very serious waste of money.

□ 1050

By allowing the committee the opportunity to say, we really do not want to fund this any longer, we are sending a clear message. First, that we shall not be wasting money. Second, that perhaps there are better ways of dealing with this issue and bringing out this information than having this totally failed enterprise. And third, I would say that TV Marti is just another example of what could very well be a failed policy on our part in trying to bring about political changes in Cuba.

There are certainly other ways to accomplish that. There are ways not to accomplish that. TV Marti is the most glaring example of how we do not accomplish these political changes.

I want to congratulate the committee on the fact that they had the wisdom not to include Fat Albert and this wasted time in the appropriation.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

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

Let me just say that may two colleagues who spoke previously, from California, illuminated an issue that is extremely important to the people of this country and the taxpayers of this country. We have a virtual tidal wave of illegal aliens coming across the Mexican-American border. We have problems on both the east and the west coast as well.

But the real major problem is that 1,980 border between us and Mexico. I was just in Mexico about 2½ weeks ago. I found that we are getting about 2.2 million illegal aliens crossing that border per year. We are sending about half of them back, but we are keeping 1 to 1.2 million illegal aliens in this country. They are going all over the place, but particularly in the Southwest and in California.

Last year, I hope all my colleagues will pay attention to this and everybody in the country, last year there were 37,000 illegal alien births in Los Angeles County alone, in one county, in Los Angeles County, CA, there were 37,000 illegal alien children born last year alone. Each one of those children, when they are born, are eligible for AFDC payments of about $620 per month. That is $25 million a month in welfare payments to illegal alien children in one county in one State in the whole country.

Now, we have to do something about that. The taxpayers of this country do not want their money spent for that purpose.

How do we do it? Well, the gentleman from California [Mr. HUNTER] has suggested that we get 600 more Border Patrol people on that border. Granted, that is not enough, but that is a step in the right direction.

I am going to propose an amendment today that will cut the Commerce Department back to the rate of inflation. In other words, we will increase their budget to the rate of inflation.

If we cut it back to that level in this bill, we will save $60 million, and that will pay for the amendment of the gentleman from California [Mr. HUNTER], which will put 600 more Border Patrol people on that border to keep these illegal aliens out.

I am telling Members, it is a major, major problem. The welfare benefits, the benefits for prenatal care and for postnatal care for these people, the health benefits, all that stuff adds up to billion of dollars that we cannot afford with the huge deficit that we are incurring right now.

I applaud that gentleman from California [Mr. HUNTER]. I hope we will look with favor upon his amendment. I hope we will look with favor upon my amendment, which will provide the funds for what he wants to do by cutting back to the rate of inflation the Department of Commerce appropriation.

Mr. SMITH of Iowa. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Chairman, I would like to ask the chairman of the subcommittee to engage in a colloquy.

Mr. SMITH of Iowa. Yes.

Mr. DEUTSCH. Mr. Chairman, if the gentleman will continue to yield, I would like to discuss a matter of vital importance to the victims of Hurricane Andrew in my district and across south Florida. I am concerned that funds appropriated in the past for hurricane relief efforts are being used in areas that did not suffer any hurricane damage, while other areas of Dade County which were completely destroyed continue to suffer.

Mr. SMITH of Iowa. The gentleman is referring to the $50 million appropriated in the emergency supplemental last year. We put it under EDA, but they are to make grants for economic development in disaster-impacted areas.

Mr. DEUTSCH. That is correct, Mr. Chairman.

However, I have learned that several of the grants the EDA has made, or is considering making in Florida, are for projects that are not in hurricane-damaged areas. Specifically, a $2.5 million grant went to make renovations to the Omni Mall in Miami, which was not at all affected by the hurricane. The EDA is also considering a $5.5 million grant to the Wynwood Foreign Trade Zone, which also lies outside the hurricane impacted area. I would like to express my concern to the committee, and the Congress; and to request that the inspector general of the Commerce Department conduct an investigation to determine what funds were spent outside the FEMA-designated hurricane impacted areas.

I would also ask that an attempt be made to target any funds not yet obligated toward areas directly impacted by the hurricane, and which lie within the FEMA designated hurricane impact area.

Mr. SMITH of Iowa. Mr. Chairman, I will ask the Commerce Department to look into the gentleman's concerns and to respond to the committee as soon as possible.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. MCINNIS].

Mr. MCINNIS. Mr. Chairman, I would like to engage in a colloquy with the chairman of the appropriations subcommittee. I am trying to work my way through this budget.

I have a question in regard to the Small Business Administration. My question is, Can the gentleman assure the body that there are no funds included in the Small Business Administration budget, either in the salaries and expenses or any other part of the budget money, for the tree-planting program?

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. MCINNIS. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, the salaries and expenses account is where that is carried and until it is earmarked, it is possible the item is in the appropriations bill. But also the Small Business Development Center Program is in there, and numerous other programs are in salaries and expenses.

Mr. MCINNIS. Mr. Chairman, a further question. Does the gentleman know the amount? I understand it is approximately $16 million in salary and expenses.

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman will continue to yield, there is no amount earmarked in our bill.

Mr. MCINNIS. But there is money that can be allocated?

Mr. SMITH of Iowa. It is an authorized program, and any authorized program under salaries and expenses could be funded.

Mr. MCINNIS. Mr. Chairman, again, for another question, is there an authorized amount?

Mr. SMITH of Iowa. There is an authorized amount. The authorization is for $30 million.

Mr. MCINNIS. Mr. Chairman, I thank the gentleman.

Mr. SMITH of Iowa. Mr. Chairman, I yield 1 minute to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I quickly want to congratulate the committee. This is a very ambitious bill. I am not a member of the committee, but I was given the opportunity to testify before the committee.

In my prior political life, I was a prosecutor. This bill contains good funding for prosecutors that want to get involved in child abuse issues, particularly child sexual abuse issues.

We started a new program in our district, the Children's Advocacy Center Program. That funding is included in this bill, as well.

I want to congratulate the committee.

Mr. Chairman, I rise in support of this bill. It is a good bill. I would like to thank Chairman NATCHER for his leadership in bringing this bill to the floor as expeditiously as possible. Also, I would like to thank Chairman SMITH for his genuine commitment to effective and successful programs that are contained in this bill. Representatives MOLLOHAN and MORAN were helpful in listening to the requests of this Member and offering sound advice.

I rise in strong support of the juvenile justice programs that are contained in this bill. The bill speaks directly to preventing the physical abuse and sexual abuse of children. Funding is available until expended for section 213 of the Victims of Child Abuse Act of 1990 for regional children's advocacy centers and section 214 of the Victims of Child Abuse Act of 1990 for local children's advocacy centers.

Section 6 of Public Law 102–586, the Children's Advocacy Program, establishes a program to focus attention on child victims by assisting communities in developing child-focused, community-oriented, facility-based programs designed to improve the resources available to children and families; provide support for nonoffending family members; enhance coordination among community agencies and professionals in the multidisciplinary approach to child abuse so that trained medical personnel will be available to provide medical support of community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases.

Before I discuss the substantive law, I would like to present some guiding principles that we must follow in order to effectively prevent child abuse. Then I would like to discuss the importance of the use of multidisciplinary teams and a community approach to prevent child physical abuse and child sexual abuse. First, society needs to convey a clear message that sexual abuse of children is unacceptable behavior. Second, we need a criminal justice system that is responsible for helping and protecting child victims and holding offenders accountable. Third, the needs of the child victim must be foremost in our minds and we must work to ensure that children are not at risk from further revictimization from the very system designed to protect them. Fourth, there must be a coordination of activity of all involved public and private agencies to intervene in the lives of abused children in a meaningful way and to insure that the judicial system does not revictimize them through repetitious interviews and examinations. Fifth, coordination of activities and services, without a doubt, must exist at the Federal level.

Pursuant to Public Law 102–586 the term "multidisciplinary response to child abuse" means a response to child abuse that is based on mutually agreed upon procedures among the community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that best meets the needs of child victims and their nonoffending family members. The cornerstone of an effective child abuse program like the Children's Advocacy Center programs is the use of multidiscipilinary teams. A multidisciplinary team consists of representatives from law enforcement, child protective services, victim advocates, medicine and mental health who meet on a regular basis to review cases and issue joint recommendations in the best interest of each child.

The primary goals of a multidisciplinary team include elimination of duplicative efforts by professionals, protection of the child and the child's family from further abuse and trauma; rapid successful investigation and prosecution of alleged offenders of child sexual abuse; and assurance of specialized therapeutic care to meet the needs of child and family. All of these goals can be achieved through the coordination of community agencies and professionals involved in the intervention system.

Multidisciplinary teams minimize the trauma children can suffer during the investigation and intervention process, promote better understanding of and respect for other team member's role and expertise, and facilitate more informed case management decisions. As the members of a team build working relationships, communication between agencies becomes easier and the coordination of services begins to fall into place.

It is important to realize that multidisciplinary teams are not meant to replace any existing profession, agency or individual. They are intended to strengthen and build interagency and professional relationships. Each community has its own service network with individual strong points and weaknesses. Each multidisciplinary team should be tailored to incorporate the strengths and unique characteristics of its own community network.

Multidisciplinary teams can weave the service delivery system together in such a way that effective case management will occur, in conjunction with the most effective use of effort and time by the professionals and families involved. Multidisciplinary teams provide a means to better use existing resources while improving service to child victims of sexual abuse and physical abuse.

Let me share with you one of the most persuasive reasons a multidisciplinary approach is warranted. It is important for us to recognize that abused children are revictimized when they are bounced from agency to agency where professionals have no specialized training or knowledge of the needs of children. Children in such a setting are subjected to multiple investigative interviews, and persons responsible for intervening on behalf of child victims exercise little or no coordination or teamwork.

When the term "revictimization" is used, it may come across as being too bureaucratic or too academic. What is meant by the term revictimization? How is a victim of physical or sexual child abuse revictimized by a system that exists to help victims? The manner in which a child is treated during the first interviews greatly affects the child's ability to withstand the pressures inherent in involvement with the child protection and criminal justice systems. Also, it has an impact on the child's mental health. Multiple interviews involving multiple investigators at multiple locations in a short period of time can be very traumatic to a child.

The revictimization can occur at various intervals. It can occur when an untrained police officer questions the child for hours in the morning at a police station, again in the afternoon when a doctor examines and questions the child, and again the next day when a representative from a child services agency interviews the child. Multiple and uncoordinated interviews by untrained or improperly trained individuals can be confusing, frightening, and embarrassing to the child. The result is that a case falls through the cracks. The revictimization leads to the child recanting the story. This can allow an offender to walk away free. We must eliminate institutional revictimization.

Thus, it is simply not enough for us to train prosecutors under one program, train doctors under a separate program, and train children's advocates under yet another program. The approach at the local level, on the frontlines, must be a coordinated multidisciplinary team approach. Additionally, coordination must exist at the Federal level. Thus our approach must be two-pronged.

Effective intervention becomes prevention. The children's advocacy program approach creates a system and develops resources that deter more abuse, strengthen children and families, hold offenders accountable, and reduce juvenile delinquency and other criminal behavior.

It is my desire as the author of the authorizing legislation to see an expeditious implementation of the Children's Advocacy Program. The program is based on a successful model that I initiated as the district attorney of Madison County, AL. I am proud of the Center in Huntsville. It has become a national model in developing a comprehensive, multidisciplinary response to child abuse that is designed to meet the needs of child victims and their families. We have an excellent staff of professionals who are experienced in providing remedial counseling to children and families. For years we have acted as a national training and education center, and as a resource facility. The Children's Advocacy Center in Huntsville has been effective in helping communities resolve problems that may occur during the development, operation, and implementation of a multidisciplinary program that responds to child abuse. Additionally, we have provided technical assistance to communities nationwide with respect to the judicial handling of child abuse and neglect.

The purpose and mission of the Children's Advocacy Program is to provide technical assistance, training and networking opportunities to help communities establish, and maintain child abuse prevention, intervention, prosecution and investigation programs which provide quality services for helping victims of child abuse.

First, it establishes the Regional Children's Advocacy Centers. The Juvenile Justice and Delinquency Prevention Office will work in coordination with the Office for Victims of Crime and the National Center on Child Abuse and Neglect to establish a children's advocacy program to focus attention on child victims by assisting communities in developing child-focused, community-oriented, facility-based programs designed to improve the resources available to children and families. These three Federal agencies do have an optimal working relationship in this area. It is incumbent, therefore, that they have the opportunity to work together and coordinate activities.

The regional center's purpose will be to provide information, services, and technical assistance to aid communities in establishing multidisciplinary programs that respond to child abuse. The number of communities that call the Huntsville Children's Advocacy Center for help is very significant. When I was district attorney, I traveled repeatedly across this country working with many communities. The Huntsville Center continues this important outreach program.

Second, the Children's Advocacy Program establishes Local Children's Advocacy Centers. This section compliments and enhances work that was carried out in 1990 by, among others, Senator BIDEN, chairman of the Senate Judiciary Committee. These centers will be the local community arms working on child abuse cases. Local involvement and empowerment are the driving principles of this approach. Thus, a community can develop a program that fits its unique needs.

The Children's Advocacy Program accomplishes two other goals. It directs grant recipients to consult with each other on a regular basis to exchange ideas, share information, and review children's advocacy program activities. Second, it establishes a children's advocacy advisory board that will provide guidance and oversight in implementing the selection criteria and operation of the regional children's advocacy program. The board shall consist of individuals who are experienced in the child abuse investigation, prosecution, prevention, and intervention systems.

Implementation of the Children's Advocacy Program will break the cycles of abuse and neglect which take a devastating toll on our society. Numerous publications, such as the Journal of Interpersonal Violence and the Journal of Family Violence tell of the direct correlation between child abuse and adult drug addiction and sexual abuse. A recent National Institute of Justice study found that "childhood victimization represents a widespread, serious social problem that increases the likelihood of delinquency, adult criminality, and violent criminal behavior." By effectively addressing the needs of abused children and intervening in their lives, advocacy programs help eliminate this costly and detrimental pattern.

The Children's Advocacy Program continues a history of involvement by the Federal Government as both an advocate for the Nation's children and as a provider of services on their behalf. Multidisciplinary teams improve services and maximize the use of limited resources. In Huntsville, AL, we serve about 240 child sexual victims annually. Almost 50 percent of the cases are referred for prosecution and nearly 100 percent of these result in guilty pleas or convictions. This was achieved by implementing an approach that focuses on the child.

If our society is ever to convey the clear message that the sexual abuse and physical abuse of children is not an acceptable behavior, then we must redesign the systems responsible for helping and protecting child victims so that the children benefit and offenders are held accountable.

Mr. Chairman, I urge my colleagues to support the bill.

Ms. NORTON. Mr. Chairman, I want to express my thanks to Chairman SMITH for responding favorably to my request to include language in the report on this bill indicating that the committee expects FBI Director William Sessions to fulfill his pledge to find jobs in this area for Identification Division employees who cannot and do not wish to move to West Virginia once the division is relocated there.

In 1991, I contacted Director Sessions and expressed my concern about the fate of employees who could not relocate. The Director promised me personally that these employees would be afforded another job with the FBI in this area at a comparable pay rate. This promise was not made lightly, but as a matter of elementary fairness to the employees, especially those not highly salaried whose personal and family position made it impossible to move.

When it was recently brought to my attention that the Director was considering reneging on his commitment, thereby placing many of my constituents at risk of losing their jobs, I immediately wrote him seeking assurance that his commitment still stands. I have yet to hear back from the Director on this matter.

Earlier this month, when the Subcommittee on Civil and Constitutional Rights marked up the FBI's reauthorization bill, I wrote Chairman DON EDWARDS to express my strong support for a provision he included requiring the FBI to fulfill this commitment, a commitment which was reaffirmed by both Director Sessions and Deputy Assistant Director Stanley Klein during testimony given before that subcommittee in 1991 and 1992.

It would be unconscionable to permit the Bureau to step back from a commitment which was not only made personally to me, but to a subcommittee of the House. Chairman SMITH, your action on this matter today, and the action taken by Chairman EDWARDS, will help to ensure that the Identification Division's employees are able to continue their careers with the FBI.

Mr. CONDIT. Mr. Chairman, today, I rise in strong support of the amendment by my friend and colleague, DUNCAN HUNTER, which would increase the appropriation for the Border Patrol by $60 million. As my colleagues must know, the condition of the Californian economy is terrible. The lingering recession, the massive defense cuts that the State is asked to bear, and unfunded Federal mandates are all contributing factors to California's fiscal woes.

The largest unfunded Federal mandate in California is immigration. As my California colleagues have already pointed out, half of the babies born in San Diego and Los Angelos are born to immigrants. Twenty-five percent of the people incarcerated in California's prisons are foreign born. Governor Pete Wilson has estimated that California pays $1.4 billion for the social, health, and correctional services provided to immigrants and refugees as mandated by national immigration policy.

Along with several of my California colleagues, Republican and Democrat alike, I have made the elimination of unfunded Federal mandates one of my highest priorities. We have to take firm actions to address the problems of these unfunded Federal mandates before they completely overwhelm our State and local jurisdictions. I wholeheartedly support Congressman HUNTER'S amendment since it will augment the resources of the Border Patrol so that they can prevent illegal immigrants from entering our country and placing further burdens on our local budgets.

It should be understood that additional cuts and rescissions can be made in this legislation to more than offset the $60 million increase that the amendment calls for. Again, I urge my colleagues to support the Hunter amendment.

Mr. HUGHES. Mr. Chairman, I rise in support of H.R. 2519, appropriations for the Departments of Commerce, Justice, State, and the judiciary. Programs within the National Oceanic and Atmospheric Administration [NOAA] funded through the Department of Commerce are of immense importance to New Jersey's coastal economy and the health of New Jersey's marine ecosystem.

This bill appropriates a total of $1.77 billion for NOAA in fiscal year 1994, which funds important programs such as the National Ocean Service, National Marine Fisheries Service, and the Oceanic and Atmospheric research programs.

I am pleased that the committee has included report language indicating that funds will be available through NOAA's construction account sufficient to maintain ongoing construction projects. My particular concerns is for a multispecies aquaculture facility which is being built in New Jersey.

Through the support of the chairman and the committee over the past 2 years, this facility has made significant progress. A site has been located, planning and engineering designs are well underway, and the development of training and outreach programs has begun. Moreover, the State has committed a match to Federal funds and is developing a State aquaculture plan. These factors are crucial in meeting the rising demand for fresh, Healthful products, reversing local economic decline, and expanding aquaculture nationwide.

I am also pleased that the committee has restored funding for the national undersea research program [NURP]. NURP is crucial to understanding our oceans and plays a key role in observing global climate change in ways not available to traditional shipboard research. The $17.8 million appropriations is necessary in order for the six regional centers to meet immediate goals and to honor existing commitments for fiscal year 1994.

The committee has also restored sufficient funds to continue the fishing vessel obligation loan guarantee program. This program provides many benefits for the fishing industry particularly in the area of underutilized species, refinancing existing loans and seafood safety. Further, I believe the report language narrowing the focus of the program is essential to avoid contributing to overcapitalization of the industry.

Finally, I am pleased to see funds appropriated to continue the important work of several other programs that are crucial to maintaining and improving our marine environment, including the Sea Grant College Program, Marine Sanctuary Program, National Coastal Research and Development Institute, and the Coastal Zone Management Program.

Despite these austere times and the necessary budget cuts, this bill reflects NOAA's strong commitment to marine science and to the preservation and protection of the coastal, ocean and Great Lakes environments and their associated living marine resources. This is a rational bill and I urge my colleagues' support for its passage.

Mr. WILLIAMS. Mr. Chairman, this year, it is clear that the 12-year spending spree has screeched to a halt. President Clinton sent to us a budget with more than $200 billion in cuts during the next 5 years. Many people say

that's not enough. In response the House cut another $50 billion.

That's not enough, many people still say. So, we cut billions of additional dollars from the appropriations bills through amendments on the floor of the House. I have supported many of these additional cuts.

Of course, there is no denying that the ramifications of our actions begin with the strokes of the red pencil. Often the cuts are paired with the pains of reduced services, losses of jobs, and added difficulties for our citizens.

The Commerce, Justice, and State appropriations bill is not immune to these cuts. Two million dollars were cut from President Clinton's proposals, and hundreds of millions of dollars more in cuts are anticipated.

One important program has suffered severe cuts in the committee. The Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program provides funding, training and technical assistance to State and local governments. It has largely been the laboratory for State experiments in innovative law enforcement initiatives, but it has also been singled out for a whopping 28-percent budget cut—$117 million less than last year's funding level.

This cut will affect urban areas, rural areas, large States and small States. California will lose more than $12 million in law enforcement funds; New York $7½ million; and Texas, more than $7 million. As for rural States, Wyoming will lose $480,000 from last year's grant of $1.7 million and Montana will see $620,000 less than last year's grant of $2.2 million.

This money does not just fall into a black hole. Its purpose is to provide means for communities to combat crime through innovative procedures. It was through this grant program that community policing was first tried, with such success that President Clinton has proposed additional funding to help combat crime in our cities through this method. It was also through this program that the Drug Abuse Resistance Education Program was begun, which teaches our schoolchildren the skills and self-esteem to resist drugs.

States use the grant program funds for prosecution of drug offenders, improvements for crime laboratories, combating domestic violence, and for drug testing and treatment of offenders. The grant program also aids local jurisdiction in providing proper training and equipment for our law enforcement officials. It has also sponsored an Innovative Rural Programs Reporting and Evaluation Workshop to explore the types of programs which are effective in rural areas and how they differ from those in urban centers.

Crime is rising. Funds for combatting crime are being cut. I can't be the only person who sees a train wreck, and not a light at the end of this tunnel. I agree with many that it is time to pay the piper, cut spending and raise revenue, but this is not the right program to gut. I urge my colleagues in the Senate to restore the funding of the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program to 1993 levels.

Mr. ZELIFF. Mr. Chairman, I oppose the Penny amendment. In times of economic distress, it does not make sense of this body to cut funding for the Small Business Administration, one of the best tools for economic recovery.

My home State of New Hampshire has experienced very difficult economic times, five out of the seven largest banks recently failed, and 30 percent of the banking assets were lost. The unemployment rate has gone from the lowest in the country to one of the highest. The economy in New Hampshire is still in very poor shape. Numerous New Hampshire businesses have not survived and of those that have, many are only barely surviving, because of the help of the SBA and its loan guarantee programs.

This country depends on its small businesses to create jobs. In fact, 80 percent of the jobs in this country are created by small businesses. The President in his February 17 address to Congress and the Nation, talked about getting the economy moving, putting people back to work, and living within our means. But his program doesn't reflect this. The few programs designed to stimulate investment and job creation have been watered down during the budget process. The best way to help our small businesses is through the Small Business Administration Loan Guarantee Program, which is the only real tool small businesses have left in this country.

SBA programs stimulate capital formation, economic growth, and job creation. They address finance, marketing, production, and human resource management. In 1992 in New Hampshire alone, the SBA provided almost $110 million in small business lending, which saved almost 15,000 jobs. In 1994 it is estimated that the SBA 7a program will create and maintain 6,200 jobs in New Hampshire. From 1983 to 1992 the SBA provided 426 million dollars worth of loans, saving almost 40,000 jobs in New Hampshire. SBA lending in New Hampshire increased by 141 percent from 1991 to 1992.

The SBA 7a loan program has a very low subsidy cost. The program generates $20 of credit for only $1 of taxpayer's money. For $141 million the 7a program will provide $2.6 billion in loans to borrowers. My good colleague from Minnesota has stated that, "after rising to nearly 30 percent in 1983, nonperforming loans are now 15 percent * * *." However, the facts are that in 1983, the SBA's guaranteed loan loss ratio was 11.3 percent and in 1991, the SBA loss rate on guaranteed loans was 2.2 percent.

The SBA has the lowest loss rate and best portfolio performance of the five major Federal credit agencies—SBA, HUD, Farmers Home Administration, Veterans' Administration, and Education.

The 7a program not only creates new jobs but also retains existing jobs by making credit available to established small businesses. The GAO reports that 40 percent of all term loans made in the entire country to small businesses are made through the SBA 7a loan program.

The SBA 7a loan program promotes small business formation and growth by guarantees of up to 90 percent of the amount provided by commercial lenders. If the 7a lending program runs out of funds, virtually all immediate and long-term credit will be unavailable to small businesses in the country because of regulatory pressure and because the administration's eased regulations have not taken effect. The 7a program's demand level has grown by 31 percent over this time last year and in 1992 grew by 37 percent over the previous year.

With the momentum of the SBA program growing, every time the program temporarily shuts down it disrupts the confidence of both our lenders and our borrowers and slows job creation and job maintenance.

My good colleague from Minnesota has stated that, "during calendar years 1990 and 1991, 23,000 small businesses accessed SBA programs." But, the facts are that during 1990 and 1991, 1,690,000 businesses received SBA training and counseling and the SBA guaranteed more than 215,000 loans worth more than $26 billion.

Our small businesses need the SBA. In this difficult economic environment the SBA is the only friend our small businesses have. I know first hand the successes that the SBA loan guarantee programs have had in saving businesses and saving jobs. It's a big ocean and the SBA is the only lifeboat around. I urge my colleagues to vote against the Penny amendment. We need to save the Small Business Administration.

Mr. MORAN. Mr. Chairman, I rise in strong support of this appropriations bill.

This year, I have had the pleasure and the honor of serving with Chairman SMITH, Representative ROGERS, and other members on the Commerce, Justice, State, and Judiciary Subcommittee. I appreciate the tough decisions that the chairman has made, and I want to particularly thank the subcommittee staff, John Osthaus, George Schafer, Sally Chadbourne, Sara Magoulick, and Ray Cicali for their assistance and hard work.

This is a difficult bill. It groups together some of the most important agencies in the Federal Government and forces us to make spending decisions among them. The Department of State, the Department of Commerce, the Federal Bureau of Investigation, the Drug Enforcement Agency, and the Federal judiciary are only a few of the organizations that fall under the jurisdiction of this subcommittee. I wish we could fund every one of these agencies. I wish we had the resources. Unfortunately we do not. But the chairman and the ranking member have proposed the most reasonable and fair ways to fund the programs under this bill.

Although the agencies under the jurisdiction of this committee will be among the most important in the new administration, the spending allocations have not expanded. The appropriations under this bill are more than $601 million less than enacted in 1993. The recommendation under this bill is almost $2 billion less than administration's request. Furthermore, the budget authority recommended in this bill is $759 million less than the 602(b) allocation and $2 million less in outlays than the 602(b) allocation. This bill is fiscally responsible and responsive to the need to cut budget deficit.

I strongly support the bill as drafted by the chairman and the committee.

Mr. GOODLING. Mr. Chairman, I am extremely pleased the Commerce, Justice, State appropriations bill for fiscal year 1994 includes funding for the Juvenile Justice Delinquency Prevention Act and specifically for the Juvenile Mentoring Program.

As the author of this mentoring program, I soundly believe mentoring programs provide the necessary partnership between schools,

public and private agencies, institutions and business, which can help make a difference in the lives of our Nation's at-risk youth.

It has been proven that a relationship exists between poor academic achievement, school completion, and juvenile delinquency. By using mentors to work with at-risk youth, as in the Juvenile Mentoring Program, we provide young people with the positive role models they need to lead successful lives. Mentors provide academic assistance and experience in the workplace as well as helping to develop positive interests and attitudes. The Juvenile Mentoring Program also provides better coordination between the youth's home, school, and residential facility and helps to ensure at-risk youth keep up with their classmates. This encourages them to stay in school once they return to their homes. By making this investment in young people, we help them to be assets to their communities rather than repeat offenders or gang members.

The $2 million provided in H.R. 2519 by the Appropriations Committee will most certainly go a long way in helping our Nation's communities reduce juvenile delinquency. I appreciate the attention the Appropriations Committee has given to this important program and encourage schools to apply for and use this funding to develop mentoring programs for at-risk youth. I commend the committee for providing increases for the overall Juvenile Justice and Delinquency Prevention Act. This investment will pay for itself many times over in reduced costs for law enforcement, job training, and other social services. With juvenile crime on the rise in our country, particularly violent crime, it is of the utmost importance that we support the activities authorized under this law.

Mr. BROWN of California. Mr. Chairman, I rise in support of H.R. 2519, the Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act for fiscal year 1994.

I would particularly like to commend the gentleman from Iowa [Mr. SMITH] and the gentleman from Kentucky [Mr. ROGERS] for their hard work on this important legislation.

H.R. 2519 provides critically needed funds:

For the modernization of the technologies used by the national weather service;

For the completion and launch of the next generation geostationary weather satellite [Goes-"Eye"]; and

For the technology administration's effort to increase our technical and economic competitiveness in the world market.

Mr. Chairman, although the funds for these and other important programs are below the administration's request, they do reflect increases over current levels in many cases. On the whole, this is fair and reasonable.

I am particularly gratified to see an appropriations bill where earmarks, unauthorized programs, and authorization language have been kept to a minimum. This is as it should be. I commend both the full committee chairman, Mr. NATCHER, and the subcommittee chairman, Mr. SMITH, for their cooperative approach to the authorizing committees in this regard.

Mr. Chairman, I urge my colleagues to support this important legislation.

Mr. PENNY. Mr. Chairman, I applaud the committee for reducing funding in the bill by over $600 million from last year's level. However, there are a couple of items on which I would like to make some comments.

First, I oppose spending in the bill for the Economic Development Administration [EDA] and the Small Business Administration [SBA]—excluding the disaster loan program, and I plan to introduce amendments to strike funding from the bill for these two agencies. The amendments would save taxpayers about $925 million in fiscal year 1994.

Second, I would like to take notice of the fact that the committee funded only about two-thirds of the President's request for U.S. contributions to U.N. peacekeeping operations. While I fully understand and respect the committee's decision and the budget restraints which the committee faced, I am concerned about the fact that our country continues to be in arrears on its assessments to the United Nations, and in particular, to its peacekeeping programs. The decision to underfund the President's fiscal year 1994 request will only worsen the problem which the United Nations is faced with when meeting its expanded responsibilities and expectations in the area of peacekeeping and peacemaking.

Mr. Chairman, to deal with this serious problem, I have proposed that we transfer the budget function for "U.S. contributions to U.N. peacekeeping activities" from the State Department to the Defense Department. Since peacekeeping and peacemaking are critical elements of our national security in the post-cold war era, it is important that we fund our obligations in these areas from our national security budget—a budget which is more than 65 times as large as the State Department's budget.

Mr. POSHARD. Mr. Chairman, I rise in strong support of H.R. 2519, the Commerce—Justice—State appropriations bill for fiscal year 1994.

I want to give my thanks to Chairman NEAL SMITH and each member of the subcommittee who so graciously gave their time and attention to the needs of the people in the 19th District of Illinois.

I particularly want to make note of report language accompanying the bill concerning the Route 16 corridor in Charleston, IL. Between Mattoon and Charleston, in Coles County, there is tremendous opportunity for economic development—new jobs for our people. The city of Charleston is working diligently to extend water and sewer lines along this corridor to provide the basic public infrastructure necessary for economic activity. In putting together this project, we have had excellent cooperation from local, State and Federal agencies, including the Economic Development Administration. The report language included in the bill recognizes that and is an important step forward in the development of the Route 16 corridor.

I know this is one small item in a very comprehensive and significant piece of legislation, but it is crucial to our efforts to create jobs and provide people new economic opportunities.

I also thank my colleagues on the Appropriations Committee for including funds in this bill which could be used for the 35 additional bankruptcy judgeships which were authorized last Congress. It is my understanding that the committee has included an additional $16 million in the Judiciary salaries and expenses account. This money is to cover the highest priority needs of the Federal judiciary—and could fund many, if not all, of the 35 bankruptcy judgeships.

We all realize the important role this funding will play in accelerating the economic recovery process. There has been a dramatic increase in bankruptcy filings in the last few years and dockets continue to overwhelm judges in many districts including the Southern District of Illinois. Between 1980 and 1992, filings increased nationwide 193.4 percent, almost a threefold increase. The economic impact of this backlog is significant. The courts experience delayed cases, assets are frozen, and creditors—often small businesses—do not receive funds available for distribution from the debtor or a trustee. With the funding of these 35 new bankruptcy judgeships we can look forward to reduced backlog, quicker turn around for individual cases, and ultimately a positive impact on our economy.

I again wish to thank the subcommittee and full committee members for their support and urge adoption of the bill.

Mr. SWETT. Mr. Chairman, I rise to thank my colleagues on the Appropriations Committee and subcommittee chairman NEAL SMITH for bringing the Commerce, Justice, State, and judiciary appropriations bill to the floor today. I especially want to congratulate Chairman SMITH for bringing this bill in at 3 percent below fiscal year 1993 appropriations and 8 percent below the amount requested by the administration.

I understand that the Appropriations Committee had to make some tough choices in order to accomplish this. For discretionary programs within the bill, funding is held below the current services level. At the same time, funding for high priority programs within the bill—Justice Department agencies involved in the war on drugs and the Small Business Administration section 7(a) program—have received increases.

Also included in the bill is a $16 million increase in the judiciary salaries and expenses account. According to the committee report, these additional funds were added to cover the highest priority needs of the Federal judiciary, and they could fund many, if not all, of the 35 additional bankruptcy judges which were authorized by Congress in 1992.

Mr. Chairman, over the past several years we have seen a dramatic increase in the number of bankruptcy filings across the country. Dockets continue to overwhelm bankruptcy judges in many districts, particularly in New Hampshire. Unlike larger States, New Hampshire has only one judge to handle the bankruptcy filings for the entire State. This worked well during the mid-1980's, when we averaged under 500 filings per year. However, since that time we have seen an explosion in the size of the docket at the Federal Bankruptcy Court for the District of New Hampshire. For example, in 1984 there were 497 filings. In 1992, the number of filings had grown to 3,840—a 673-percent increase over an 8-year period.

Much of this increased activity is due to the dramatic downturn in the New England economy since 1991. The collapse of our real estate market has led many homebuilders and small contractors to seek bankruptcy protection. Many of the small firms that have failed

have filed for chapter 11. The percentage of chapter 11 cases unresolved after 4 years in the New Hampshire district is more than 10 percent above the national average. For chapter 7 filings, the national average case-processing period is 5.6 months, contrasted with New Hampshire's case-processing period of 6.3 months. Moreover, the number of chapter 7 cases over 4 years old in New Hampshire is more than three times the national average.

This explosion in the backlog of bankruptcy cases in New Hampshire has taken place, while the number of judges in my State has stayed constant at one. A single bankruptcy judge, the Honorable Charles Yakos of Manchester, has been given the task of managing, by himself, a docket that has grown by over 500 percent since 1987. That is why it was right for Congress to authorize the 35 additional judgeships last year, and that is why it is even more important to fully fund each of these positions in fiscal year 1994.

Mr. Chairman, efficiency in the operation of our Federal bankruptcy court system is important to economic recovery nationally. In New Hampshire it is particularly critical as devastated small businesses seek to work themselves out of debt, get back on their feet and begin creating jobs again. Devoting the $16 million increase in the judiciary salaries and expense account to fund these new positions for the Federal bankruptcy courts is vital to this process of economic recovery.

I commend Chairman SMITH and ranking member ROGERS for bringing this important bill to the floor.

Mr. SAWYER. Mr. Chairman, I rise in support of the fiscal year 1994 Commerce, Justice, State, and Judiciary appropriations bill.

The Subcommittee on Census, Statistics, and Postal Personnel, which I chair, has jurisdiction over Federal holiday commissions. I am pleased to note that the legislation before us includes full funding for the Martin Luther King, Jr. Federal Holiday Commission. I am honored to serve as a member of the Commission, as well.

The Commission, established in 1984, has worked tirelessly to institutionalize the King holiday and coordinate holiday activities across the Nation. When the Commission first began its work, only 17 States observed the King holiday. On January 18, 1993, all 50 States observed Doctor King's birthday with a paid holiday. This was a long time in coming, and wouldn't have happened without the enormous efforts of the King Commission.

The Commission received no funding prior to 1990. I believe that this modest appropriation will enhance the Commission's ability to elevate the way people view the King holiday. Unfortunately, the observance of Doctor King's birthday continues to be viewed by many as a holiday for black Americans alone. Martin Luther King, Jr. did not represent just one segment of our population. He worked to ensure equality of opportunity for all Americans.

I want to commend Chairman NEAL SMITH and the committee for recognizing the particular importance of the Commission's work and for ensuring that the Commission will have an adequate appropriation to carry out its programs.

I urge my colleagues to support the level of funding contained in the fiscal year 1994 Commerce, Justice, State, and judiciary bill for the King Commission.

Ms. WOOLSEY. Mr. Chairman, I rise today in strong support of H.R. 2519, Commerce-Justice-State appropriations for fiscal year 1994. I would like to express my great appreciation to Chairman SMITH for his hard work in crafting such a fine bill. In particular, I am supportive of the provisions to increase funding for the National Marine Sanctuary Program and coastal zone management programs, essential programs which protect the coastline in California and across the Nation.

As the only Federal program specifically designed to protect our most outstanding marine areas, the National Marine Sanctuary Program is of crucial importance to our Nation's coastal regions. The enrollment of three new sanctuaries in the program in the past year is a testament to the program's importance and popularity. The sanctuaries off the coast of California make up the largest protected marine area in the world. However, the increase in number, size, and complexity of designated sanctuaries has strained the program's limited resources in recent years.

Next year, as a result of Chairman SMITH's decision to increase funding from $7 million to $9 million, the National Marine Sanctuary Program will be better able to ensure that Congress' mandate of environmental protection for sensitive marine areas is responsibly and effectively maintained.

I am pleased that this bill also increases funds for coastal zone management programs. The district I represent, Marin and Sonoma Counties in California, is famous for its beautiful coast. The coastal zone management programs are vital to the health of my district's coasts as well as those of the Nation. With Federal funding in real dollars decreasing over the past 10 years, the coastal zone management programs have been under growing pressure to meet more demands with fewer dollars. The increased funding that the Appropriations Committee has provided will help the coastal zone management programs fulfill their important mission.

In addition, this bill continues funding of the weather data buoys which provide fishermen with critical weather information. Generations of families have made their living fishing in the coastal waters off Marin and Sonoma Counties, and the weather buoys stationed in these waters are relied upon by the fishermen and their families to ensure safe and successful journeys.

Mr. Chairman, I strongly urge my colleagues to support the Commerce-State-Justice appropriations bill.

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

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

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 2519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Missing Children's Assistance Act, as amended, and the Victims of Crime Act of 1984, as amended, including salaries and expenses in connection therewith, $91,300,000, to remain available until expended, as authorized by section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102-534 (106 Stat. 3524), of which $650,000 of the funds provided under the Missing Children's Program shall be made available as a grant to a national voluntary organization representing Alzheimer patients and families to plan, design, and operate a Missing Alzheimer Patient Alert Program.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, $427,000,000, to remain available until expended, as authorized by section 1001(a) of title I of said Act, as amended by Public Law 102-534 (106 Stat. 3524), of which: (a) $356,000,000 shall be available to carry out the provisions of subpart 1 and chapter A of subpart 2 of part E of title I of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; (b) $15,000,000 shall be available to carry out the provisions of chapter B of subpart 2 of part E of title I of said Act, for Correctional Options Grants; (c) $25,000,000 shall be available pursuant to the provisions of chapter A of subpart 2 of part E of title I of said Act, for community policing; (d) $13,000,000 shall be available to the Director of the Federal Bureau of Investigation for the National Crime Information Center 2000 project, as authorized by section 613 of Public Law 101-647 (104 Stat. 4824); (e) $2,000,000 shall be available for the activities of the District of Columbia Metropolitan Area Drug Enforcement Task Force; and (f) $16,000,000 shall be available to reimburse any appropriation account, as designated by the Attorney General, for selected costs incurred by State and local law enforcement agencies which enter into cooperative agreements to conduct joint law enforcement operations with Federal agencies: *Provided*, That funds made available in fiscal year 1994 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith, $123,000,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of said Act, as amended by Public Law 102-586, of which: (a) $93,000,000 shall be available for expenses authorized by parts A, B, and C of title II of said Act; (b) $6,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of said Act for

prevention and treatment programs relating to juvenile gangs; (c) $2,000,000 shall be available for expenses authorized by part G of title II of said Act for juvenile mentoring programs; and (d) $22,000,000 shall be available for expenses authorized by title V of said Act for incentive grants for local delinquency prevention programs.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $8,700,000, to remain available until expended, as authorized by sections 214B, 218, and 224 of said Act, of which: (a) $500,000 shall be available for expenses authorized by section 213 of said Act for regional children's advocacy centers; (b) $1,500,000 shall be available for expenses authorized by section 214 of said Act for local children's advocacy centers; (c) $1,600,000 shall be available for technical assistance and training, as authorized by section 214A of said Act, for a grant to the American Prosecutor Research Institute's National Center for Prosecution of Child Abuse; (d) $1,000,000 shall be available for training and technical assistance, as authorized by section 217(b)(1) of said Act for a grant to the National Court Appointed Special Advocates program; (e) $3,500,000 shall be available for expenses authorized by section 217(b)(2) of said Act to initiate and expand local court appointed special advocate programs; and (f) $600,000, notwithstanding section 224(b) of said Act, shall be available to develop model technical assistance and training programs to improve the handling of child abuse and neglect cases, as authorized by section 223(a) of said Act, for a grant to the National Council of Juvenile and Family Court Judges.

PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340).

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $117,196,000; of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,898,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $12,829,000, to remain available until expended for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language or through policy guidance in reports for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $9,385,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; $400,968,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the funds available in this appropriation, not to exceed $50,099,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: *Provided further*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $1,900,000 to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act, 1989, as amended by Public Law 101-509 (104 Stat. 1289).

CIVIL LIBERTIES PUBLIC EDUCATION FUND

For fiscal year 1994 and thereafter, after payments authorized by section 105 of the Civil Liberties Act of 1988 (Public Law 100-383) have been obligated for all known eligible individuals, any amounts remaining under the total authorized level for the Civil Liberties Public Education Fund, may be used by the Board of Directors of the Fund for research contracts and public educational activities, and for publication and distribution of the hearings, findings, and recommendations of the Commission on Wartime Relocation and Internment of Civilians, pursuant to section 106(b) of the aforementioned Act, subject to appropriations provided for the purposes of section 106(b) of said Act.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $63,817,000: *Provided*, That notwithstanding any other provision of law, not to exceed $19,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than $44,817,000: *Provided further*, That any fees received in excess of $19,000,000 in fiscal year 1994 shall remain available until expended, but shall not be available for obligation until October 1, 1994.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental agreements, $808,797,000, of which not to exceed $2,500,000 shall be available until September 30, 1995 for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services to the Department of Justice related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, (3) paying the costs of the Department of Justice for the sale of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs, and (4) paying the costs of processing and tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended.

UNITED STATES TRUSTEE SYSTEM

For the necessary expenses of the United States Trustee Program, $94,008,000, as authorized by 28 U.S.C. 589a(a), to remain available until expended, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99-554), of which $56,521,000 shall be derived from the United States Trustee System Fund: *Provided*, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, not to exceed $37,487,000 of offsetting collections derived from fees collected pursuant to section 589a(f) of title 28 United States Code, as amended by section 111 of Public Law 102-140 (105 Stat. 795), shall be retained and used for necessary expenses in this appropriation: *Provided further*, That the $94,008,000 herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than $56,521,000: *Provided further*, That any of the aforementioned fees collected in excess of $37,487,000 in fiscal year 1994 shall remain available until expended, but shall not be available for obligation until October 1, 1994.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $940,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; $339,808,000, as authorized by 28 U.S.C. 561(i), of which not to exceed $6,000 shall be available for official reception and representation expenses.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General; $307,700,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $103,022,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase, installation and maintenance of a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $26,792,000, of which not to exceed $17,415,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1809) for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants: *Provided*, That notwithstanding section 501(e)(2)(B) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1810), funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act: *Provided further*, That to expedite the outplacement of eligible Mariel Cubans or other aliens from Bureau of Prisons or Immigration and Naturalization Service operated or contracted facilities into Community Relations Service contracted hospital and halfway house facilities, the Attorney General may direct reimbursements to the Cuban Haitian Entrant Program from "Federal Prison System, Salaries and Expenses" or "Immigration and Naturalization Service, Salaries and Expenses": *Provided further*, That if such reimbursements described above exceed $500,000, they shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1) (A)(ii), (B), (C), (F), and (G), as amended, $60,275,000 to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,586,000.

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $384,381,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,665 passenger motor vehicles of which 1,300 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; $2,024,705,000, of which not to exceed $25,000,000 for automated data processing and telecommunications and $1,000,000 for undercover operations shall remain available until September 30, 1995; of which not to exceed $8,000,000 for research and development related to investigative activities shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; of which $75,400,000, to remain available until expended, shall only be available to defray expenses for the automation of fingerprint identification services and related costs; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Identification Division and the automation of fingerprint identification services: *Provided*, That not to exceed $45,000 shall be available for official reception and representation expenses.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,117 passenger motor vehicles of which 1,117 are for replacement only for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $718,684,000, of which not to exceed $1,800,000 for research shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $4,000,000 for contracting for ADP and telecommunications equipment, and not to exceed $2,000,000 for technical and laboratory equipment shall remain available until September 30, 1995, and of which not to exceed $45,000 shall be available for official reception and representation expenses.

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I believe the first amendment is on line 14, page 18. I ask unanimous consent that the portion of the bill through line 13 on page 18 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order with regard to the material up to page 18, line 13?

□ 1100

If not, are there any amendments?

If not, the Clerk will read.

The Clerk read as follows:

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 597 of which 302 are for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; $999,000,000, of which not to exceed $400,000 for research shall remain available until expended, and of which not to exceed $10,000,000 shall be available for costs associated with the Training program for basic officer training: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses: *Provided further*, That the Land Border Fee Pilot Project

scheduled to end September 30, 1993, is extended to September 30, 1996.

AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNTER: Page 19, line 3, strike "$999,000,000" and insert "$1,059,000,000".

Mr. HUNTER. Mr. Chairman, we have talked about this issue in the general debate for a few minutes. First I want to thank the chairman and the ranking member, the gentleman from Kentucky [Mr. ROGERS], for working hard to try to get Border Patrol funding to at least the level that it was at last year. And I know that was a difficult task. But once again, the problem is that the challenge that we now have with illegal immigration, and not only illegal immigration, the smuggling of people, but also the smuggling of narcotics has grown by leaps and bounds, and very simply there is a flood of cocaine across the land border between the United States and Mexico. We have now increased interdiction of cocaine by 1,000 percent, my colleagues, over the last several years. Over half a billion dollars' worth of cocaine has been captured just in the last 3 months coming over that 70- or 80-mile stretch just west of Yuma, AZ. We now have in excess of 400,000 apprehensions of illegal aliens in the last year. And according to the GAO, and I think this is an important factor for our Members to consider, 22 percent of the Federal inmate population are illegal aliens.

We have tried in California to make some evaluation of the impact on the taxpayer that is caused by illegal aliens, and we have made a couple of stabs at it, and I think they are fairly accurate. In San Diego County we compiled $143 million in annual costs that are a result of illegal aliens. They include medical costs and law enforcement costs. The gentleman from California [Mr. MOORHEAD] has pushed hard and in fact has worked and received higher authorizations for the Border Patrol in years past and has been involved in this. Also my colleague from California, ELTON GALLEGLY, in Los Angeles has done some fairly extensive analysis. We think you can safely say that $3 billion in social costs, criminal justice costs were paid in California last year to illegal aliens, largely, in fact almost totally unreimbursed costs.

Mr. Chairman, if you look at the Border Patrol itself, and ask yourself how large is this contingent of American officers that patrols this massive land border, you will find that there are only 4,035 agents and 734 support personnel in the Border Patrol. Now, we have authorized much higher levels. And when we passed the 1986 Immigration Act we authorized a much higher level than that, but that is all we have. And what that really boils down to is if you take the Border Patrol at any given time on the massive border, and I will take California, for example, the 150- or 160-mile border between the United States and Mexico in California, you only have about 50 agents actually on the line at any given time spread out over this 150-mile border.

As a result of that, anyone who wants to get into the United States can, whether they are a terrorist, an illegal alien, or someone who is carrying massive loads of narcotics, and they are now carrying loads of cocaine on their backs in backpacks and coming across the land border. Just in the last several months we have captured over 500 Chinese aliens coming across the land border. They have realized that this is the way to go. We have captured now in the El Centro sector 559 million dollars' worth of cocaine, half a billion worth of cocaine in just a couple of months.

Let me just say this is a massive problem. All of the analysis indicates that for criminal justice reasons, for social cost reasons, and for reasons of giving some integrity to our immigration system, we must have more Border Patrol agents. There is only one agency that is authorized to patrol the U.S. border, and that is the Border Patrol.

This amendment will give some $60 million and provide 600 new agents. It is not everything that we need, but it is a start, and I would urge every Member to support that.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wonder how many Members might want to speak on this amendment. We are under time pressure today, as Members know. I am wondering if it would be reasonable to have a time limit on the debate on this.

Mr. ROGERS. If the gentleman will yield, Mr. Chairman, we have five or six speakers on this side. I think it may not be possible on this amendment. Perhaps we could try for a larger time limit than the gentleman had earlier proposed.

Mr. SMITH of Iowa. On other amendments, you mean, or this one?

Mr. ROGERS. On just this one.

Mr. SMITH of Iowa. Does the gentleman want to ask for a time limit amendment on this?

Mr. ROGERS. I doubt we can on this one.

Mr. SMITH of Iowa. Mr. Chairman, we are under great constraints in this bill. Many of our programs received funding of only 95 percent of current services, which took us to our limit on outlays. And the President requested that most of the departments take reductions in order to reduce the deficit. We did not approve all of the reductions and Border Patrol is one such case.

Members will remember the President said we are going to reduce the executive department and we hope the Congress will do likewise. Well, we have taken reductions in most every agency, but in this case the reduction assigned to the agency was $14,754,000, and we put half of that back, $6.5 million of it.

We could always use more Border Patrol personnel, and I am sympathetic to that. When we get to the Senate, we hope that they will have a little better allocation than we have on the House side. But we are up to the limit on outlays. So if we approve this amendment that means that we break our 602(b) allocation. So this amendment is a budget buster.

It seems that we cannot do anything that really satisfies everybody in this area, and I know it is a very important area. But we had a bill on the floor here, H.R. 2608, just 2 years ago which came up, and I notice the Members who are wanting to support this amendment, virtually every one of them voted at that time to take $76 million out of the INS, $76 million. You cannot have it both ways, vote to take $76 million out of INS, and then come back later and say, well, we should increase INS.

We are doing the best we can on this, and you cannot have it both ways.

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

Mr. SMITH of Iowa. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, none of the San Diego delegation voted against the INS.

Mr. SMITH of Iowa. The gentleman is wrong on that. I have the tallies.

Mr. CUNNINGHAM. I did not vote against it, and I know Mr. HUNTER did not vote against it, and Mr. PACKARD did not vote against it.

Mr. SMITH of Iowa. We have done the best that we can, but if you add $60 million to the Border Patrol, we will exceed our outlay allocation, making this a budget-busting amendment. So when you vote on it, if you want to bust the 602(b) allocation, OK, but you should know what you are doing.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I think it is real important to note that if we reduce the amount in Commerce to just the rate of inflation we could save over $60 million, and that would pay for the gentleman's amendment.

Mr. SMITH of Iowa. That is at a later point in the bill, but at this point it is a budget-busting amendment.

Mr. BURTON of Indiana. Will the gentleman yield further for a question?

Mr. SMITH of Iowa. Yes, I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Would the gentleman be amenable to the kind of amendment that I am talking about

that would provide the money for this amendment?

Mr. SMITH of Iowa. I am sure as tight as these finding levels are, there would be opposition to any amendments to cut something out of the bill.

□ 1110

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there is probably no agency in the U.S. Government that I would rather find money for right now than the Immigration and Naturalization Service, especially the Border Patrol. In fact, when the administration request came to us, their request proposed cutting out 92 of the agents we already have in the border patrol. By scrounging here and there, our subcommittee has been able to hold the Border Patrol harmless from that proposed cut by the administration. We are not going to let that happen in this bill as it is right now. In fact, we also increased the INS inspectors by the use of a new land border fee system. And, by the way, while we were protecting the Border Patrol from cuts proposed by the administration, we were unable to protect the FBI and DEA from cuts. So, consequently, there is going to be, if this bill passes, over 200 FBI agents will be cut, there is going to be at least 143 DEA agents cut because we did not have the money. But we did protect the Border Patrol. We are increasing INS inspectors.

I would love to give them $60 million. We just do not have the money, Mr. Chairman, it is just not there. As we go through the process of this bill, I say to the gentleman from California [Mr. HUNTER], and in the conference with the Senate, this is my No. 1 priority, and I daresay it is Chairman SMITH's No. 1 priority.

So, help us out. We are trying to help you. The gentleman from California [Mr. HUNTER] came before our subcommittee with a very moving, explicit demonstration of the problem just at San Diego. And it was absolutely moving, the presentation that the gentleman made, of hordes of people streaming across unchecked at the border gates at San Diego. And there are other places in our country, of course, where the same thing is happening. Not to mention the problem of the terrorists in New York City and at the CIA entranceway, who are here illegally, many of them trying to play on America's goodheartedness by claiming political asylum from persecution back home, all the while here under the pretext of claiming political asylum while they brought their bombs with them to bomb American institutions. It is outrageous.

We are trying to find every penny we can to put on the Border Patrol and the INS, in order to send back home those people who are here illegally for a nefarious purpose of terrorism, not to mention to block those coming across the border from Mexico and other places.

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

Mr. ROGERS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, would it help at all for the gentleman to know that I have already, through staff, checked with the parliamentarians, and I will have a couple of points of order later on that I have already added up that will save $385 million?

Now, that is $385 million of unauthorized expenditures that will be stricken from the bill that will remain under the committee's 602(b) allocation. That is not money that goes directly to the deficit reduction, because the committee will still retain that under the 602(b) allocation.

It seems to me that some of that money—and I think the gentleman is absolutely correct in his sense of priorities—it seems to me that some of that money then would be money that could be used to do what the gentleman from California wants to be done. I think there are going to be some other points of order that will even be in greater amounts and it would redirect the priorities, I would say to the gentleman.

Mr. ROGERS. Reclaiming my time, Mr. Chairman, I understand that, that there will be points of order during the bill, that will create funds. It is not there now. This amendment is first up.

Give us a chance to work on this, is all I am saying. I think everyone on the subcommittee, certainly me, and I know the chairman are extremely sympathetic to your plea and your plight, and we are going to try to find the funds. I hope you will give us a chance to work it out.

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

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

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I thank the gentleman for his response, and I thank the chairman, too, because I know he is concerned about this area and worked hard to restore the funds to at least the level of last year. The problem is that we are faced with an overwhelming situation that is costing, in the United States, speaking as a whole—it is being pennywise and pound-foolish—that by depriving the Border Patrol of the number of agents we decided we needed back in 1986, over 6,000 agents, we are costing the country billions in social costs and criminal justice costs. So I have to tell my friend that I think it is time that we had a chance to work a prioritization, which is really what we are doing here on the floor. I appreciate the gentleman's appreciation of the problem.

I think we need to go forward and try to get 600 agents on, it is still going to be a small corporals guard, but it is still going to be necessary.

Mr. KOLBE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, obviously I have a concern, coming from a border State and border district. I share the concern that my colleagues from California have in offering this amendment today with regard to the Border Patrol and Immigration Service. In my remarks in the general debate on this bill I talked about the cuts in the number of Border Patrol agents that I think need to be restored. I think, however, as my colleague, Mr. ROGERS, has said, this amendment may be a little premature. We are planning to offer a motion to recommit—and in that motion we will restore to the INS some of these funds for Border Patrol as well as for the investigative and border agents who do the regular inspections—but there are also other priorities, and one of the other top priorities is the number of Federal prisoner days. That is the money for maintaining Federal prisoners in the Federal prison system.

I think we ought to wait until we see how this bill looks at the end of today's debate with the amount of money that is struck on points of order, to know what we have available to us in order to restore this and to make sure that the motion to recommit restores it in the proper places where the administration's top priorities are.

I support the administration priorities in law enforcement, but that includes money for maintaining prisoners in the Federal prison system as well as for the Immigration and Naturalization Service and the FBI and the DEA. We need to look at all of those. I would say that INS, as well as the Federal prison days, are the top priorities that we have.

So I would say at this moment we ought to wait until we see what this bill is going to look like at the end. This is a fluid situation.

We know much in this legislation is not authorized, much will be struck; we will have a number of dollars at the end of this debate today that can then be perhaps reallocated in a responsible fashion rather than doing it now when we do not know what is there, and rather than doing it with just one of the Federal agencies, law enforcement agencies, I would suggest that we wait on that.

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

Mr. KOLBE. I yield to the gentleman from Kentucky.

Mr. ROGERS. I thank the gentleman for yielding.

Mr. Chairman, the gentleman has made the telling point here that I think bears underlining. After we get through the bill today, before we have the final vote, we will have a last

chance to look back and see what items were stricken and what moneys may have been freed up and what we can responsibly do, looking at INS, at that time. This is premature. The gentleman's point is well taken.

I would hope that the Members would stick with us.

Then let us see where we are, where we stand at the end of the bill, and we can look back.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Indiana.

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

Mr. Chairman, would it be possible, since one of the problems is the placement of this amendment in the bill, would it be proper to ask unanimous consent that this amendment be allowed at a later point in the bill after we have gone through points of order against the bill?

Mr. SMITH of Iowa. Mr. Chairman, would the gentleman yield?

Mr. KOLBE. I yield to the chairman of the subcommittee.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, as the gentleman has explained; the minority controls the motion to recommit. So all of these can be taken care of in a motion to recommit.

Mr. KOLBE. Reclaiming my time, I think that the motion to recommit, as you know, works as an amendment, and clearly we have this in mind. We are watching this. We intend to make sure these dollars are returned to the law enforcement side, where we believe they should be.

Mr. Chairman, I yield to the gentleman from California.

□ 1120

Mr. MOORHEAD. Mr. Chairman, I greatly appreciate the gentleman's offer to put it in the motion to recommit. Many of us feel this is the most important amendment we will consider today, because it will save millions, if not billions of dollars in the border States.

Twenty-two percent of the Federal prisoners are illegal aliens. You will cut that cost dramatically.

I do not like to see it put in a huge amendment that has many, many other things that could go down. This is vital and so important.

Mr. KOLBE. Mr. Chairman, I can assure the gentleman from California that the motion to recommit is not going to be huge covering all kinds of things. It is going to be targeted in law enforcement.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. BURTON of Indiana. Reserving the right to object, Mr. Chairman, and I will not object, but I just would like to say that I would like to ask the gentleman to yield to me when he gets his 1 minute for a unanimous-consent request, and my unanimous-consent request would be that this amendment will be in order at any point in the bill, so that once there is a resolution of some of these points of order, we will know there is money there available for this amendment.

So I wish the gentleman would yield to me for that.

Further reserving the fight to object, Mr. Chairman, I would like the gentleman to yield to me before his time is up so I can do that.

Mr. KOLBE. I will do so Mr. Chairman, if the gentleman will yield.

Mr. BURTON of Indiana. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The time of the gentleman from Arizona [Mr. KOLBE] has expired.

(On request of Mr. DREIER, and by unanimous consent, Mr. KOLBE was allowed to proceed for 3 additional minutes.)

Mr. KOLBE. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, if the Members here will bear with us, we have already discussed a motion to recommit at the end of the bill when we know what vacancies we have from the bill. At the motion to recommit, the gentleman from Arizona will be offering a motion to recommit that can put moneys into the INS.

Now, if the Members will help us out here, we are going to try to help you, but please help us out.

Mr. KOLBE. Reclaiming my time for just one moment, Mr. Chairman, may I say to the gentleman from Kentucky that this issue has had some discussion, I know, with staff and other members of the full committee about possibly reserving some of the money for other priorities, law enforcement priorities.

The No. 1 priority of the Justice Department is the prisoner days. Without that, we will have to release prisoners very early.

Mr. Chairman, I promised that I would yield to the gentleman from Indiana, and I yield to the gentleman at this time.

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

Mr. Chairman, I ask unanimous consent that this particular amendment, because of the importance of it, be allowed at any point in the bill so that once points of order against the bill have been raised which will provide the money for this amendment, we will know that it is there and we can go ahead with it.

So Mr. Chairman, I ask unanimous consent that this amendment be so considered.

The CHAIRMAN. The Chair would like to clarify this. Is the gentleman referring to the Hunter amendment?

Mr. BURTON of Indiana. I am, Mr. Chairman.

The CHAIRMAN. Is the gentleman requesting that it be withdrawn at this point?

Mr. BURTON of Indiana. No, I am not, Mr. Chairman. I am just asking that it be allowed at any point within the consideration of this bill.

The CHAIRMAN. The amendment is pending now. If it is defeated, the gentleman's request would not be in order.

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

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

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding to me.

Let me make my position clear. We are doing exactly what we should be doing right now, which is allowing the full body to prioritize and inject some prioritization into this bill that has been crafted by the committee.

If you think that Border Patrol funding is important, then it should take a priority and some of the other parts of the bill perhaps should accommodate that funding priority.

I am not willing to wait for the rest of the bill to be worked out and see if possibly there is some money around to stop this massive problem that is burdening our criminal justice system, burdening our social system and overwhelming the country.

So I have to tell my friend, the gentleman from Indiana, I would be constrained to object to any such unanimous-consent request.

Mr. BURTON of Indiana. That being the case, Mr. Chairman, I withdraw my request.

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

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

Mr. CUNNINGHAM. Mr. Chairman, I would ask the gentleman, in this motion to recommit, would the gentleman reinstate the full amount that is requested for the Border Patrol?

Mr. KOLBE. The full amount that is requested by this amendment?

Mr. CUNNINGHAM. The $60 million, yes.

Mr. KOLBE. No, I cannot say that would be the case because of the No. 1 priority, which is the prisoner days to maintain Federal prisons.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

(At the request of Mr. SHAW, and by unanimous consent, Mr. KOLBE was allowed to proceed for 2 additional minutes.)

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman will continue to yield,

the gentleman has already stated that under points of order there is about $385 million that is going to come up. That No. 1 priority surely can take the $385 million. The motion to recommit would allow $60 million which is in this amendment.

Mr. KOLBE. It would not take $385 million, but I think as we go through the numbers the gentleman will see there is not $385 million available, either; but I will be happy to talk to the gentleman about that. We are still in a fluid position at this point in terms of the numbers.

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

Mr. KOLBE. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I would like to make an observation here with regard to the motion to recommit. If this amendment passes, then it still can be fixed as far as the funding in the motion to recommit.

So this amendment is actually some insurance that we do get an absolute up or down vote on this particular issue, that we do get to fully debate it. There is no issue that I can think of that is more important to the future of this country than the question of protecting our borders.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. Certainly, I yield to my very distinguished chairman.

Mr. SMITH of Iowa. Mr. Chairman, there is a question about whether the motion to recommit will include enough funds to bring INS up to the budget request. The gentleman controls the motion to recommit. The bill is less than $20 million under the budget request for INS, not $60 million. We are less than $20 million under the budget request.

Mr. KOLBE. Mr. Chairman, the gentleman is correct. That is why I have some concerns about the $60 million that we are talking about.

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

Mr. KOLBE. I yield to the gentleman from Kentucky.

Mr. ROGERS. Of course, as we know, Mr. Chairman, the minority will control the motion to recommit. We have not yet decided what will be in the motion to recommit, but this amendment comes at a time when we do not have any money left in the bill.

Now, if it were later in the bill after we had something stricken out, we could talk about it, but at this point in time we do not have any funds. At the end of the bill we will likely have some moneys that have been stricken. We can consult on the motion to recommit and try to address this problem, but it is premature in the consideration of this bill.

Mr. KOLBE. Mr. Chairman, I appreciate the gentleman's comments. I think he is correct. I think it is premature.

Ms. SCHENK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment to increase INS funding by $60 million.

The San Diego, Tijuana border region which Congressman FILNER, HUNTER, and I directly represent, is the Nation's busiest and most violent border zone. More than 50 percent of all undocumented persons apprehended throughout the United States were apprehended in this region in 1992.

Yet the Border Patrol in San Diego remain grossly underfunded. No Member of this body can truly understand how desperate the situation is until they have seen it for themselves.

I have ridden with the agents and I have seen the overwhelming and demoralizing odds, the vehicles that have long exceeded Government recommended mileage replacement standards, and the vehicles that have their hoods tied down with wire.

I have heard potential border crossers laugh at the Border Patrol agents saying: "Just wait until nightfall—you can't stop us."

Border Patrol agents in San Diego have special needs. They must use horses, helicopters, all-terrain vehicles, and mountain bikes to protect what is the most overrun 15 miles of the border.

Just last month my office received a desperate call from the Border Patrol in San Diego. They are absolutely stone broke. They received sedans which are going to remain unused until they can get money to transform them into usable vehicles.

I know the Appropriations Committee has been generous with their funding for Border Patrol this year and I thank them. However, with over 50 percent of the national workload of undocumented alien traffic and 30 percent of the national drug seizures, San Diego has never been realistically funded for its workload.

To my colleagues who think $60 million is an increase too great to bring home to their constituents, think about this: In the State of California alone the cost of providing services and incarcerating undocumented aliens is $2.8 billion per year. These are costs that no taxpayers want to bear the burden of.

This is not a problem unique to San Diego or California. The recent attempt by hundreds of Chinese citizens to enter the United States through Mexico, New York, and New Jersey shows the need for greater resources at our border.

The Border Patrol authorization requires INS to appropriate sums as may be necessary to the Border Patrol; $60 million is absolutely necessary to provide resources and an additional 600 agents to the Border Patrol. The Hunter-Moorhead-Schenk amendment would provide these resources and I urge my colleagues in the House to vote in favor of this amendment.

□ 1130

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment.

Last year, Mr. Chairman, the Border Patrol was designated as the primary agency responsible for drug interdiction between ports of entry along the United States-Mexican border. Each year more than 1 billion dollars' worth of drugs are captured along that border, and yet there are probably two or three times that much that gets through. In the past 7 months over 800,000 illegal immigrants were apprehended nationwide, and yet at least three or four times that number are making it through. The GAO reports that upward of 22 percent of the Federal prisons population are illegal aliens. In California at least 25 percent of our State prison population are illegal aliens. The same problem is true in Florida, and Texas, and other borderline areas.

Eighty-one percent of all Americans support an increase in the border control, notwithstanding that the major new responsibility of the Patrol's ongoing principal mission is to deter illegal entry and conduct related apprehension activity along the borders. In the San Diego area alone, Mr. Chairman, 3,000 to 4,500 undocumented aliens flood our border daily. It is estimated that for every illegal alien at that particular point three gain successful entry. In fiscal year 1992 the U.S. Border Patrol arrested 1.2 million aliens.

Mr. Chairman, I authored an amendment to the Immigration Reform and Control Act of 1986 authorizing a substantial 50-percent increase in the Border Patrol. This amendment passed, and yet these levels have never been properly funded. We are currently at the level of around 4,800 for Border Patrol personnel, but there is only about 1,200 on duty at any one time, along that southern border. If my amendment had received sufficient appropriations, we would have been at the level of 6,600 by the end of fiscal year 1994.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I say to my colleague, an authorization does not mean anything if you vote against the appropriation for INS. The gentleman was one of those that voted for a $76 million cut. The Appropriations bill is where the final number comes in.

Mr. MOORHEAD. However, we did not get any additional money put into it, for this purpose either. We have had additional authorizations for Border

Patrol agents on a number of occasions. The Immigration Act of 1990 included an amendment I offered on the floor for an additional 1,000 Border Patrol officers. The Department of Justice Appropriations Authorization Act for fiscal year 1991 included $55 million to hire and train 1,000 additional Border Patrol personnel, yet we continue to allow the border to remain underfunded. During the fiscal year 1993, the Border Patrol lost 65 agents. The President's budget request for fiscal year 1994 included a decrease of 93 agents. It constantly goes on. The problems grow.

In California, Mr. Chairman, we spend $450 million a year just providing emergency medical care for illegal aliens. The overall cost to the State of California is in the billions, as well as it is to other border States. Organized crime and unscrupulous smugglers are now taking great advantage of our unprotected borders. We need to do something about this problem now.

Mr. Chairman, every dollar we spend will probably save us at least 10, and far more in Federal budget expenditures than we ever will spend for the Border Patrol. Let us get down and do the job for America. I can tell my colleagues, if I walk my district, they will stop me at every other house and ask me what we are going to do about this problem. It is a serious problem. It is the most serious problem there is in our State of California. It is dangerous. Please give us some relief.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to, first of all, support the issue of the gentleman from California [Mr. HUNTER], his amendment, and I want to, second of all, support Mr. HUNTER in his efforts in this Congress in many areas, specifically this.

My colleagues, I have had a bill to this effect that would call for troops to be returned from overseas where they are cashing their checks in bases in foreign countries and placing those soldiers on our borders. There is one Patrol border agent for every 2½ mile of border. America is being literally overrun with illegal immigration, and we are making illegal immigrants citizens.

What is the policy of this unbelievable legislative body?

Beam me up.

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

Mr. TRAFICANT. I would like to further say we have gone through three nominees for our Nation's highest law enforcement office trying to find somebody that did not hire an illegal alien.

Now I understand the dilemma that this chairman is in and the Committee on Appropriations is in, and I would like to say this: There are an awful lot of needs in law enforcement, and we must deal with them. But the most critical and urgent need that faces this Congress is people jumping the fence on our border without enough people to monitor it, and, my colleagues, it is time to pay up. We cannot have it both ways. We cannot complain about illegal aliens jumping our fence without putting in the funds and backing up the personnel to handle that.

So let me say this——

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

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

Mr. BECERRA. Mr. Chairman, the gentleman from Ohio [Mr. TRAFICANT] mentioned a second ago that this country was allowing undocumented immigrants to become U.S. citizens. I would like to ask the question of the gentleman in a second. The reason I will ask is for the following reason:

There is no doubt that there are problems at our borders, and there is a need to beef up the Border Patrol, but I am very disturbed and saddened by the debate that is taking place today because the emphasis is not on the immigrants who are coming in. It is on the illegal immigration that is occurring, and I think it is a very sad statement with all of us who are probably the children at some point of immigrants to try to paint the monster image on individuals who are coming to this country, rightfully or wrongfully, for the purpose of trying to have a better life. We must address the problem of undocumented immigration into this country, but we should not be attacking people and making them look like monsters as they come into this country.

So I ask——

Mr. TRAFICANT. Reclaiming my time——

Mr. BECERRA. If I may ask the question of the gentleman then: Can you please explain to me how it is this country is allowing undocumented immigrants to become U.S. citizens?

Mr. TRAFICANT. Reclaiming my time, and I gave the gentleman an opportunity to participate, my great-grandparents were immigrants as well. They came in the legal way. I think it is time to get back to an immigration policy that allows people to come to America under the legal parameters, and let me say one last thing:

We are not helping all of these people in the other countries by taking a small number of them into America and further eroding our economy. We would be better off to teach them how to fish rather than coming in here and giving them a loaf of bread.

So, in answer to the gentleman's question, I don't think your question applies to this particular issue. I say we don't have enough Border Patrol agents for people who are jumping the fence illegally, and that's what this amendment deals with, and I support it.

Mr. BECERRA. But the question was, Mr. TRAFICANT, about a statement that this country was permitting those who are here without documentation to become U.S. citizens. I rise today, and I thank the gentleman for yielding, because many statements have been made today that are untrue. There are not 800 illegal immigrants, and I do not use the term; I use the term "undocumented" immigrants who have come into this country and who are still here.

Mr. TRAFICANT. Reclaiming my time, the gentleman can strike the last word. We have an immigration bill that said, if you would jump the fence, and you are in America for 5 years illegally, although you were here for 5 years, we made those illegal immigrants citizens eventually.

I do not want to get into that issue. That is exactly what the bill did, and the gentleman from California [Mr. BECERRA] can take his own time.

This is a Member that is against it. This is a Member that is against the Congress turning its back against people jumping our fence.

□ 1140

I think it is very significant. It is not a slight to any ethnic group or any people, but I think it is time that Congress put its foot down.

Mr. Chairman, I support the Hunter amendment.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Hunter amendment.

Mr. Chairman, the Hunter-Moorhead amendment is a necessary step. Admittedly, money is not the answer to our immigration problems, and I regret the fact that my distinguished neighbor, the chairman of the subcommittee, and my equally distinguished colleague, the gentleman from Kentucky, are caught up in the middle of a debate here, but I say to the Members of the House that what we see here today is an insurrection under parliamentary procedures in the House.

This is not a California problem, this is not a Florida problem or a New York City problem; this is an America problem, and the Judiciary Committee lackadaisically has failed to address the need for effective controls for the illegal alien problem for years.

This gentleman comes from a State as far away from the coast as possible, but I say this is an American problem, and we representatives of the American people are here today to be heard for them. If we take a look at the number of Members gathered around here today, surely it must understand that we can keep a cap on immigration reform, especially the control of our borders for only so long. The leadership of this House, and particularly the Judiciary Committee of the two bodies, have failed to address the problems of illegal

aliens and the effective control of our borders and refugee problems that are confronting the country. It is time that the Members and its American people be heard, and that is why so many Members want to speak on behalf of this amendment today.

Mr. Chairman, I also speak to the Members as a member of the Intelligence Committee, and I can tell the Members that we are particularly vulnerable to terrorist events in this country. We are an open society. And we want to be an open society. We want to be open to legal immigrants, but I want to tell my colleagues, and particularly the members of the Judiciary Committee, that if we do no take some of the actions that the INS has been crying for these many years now, if we don't give them the legal tools and resources to reduce the numbers of people who are coming in here illegally or by devious and fraudulent abuse of our processes, some coming with ill intent in their hearts, if we do not take some steps to begin to shut the door on abuses of political asylum, then we are going to have terrorist events in this country that will shake the foundations of our constituencies. And some of our Members will wonder why it is that we have not acted before this crisis. They will wonder why it is that the Judiciary Committee has set on these reform issues year after year.

For example, in New York City alone today we have 15,000 people claiming political asylum waiting for hearings. They are coming in at a remarkable pace around the whole country and not just by commercial airlines, but by the boatload. I would ask the members of the Judiciary Committee and other interested people, as well as members of this subcommittee of the Appropriations Committee, if you need a confirmation of the abuses of the system and frustration of our INS personnel who are crippled or handicapped by inadequate law or resources, then just go out to Dulles airport and see the problems they have there today.

The claims that are made by people coming in for political asylum today are rarely legitimate. They are patently fraudulent. They are tearing up visas; they are tearing up passports on the planes. They are giving them back to people on the plane who are commercial immigration expediters, illegal immigration expediters. They say the magic phrase "I seek political asylum and they are issued a green card, made eligible for welfare benefits, and disappear into our society. And that is what we are facing here today.

We can throw all the money at this problem we want—and I approve of this amendment because it is a small, important step that will help, in particular, the border States—but unless we get some action out of the Judiciary Committee on the necessary reforms we are going to have continued and increasing problems.

So, Mr. Chairman, I urge my colleagues to put some pressure on this Judiciary Committee, the committees in this House and the other House. We must have some reforms; if one holds townhall meetings or listens to constituents, one knows it is a top priority of many constituents across this land. Without reforms now we will, after related terrorist events, have the type of xenophobic demands that will result in draconian changes in our legitimate refuge and immigrations procedures and programs.

Finally, yesterday, after great travail, after much discussion about inadequate steps like preclearance at foreign airports, some Members on the House Judiciary Committee are finally, it appears, going to do something. Reform of the political asylum procedures is but one of many steps that need to be taken. Immigration reform does not have to be done comprehensively for we get bogged down in controversy. We can and should take some steps now to provide some of the important tools that the INS needs.

Mr. Chairman, I urge my colleagues, as a first small start, to approve the Hunter-Moorhead amendment here today.

Mr. SMITH of Iowa. Mr. Chairman, I wonder if, with the indulgence of my colleagues, we can make some kind of an effort to limit debate. We have been on this for 40 minutes. If we do not get this bill passed, we are not going to get any money.

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

Mr. SMITH of Iowa. Yes, I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield and accept the amendment?

Mr. SMITH of Iowa. Of course not.

Would 20 minutes be enough? All the Members know how they are going to vote on this.

Mr. CUNNINGHAM. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SMITH of Iowa. How about 25 minutes?

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

Mr. SMITH of Texas. Yes, I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I wonder if the gentleman could give us 40 minutes equally divided. The problem is, I say to the subcommittee chairman, that we have a lot of Members who want to speak on this issue.

Mr. SMITH of Iowa. I know. It is a very important issue to a lot of people.

Mr. HUNTER. They have come down to the floor, and they all have something to say about this.

Mr. SMITH of Iowa. How about 30 minutes? Would that not be enough? That would be altogether 1 hour and 10 minutes.

Mr. BURTON of Indiana. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. HUNTER. Mr. Chairman, I have counted the number of heads on our side, and there are a couple of Members on the gentleman's side who want to speak.

Could the gentleman give us 40 minutes?

Mr. SMITH of Iowa. All right.

Mr. Chairman, I ask unanimous consent that all debate on this amendment end in 40 minutes.

Mr. BURTON of Indiana. Mr. Chairman, I object.

Mr. CUNNINGHAM. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SMITH of Iowa. Mr. Chairman, I say to the Members that if I move it, I am not going to move it for 40 minutes. I will move for something less than that. Can we not make some reasonable accommodation?

Mr. HUNTER. Mr. Chairman, if the gentleman will yield, from my perspective I think we can accommodate the Members who want to speak on this in 40 minutes. Obviously there are other Members who have a concern with that. That would be fine with me.

Mr. SMITH of Iowa. Mr. Chairman, I am not going to ask for 40 minutes if I have to move it; I am going to ask for 20 minutes on a motion.

Mr. HUNTER. Mr. Chairman, I think we can get it done in 40 minutes.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that all debate on this amendment end at 12:25.

Mr. Chairman, I will withdraw that.

Mr. Chairman, I ask unanimous consent that all debate on this amendment end in 40 minutes.

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, let me find out how many speakers there are with a show of hands.

I would say there are at least 12 Members here.

Mr. SMITH of Iowa. That is about 4 minutes apiece.

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman calls for a vote, it is going to take 20 minutes. Why does the gentleman not make it for 1 hour? If the gentleman would make it for 1 hour, I think that would cover it.

Mr. SMITH of Iowa. No, I am not going to do that.

Mr. BURTON of Indiana. If the gentleman calls for a vote, we are going to waste an hour anyhow, and probably more.

Mr. SMITH of Iowa. Mr. Chairman, we are going to have to figure some way to move this bill.

Mr. BURTON of Indiana. If the gentleman calls for a vote, we will waste an hour anyway, and probably more.

Mr. SMITH of Iowa. Mr. Chairman, I will withdraw my request temporarily.

Mr. FILNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I represent the 50th District of California, which is the border area between California and Mexico, and I want to speak to the amendment.

First, I want to thank the chairman of the subcommittee, the gentleman from Iowa [Mr. SMITH], for working very closely with me and with other freshman Members of Congress to help them resolve infrastructure problems on the border. He has been, along with the ranking member, the gentleman from Kentucky, very sensitive to the issues we have raised, and I know he is very concerned and very aware of what is going on. I want to thank the gentleman for being sensitive and for doing so much to help us on the border.

We have heard from other Members from the San Diego area and from other parts of the Nation about the need for more Border Patrol. My own experience, from living at the border for the last 15 or 20 years, indicates that that is true.

I am going to vote for this amendment, but let us not kid ourselves, I say to my colleagues from both sides of the aisle. This addition of Border Patrol agents is not going to solve the problems we all have spoken about and have recognized. This will not solve the problem. The problem is deeper. The problem requires a far more comprehensive point of view.

We need to work on economic development on both sides of the border. We need to work with our Mexican counterparts on law enforcement. We need to have the employers on this side of the border understand the law.

There are a lot of elements to solving the problem. It is not just adding to the Border Patrol.

So let us pass this amendment, but I beg my colleagues on both sides of the aisle to get in a problem-solving mode on this issue. I have heard very inflammatory rhetoric today. I have heard rhetoric that will polarize this issue instead of helping solve the problem.

□ 1150

So let us add those agents, but let us recognize that this is not going to solve the problem. Let us get into a problem solving mode. And, please, let us recognize that the strength of this country is diversity. Let us recognize the basic humanity of all individuals, whatever names you want to put on them for the purpose of this debate. Let us work together to get at the economic development that is so crucial for helping all people have a better way of life on both sides of the border.

Mr. Chairman, please, let us down the rhetoric. Let us get into a problem solving mode on what is a real issue for all of this Nation.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would hope that by just the show of force, that the committee understands the importance of this. We've heard people say "It is the economy, stupid." In California, in my district, illegal immigration is the absolute No. 1 issue, and I would say the No. 1 issue in the State of California, border States, and for Americans, and I am sure the chairman would agree. We are becoming overrun.

Second, I would like to assure the honorable gentleman from California [Mr. BECERRA], that this is a matter of illegal immigration, and not legal immigration, which made this country so great. And I would like to associate myself with the words of the gentleman from California [Mr. FILNER].

Mr. Chairman, we are asking for $60 million. Governor Wilson of California, State Senator Craven, and colleagues on both sides of the aisle, have identified that it costs the State of California alone over $2 billion a year for the illegal immigration problem. Can you imagine what it will cost in the rest of the country?

If we can save dollars by adding dollars, then that is a savings, and we need to run it like this.

Let me give you a couple of examples. Over 50 percent of the children born in L.A. County Hospital are to illegal aliens. They then go down and qualify for Medicaid.

Who pays for that? Not only the taxpayers, but this takes the services away from the very, very poor. Over 37,000 children, illegals, were born in Los Angeles County alone. Just L.A. County. That is not the rest of the State. That is just in L.A. County. Six hundred twenty dollars a month, per person. That equates to $25 million per month.

In 1 minute, we can pay for this amendment nationally. One minute, by just the cost savings.

The gentleman from California [Mr. FILNER] has also stated that this is not a total answer, but it is sure going to help and be one of the most effective means.

We need to stop illegals at the borders. Not once they get into our cities, not have to jail them, not have to house them. Twenty-five percent of all the felons in California are illegal aliens. San Diego County Sheriff Jim Roache is having to turn other felons out of the jail system on a revolving door system. Can you imagine what the cost of this is? We are not even talking about the World Trade Center cost.

They are having to shut down education programs in my wife's school because of the glut of illegal immigrants. They live in the canyons. It has just become critical, and it is not something that we need to turn our backs on.

When you say there is a priority of Federal prisoners, boy, I will tell you, come to the State. I have had several Members on both sides of the aisle come down to the border with the gentlewoman from California [Ms. SCHENK], the gentleman from California [Mr. FILNER], the gentleman from California [Mr. HUNTER], the gentleman from California [Mr. PACKARD], and the gentleman from California [Mr. GALLEGLY], and they cannot believe the situation. It is like a flood coming across the border, and they cannot stop them.

Mr. Chairman, this will help and aid that problem.

Mr. WALKER. Mr. Chairman, would the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I would like to congratulate the gentleman for his point. One of the things I found my constituents in Pennsylvania, who are not faced with the flood across the border, are concerned about, is that we have added additional costs to the Federal Government in the reconciliation bill by suggesting that we are going to create this brand new entitlement program that reimburses 100 percent of all the costs of illegal alien babies being born in this country.

Here is a fantastic new cost that we are now imposing on the Federal Government in the reconciliation bill. Virtually everybody who voted for the reconciliation bill voted for a brand new entitlement program to pay 100 percent of the cost of illegal aliens having babies in this country.

Now, that is something where we see this whole philosophy is extending out to brand new programs, brand new entitlement programs, that are going to cost us billions of dollars over a period of just a few years.

So the gentleman from California [Mr. CUNNINGHAM] makes an absolute point that is on target, and I congratulate him for his statement.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that debate on this amendment, and all amendments thereto, end in 40 minutes.

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, I would ask the gentleman from Iowa [Mr. SMITH] how many speakers are on his side?

Mr. SMITH of Iowa. Mr. Chairman, three or four, probably. I doubt if we will use all the time over here, but I cannot tell the gentleman that for sure.

Mr. BURTON of Indiana. Mr. Chairman, we have six. That makes 10.

Mr. SMITH of Iowa. Mr. Chairman, that is too much time. All Members know how they are going to vote. That is about 4 minutes apiece.

Mr. BURTON of Indiana. Would it be possible to try to allocate to each one of the speakers 4 minutes?

The CHAIRMAN. The Chair will distribute the time.

Mr. BURTON of Indiana. Mr. Chairman, I understand the Chair will distribute the time. I would like to have a

gentleman's agreement, because there are not as many Members on the other side who plan to speak.

The CHAIRMAN. The gentleman from Iowa [Mr. SMITH] asks unanimous consent that all time on this amendment, and all amendments thereto, be limited to 40 minutes. Is there objection to the request of the gentleman from Iowa?

Mr. GINGRICH. Mr. Chairman, reserving the right to object, could I just ask of the gentleman from Iowa [Mr. SMITH], if we could have sort of a general agreement, recognizing the Chair's power to recognize, that if there is some time left over on the one side, and there are one or two surplus speakers, we will try to accommodate them?

Mr. SMITH of Iowa. Mr. Chairman, I did not ask that the time be evenly divided by sides.

The CHAIRMAN. The Chair will allot time to all Members standing at the time of the request.

Is there objection to the request of the gentleman from Iowa [Mr. SMITH]?

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous-consent request was agreed to will be recognized for 3 minutes each.

The Chair recognizes the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise in strong support of the amendment of my colleagues from California. The California delegation has been working in a bipartisan fashion to retain and build high-skill, high-wage jobs that are the key to our economic revitalization. We are demonstrating today, that in bipartisan fashion, we are determined to deal with a critical deterrent to economic revitalization, illegal immigration.

Mr. Chairman, we are a nation of immigrants, and I am the daughter of immigrants, who came to America seeking peace and prosperity, and found both. Our strength as a country derives in part from our diversity. However, we must draw the distinction between legal immigration, which is constantly revitalizing our society and our economy, and illegal immigration, which is sapping the economic strength of our Nation in general and California in particular.

Difficult economic times here make it impossible to share limited jobs and resources with those who fail to comply with our immigration laws.

□ 1200

Unfortunately, border patrol funding cuts reduced the number of agents that patroled our borders last year, and this trend is continuing. The Immigration Reform and Control Act of 1986 authorized a substantial increase in border control agents, but this increase has never been funded. Our forces along our southern border are spread dangerously thin.

This excellent bipartisan amendment would add 600 agents to our southern border—a good start.

Illegal immigration hurts legal immigration, overburdens stretched community and State services and, in many instances, exposes illegal immigrants to intimidation and exploitation. It is a lose-lose proposition. This amendment will play a real part in reducing the hurt.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, this is an issue, as the gentlewoman from California mentioned, dealing with illegal immigration. This issue is important to all the people in this country, but I think it is more than just dollars that must be involved here. In order for the job to be finished, taxpayer dollars are not enough. We have to have people to patrol our borders. That is why, for a long time, I have been saying that we have people in the military. We are downsizing our military. We still have many people left in Europe. We are paying $160 billion a year to protect European borders. From whom? To this day we in this Congress still are spending $120 billion a year to defend European borders. From whom? Russia? Russia is not our enemy anymore. We are now giving funds to Russia. We are now giving foreign aid to Russia. It is a phantom enemy.

What we have to do is to bring some of the troops that we have in Europe to help us control our borders. We have to get control over our own borders again. To use our military for that purpose, in my opinion, would be an excellent job for them to do. It would save money. It would keep them employed, rather than having them have nothing to do. It would be a way for us also to negotiate an agreement with other countries so that they would have some internal constraints from allowing the people from coming across our border.

We have to, I think, take a look at our visa program and see how that can be changed. Yes, to put more dollars into this program is important. But I think it is going to take more than money. It is going to take people to patrol that border. It is going to take us to redefine how we are going to use our military.

For those who are concerned, that is all of us, with illegal immigration, I think we have to think anew on how we are going to address this particular problem.

Border patrol is important, yes. We have got to show how we can have our military involved. We have got to take a look at the visa program. We have got to look at how we work with other nations, diplomatically, so they have some internal constraints from sending and keep sending all of these people across the border, because it is not only Mexico, the Caribbean, but now we are having all kinds of problems with Asia. And this problem is going to get worse and worse and worse.

That is why this is preeminently the time when we have to address this issue.

The CHAIRMAN. The gentleman from Tennessee [Mr. DUNCAN] is recognized for 3 minutes.

Mr. DUNCAN. Mr. Chairman, to accommodate other Members, I will be very brief. I do want to rise in support of the amendment by the gentleman from California [Mr. HUNTER] and others.

This is a tremendously growing problem. The gentleman from Indiana [Mr. BURTON] and I, a couple of weeks ago, had a briefing from an INS official who told us that 187,000 illegal aliens were apprehended at the Mexican border during the month of April alone. There are some estimates that there are three or four times as many as are apprehended, as are coming across, and so this is a problem of concern not just to those from border States but to all of us across the country.

People from Tennessee and other States are greatly concerned about this. A couple of weeks ago an economist from Rice University presented a new study which shows that we spend at least $12.5 billion on the approximately 5 million illegal aliens here now, at least $12.5 billion, and some estimates are even higher than that.

In addition to all of that, the INS official who briefed us told us that it cost an average of $30,000 to remove an illegal alien. And even worse, it takes an average of 3 years of time to do that.

An earlier speaker mentioned that there are 15,000 illegal alien cases awaiting hearings at the present time in New York alone. The INS official who briefed us told us that in Mexico they remove illegal aliens in 3 to 4 weeks time, but he said they were trying to give technical assistance to the Mexicans to get them to update their procedures.

I said that we needed to take lessons from the Mexicans. We need to toughen up our laws in regard to illegal aliens and remove them much faster than 3 years' time.

I do not suppose I have ever spoken in favor of an amendment to increase spending, but I support the efforts by the gentleman from Indiana [Mr. BURTON] and the gentleman from Pennsylvania [Mr. WALKER] to take other moneys from this bill and use it to increase the funding for the Border Patrol, because this is a problem that is at a very serious point now and is going to grow in the future.

Also, I hope, Mr. Chairman, that we learn a lesson from this in this country. All over this world today where nations have allowed their governments to get too big, where they have followed big government liberalism, where they have followed socialism and

Communist-type governments, people have suffered. We see people in other nations starving in the streets or lined up 8 or 9 hours to get a pound of sausage, things that we take for granted.

We need to learn a lesson that we better not stray from our free enterprise system and go in the direction toward more government, more regulation, more redtape in this country where the same things that are causing illegal aliens to want to come so badly to the United States will be happening here at some point in the future.

I rise in strong support of this amendment, and I urge my colleagues to do likewise.

The CHAIRMAN. The gentleman from California [Mr. BECERRA] is recognized for 3 minutes.

Mr. BECERRA. Mr. Chairman, I would like to thank the distinguished gentleman from Ohio, the chairman, for his time and also his patience in allowing Members of this Congress to debate the issue of immigration. I want to say that I am one who supports an increase in the Border Patrol and spending for INS, because I believe it is also essential, as many of my colleagues have said.

But as I remarked a few minutes earlier, I am very disconcerted by the tone of the debate that is taking place today, not because we do not have people who are coming into this country without documentation, not because there are not costs associated with having people in this country who do not have documentation, but because there are so many grand misstatements made about these individuals that I believe that we should have some correction.

First of all, when we talk about people who are apprehended, let us understand that there are less people who are apprehended than we see in apprehensions, because people are oftentimes crossing the border more than one time, obviously, because we have a very porous border. But let us not try to inflate the figures to make a point that I think everyone will agree to. There is a problem at our borders.

We talk about 800,000 apprehensions. Please do not mislead people and have them think that there are 800,000 people that were captured last year. That is just not the case. There were 800,000 apprehensions. Most of us who are from border States know that there are individuals who are apprehended on several occasions coming across the various borders.

What we need to do, beyond the debate of rhetoric, is go into the true way we could try to solve the problem of immigration. We need to, first of all, make sure that the INS has the resources it needs to enforce our immigration policies. We do need more Border Patrol agents. We also have to have a more professional Border Patrol. We are paying millions of dollars in lawsuits because we have Border Patrol agents who are committing abuses against people, not just immigrants, also U.S. citizens. They apprehend these individuals, abuse them, and thereafter we see a suit filed against the INS because of the abuse.

Let us get a professional Border Patrol in our Immigration Service, and we will see a better job done.

Let us also deal with the issue of people who are truly interested in seeing legal immigrants in this country have a decent time in this country once they become legal. Let us provide them with the services. People have to wait hours upon hours in long lines to be able to get the documentation they need to become a U.S. citizen, if they are here as a lawful permanent resident. Let us take care of the problems that we have within INS in that regard.

Let us also, as someone mentioned before, take care of the asylum problem. We have a backlog approaching 200,000 cases for people who have claims for asylum. Let us let these cases go forward quickly so we can see who really needs it and who does not and let us get those who do not have a valid claim out of the country. But remember, we have refugees coming into this country all the time.

We have seen the recent Chinese who were smuggled in this country. But the fact remains, less than 1 percent of the refugees worldwide are admitted into the United States. That is the truth, and we should make sure we color our debate with the truth about immigrants. Let us distinguish immigrants from immigration policy. Let us go after bad immigration policy. Let us make sure we protect people who are immigrants who try to come into this country for valid reasons.

□ 1210

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Chairman, I rise in very strong support of the Hunter-Moorhead amendment.

I would first like to say the distinguished member of the Judiciary Committee, my friend from Glendale, Mr. MOORHEAD, and I have had the privilege of working on this issue for the past several years. In fact, in 1986 we were able to get a similar amendment put in. Obviously that was not enough, because we still have this flow of illegal immigrants who are coming across the border.

Mr. Chairman, why is it that people flee Mexico and come to the United States? One very simple and basic reason is economic opportunity, economic opportunity. They are seeking either a job, or welfare, health care, the kinds of social welfare programs that we provide. And I believe that there is a way in which we can get to the root of this problem to deal with this issue.

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

Mr. DREIER. I yield to my friend, the gentleman from Glendale, CA.

Mr. MOORHEAD. Mr. Chairman, when we discuss the costs of illegal immigration we have to consider all of the costs of the social programs and other things. The Federal Government, rather than taking care of them, and it is in their field, it is their problem, have mandated those programs over to the States. And that is one of the reasons why Florida, Texas, and California are drowning, because the costs of carrying out these mandated programs are in the billions of dollars. And if the Federal Government wants it, they should finance it themselves rather than pushing it off on the States that are the center of the issue.

Mr. DREIER. My friend is absolutely right. And that is why I would like to briefly mention the two items which I believe are key to getting at the root of this problem. I know my friend from California, Me. GALLEGLY, from Simi Valley has worked very diligently on this immigration problem, and we are going to be hearing from him in a few moments.

My concern is unfunded Federal mandates. As Mr. MOORHEAD has said, we at the Federal level impose on State and local governments the requirement that they provide this kind of social welfare. That is a magnet drawing people across the border who come here illegally to meet these.

We do not provide the funds for State and local governments to provide those services and yet we tell them to provide those services. That is why I am virulently opposed to unfunded Federal mandates.

The second thing, Mr. Chairman, and I know this is a very controversial issue around here, a rising tide lifts all ships. Indications are that as the economy of Mexico improves, people are not as inclined to leave Mexico and come to the United States. Over the past several years as we have seen the improvement in the economy of Mexico, we have, based on some reports, seen an actual decrease in the flow of illegal immigrants from Mexico to the United States.

That is why implementation of a North American Free-Trade Agreement is key to this issue, because we have to realize that improving the economy of Mexico is in the best interests of the United States of America.

I strongly support the Hunter-Moorhead amendment and I encourage my colleagues to vote in favor of it.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Chairman, I do not really have any problem with increasing the number of dollars that our country spends on the Border Patrol. It is really with the nature of this discussion.

As America watches us, anyone would think that everyone with a surname of Gonzalez, or Rodriguez, or even Gutierrez across America simply came here to get welfare, simply came here to somehow benefit and not come here to work, as if you could go through the neighborhoods, and the factories of the cities of Chicago, of Los Angeles, and New York and across this country and not see them working.

The fact is we should have a discussion about immigrants to this country and just how it is that they contribute to this country, just how it is that they make America work and take the kind of jobs that every other immigrant group before the Latino community has come here has taken in order to work themselves up by the bootstraps, actually, Mr. Chairman.

It is sad to hear this discussion as though everyone just came here to somehow try to benefit. Let me tell you, ladies and gentlemen, it is strange to hear a discussion about hospitals and about mothers giving birth to babies, and we are worried and preoccupied about the cost. Yet yesterday we had a great discussion on the importance of life here in this very body, and it seems to me that many of those who object to, with such virulence, to anyone having a baby in a decent hospital here, and I do not know, maybe we are only pro-life if they have a permanent resident's card, and maybe only then they should have a baby with quality medical services, I am not sure. But that is part of the problem with this discussion.

We should have a discussion, we should have a discussion about how it is that immigrants contribute to America so that America will understand that, according to Business Week, immigrants contributed to this country last year $90 billion and only took $5 billion in social services. Why do we not talk about the richness of the immigrant community that comes into this country in the context of this discussion instead of having this xenophobia? We are starting to sound a lot like England. Let us blame all of the problems that exist in this Nation on the immigrants that arrive here, and let us just forget about the savings and loan bailout that cost us $200 billion and that has not hurt the American taxpayer in this country. Let us just forget about all of the other problems, Mr. Chairman.

(By unanimous consent, Mr. SOLOMON yielded his time to Mr. FISH.)

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I would say with respect to the previous speaker that I am deeply concerned over his reaction and his assessment of opinions expressed. This is one reason I think that we have to exercise far greater control over illegal immigration and people overstaying in this country.

Fifty percent of our legal immigration represents families of citizens and the families, immediate relatives of those admitted for permanent residence. And I am afraid, and I think the gentleman should think about this, that if we allow hundreds of thousands to violate our laws, to come in with impunity, that the American public will soon evidence a reaction that will actually do harm to those I think the gentleman is concerned about, the legal immigrants that we want in this country, largely for family reunification.

Mr. Chairman, I just want to point out that our Committee on the Judiciary is working right now on the response to what are the contributing factors to the growing numbers of undocumented aliens. One of these is the abuse of the asylum privilege, a law that we put into effect in a relatively recent time when only 2,000 or 3,000 applications were contemplated a year. Now we have a backlog of 260,000 pending applications that can only be described as a total breakdown in our system where we have fewer officers to adjudicate these claims than do countries like Canada and Sweden. This is an area where clearly resources have to be allocated.

Alien-smuggling, the latest episode to receive publicity, is enormously profitable as an enterprise. The profit must be taken out of this alien-smuggling. By sea is only the latest. We have had alien-smuggling over land for some time. To address this we are considering additional criminal penalties and asset forfeiture provisions.

Our departure control in the United States is virtually non-existent. I mention all of these things because I think it is going to be a combination of efforts that deal with the wave of undocumented aliens that come into the United States. But it has always been and remains the 1,900-mile porous border to our Southwest over which nationals of some 50 nations come in virtually at will. It has been very disappointing that efforts on the part of Mr. MOORHEAD, Mr. MCCOLLUM, myself, and others on the Judiciary Committee over the last 15 years passing legislation similar to this amendment before Members today to increase our Border Patrol, only to find that we were not taken seriously and administrations have sidetracked this effort.

So I would urge that this amendment is on the right track and part of our total effort to deal with this issue.

□ 1220

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Chairman, there has been a lot of debate on this issue this morning, but there is one thing that really concerns me. The issue we are dealing with here today is illegal immigration. It is almost in every case, when we get into this discussion, that we start talking about how much contribution immigrants make to this country. And I could not agree more. We are a Nation of immigrants.

Most of us can track our immigrant roots back less than two or three generations, but the issue we are discussing here today, Mr. Chairman, is illegal immigration.

We are a generous Nation. We allow more people to legally emigrate to this country every year than all the rest of the nations of the world combined. But the issue we are talking about is illegal immigration.

I have had the opportunity to spend quite a bit of time down on our international border at San Diego in recent years, and it is absolutely unbelievable the conditions that our young men and women who are trying to protect our borders are living under.

Trying to solve this problem with the current Border Patrol is like trying to catch a B-1B bomber with a butterfly net; it just ain't going to work without more help.

Two weeks ago I was down at the border. Our Border Patrol agents explained to me that they have over 100 new vehicles, brand-new vehicles that they cannot use because they do not have money to put radios or screens in them. Mr. Chairman, in my State we have 866,000 children in our public school system, K through 12, who are children of illegal aliens. Two-thirds of all the births in Los Angeles County general hospitals last year, the mother had no legal right to be in this country. Twenty-five percent of the entire Federal penitentiary inmate population are aliens.

You know, there is discussion that illegal aliens do not take American jobs. That is just plain bunk.

Professor Huddle of Rice University, an academic, not on one side or the other, produced a document last month that showed that 900,000 Americans have been displaced and replaced by illegal alien workers.

In fact, in my home district in Oxnard, CA, a couple of months ago there was a raid on a plant. Fifty-two illegal aliens were arrested. That hit the papers, and within 24 hours 210 American citizens were at the door of that plant applying for those jobs.

Mr. Chairman, my office, my staff in California, have one of the finest staffs of any Member in this body. They spend as much time helping immigrants legally come into this country than any other issue, and they will continue to do that. But I commit to you that this Member is going to work very aggressively to see that those coming to this country come here legally and orderly for the benefit of this Nation.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from California [Mr. GALLEGLY] just talked about a report from Dr. Donald Huddle. I would like to submit part of that for the RECORD because of the limitation on time. Literally, there are billions and billions and billions of dollars that are being wasted because of the illegal alien problem. And the drug problem is being exacerbated as well.

You go down to the border, and you will see trucks and cars back up for miles and miles and miles. They use sniffer dogs to try to find the drugs that are in these semis that are coming across the border and in these cars. They can only work for about 45 minutes, and the customs officials, the Border Patrol, cannot possibly check every one of those cars or trucks; that is, semis bringing in products from the maquiladoro companies down there.

As a result, billions of dollars of drugs are coming across that border because we do not have enough money to police the border, not to mention the illegal alien problem that we are talking about.

As I mentioned a few minutes ago, there were 37,000 illegal alien babies born in Los Angeles County alone, and that cost $25 million per month in AFDC payments alone, not to mention the health care costs involved.

Do you know that when they had the Los Angeles riots—you say, well, this does not have an impact on law and order in this country; when they had the L.A. riots and we appropriated billions of dollars out of this Chamber to help Los Angeles recoup from that, there were 1,200 illegal aliens involved in that riot who were deported. That has not been reported very much in the newspaper; 1,200 illegal aliens were involved in that riot, a big part of it, and they were deported.

As a matter of fact, there were estimates as high as 60 percent of the people involved in the Los Angeles riots were illegal aliens.

Now, this is a byproduct of not being able to stop this problem at the border.

The NAFTA issue, brought up a few minutes ago, we will be talking about that at some time in the future; that could exacerbate the problem if we do not have an adequate number of Border Patrol people on that border checking the huge, quantum leap in traffic coming across that border.

When you are talking about lines of cars and trucks 10 to 15 miles long, how are you going to find out if there are drugs in those trucks, how are you going to find out if there are illegal aliens in those trucks, because they are coming across just like that, you cannot stop them.

We have to come up with a method to deal with this very, very difficult problem.

I want to say to my colleagues that I am from Indiana, from middle America. I want to tell you that every single American, as Mr. BEREUTER said a few minutes ago, should be concerned about this problem because you are paying for it with your tax dollars. And we are not talking about thousands or millions, we are talking about billions of dollars as well as thousands and thousands of lost American jobs.

This is a problem with which we have to deal. We should support the Hunter amendment today. It is extremely important. It is a very small step, but it is a step in the right direction.

The report referred to is as follows:

Info on welfare and illegals.

There are 14 categories of federal and state expenses that illegals consume. These gross cost estimates for 1992 are from Dr. Donald Huddle's report released last week:

Primary and secondary public education, $3.9 billion.

Public higher education, $342 million.

School lunch program, $99.3 million.

Medical care uncompensated, $237.6 million.

AFDC, $819.9 million.

Housing assistance, $244.6 million.

Low Income Home Energy Assistance, $26.3 million.

WIC, $71.3 million.

Elderly nutrition, $1.2 million.

Head Start, $15.1 million.

Medicaid, $478.7 million.

ESL/bilingual education, $858.1 million.

Compensatory education, $101.1 million.

Corrections/criminal justice, $456.9 million.

Total expenses illegals consume, $7.75 billion.

As you can see, the bulk of the money goes to education, but still AFDC/WIC/housing assistance/energy assistance/elderly nutrition totals $1.16 billion.

Over the next decade, without changes in immigration laws/patterns, illegals are expected to consume $10.3 billion in AFDC alone. Total "welfare" (same definition as above) over the next 10 years will total $14.8 billion.

CALIFORNIA

There are an estimated 250,000 citizen children of illegal immigrants in L.A. County alone.

The grant to the average family of one mother and two children on AFDC is $624.

The state estimates it spends $727.2 million a year on AFDC to citizen children.

The estimated yearly cost of health and welfare benefits to illegals is $918 million.

Although AFDC payments are not supposed to be made to illegal immigrants, state officials say that if the counties can't find foster parents or legal relatives to send the checks to, they have no choice but to give them to the illegal immigrant parent.

Statewide, it costs an estimated $3.6 billion a year to educate illegals and citizen children. Fully 17% of the state's students—866,000—are children of illegal and/or non-citizen parents.

The net cost to the state for providing benefits to illegals is $3 billion a year.

L.A. COUNTY

Estimated population of illegals and citizen children of illegals totals 950,000 as of January 1992, roughly 10 percent of the county population.

The net county cost for undocumenteds/citizen children is $400 million/year.

By far the biggest portion of this figure is for health care ($196.1 million.) The county says that audits have shown that it pays no welfare to illegals, except in cases where there is a citizen child. The Huddle study also concludes that illegals are less likely than native-born Americans to be recipients of public assistance programs.

The estimated cost to school districts in the county for educating illegals and citizen children is $1.03 billion a year.

⅔ of the children born in county-operated hospitals are to illegals.

Net cost to San Diego County for illegals is $146 million.

ILLEGAL IMMIGRATION—BY THE NUMBERS

NATIONWIDE

INS estimates there are a minimum of 4.5 million illegals nationwide.

120,000 people claimed asylum in U.S., 1992.

Estimated current direct cost of illegals is $6 billion a year.

Estimated direct costs of illegals in 1990 was $5.4 billion. Breakdown:

$2.1 billion—public education—K–12.

$963.5 million—emergency medical care.

$831.7 million—criminal justice.

$665.3 million—Medicaid.

$368.0 million—public higher education.

$106.0 million—housing assistance.

$62.8 million—AFDC.

550,000—illegals in New York state—1992—INS estimates.

430,000—illegals in Texas.

315,000—illegals in Illinois.

186,000—illegals in Florida.

CALIFORNIA

California estimates there are 205,000 citizens children of illegals in the state.

The grant to average family of one mother and two children on AFDC is $624.

The estimated monthly outgo to citizen children of illegals is $60.6 million.

The estimated yearly outgo is $727.2 million.

The estimated yearly total cost of health/welfare benefits to illegals is $918 million.

Two-thirds of the births in L.A. County operated hospitals are to illegals.

The total annual federal share of the Medi-Cal program is $7.5 billion (50% of total).

It costs state and local governments a net $3 billion each year to provide services to illegal aliens.

It costs Los Angeles County alone $650 million a year to provide those services

Fully 17% of the state's public elementary and high school students—866,000—are the children of illegal and non-citizen immigrants.

They cost the state and local school districts some $3.6 billion a year.

More than 18% of the L.A. County jails—22,000 inmates—are deportable aliens.

These deportable aliens cost the county $75 million a year. The statewide cost for 13,000 felon aliens is $250 million.

1,064 aliens were arrested for their part in the 1992 L.A. riots and deported.

ILLEGAL IMMIGRATION STATISTICS

NATIONAL

The Center for Immigration Studies estimated in 1991 that illegal aliens directly cost $5.4 billion for the 13 major Federal and State services (including school lunches, public education, Head Start, and AFDC, but excluding Social Security, unemployment compensation, and food stamps).

Although illegal aliens are statutorily excluded from federal services such as Medicare, Social Security, unemployment compensation, student loans, SSI, AFDC, and food stamps, fraudulent documentation is easy, and therefore, access to the programs is readily available. No one in the federal

government knows with any certainty how much illegals cost all these programs.

The Social Security Administration estimates that by the year 2026 it could be paying more than $8 billion per year in Social Security benefits to illegal aliens because of false documentation.

U.S. Immigration and Nationalization Service spent $161 million in 1991 to detain and deport 58,000 criminal aliens.

Illegal aliens make up 25% of the 803,000 federal prisoners (Costs $20,800 per year for an inmate).

In 1988, an estimated $1.2 billion to $12.5 billion was spent on unemployment and other transfer payments to American citizens resulting from job displacement due to illegal immigrants.

STATES AND LOCALITIES

To date, states and localities have not tracked their direct and indirect costs related to illegal immigrants; only California, and Los Angeles County in particular, have recently tried to document their illegal alien expenses.

Other states are just beginning to follow California's and L.A.'s lead.

CALIFORNIA

Medi-Cal (California's Medicaid) covers medical expenses for illegal aliens in (1) emergencies and (2) pregnancies.

Federal judge ruled Medi-Cal officials cannot report illegal aliens using their services to immigration officials.

Children born in the U.S. to illegal immigrants are automatically U.S. citizens and eligible for Aid to Families with Dependent Children (AFDC).

Can kick the parents out of the country, but then the child would stay and become a ward of the state.

Last year, nearly 37,000 children born to illegal aliens in L.A. County alone.

Average California AFDC grant (family of three) $624 per month down from $663 in July 1992.

97,175 families with illegal parents received an estimated $63 million per month; $756 million per year in AFDC.

15,000 undocumented aliens in the California state prison system at an annual cost of about $330 million.

TEXAS

In 1990, illegal immigrant students cost Texas' border schools at least $26 million per year to educate them.

In the Brownsville Independent School District, 5,000 of the 37,000 students are estimated to be illegal alien children.

In El Paso county, illegal aliens cost $3 million in services from the R. E. Tomason General Hospital.

In 1991, Edinburg Hospital rendered $31 million in unreimbursed health care to Mexican nationals.

In 1991, Valley Baptist Medical Center lost approximately $750,000 for 420 "drop in" deliveries to Mexican nationals.

Over 450,000 illegal aliens were apprehended on the Texas-Mexico border in 1990.

Border Patrol estimates for every one illegal apprehended, two or three enter the U.S. undetected.

NEW YORK

New York State Corrections Department; As of 1992, between 750 and 1,500 illegal aliens now in state prisons for serious offenses; costing New York about $38 million per year.

Total of 3,000 undocumented aliens in New York state prisons.

FACT SHEET ON ILLEGAL IMMIGRATION, APRIL 9, 1993

Illegal immigration into the United States is a growing crisis that is causing widespread problems across the entire nation. The recent examples of Zoe Baird, and the bombing of the World Trade Center, show that illegal immigrants are not just a problem in California or the Southwest—and the public outrage that grew out of these instances are further proof that the American people overwhelmingly support actions to finally regain control over our borders.

HOW MANY ILLEGAL ALIENS ARE ALREADY HERE?

Nobody knows for sure, but the Immigration and Naturalization Service estimates that there were more than 4.5 million illegal aliens nationwide. INS officials privately estimate that there are up to 3 million undocumented aliens in Southern California alone. In addition, some 2 to 3 million more successfully enter the U.S. each year.

Illegal immigration is a growing problem from many parts of the world. INS estimates that 100,000 people from mainland China enter the U.S. illegally each year. Chinese immigrants pay criminal syndicates up to $30,000 each to buy passage on often unseaworthy ships for the long voyage, and then are often forced by the syndicates into lives of crime if they can't pay off their debts.

By seeking political asylum, apprehended illegal immigrants can remain in the U.S. until a hearing is scheduled. Because of a lack of detention facilities, some 15,000 people enter through JFK Airport in New York and are allowed to disappear onto the streets of New York. In total last year, 117,000 aliens entered the U.S. this way.

COSTS

Nationwide, the Center for Immigration Studies estimates that illegal aliens cost the taxpayers this year more than $6 billion in direct benefits, a total that excludes social Security, Medicare, food stamps and unemployment compensation, or the extra costs for police, fire, courts, parks and transportation services.

In California, the state Auditor General estimates it costs state and local governments a new $3 billion each year to provide services to illegal aliens. The Department of Education estimates that fully 17 percent of California's public elementary and high school students—866,000—are the children of illegal and non-citizen immigrants. This costs state and local school districts some $3.6 billion a year. And the Department of Health Services estimates that it costs the taxpayers $918 million for health and welfare benefits for immigrants.

Los Angeles County alone estimates it spends $650 million a year to provide services to illegal aliens.

OTHER COSTS

A growing number of illegal aliens are involved in criminal activity. A 1990 study found that some 22,000 deportable aliens are incarcerated in L.A. County's jails—more than 18 percent of the jail population. This costs the county $75 million a year, what a report termed "an unnecessary burden on the local justice system." Statewide, the Department of Corrections spends $250 million to imprison 13,000 illegal aliens convicted of felonies.

Last year, 1,064 aliens were arrested for their part in last spring's Los Angeles riots and returned to their homelands.

Law enforcement authorities agree that there are some 23,000 members of two gangs in Los Angeles who are illegal aliens—gangs responsible for more than 100 murders.

And also in Southern California, a gang of illegal aliens have stolen more than 100,000 pieces of mail from postal trucks since last October, targeting several hundred thousand dollars worth of welfare checks.

The unchecked influx also takes jobs away from citizens and legal residents—particularly lower-skilled workers. L.A. Times labor writer Harry Bernstein in March cited this as a key reason why farm worker unemployment is astronomical.

CITIZEN CHILDREN

As ABC-TV's "20/20" documented in early 1992, a growing part of the illegal alien problem stems from pregnant women coming to the U.S. solely to give birth here, which automatically makes the child of an illegal alien a U.S. citizen. These children are eligible for a full array of welfare benefits, and when he or she turns 21, he or she can petition to bring his or her entire family into the U.S. as legal residents. As one Mexican citizen told the Los Angeles Times, "My children were born in the United States and will be working over there one day."

AMERICAN PEOPLE SUPPORT STRONGER EFFORT

Most Americans support taking strong efforts to stop the virtually unchecked influx of illegal aliens into the U.S. A 1992 Roper poll showed that 86% of those surveyed thought immigration was a major issue. Importantly, 93% of Latinos surveyed said they wanted their Congressman to lead to the effort to fight illegal immigration, compared to 85% of non-Hispanic whites.

WHAT CONGRESSMAN GALLEGLY'S BILLS WOULD DO

Congressman Gallegly is committed to serious, comprehensive reforms of our immigration system that will continue to ensure that our generous legal immigration policies are continued, while ensuring that we regain control over our borders. This package of legislation would:

Increase Border Patrol staffing to 6,600 agents by 1994. Currently, there are only 4,143 agents—and the Border Patrol expects to cut 158 positions next year. Considering that there are, at any given time, more police patrolling Capitol Hill than our entire southern border, we need to give the overworked Border Patrol the resources it needs to do the job, not cut the agency even further. (HR 1078)

Require one state-of-the-art, counterfeit-resistant registration card be issued to all legal resident-aliens, containing magnetic strips, holograms or other features (such as those already used on California driver's licenses). Tamper-resistant documents are the only way that employer sanctions requirements can be strictly enforced. (HR 1079) In January, INS agents seized 32,000 phony "green cards," birth certificates, drivers licenses and other forms of identification last January in Orange County—along with nearly $60,000 in cash and receipts. Some of the forgeries were so good that even experts couldn't tell the difference. A month later, the INS seized another 88,000 bogus documents, worth $1.6 million.

End the payment of welfare and other federal benefits (including AFDC, OASDI, SSI, food stamps, and public housing) to illegal aliens. (HR 1080)

Stop the transportation of illegal aliens to and from job sites by permitting vehicles used to carry illegal aliens—including to household day laborer jobs—to be impounded. (HR 1081)

Provide for 2,500 Border Patrol agents to be recruited from military personnel discharged due to defense cutbacks. (HR 1082)

Cut off federal assistance to local governments that do not cooperate with the INS in

the arrest and deportation of illegal aliens. (HR 1083) Beginning in January, the state has begun stepping up efforts to force cities and counties to cooperate with INS or lose federal funding passed through the state.

Bring our citizenship laws into line with virtually every other country on earth by closing the current loophole that enables pregnant women to slip into the U.S. just to give birth here, automatically making her child a U.S. citizen. (HJ Res. 129/HR 1191) The 1992 Roper poll showed that 84% of those surveyed support such a measure.

Some 57 Members of Congress, from both parties and 20 states, have cosponsored some or all of Gallegly's bills, and as a newly appointed member of the Immigration subcommittee, he will be in a position to build public and Congressional awareness of the scope of this crisis.

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words, and I rise in favor of the amendment.

I do not think there is any question, from the debate and the way it has gone on, as to how the House is going to vote on this important issue. There is no question but that illegal immigration has done a lot to run up the cost of Government in this country, to run up the cost of crime and the victims of crime.

A lot has been said about whether this is becoming a prejudice thing rather than a question of law enforcement. I think it is important to realize here and to state first of all we are talking about doing a small act to stop illegal immigration into this country, a small act that is going to have a small effect, but certainly one that is going to bring back many more times the benefits than the $60 million we are going to spend on the border patrols.

The question of illegal immigration, the first thing that that person does when he gets into this country is violate our laws by coming across our borders illegally.

There is a whole industry that has grown up around it, to print counterfeit cards, to get them into the work force. We thought we did a lot years ago when we passed Simpson/Mazzoli. But what has happened?

We put in employer sanctions. What happened?

We created a whole new cottage industry, coming up with illegal papers. We found that when we are talking about more jobs for American people, we are finding that if we could get rid of the illegal alien, we would virtually have no unemployment problem in this country. We talk about the rising costs of health care. All these illegal aliens are entitled to this when they come into this country, and they are getting it, delivering babies at our taxpayers' expense.

I had a lady call me the other day, and she said, "I have terminal cancer. I cannot afford much more. I am almost tapped out." Yet the illegal aliens coming into this country are getting their babies delivered free. They are getting medical treatment free. They are getting $400-odd per month to help them live. Yet we are still groping and trying to find precious tax dollars.

□ 1230

Let us look at this as an investment in the future. This is going to bring back many more times the savings than the $60 million it is going to cost the Federal Government to hire these new agents.

But let us not stop here. Much has been said about the Judiciary Committee and what they are doing. Let us go forward. Let us streamline our extradition process. Let us put it in such a way that the people know that when they are here, when they are caught here, that they are going to be deported, instead of blending into our court system and going on for years and years.

It is virtually impossible to deport someone in this country who has been coached in the most elementary form of our laws and can claim asylum. Then they get into the court system for years. By the time their name finally comes up, they have disappeared. They cannot be found. They have had children, and here comes the illegal population, and it continues to grow.

Mr. Chairman, this is a good amendment. Let us pass it. This is an investment in America.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. GOSS].

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

Mr. GOSS. I yield to the gentleman from Kentucky.

Mr. ROGERS. I will be brief, Mr. Chairman.

This amendment causes an outlay problem for us on the subcommittee. We worked hard to stay within our allocation for both budget authority an outlays. Standing alone, though, it is an irresistible amendment for me, because I fought so hard to get more money for the INS to stop the problems we have been hearing about. Given the severity of the problem we face at our borders, I am constrained to vote for this amendment, even though it causes procedural difficulties on the bill. So be it.

Mr. GOSS. Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, I rise in support of the Hunter amendment which would fund 600 additional Border Patrol personnel at $60 million.

We have illegal immigration problems and political asylum problems at stake. We have terrorism. We have got public safety. We have got public health. We have got jobs.

This is a hot button issue. It is not going to stay in the box any longer. It can no longer wait for the Clinton administration to get out in front of it. We have got to do something about it.

Right now it is irresponsible for us to continue to fund social services for illegal aliens without addressing the policy which is actually encouraging the influx of new illegal aliens to cross our borders. That cost to us over the next 5 years for treating this problem, just providing those services, is estimated to be about $27 billion for social services for illegal aliens.

Just for instance, over the last 40 years, 1 million refugees have entered the United States by way of the State of Florida. Eighty-five percent of them are still there. I assure you that trend has not abated.

Two-thirds of those attempting to cross the Mexican border make it, and the other third have the chance to try again the next night. Yet the Federal Government continues to cut back its support, covering fewer numbers of refugees for shorter periods of time.

We are falling far short of meeting the needs of Florida just to take care of its refugees. Meanwhile, they are crowding our schools, our hospitals, and our labor force, and of course, they are a burden to our State taxpayers.

It is obvious that this amendment would save money in the long run. It is obvious it is a very good investment.

Let me point out something else, however. I would not want to see these funds come from the asylum process, because Florida has a border crossing problem, not as great as Texas of California, but it has an asylum process. We have got a parolee process that is out of control. Right now we have a backlog of 9,000 Haitians from just the most recent Haitian political asylum event alone. The estimate is at the rate of clearance, it will take 800 years just to clear 9,000 Haitians in this one process.

We have 150 AOC officers doing 50,000 cases in 1993, and that does not compute.

So these funds cannot come out of the Asylum Officers Corps.

We have no system for no-shows. We have no system to follow up or monitor those who are coming HIV-infected into this country.

The citizens of our country are saying, "Darn it, do something about it."

This is a chance, I know it was not supposed to come out of the box today procedurally. I know we are in an appropriations bill. I know this is upsetting things, but the people of this country are saying, "OK, it's real. It's out there. Do something about it."

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS of Georgia. Mr. Chairman, I rise to support the amendment to add additional agents out in our borders. Even though I represent an area of Georgia, a State that is not experiencing near the problems as many of our border States, those border States that are spending billions of dollars of

State funds due to the problems of people illegally crossing our border; however, the people who I represent do participate in the costs incurred by the Federal Government due to those people crossing our borders illegally.

Mr. Chairman, $60 million for additional agents to patrol those borders is a small price to pay compared to the billions of dollars that we are participating in due to those illegal aliens.

I agree with the statement that we need to approach this problem through the judiciary, but we know those wheels turn slowly.

This is a good amendment. I strongly support it, and I urge my colleagues also to support it.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I rise in support of the amendment. There are many in the world who rightfully look to the United States as the land of opportunity. Unfortunately, because of the ceilings placed on legal immigration each year, some individuals obtain residence and employment through illegal means. With the increase in illegal aliens coming into the United States, I am in favor of additional funding for the border patrol. Furthermore, I support the use of military forces to ensure that our borders are adequately monitored.

I have concerns over the costs associated with illegal immigration. In many respects, it is the State government which determines which, if any, benefits will be available to illegal aliens. Our Government should be cautious about giving benefits to everyone from around the world who wishes to reside in the United States. Furthermore, recently enacted employer sanctions have contributed to a decline in employment of illegal aliens and enhanced the security of American jobs. Please be assured that I will support efforts which reduce illegal immigration and minimize associated costs.

I encourage all Members to support the Hunter amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I think we have had an excellent discussion and an excellent airing of this issue and I think we are about ready to take an important step in gaining control of our borders.

I just want to start by addressing myself to the gentleman who spoke a few minutes ago and talked about this effort as somehow an affront to people who have migrated to this country, some legally and some illegally.

Let me just say, one thing I learned as a border Congressman is nobody wins by having an open border and having a no man's land on the international border.

In the years before we built a steel fence along the border, we averaged nine murders a year. Those nine murders were committed by gangs that moved back and forth across the international border with impunity. When we finally built a steel fence along the border, they were no longer able to move back and forth, and as a result of that, while we had nine murders a year for the last 10 years or so, up until two years ago after we built the fence we went to zero murders, and all those citizens who were murdered were citizens of Mexico.

So the facts are that having an open border, having a border out of control does not serve anybody well and it does not serve any nation.

Now, we have the most benevolent immigration policy in the world, and I know we are going to be addressing that shortly, but having that benevolent immigration policy requires that we have some integrity at our borders and some border control.

Mr. Chairman, I want to thank the gentleman from California [Mr. MOORHEAD] for being one who really has driven authorization in the past; the gentleman from California [Mr. GALLEGLY] for all the work he has done; the gentlewoman from California [Ms. SCHENK]; the gentleman from California [Mr. CUNNINGHAM]; the gentleman from California [Mr. PACKARD]; the gentleman from Florida [Mr. SHAW]; the gentleman from Wisconsin [Mr. ROTH]; the gentleman from Georgia [Mr. COLLINS]; the gentlewoman from California [Ms. HARMAN] for her exellent statement; the gentleman from Florida [Mr. GOSS]; and of course, the ranking member, the gentleman from Kentucky [Mr. ROGERS] for his help in the discussion today and of course, our chairman, for putting up with this long discussion.

Members who have not been tuning in to this discussion might ask, "Why do you have to have more Border Patrol?"

It is because there is only one agency that patrols the U.S. border that is given that charter, and that is the Border Patrol. So for reasons of social costs brought on by illegal aliens, criminal justice costs, narcotics smuggling, and I think importantly in the future perhaps deterrence of terrorists who want to cross the international border, we have to have people at the border. You cannot control the border without personnel. That means Border Patrol.

This amendment for some 600 additional Border Patrol agents, while it does not meet the standards that we set in 1986 when we changed the Immigration law, nonetheless it takes a major step forward.

Mr. Chairman, I would ask everyone to support this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. SMITH] to close the debate.

Mr. PETE GEREN of Texas. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Texas.

Mr. PETE GEREN of Texas. Mr. Chairman, I rise in opposition to this amendment. It is worthy on its merits, but it is an add-on with offsets.

Mr. SMITH of Iowa. Mr. Chairman, the question is not whether the Border Patrol or INS is important.

Let me call to your attention that in this bill we have $999 million for the Immigration and Naturalization Service. That is about as close to a billion dollars as you can get.

We have in here $360 million for the Border Patrol, and that is $6 million more than the budget request.

Now, I have been down to the border, like a lot of you have. I have flown in the helicopter and seen what their problem is. There are miles and miles of border. You could put agents down there almost shoulder to shoulder. You could put a hundred thousand agents down there and you still could not cover the border.

So it is true what the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Pennsylvania [Mr. WALKER] and some others have said, it is true that money alone will not solve this problem. This is also a legislative issue.

□ 1240

This bill includes funding for the NAFTA negotiations. It includes a lot of things besides appropriations for the Border Patrol.

We have done our best in this to stay within our 602(b) allocation. I am exasperated though when I see that so many people who voted for a $76 million cut in the INS in previous years when we were considering this bill up here are now complaining because we do not have enough money for INS. Virtually all of the proponents of this amendment except the new Members of Congress, were the ones who voted for the $76 million cut.

We do our best around here to try to allocate these funds carefully. We get complaints if we do not appropriate enough, and then complaints because we appropriated too much.

The Border Patrol is a high priority with the committee. We have already restored one-half of the proposed deficit reduction cuts the President assigned to this agency. The motion to recommit has been explained to my colleagues. I do not know for sure what will be in that motion, but, if it is at all reasonable, I do not intend to oppose it. I have said all along that if we can find the money we will try to provide funding for critical law enforcement programs.

Now, I say to my colleagues you can't just take money that is stricken out of other programs and not reserve it. That is going to come back to haunt you if you try to do that. To the extent that we can squeeze out the money, this is one of the highest priorities, if not the highest priority, in the bill.

Now the gentleman from Kentucky [Mr. ROGERS], the gentleman from Arizona [Mr. KOLBE], and the minority, have control of the motion to recommit, but I want to tell my colleagues that what we are talking about here now is basically this: If you vote yes on this amendment, you are voting to violate the 602(b) allocation for outlays to this subcommittee. It will be the first time this year that it's been done, the first time. If we start doing it on this bill, it's going to be done again, and again, and again. We have not violated the 602(b) allocation since the budget summit agreement 3 years ago.

I tried to stay within not just the budget authority allocation, but also the allocation on outlays because I think that is the only responsible thing to do. We have a lot of budget authority left, but that was necessary in order to get down to the outlay level that we were allocated. Outlays are not subject to a point of order in the House, but outlays are in the Senate. I have tried to do the responsible thing, and that is to reduce budget authority enough so we do not go over our ceiling in the outlays.

Mr. Chairman, I say to my colleagues, if you vote yes on this, you are voting to violate the 602(b) allocation on outlays to this committee.

Mr. LEHMAN. Mr. Chairman, the inability of the Federal Government to enforce our immigration laws has forced States like California and Texas to spend billions of taxpayers' dollars to provide services—such as education and health care—on illegal aliens. I support the amendment offered by my colleague from California, DUNCAN HUNTER, which increases the Immigration and Naturalization Service budget by $60 million to combat illegal immigration.

Illegal immigration depresses U.S. wages and displaces American workers. State and county governments have been financially devastated by this Nation's inability to enforce current immigration laws.

In light of the devastating impact illegal immigration has on the United States and especially my home State of California, I strongly believe additional resources must be provided to the Border Patrol in order to control illegal immigration.

Mr. Chairman, the combination of continued illegal immigration, increased taxes, and job displacement is too much for the American worker to accept. Give the Border Patrol a fighting chance—support the Hunter amendment.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from California [Mr. HUNTER].

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

RECORDED VOTE

Mr. SMITH of Iowa. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 265, noes 164, not voting 10, as follows:

[Roll No. 318]

AYES—265

Ackerman
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Ballenger
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Boehlert
Boehner
Brooks
Brown (FL)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Castle
Clayton
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Cooper
Coppersmith
Cox
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Edwards (CA)
Emerson
Engel
English (AZ)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamburg
Hancock
Hansen
Harman
Hastert
Hefley
Herger
Hinchey
Hobson
Hochbrueckner
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kaptur
Kasich
Kennedy
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kyl
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Long
Machtley
Manton
Manzullo
Margolies-Mezvinsky
Martinez
Mazzoli
McCandless
McCollum
McCurdy
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Molinari
Moorhead
Nadler
Neal (NC)
Nussle
Ortiz
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Petri
Pickett
Pombo
Pryce (OH)
Quillen
Quinn
Ramstad
Rangel
Ravenel
Richardson
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Roybal-Allard
Royce
Sanders
Sangmeister
Santorum
Sarpalius
Saxton
Schenk
Schiff
Schumer
Scott
Serrano
Shaw
Shuster
Sisisky
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stark
Stearns
Stump
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Torkildsen
Torres
Torricelli
Traficant
Tucker
Upton
Velázquez
Vucanovich
Walker
Walsh
Waters
Waxman
Weldon
Wilson
Wolf
Woolsey
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—164

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Baesler
Baker (LA)
Barca
Barcia
Barrett (WI)
Bevill
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Cantwell
Cardin
Carr
Chapman
Clay
Clement
Coble
Collins (MI)
Conyers
Costello
Coyne
Cramer
Crane
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dooley
Dunn
Durbin
Edwards (TX)
English (OK)
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Goodling
Grandy
Hall (OH)
Hamilton
Hastings
Hayes
Hefner
Hilliard
Hoagland
Holden
Hoyer
Hughes
Jacobs
Johnson, E.B.
Kanjorski
Kennelly
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lewis (GA)
Lipinski
Lloyd
Lowey
Maloney
Mann
Markey
Matsui
McCloskey
McCrery
McDade
McDermott
McHale
Meehan
Mink
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Orton
Owens
Parker
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Rahall
Reed
Regula
Reynolds
Roemer
Rose
Rostenkowski
Rush
Sabo
Sawyer
Schaefer
Schroeder
Sensenbrenner
Sharp
Shays
Shepherd
Skaggs
Slattery
Slaughter
Smith (IA)
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Taylor (MS)
Thompson
Thornton
Thurman
Towns
Underwood (GU)
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Watt
Wheat
Williams
Wise
Wyden
Wynn
Yates

NOT VOTING—10

Blute
Bonilla
Faleomavaega (AS)
Fields (TX)
Henry
Houghton
Moakley
Romero-Barceló (PR)
Skeen
Whitten

□ 1304

Messrs. STUPAK, GIBBONS, and WILLIAMS, and Ms. SLAUGHTER changed their vote from "aye" to "no."

Messrs. MFUME, TALENT, SCHUMER, FIELDS of Louisiana, FAZIO, SERRANO, McCURDY, BLACKWELL, FINGERHUT, JEFFERSON, and TORRES, Mrs. COLLINS of Illinois, and Ms. McKINNEY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 770 of which 405 are for replacement only) and hire of law enforcement and passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; $1,950,000,000: *Provided*,

That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 for the activation of new facilities shall remain available until September 30, 1995.

NATIONAL INSTITUTE OF CORRECTIONS

For carrying out the provisions of sections 4351–4353 of title 18, United States Code, which established a National Institute of Corrections, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $10,211,000 to remain available until expended.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; $175,000,000 to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: *Provided*, that not to exceed $16,000,000 from unobligated balances shall be available for the Cooperative Agreement Program (CAP): *Provided further*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, that not to exceed 10 per centum of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: *Provided further*, That unless a notification as required under section 6505 of this Act is submitted to the Committee on Appropriations of the House and Senate, none of the funds in this Act for the CAP shall be available for a cooperative agreement with a State or local government for the housing of Federal prisoners and detainees when the cost per bed space for such cooperative agreement exceeds $50,000, and in addition, any cooperative agreement with a cost per bed space that exceeds $25,000 must remain in effect for no less than 15 years.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,100,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Subject to subsection (b) of section 102 of the Department of Justice and Related Agencies Appropriations Act, 1993, authorities contained in Public Law 96–132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 105. Pursuant to the provisions of law set forth in 18 U.S.C. 3071–3077, not to exceed $2,000,000 of the funds appropriated to the Department of Justice in this title shall be available for rewards to individuals who furnish information regarding acts of terrorism against a United States person or property.

SEC. 106. For fiscal year 1994 and thereafter, deposits transferred from the Assets Forfeiture Fund to the Buildings and Facilities account of the Federal Prison System may be used for the construction of correctional institutions, and the construction and renovation of Immigration and Naturalization Service and United States Marshals Service detention facilities, and for the authorized purposes of the Cooperative Agreement Program.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That this section shall not apply to any appropriation made available in title I of this Act under the heading, "Office of Justice Programs, Justice Assistance": *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 108. Notwithstanding 31 U.S.C. 3302 or any other statute affecting the crediting of collections, the Attorney General may credit, as an offsetting collection, to the Department of Justice Working Capital Fund, for fiscal year 1994 and thereafter, up to three percent of all amounts collected pursuant to civil debt collection instigation activities of the Department of Justice. Such amounts in the Working Capital Fund shall remain available until expended and shall be subject to the terms and conditions of that fund, and shall be used only for paying the costs of processing and tracking such litigation.

SEC. 109. (a) Section 524(c)(9)(E) of title 28, United States Code, as amended, is further amended by inserting "up to and including September 30, 1993," immediately after the phrase "and on September 30 of each fiscal year thereafter,".

(b) Notwithstanding any other provision of law, the first $20,000,000 of the amounts made available in fiscal year 1994 from surplus amounts remaining on September 30, 1993, in accordance with section 524(c)(9)(E) of title 28, United States Code, as amended, shall be transferred to Federal Prison System, "Buildings and facilities".

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $7,565,000, of which $2,000,000 is for regional offices and $700,000 is for civil rights monitoring activities authorized by section 5 of Public Law 98–183; *Provided*, That not to exceed $20,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairman who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; not to exceed $26,000,000, for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964 as amended, sections 6 and 14 of the Age Discrimination in Employment

Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; $230,000,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $450,000 for land and structures; not to exceed $300,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed sixteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $129,889,000, of which not to exceed $300,000 shall remain available until September 30, 1995, for research and policy studies.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02, $18,383,000; *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $88,740,000: *Provided*, That notwithstanding any other provision of law, not to exceed $19,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Imrovements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than $69,740,000: *Provided further*, That any fees received in excess of $19,000,000 in fiscal year 1994 shall remain available until expended, but shall not be available for obligation until October 1, 1994: *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

NATIONAL COMMISSION TO SUPPORT LAW ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses of the National Commision to Support Law Enforcement, $500,000, as authorized by section 211(B) of Public Law 101–515 (104 Stat. 2122), to remain available until expended.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $57,856,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel or transportation to or from such meetings, and (iii) any other related lodging or subsistence.

In addition, upon enactment of legislation amending the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.), and subject to the schedule of fees contained in such legislation, the Commission may collect not to exceed $16,600,000 in fees, and such fees shall be deposited as an offsetting collection to this appropriation to recover the costs of registration, supervision, and regulation of investment advisers and their activities: *Provided*, That such fees shall remain available until expended.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by The State Justice Institute Authorization Act of 1988 (Public Law 100–690 (102 Stat. 4466–4467)), $13,550,000, to remain available until expended: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

This title may be cited as the "Department of Justice and Related Agencies Appropriations Act, 1994".

TITLE II—DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $210,000,000, to remain available until expended, of which not to exceed $5,880,000 may be transferred to the "Working Capital Fund".

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that the portion of the bill through page 32, line 18, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order to the material just referred?

Are there any amendments to the material just referred?

The Clerk will read.

The Clerk read as follows:

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership, the Advanced Technology Program and the Quality Outreach Program of the National Institute of Standards and Technology, $162,000,000, to remain available until expended, of which not to exceed $1,290,000 may be transferred to the "Working Capital Fund".

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WALKER. Mr. Chairman, I make the point of order that on page 32, lines 19 through 26, there are unauthorized appropriations, in violation of clause 2, rule XXI, of the rules of the House.

Mr. SMITH of Iowa. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. BROWN of California). The point of order is conceded and is sustained by the Chair. The paragraph is stricken.

The Clerk will read.

The Clerk read as follows:

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $61,686,000, to remain available until expended.

POINT OF ORDER

Mr. DIAZ-BALART. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DIAZ-BALART. Mr. Chairman, I make a point of order against the language appearing in the bill on page 33, lines 1 through 6. The paragraph provides appropriations that have not been authorized by law and is in violation of House rule XXI, clause 2(a).

Mr. SMITH of Iowa. Mr. Chairman, I concede this program is not authorized at this point.

The CHAIRMAN (Mr. BROWN of California). The point of order is conceded.

The Chair sustains the point of order. The paragraph is stricken.

The Clerk will read.

The Clerk read as follows:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; not to exceed 439 commissioned officers on the active list; as authorized by 31 U.S.C. 1343 and 1344; construction of facilities, including initial equipment as authorized by 33 U.S.C. 883i; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; $1,650,000,000, to remain available until expended; and in addition, $55,544,000 shall be derived by transfer from the fund entitled

"Promote and Develop Fishery Products and Research Pertaining to American Fisheries".

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. WALKER:

Page 33, line 21, strike "$1,650,000,000" and insert in lieu thereof "$1,640,366,000".

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 10 minutes, to be divided equally 5 minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. WALKER. Mr. Chairman, what this amendment does is cut the bill by $9.6 million. Let me explain what I am doing here. The President's original intent in his 1994 budget request for the National Oceanic and Atmospheric Administration was to put some money into the new radar systems for weather forecasting, but to reduce some other programs that have now had money added back into them by this bill.

Mr. Chairman, let me tell you about the programs where we have added money. This is over and above the President's request:

The Land Information System, Observation buoys, Non-point pollution, Marine sanctuary sites program, Oyster disease research, Aquaculture, Atlantic Bluefin Tuna Research, Center for Shark Research, Fisheries Management Program, Columbia River Smolt, International Fisheries Commission, Beluga Whale Committee, Fishery Observers Training, East Coast Observers, Andromous Fishery project, Atmospheric modification grant, Southeastern storm research, Susquehanna Riv. Flood System, Marine prediction research, Sea grant college program, Sea Grant-Zebra Mussel, National Coastal R&D Institute, and NOAA Undersea Research Program, (NURP).

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All of those are programs where this committee added money over and above what the President requested to the tune of $37 million.

The committee, though, also then cut $27 million out of the money for the new radar system for weather.

I would submit to my colleagues that a lot of these programs are worthwhile, but what they could do is live within the moneys that the President requested for them.

I also submit to Members that it is necessary to move on for public safety with the new generation of radar systems. What this amendment does is it strikes the money that was added for these programs and at the same time allows $27 million to be reserved for the purpose of the new Doppler radars that will provide us with the advanced weather interactive processing system. It seems to me that when we start trading off public safety for a lot of these projects that some Members would regard as pork that we are doing the wrong thing. So what this amendment adds up to is a cut of about $10 million overall but it, at the same time, redistributes the priorities in a way to go back to the President's original numbers and at the same time provide $27 million for the new generation of radars that I believe we need, if we are to provide the public safety for this country in the future.

I would ask that the House support me in cutting some money but at the same time moving away from pork toward public safety.

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

Mr. SMITH of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we can not tell for sure what would be cut out by the gentleman's amendment.

If I could have the attention of the gentleman from Pennsylvania, certain programs funded under NOAA are not authorized at this point, and certain items were not included in the budget request. We did continue to put the money in to continue at the existing level some of these initiatives that have been under way for some time. Until we go to conference on this bill, we do not know for sure what the funding levels will be.

Now, in view of that, the gentleman is only cutting $10 million out of a $1.65 billion account. If he does not intend to have a rollcall vote on this, I am not going to make a big issue out of it. We do not know for sure yet where we are yet on NOAA. And with that in mind, while I oppose the amendment, I am not going to ask for a recorded vote, if it carries, Mr. Chairman.

Mr. WALKER. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. STEARNS], who wanted to take a little bit of time here in favor of the amendment.

Mr. STEARNS. Mr. Chairman, I thank the gentleman for yielding me this time so that I may speak in support of this amendment. Earlier today, the committee approved a point of order raised striking language in the bill funding unrequested earmarks.

While I am not seeking a specific earmark at this time, I would like to bring to the distinguished chairman's attention and that of my other colleagues a concern several of my colleagues and I share—and that is the level of funding that has been currently allocated toward the National Weather Service.

The National Weather Service serves a major national interest in providing us with the most up to date and accurate meteorological, hydrologic, and oceanographic warnings, warnings forecast, and planning information to ensure the safety of the population, mitigate property losses and improve the economic efficiency of the Nation.

Specifically, the National Weather Service needs additional funding to develop and deploy its advanced weather interactive processing system. This need to modernize the NWS has never been more apparent than in recent times. The Nation has witnessed the tragedy and destruction Hurricane Andrew brought upon the citizens of Florida, and States in the gulf coast all the way up the Atlantic coast. Aside from the huge economic losses that have been suffered in my State of Florida, the emotional and human toll is immeasurable.

The bottom line is this—we need to lend more support to the NWS so that it may provide us with more timely and accurate weather and flood warning and forecast services to the public. We all benefit from the services of the NWS. One program under the NWS that has already helped the entire Nation is the next generation weather radar [Nexrad]. Nexrad will replace existing obsolete weather radars and enhance severe weather and flood warnings. If you turn on your local news, the weatherman will often mention the use of Doppler radar. This advanced Doppler system can increase tornado warning lead times and reduce false alarms. In short, it saves lives. The Midwest has experienced a large number of tornadoes and mother nature does not discriminate. Natural disasters can and do occur everywhere. Furthermore, accurate mapping of heavy rainfall also will be possible on a wide scale, enabling extensive improvements in forecasting of flash floods and river flooding.

Mr. Chairman, I could go further explaining the innumerable benefits the National Weather Service provides to us, but I think the message is clear—it needs our assistance. Let us do our part so that they can carry out their mission and better serve the public and save lives.

Mr. WALKER. Mr. Chairman, let me say to the gentleman that I thank him for being a cosponsor of the point of order that just succeeded.

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I rise in opposition to this amendment.

I represent a coastal area of California, which the Congress of the United States has designated as the largest marine sanctuary in the United States, the Monterey Bay National Marine Sanctuary. Part of the reason for that designation is that they wanted this country not only to preserve but to understand the new frontier of interaction between the coast and the land.

Part of that interaction is the investment we have made in the Fleet Numerical Weather Station, which is the

largest Navy center for ocean weather predictions. Part of the need for that is in the cuts that have been mentioned here today. That is to take out the observation buoys, which were added by the committee. These observaton buoys help the domestic fisheries fleet; these buoys help the Weather Service.

I think it would be penny-wise and pound-foolish to delete this appropriation. There is also, as part of the National Marine Sanctuary Program, a massive educational opportunity for this country to learn more about the new frontier that we have created. I would suggest to this House that adoption of this amendment would take a giant step backward for what has been done in previous years to make this country more aware of the ocean and the opportunities of that ocean by providing the update, instrument and education process that this appropriation allows.

I oppose the amendment.

Mr. Chairman, I rise today to commend the leadership of Chairman SMITH and the foresight of the committee for including an important level of funding for National Oceanic and Atmospheric Administration [NOAA] programs that are vital to California's central coast and the Nation.

I applaud the committee for achieving considerable savings in this bill by keeping total spending 5 percent below the administration's request, yet seeing to it that an efficient level of funding was retained for the National Marine Sanctuary Program, the Center for Ocean Analysis and Prediction [COAP] and the central California observation buoys. These are all high priority for NOAA's management and research operations and I am very pleased that the legislation reflects this fact.

By increasing the level of funding for the Marine Sanctuary Program by $2 million over the administration's request and last year's level, we will be taking an important step to ensure the efficient management of our Nation's marine sanctuaries. I also appreciate the committee's recognition that even with this level of funding, NOAA may have difficulties in carrying out the effective management of the program. This national program includes the recently designated Monterey Bay National Marine Sanctuary in my district. The designation of the sanctuary as the largest marine sanctuary in the United States was a milestone for the people of California's 17th Congressional District, who cherish the resource, and for the Nations. The management of the sanctuary is now in a formative stage and is dependent on a strong level of funding.

The California observation buoys off the coast of my district have proven imperative for guaranteeing the safety of mariners in California waters and it is essential that they remain in operation.

I also want to emphasize the importance of the operations conducted at NOAA's Center for Ocean Analysis and Prediction. The establishment of COAP was intended to provide the United States with crucial information pertaining to our national defense, fishery and coastal zone management, maritime transportation, and weather forecasting. With expanded research necessitated by the Monterey Bay National Marine Sanctuary, COAP fills a critical roll for NOAA through cooperation with other marine research institutions in the area. In addition to the tremendous contribution COAP lends to our Nation's marine understanding, given the devastating impact of the closure of the Fort Ord Light Infantry Base in my district, Federal and private collaboration of resources such as those of COAP will be essential for the economic health of this community. COAP makes good scientific and national security sense and represents intelligent use of Federal resources.

Again, I commend the chairman and the committee for approving this important legislation and I urge my colleagues to support its passage.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to 16 U.S.C. 1456a, not to exceed $7,800,000, for purposes set forth in 16 U.S.C. 1456a(b)(2).

CONSTRUCTION

For repair and modification of, and additions to, existing facilities and construction of new facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, $89,775,000, to remain available until expended.

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the repair, construction, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet, for the National Oceanic and Atmospheric Administration, $23,064,000, to remain available until expended.

FISHING VESSEL OBLIGATIONS GUARANTEES

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, as amended, $459,000.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95-376, not to exceed $1,273,000, to be derived from receipts collected pursuant to 22 U.S.C. 1980 (b) and (f), to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed $999,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627) and the American Fisheries Promotion Act (Public Law 96-561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $550,000, to remain available until expended.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $33,042,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General Act in carrying out the provision of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11 as amended by Public Law 100-504), $15,860,000.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $131,170,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, $110,000,000, to remain available until expended.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $45,220,000, to remain available until September 30, 1995.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad not to exceed $30,000 per vehicle, obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $221,445,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to 15 U.S.C. 4912; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage

for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $22,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $34,747,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $38,362,000, of which $22,800,000 shall remain available until expended: *Provided*, That not to exceed $15,562,000 shall be available for program management for fiscal year 1994.

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I believe the next point of order or amendment is on page 39 after line 15. In view of that, I ask unanimous consent that the portion of the bill through page 39, line 15, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order against the material up to page 39, line 15?

If not, are there any amendments up to that point?

If not, the Clerk will read.

The Clerk read as follows:

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration including travel and tourism promotional activities abroad for travel to the United States and its possessions without regard to 44 U.S.C. 501, 3702 and 3703, including employment of American citizens and aliens by contract for services abroad; rental of space broad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed $15,000 for official representation expenses abroad; $17,120,000, to remain available until expended; *Provided*, That none of the funds appropriated by this paragraph shall be available to carry out the provisions of section 203(a) of the International Travel Act of 1961, as amended: *Provided further*, That in addition to fees currently being assessed and collected, the Administration shall charge users of its services, products, and information, fees sufficient to result in an additional $3,000,000, to be deposited in the General Fund of the Treasury.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DINGELL. Mr. Chairman, I make a point of order against the language of the bill commencing at and including all of line 16, page 39, down through the end of and including all of line 16 at page 40.

The point of order is that this constitutes a violation of rule XXI, clause 2, in that it is legislation in an appropriation bill and raises approval of provisions which, in fact, are authorizations or are expenditures which are unapproved by authorization by law.

The CHAIRMAN. Does the gentleman from Iowa [Mr. SMITH] wish to be heard on the point of order?

Mr. SMITH of Iowa. Mr. Chairman, one part of this is not subject to a point of order. I am getting a substitute ready to put back in the part that is not subject to a point of order.

□ 1320

Mr. Chairman, I concede that point of order on the last proviso.

The CHAIRMAN (Mr. BROWN of California). The gentleman from Iowa [Mr. SMITH] concedes the point of order. The Chair sustains the point of order, and the paragraph is stricken.

AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa: Page 39, after line 15, insert the following:

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration $17,120,000, *Provided*, That none of the funds appropriated by this paragraph shall be available to carry out the provisions of section 203(a) of the International Travel Act of 1961, as amended:

Mr. DINGELL. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Michigan [Mr. DINGELL] reserves a point of order on the amendment.

Mr. SMITH of Iowa. Mr. Chairman, my amendment puts the funding for USTTA back in the bill, and that part of the paragraph that was a limitation on an appropriations bill only. It does not put back in the part of the language that was subject to the original point of order.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, H.R. 2519 specifically prohibits the U.S. Travel and Tourism Administration from funding the Cooperative Marketing Program, which was created by legislation last year, and mandated in the Tourism Policy and Export Promotion Act.

The Cooperative Marketing Agreement Program provides Federal funds in the form of matching grants to States and to local tourism initiatives to promote international tourism. Last year international tourism brought in $16 billion more in revenue to the United States than our fellow citizens spent abroad. It was a $16 billion balance of payments winter for America.

The program is designed to encourage tourism agencies that previously have been excluded from promoting international tourism to engage in tourism promotion activities abroad, to encourage other citizens of other countries to come to the United States, see our wonders, and spend their money in our country.

The USTTA has literally been flooded with calls from all 50 States expressing interest in the program. Every day the agency gets at least three or four calls from State organizations who want to engage in a tourism promotion activity. For example, Minnesota and the other States along the Mississippi River and the Great Lakes States are organizing a program to promote tourism among the fresh water wonders, where we have 50 percent of the fresh water on the face of the Earth in the Great Lakes States.

However, the way this language was crafted was that it takes 25 percent of the total budget of USTTA and reserves it for this grant program. I would like to talk further with the gentleman from Michigan [Mr. DINGELL], chairman of the Committee on Energy and Commerce, which has authority over this program, to see if in the future we could craft an amendment that might mitigate the way in which it is constructed, so it would not take one-fourth of the total USTTA budget.

The point is this is a very good initiative. It would get started this year, if only the money could be made available, but the amount was reduced from the administration's budget.

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

Mr. OBERSTAR. I am glad to yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I want to thank the gentleman, and I want to commend him for his comments. He was very interested in this business of trying to see to it that we have a workable program to encourage tourism in the United States. It is a very valuable thing.

I want it clear what my good friend, and I love him, the gentleman from Iowa [Mr. SMITH] is doing. He is seeking to change the entire formula that

is referred to by the gentleman from Minnesota [Mr. OBERSTAR], and he is seeking to see to it that no longer will that money, which has been going to the States to encourage tourism through State efforts, be available.

This is a regrettable thing. It is directly in contravention of the intention of every one of the Members in every one of the committees which worked on this matter, and which achieved a successful program which was broadly accepted by the Governors, by the States, by the travel, and by the tourism industry.

It confounds me that my good friend, the gentleman from Iowa [Mr. SMITH], a man of enormous intelligence and rectitude, would come forward with a curious amendment of this sort. I would urge my colleagues, if I do not succeed in my point of order, to vote this amendment down, and we will try to address this thing properly.

This is a clear attempt by the Committee on Appropriations to stifle something which is working well, and something which was approved by every committee which worked on the matter the last time, and something which has been thoroughly and enthusiastically accepted by all of the State agencies, and indeed, by the travel and tourism industry.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield to me?

Mr. OBERSTAR. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I would like to have the gentleman's attention.

Mr. DINGELL. The gentleman has my attention, Mr. Chairman.

Mr. SMITH of Iowa. I would say to the gentleman, here is what the situation is. By putting this new provision in and saying 25 percent of the money has to be used for this purpose, what the gentleman did was to take that out of all the other operations in the Travel and Tourism Administration. They are not able to absorb that kind of a cut, especially in 1 year.

What the gentleman did by saying that 25 percent had to be used for a new purpose was to appropriate on an authorization bill. That is not what he is supposed to do. He is deciding that the appropriations for other purposes shall be limited to 25 percent, and 25 percent of the whole bill shall be used for this one purpose.

I understand from good sources, I think, that that is not what the gentleman intended to do. I think it can be worked out. The gentleman from Washington [Mr. SWIFT] is the chairman of the authorizing subcommittee, and I do not have any question but what it could be worked out legislatively. As it stands now, that is what the gentleman is doing, appropriating on a legislative bill.

I think it can be worked out so it does what the gentleman intends to do, instead of what the gentleman does not intend to do.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. OBERSTAR] has expired.

(At his own request, and by unanimous consent, Mr. OBERSTAR was allowed to proceed for four additional minutes.)

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

Mr. OBERSTAR. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, the distinguished gentleman from Iowa [Mr. SMITH] is one of my oldest and most esteemed and valuable friends.

Mr. SMITH of Iowa. If the gentleman will yield, I concede his statement, instead of all the flattery.

Mr. DINGELL. Mr. Chairman, I yield to no man in my respect and affection for the gentleman from Iowa [Mr. SMITH]. However, it is regrettable, indeed, that his interpretation of the rules of the House is so incorrect. It surprises me to find a man of this skill with such an inadequate interpretation of the rules.

Mr. SMITH of Iowa. If the gentleman will yield, what we need is to adhere to the House rule that says, "You cannot appropriate on a legislative bill."

Mr. DINGELL. I would say to the gentleman, we have not and we do not appropriate, in the Committee on Energy and Commerce. It is possible there are other committees around here that are not so constrained.

Mr. SMITH of Iowa. I would ask the gentleman, why does he not go along with this, and then we can correct it?

Mr. DINGELL. It is very clear, however, that my dear friend seeks to legislate in an appropriation bill. That is something which the rules of the House address with great probity. Beyond that, the gentleman says what we seek to do is remove 25 percent from this agency for purposes of making it available to States. That is precisely correct, and that is precisely what the gentleman seeks to undo.

My dear friend says we can work this thing out. I think there is a splendid way in which we can work this thing out, and I am anxious to do so. I would suggest to the House that the best way in which this could be done is not by permitting the gentleman to come forward with an amendment of this curious sort, founded upon such a regrettable understanding of the rules of the House, but rather, it would be better that we simply excise the whole of the matter, and then I assure the gentleman of my best efforts to work with him as he goes to conference with the Senate, where he will address this matter with Senator HOLLINGS and other Members of the Senate who happen to have an identical feeling to my own on this matter, which is considerably at variance with the feelings of my dear friend, the gentleman from Iowa.

Mr. SMITH of Iowa. Will the gentleman yield?

Mr. OBERSTAR. I am happy to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. In all seriousness, this has been a heavily personnel-directed agency. A 25-percent cut from an agency which spends so much on personnel is just too much for 1 year.

□ 1330

Even if you want to redirect the program toward grants, it is just too much for 1 year.

Mr. DINGELL. Will the gentleman yield just a bit more, please?

Mr. OBERSTAR. I would like to reclaim a moment for myself to simply observe that had the Appropriations Committee not felt it necessary to cut $3 million out of the administration's request we would not be facing this problem.

I yield to the gentleman from Michigan.

Mr. DINGELL. The gentleman is correct. This does afford a requirement that 25 percent of the money of the agency now go to newer and better uses. And I applaud that, and I am sure everybody else who has studied that agency comes to that same happy conclusion.

Here is the problem which we confront: There are a lot of people who have been sitting around in that agency twiddling their thumbs, doing less than an adequate job. It always pains me to see good people forced into that kind of a situation.

I would suggest the best thing we can do for the people who have had that unfortunate circumstance is that we remove them from their employment and allow them to seek elsewhere where they might make a more constructive contribution to the Government of their country.

Mr. SMITH of Iowa. If the gentleman will yield once more, when you cut that much in personnel the first year, it requires more money instead of less because RIF's cost money, and you are going to have less money left instead of more. You cannot reduce personnel that fast without actually hurting all of the programs that are in the agency, and a 25-percent reduction would be too much for 1 year.

Mr. OBERSTAR. In my judgment, the purposes of tourism and the purposes of this provision of the substantive law would be better served if there were an authorization of a specific amount, perhaps increasing over a period of a defined number of years for this export promotion, tourism program.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that the gentleman from Minnesota have 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. ROGERS. Reserving the right to object, Mr. Chairman, how long shall we go on with this, I ask the gentleman? We have a lot of other amendments and we have a 2:30 deadline. Can we wrap this up?

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am happy to yield to my dear friend, the gentleman from Minnesota, [Mr. OBERSTAR] who has been most generous to me.

Mr. OBERSTAR. Mr. Chairman, I simply wanted to observe that I think that the best cure for the problem that we are facing here would be in the future to consider an amendment to the substantive law that would set aside a specific amount for the Tourism Policy and Export Promotion Act of grants to States and units of local government for tourism promotion, set a specific dollar amount rather than take 25 percent out the total amount available for this very small agency.

But that is a matter entirely within the jurisdiction of the gentleman from Michigan, and I look forward to working with him in my capacity as chair of the Travel and Tourism Caucus. But for the present moment, we have to deal with the law that is in place, and the gentleman has another agenda for that objective.

Mr. DINGELL. I think the gentleman makes eminently good sense. As soon as I can get some drafting done I will have a little amendment which I think will enable us to move forward in our understanding of what is good legislative policy.

I will tell my special friend from Iowa, for whom I have enormous affection, that it will be my purpose to work with him. I am not trying to drive anybody from employment. But this is a matter which our committee has gone to great detail. This is not the first time that I have had the misfortune to speak on this subject on the House floor, nor the House to have the misfortune to listen to me on this rather tedious subject.

However, the hard fact of the matter remains that the agency has not been doing the job which it should do over time.

The committee very nearly excised the entire agency. The reason we would do so was that we had been spending money for a goodly period of time and accomplishing nothing, or very little. That is hardly the way in which the public money should be spent. Instead, the last time this matter was up for authorization the committee came to the conclusion that some of this money should be earmarked for expenditures by the States, and that in so doing we would then and thereby achieve the purpose of expanding tourism, and do so in a way that would achieve the greatest benefit per dollar spent.

I am very happy to keep the agency in being. I want to see it function as a coordinating agency. I recognize that getting tourism in Iowa, or Kentucky where my dear friend from Kentucky comes from, is done best by the State agency and not by a bureaucracy in Washington which sits and happily shuffles papers from one side of the desk to the other.

The purpose here is a simple one, and that is to see to it that we continue the new process which will give us an incentive for the States and an ability for the States to go out and procure tourism at the State and local level, and not to have some bureaucrat in Washington dealing with questions about which he knows very little. Indeed, it is the history of this agency that over time they have spent a great deal of money on travel and entertainment and other matters, and regrettably have spent very little in actually procuring travelers to visit our shores, and to see what goes on in different parts of our country, and to go to see the beauties of Iowa, or the beauties of Kentucky, or the beauties of Michigan or Minnesota or any of the other great States.

So I would urge my colleagues if they really want to do something to help their State, to help their tourism industry, to see to it that the country prospers by bringing in tourists, oppose what it is that my dear friends on the Appropriations Committee have tried to do and move forward towards the idea of seeing to it that we concentrate now on making a program which is working to work as well as we possibly can by seeing to its funding, not by stripping it of funds.

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

Mr. DINGELL. I am happy to yield to my dear friend, the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the gentleman makes a very valid point. There have been mistakes made by the USTTA in years past, and we now have a new administration, and a new Secretary of Commerce who was raised in the tourism sector, who wants tourism promotion to succeed, and will clear out the errors of the past. And I know that the gentleman from Michigan, with his vigorous oversight ability, will suggest ways to make this agency work better, and we in the Travel and Tourism Caucus will work with the gentleman toward that objective. We want the agency to work. It is lean and we want it to work best for the traveling public at home and to be successful in bringing tourism into the United States from other countries.

Mr. DINGELL. I agree with the gentleman. And this is no surprise to the agency. They knew this cut was coming.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Michigan [Mr. DINGELL] insist upon his point of order?

Mr. DINGELL. Mr. Chairman, I do insist upon my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DINGELL. The point of order, if I may be heard on the matter, the point of order is that under clause 2(c) of rule XXI, an amendment in this form is not in order at this point.

The CHAIRMAN (Mr. BROWN of California). The gentleman has correctly stated the rules, that an amendment in the form of a limitation is not in order until the end of the bill.

The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks; $88,329,000, to remain available until expended, to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: *Provided*, That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 AND 35 U.S.C. 41 and 376 shall remain available until expended.

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Technology Administration, $4,500,000.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $18,927,000, to remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $20,254,000, to remain available until expended as authorized by section 391 of said Act, as amended: *Provided*, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of said Act: *Provided further*, That notwithstanding the provisions of section 391 of said Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $21,746,000, to remain available until expended as authorized by section 391 of said Act, as amended: *Provided*, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of said Act: *Provided further*, That notwithstanding the requirements of section 392(a) and 392(c) of such Act, these funds may be used for the planning and construction of telecommunications networks.

ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION

For expenses necessary to carry out the provisions of the National Endowment for Children's Educational Television Act of 1990, title II of Public Law 101–437, including costs for contracts, grants and administrative expenses, $1,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and the manner prescribed by said Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

This title may be cited as the "Department of Commerce Appropriations Act, 1994".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $22,326,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b, $2,699,000, of which $300,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $13,127,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,100,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active services, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,189,131,000 (including the purchase of firearms and ammunition); of which not to exceed $20,000,000 shall remain available until expended for space alteration projects; and of which $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,063,000 to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $297,252,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $77,095,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); $84,500,000, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $44,612,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $18,467,000; of which $1,800,000 shall remain available through September 30, 1995, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund as authorized by 28 U.S.C. 377(o), $20,000,000 to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), and in addition to the Claims Court Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $545,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $8,468,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Appropriations made in this title shall be available for salaries and expenses of the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93–236.

SEC. 303. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers:

Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 304. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

This title may be cited as "The Judiciary Appropriation Act, 1994".

TITLE IV—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligation incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $240,870,000 to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $76,423,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration, to be used for facility and ship maintenance, modernization and repair, conversion, acquisition of equipment, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies: *Provided further*, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

READY RESERVE FORCE

For necessary expenses to acquire and maintain a surge shipping capability in the National Defense Reserve Fleet in an advanced state of readiness and for related programs, $300,000,000, to remain available until expended: *Provided*, That reimbursement may be made to the Operations and Training appropriation for expenses related to this program.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, $900,000, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, $1,047,000, to remain available until expended as authorized by section 3 of Public Law 99-7.

COMPETITIVENESS POLICY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the Competitiveness Policy Council as authorized by section 5209 of the Omnibus Trade and Competitiveness Act of 1988, $1,140,000, to remain available until expended.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, $1,226,000.

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98-399, as amended, $300,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $21,318,000, of which $2,500,000 shall remain available until expended: *Provided*, That not to exceed $98,000 shall be available for official reception and representation expenses.

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that this portion of the bill, through page 54, line 23, be considered as read, printed in the RECORD, and open to amendment at any point.

Mr. WALKER. Mr. Chairman, I have a point of order on page 42, and I want to make certain that I am protected.

The CHAIRMAN. The Chair will ask for points of order.

Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order to be raised up to the bottom of page 54?

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I have a point of order on page 42.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WALKER. Mr. Chairman, I make a point of order against the language beginning on page 42, line 9, after the word "act," and continuing through line 13.

This provision violates clause 2(c) of rule XXI of the rules of the House in that it is legislation on an appropriations bill.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. SMITH of Iowa. No, Mr. Chairman. The gentleman from Massachusetts wishes to be heard.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY] to be heard on the point of order.

Mr. MARKEY. Mr. Chairman, I rise to speak against the point of order.

As chairman of the subcommittee authorizing the NTIA, I want to make a number of points.

The language appropriating funds for NTIA to fund the planning and construction of telecommunications networks is consistent with the current statutory authority that guides grantmaking by the NTIA.

□ 1340

In addition, the language is consistent with the President's proposal that the Federal Government should play an important, but limited, role in funding pilot projects. In addition, the language, by referring to "telecommunications networks," prejudices no one and no particular technology, since virtually any technology would fall under that heading. I might add that I think it is advisable that Congress not get involved in choosing particular technologies but, instead, use inclusive terms, and this language follows that advice.

This appropriation is a necessary step in getting the NTIA moving in these critical areas. I support the inclusion of this language and intend to work through the authorization process to ensure the NTIA has ample authority to discharge its responsibility as the lead agency in guiding our Nation toward the electronic superhighways of tomorrow.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard further on the point of order?

Mr. WALKER. Mr. Chairman, I desire to be heard further on the point of order.

Mr. Chairman, the statement of the gentleman from Massachusetts was a statement on the legislative language, but not on the point of order that was raised that this constitutes legislating in an appropriation bill. If the gentleman referred to rule XXI, clause 2, he will find that you are not permitted to change existing law. The very nature of the language says that it is changing existing law. It says, "notwithstanding the requirements of section 392(a) and 392(c) of such act," which means that the language is in itself an admission that it is changing

the law that presently exists. That is a direct violation of clause 2(c), and I would ask that my point of order be upheld.

Mr. MARKEY. Mr. Chairman, if I may, just briefly: In the Appropriation Committee report itself it makes the point that these funds are provided under existing authorities for telecommunications grant authorities, although the committee—that is, the Appropriations Committee—does recognize that the authorizing committee may soon consider a separate authorization for this initiative.

So we do agree with that interpretation, but we await the rule of the Chair.

The CHAIRMAN (Mr. BROWN of California). Does any other Member desire to be heard on the point of order? If not, the Chair is prepared to rule.

The provisions of the rule prohibit legislation on an appropriation bill. The clear language of the material the gentleman from Pennsylvania raises objections to says that, "notwithstanding the requirements of section 392(a) and 392(c) of such act," which constitutes, in effect, an effort to nullify legislation already in existence and has to be construed as legislation, therefore, on an appropriations bill.

The Chair upholds the point of order, and the proviso is stricken.

Are there any amendments to the material up to page 54?

Mr. QUILLEN. Mr. Chairman, I move to strike the requisite number of words, and I rise to engage in a colloquy with respect to the material starting on page 45 of the bill.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Iowa [Mr. SMITH].

Regarding the salaries and expenses of judicial services, on line 2 on page 46, it says the money appropriated is for bankruptcy judges as well as other judges and clerks, and so forth. Let me ask the gentleman a specific question.

You know, the Congress last session created some new bankruptcy judges. Are the salaries included in this appropriation sufficient for those judges?

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, there is in this appropriation $16 million for new judges. We never separated them by bankruptcy and magistrates and Federal Claims Court and article 3 judges. So there is $16 million there. And the Judicial Conference, as they are approved, allocates the money. Otherwise, this money lapses at the end of the year. Otherwise they may be short in one account and over in another, and it would lapse. So there is money there for bankruptcy judges, provided they are approved by the Judicial Conference.

Mr. QUILLEN. I realize they have to be approved. But once they have been approved, the money is here to pay their salaries.

Mr. SMITH of Iowa. There is $16 million for the various kinds of judges.

Mr. QUILLEN. That is not entirely the option as to where the money goes. But is it the gentleman's intention that the funds be used to pay the salaries for approved bankruptcy judges?

Mr. SMITH of Iowa. It includes bankruptcy judges, Federal Claims Court judges, magistrates, and Article 3 judges, yes, money to fund new bankruptcy positions are included.

The CHAIRMAN. If there are no amendments to the material up to page 54, and no points of order, the Clerk will read.

The Clerk read as follows:

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 101-574, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $243,326,000 of which $71,266,000 is for grants for performance in fiscal year 1994 or fiscal year 1995 for Small Business Development Centers as authorized by section 21 of the Small Business Act, as amended: *Provided*, That not more than $500,000 of this amount shall be available to pay the expenses of the National Small Business Development Center Advisory Board and to reimburse Centers for participating in evaluations as provided in section 20(a) of such Act, and to maintain a clearinghouse as provided in section 21(g)(2) of such Act. None of the funds appropriated for the Small Business Administration under this Act may be used to impose any new or increased loan guaranty fee or debenture guaranty fee, or any new or increased user fee or management assistance fee, except as otherwise provided in this Act.

AMENDMENT OFFERED BY MR. PENNY

Mr. PENNY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PENNY: On page 55, line 8, strike $243,326,000 and insert $237,456,000.

PARLIAMENTARY INQUIRY

Mr. ROGERS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS. Mr. Chairman, by taking up the Penny amendment first, does not preclude the McInnis amendment, does it?

The CHAIRMAN. The Chair, unfortunately, is unaware of the nature of all the amendments being proposed, and recognized Mr. PENNY because he is the senior member and deserves recognition at this point. The Chair cannot answer the gentleman's question as to whether his amendment would be precluded, but the Chair does not think it would be.

Mr. PENNY. Mr. Chairman, this amendment would propose a $5 million cut in the program. I have filed an amendment to cancel all appropriations for loans made under the SBA Program. This program is one in which I think we ought to enter into a more thorough debate. The SBA Program is of questionable value in terms of providing assistance to the small-business community in America.

This program serves about two-tenths of 1 percent of all the small businesses in our country. It provides those businesses with the financial assistance and loan guarantees that are preferable to the kinds of financing that the vast majority of American small businesses must secure in order to conduct a successful enterprise.

This program is also subject to a very high default rate. During the 1980's, the default rate ranged in the area of 30 percent on loans made under this program. The default rate has since declined to about a 20-percent level, but still far higher than the default rate for loans to businesses as a general rule. In fact, there is no bank that could survive if they offered loans that resulted in this high a default level.

This amendment is a small nick out of this program, but it is designed to send a signal that there are deep and growing questions about the validity of this kind of assistance program when in our Federal Government we have several economic development initiatives, many of which would do a far better job of serving the needs and interests of the small-business community without prejudicing a few thousand recipients, as compared to all the many hundreds of thousands of small-business people in our society who get by quite nicely without SBA assistance.

□ 1350

Mr. Chairman, I yield to my colleague, the gentleman from California [Mr. DREIER] for any comments he would like to make at this point.

(At the request of Mr. DREIER and by unanimous consent, Mr. PENNY was allowed to proceed for 3 additional minutes.)

Mr. PENNY. Mr. Chairman, I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER Mr. Chairman, I rise in very strong support of this amendment.

I served for several years on the Small Business Committee. There is no better sounding term to describe the operations that go on from the Federal level to the small-business community than the Small Business Administration.

The fact of the matter is this cut is I believe a very good first step to dealing with a very serious problem that is out there.

Quite frankly, I believe that the direct and guaranteed loan programs of

the Small Business Administration provide a subsidized competitive advantage over those small businesses that have to rely on the private marketplace for their sources of credit.

Now, the argument is provided that due to the credit crunch we have today that there is not enough capital out there available for small businesses. I admit that we can point to some successes in the business world today that have been started with loans from the Small Business Administration, but the fact of the matter is that we have $403 million this year provided in this loan program. It is a drop in the bucket when you look at just one financial institution, the Bank of Boston, which has provided $6 billion through the private marketplace.

So I happen to be here in strong support, and I am happy to cosponsor this amendment with my friend, the gentleman from Minnesota, because in years past I have been working on efforts to try to transfer the very beneficial aspects of the Small Business Administration to the Commerce Department, and at the same time maintaining those, but getting rid of this incredible bureaucracy.

There are 4,000 employees there who are not business oriented. They are part of the bureaucracy.

Are they good people? Yes, Mr. Chairman, there are very many good people within the Small Business Administration, but as I look at the choice that I will have in this bill whether or not we provide $60 million to proceed with toughening up the Border Patrol to stem the flow of illegal immigrants across the borders into the United States, or to continue the Small Business Administration at the same level, it is a very easy decision for me to make.

I happen to believe that dealing with the flow of illegal immigrants is a much better priority for us than it is to see us have the Small Business Administration perpetuated.

Mr. Chairman, I strongly support this amendment and urge my colleagues to vote in behalf of it.

AMENDMENT OFFERED BY MR. MCINNIS TO THE AMENDMENT OFFERED BY MR. PENNY

Mr. MCINNIS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. MCINNIS to the amendment offered by Mr. PENNY: In lieu of the number "237,456,000" insert "221,456,000".

Mr. MCINNIS. Mr. Chairman, I commend the gentleman from Minnesota [Mr. PENNY] for the steps he has taken, but it is not extensive enough.

Let me explain exactly what the intent of my amendment is. My amendment is to go in and take $16 million which is in the salary and expense item and is intended to be used for the Tree Planting Program.

Many of you may remember back in May when 209 of us stood up against this program. I do not think the people of America anticipate that the Small Business Administration should be spending $16 million to plant trees. That $16 million, under testimony that I elicited in the Small Business Committee, that $16 million would leverage $380 million on the street.

Let me make a couple points about this amendment and the $16 million that is being spent for tree planting.

First of all, in the Small Business Committee, let me say that is where I first saw the $16 million. Then when we got on to the second supplemental on the House floor, the number was $14 million. I could not figure out what happened to the $2 million.

I sat down, and of course being new to the process I did not understand what happened to that $2 million, and I have been tracing it.

Now I find out nothing happened to the $2 million. In fact, it was $14 million in the second supplemental to plant trees and it is $16 million in addition to it under this budget.

This amendment to plant tree certainly is not what the fundamental purpose of the Small Business Agency is for.

There are a couple very basic points that we need to make. We should make these points to the American people.

No. 1, the President of this country has not requested these funds.

No. 2, the Small Business Administration has not requested these funds. These funds are being mandated on the Small Business Administration by the U.S. Congress.

We are in a year where we are talking about deficit control, where we are talking about priorities, where we are talking about every agency in front of us has to prioritize, has to spend their dollars in the most efficient manner possible, and yet we sneak $16 million into the Small Business Administration to grow trees. It makes no sense today. It makes no sense tomorrow, and it made no sense back in May when 209 of us stood up and said to cut out the tree planting program.

I think it is a commitment of ours, I think it is incumbent upon us to look at this program and cut that program out of there. That is what that $16 million does.

While I commend the gentleman from Minnesota [Mr. PENNY] and certainly the $5 million is a step in the right direction, I go further than the gentleman from Minnesota [Mr. PENNY]. I go to a specific program, the Tree Planting Program, and I cut out three times what the gentleman from Minnesota [Mr. PENNY] cuts out, and it will not impact any other program in the Small Business Administration.

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Minnesota [Mr. PENNY].

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mrs. MEYERS of Kansas. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I wonder if we could get unanimous consent to cut off debate in 10 minutes, 5 minutes to the gentleman from Kentucky [Mr. ROGERS] and 5 minutes to me.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. ROGERS. Reserving the right to object, Mr. Chairman, I think we have only three speakers here. One has already spoken.

Can we live with a total of 10 minutes?

Is that on the amendment to the amendment or the entire package?

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman will yield, that is on the pending amendment and all amendments thereto.

Mr. ROGERS. I think we can agree only on the McInnis amendment to the amendment, Mr. Chairman, we can agree on a 10-minute limit.

Mr. SMITH of Iowa. Mr. Chairman, that is the whole thing, if it carries or loses. That would take care of the gentleman's amendment.

The CHAIRMAN. What is the gentleman's request?

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that debate end in 10 minutes on this substitute amendment and all amendments thereto.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa for a 10-minute limitation on the amendment offered by the gentleman from Colorado [Mr. MCINNIS].

Mr. MCINNIS. Mr. Chairman, reserving the right to object, I would ask for my remaining time. I had 5 minutes. I would ask for the balance of my time.

The CHAIRMAN. The Chair will state to the gentleman that he does not have any balance to his time.

Mr. MCINNIS. Mr. Chairman, I withdraw my reservation of objection.

Mr. ROGERS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in strong opposition to the amendment of the gentleman from Minnesota [Mr. PENNY] and would like to correct some misinformation Members may have received about SBA programs.

I know that in the amendment as it stood originally, I want to say that before we get further down the road and I forget to say it. I have talked to NFIB today. They strongly object to the Penny amendment and will score it as a no in its original condition. I do not know, I cannot speak for them as it has been amended.

In a Dear Colleague letter, the gentleman claimed that the agency does

not do the job of assisting small businesses. While I will be one of the first to say that we can do more to help small businesses in this country.

The fact is that hundreds of thousands of small businesses have been helped by the SBA and its programs—programs that have allowed businesses to begin, to expand, to add more jobs, to drive our economy—and this assistance has occurred in every State, including Minnesota.

The gentleman from Minnesota claims that of approximately 15 million small businesses in the United States, only 23,000 accessed SBA programs during calendar years 1990 and 1991. I don't know where the gentleman got his information, but just looking at the SBA's loan and loan guarantee programs, the agency had 106,216 active loans being serviced in 1990, for a total value of $12.7 billion and 109,259 active loans in 1991 for a total value of $14.1 billion. The SBA 7(a) general business loan guarantee program, which is but one of SBA's loan programs, has already provided over 14,000 loans from the start of fiscal year 1993 through April 30 of this year. The 7(a) program will provide loan guarantees for approximately 26,000 more small businesses in the remainder of this fiscal year—that is if the program receives the funding it needs to meet loan demand for the rest of the fiscal year 1993.

While Mr. PENNY wants to eliminate funding for this and all other SBA programs, citing high default rates for SBA loans, the fact is that the SBA loss rate on its guaranteed loans was 2.2 percent in 1991. I would point out to my colleagues that the SBA has the best loan portfolio performance and the lowest loss rate of the 5 major Federal credit agencies, which are HUD, the Farmers Home Administration, the Veterans' Administration, the Department of Education and the SBA. The taxpayer's dollar is better protected being placed in the SBA 7(a) program to foster a small business than in most any other Federal loan guarantee program.

Furthermore, thousands of jobs are created or maintained through the assistance provided to small businesses under the 7(a) program. As of April 1993, about 383,000 jobs were created or preserved with the help of 7(a) loan guarantees—7,100 of which were in the gentleman's home State of Minnesota. Given the current credit crunch, in which lenders are reluctant to give to small business borrowers, many businesses who obtained loans with the SBA guarantee would not have gotten the loans they needed without this program. We are seeing this now, as the 7(a) program is out of money. Money for small businesses dried up when the 7(a) program shut down, because regulatory pressures keep banks from making the loans without the guarantee. I would also ask where the gentleman gets the facts to support his assertion that small business loans to go large businesses. SBA's 7(a) loans are given only to businesses that meet small business size standard criteria.

The gentleman mentions in his Dear Colleague that the default rate for energy loans are nearly 40 percent. The energy loan program, which was mandated by Congress, was phased out 10 years ago. It did have a higher loss ratio than other programs, but it was relatively a very small program, accounting for only $63 million in loans during the program's life.

In addition to loan and loan guarantee programs, the SBA also provides valuable training and counseling to small business owners through such entities as the Small Business Development Centers, the Small Business Institute, the Service Corps of Retired Executives or SCORE, and the like. In 1990, 833,000 small businesses were helped through one of SBA's business development programs. In 1991, that number was 857,000—many more than the 23,000 suggested by the gentleman from Minnesota.

We have over 110,000 employees in the Department of Agriculture working for the 2.3 million farms in this country. The Small Business Administration has only 3,800 employees advocating the interests of our 20 million small businesses. If the gentleman from Minnesota would like to take away the only voice of small business in the country, how does he believe our economy will improve and employment will grow? In his Dear Colleague, he gives little import to the 23,000 loans the SBA gave the last 2 years. Perhaps he should retire to the Cloakroom and read this morning's Wall Street Journal. There is an excellent article which shows that despite even the President's recent call for the Nation's banks to ease access to credit for small business, the banks still have their sign out—no small businesses need apply. I urge an emphatic "no" vote on this ill-conceived amendment.

□ 1400

Mr. SANTORUM. Mr. Chairman, will the gentlewoman yield?

Mrs. MEYERS of Kansas. I yield to the gentleman from Pennsylvania.

Mr. SANTORUM. Mr. Chairman, I thank the gentlewoman from Kansas [Mrs. MEYERS] for yielding to me.

Mr. Chairman, I rise in support of the amendment to the amendment, the amendment offered by the gentleman from Colorado [Mr. MCINNIS] for the tree-planting program. I just want to make a couple of quick points.

No. 1, the U.S. Forest Service spent last year $53 million to plant approximately 213 million trees. There are plenty of trees being planted. We do not need the Small Business Administration in the tree-planting program. We need them in the loan program to help our small businesses.

Mr. Chairman, I would encourage a "yes" vote on the amendment offered by the gentleman from Colorado [Mr. MCINNIS] to the amendment offered by the gentleman from Minnesota [Mr. PENNY].

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. LAFALCE], the chairman of the Committee on Small Business.

Mr. LAFALCE. Mr. Chairman, as my colleagues know, a "Dear Colleague" letter was sent out about a day or so ago with some fictions rather than facts about the Small Business Administration indicating that there would be an effort to eliminate all the moneys for the Small Business Administration, save disaster loan money.

First of all, Mr. Chairman, let me point out that that is not the amendment before us today. It has been watered down from all the money other than disaster; first, a $5 million reduction, and now a $16 million reduction from S&E.

But, second, everything in that letter was fiction rather than fact. I will not go into that now. Let me just point out though that the loan guarantee program of the Small Business Administration alone has been virtually singularly responsible for virtually every small business loan in the United States these past several years. There has been a tremendous credit crunch going on. A small business person cannot go to a bank and get a loan without a guarantee. That is why the loan guarantee program of the Small Business Administration has doubled and tripled over the past several years.

Right now, Mr. Chairman, the window has been shut for over 2 months, and in the supplemental bill coming up we have over $175 million in that bill in order to leverage 3.2 billion dollars' worth of loan guarantees which we will use between now, today, and September 30 of this year—$3.2 billion. We need the salary and expenses, that money, to deal with this, to manage this, to service it.

I say to my colleagues, "Don't cut $16 million from S&E. Don't cut $5 million from S&E. We need every penny because every single year it seems it's necessary to deal with this credit crunch to virtually double the loan guarantee program."

Mr. SMITH of Iowa. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I rise in strong opposition to the original amendment offered by the gentleman from Minnesota [Mr. PENNY], and I will give my colleagues an example of how effective the Small Business Administration has been in my district, not only for the taxpayer, but to create jobs.

I have a firm that started in the early 1980's called Biomet, with four people, and they took out a half-a-million-dollar loan from SBA. Today they have 200 people working at Biomet in Warsaw, IN, and they are paying back that $500 million every 2 weeks in taxes to the U.S. Government.

Now that is a success story, and I think that the gentleman is usually right on target. Today he is a little bit off target.

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

Mr. ROEMER. I yield to the gentleman from Pennsylvania.

Mr. SANTORUM. Mr. Chairman, is any of that money from the tree planting program of the SBA that was used for this small businessman?

Mr. ROEMER. To the best of my knowledge, Mr. Chairman——

Mr. SANTORUM. The amendment before us right now is the tree planting program in which they are trying to cut $16 million, of which of that $16 million last year a million went into the district of the gentleman from New York [Mr. LAFALCE]. So I would just suggest that this is a very appropriate cut——

Mr. ROEMER. Reclaiming my time, Mr. Chairman, I would just say we should not be taking huge meat axes to the SBA budget at this point when the economy and jobs are so important to us.

Mr. SMITH of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the facts are these:

This is the salaries and expenses account for the Small Business Administration. We have in the bill $243,326,000. That account covers the Small Business Development Center Program, the SCORE Program, the minority programs, the microloan programs and outreach programs that are important to women and minorities. They are all funded in this one account.

Now, Mr. Chairman, what the gentleman from Minnesota [Mr. PENNY] did was reduce the account to 95 percent of current services. Most accounts in this bill are at 95 percent of current services. What the amendment to the amendment would do is reduce the account slightly more than that. It would not reduce any one program; it would reduce the entire account.

I am not going to stand here and tell my colleagues that the agency will close down if it is cut $10 million or $5 million. I am not going to ask for a rollcall vote however it goes, because we cannot fine tune it finely enough to know whether $5 million or $10 million is going to be the amount. Hopefully, in conference, we will be able to do all right by this agency. We will get some additional information. But I do want to present these facts to my colleagues.

Ninety-five percent, which the gentleman from Minnesota [Mr. PENNY] has in his amendment, of current services is not as much as I would like to give SBA. On the other hand, it is what the average agency in the bill is getting. So, I am not going to ask for a rollcall vote however this vote goes.

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

Mr. MACHTLEY. Mr. Chairman, I rise in strong opposition to this amendment.

As a member of the Small Business Committee, a committee which represents the Nation's 20 million small businesses, I would assert that the gentlemen from Minnesota's amendment would do nothing to improve a struggling economy.

In fact, to eliminate funding for the Small Business Administration would have a profound negative impact on the economy.

Given the tight market for small business loans, the SBA has become the sole hope for success among many small businesses.

In fact, 40 percent of all term loans made to small businesses in this country are made through the SBA 7(a) Program.

In 1990, the SBA, through its loan and loan guarantee programs, provided $12.7 billion to small businesses.

In 1991, the SBA helped leverage $14.1 billion in loans to small businesses.

In 1993, the SBA has already provided over 14,000 loans to entrepreneurs.

If the 7(a) Program had not run out of money last April, I am sure that this number would be even higher.

In fact, it is estimated that the SBA will provide loan guarantees for about 26,000 more businesses this year.

The gentleman from Minnesota claims that programs like the 7(a) have enormous default rates.

This is simply not the case.

The 7(a) Program has a loss rate of only 2.2 percent.

That is down from a default rate of 11.3 percent in 1983.

As my colleagues can see, the SBA is hard at work to improve its programs in order to provide efficient, effective service to the Nation's 20 million businesses.

The SBA has been particularly helpful in providing much needed relief to the New England region as it struggles to recover from the recent recession, which was exacerbated by numerous bank failures.

The New England Lending and Recovery Act, operated through the SBA, has helped shore up our regional banks, by pumping private capital back into surviving lending establishments.

In addition, through it's small business development centers, small business institutes and service corps of retired executives, the SBA is playing an active role in helping businesses adjust to the continuing defense drawn-down which is occurring throughout the country.

Mr. Chairman, I commend the gentleman from Minnesota for his enthusiasm in cutting Government spending in an effort to create a healthy economy.

But cutting funding for important programs in the Small Business Administration isn't the best way to reach this objective.

If my colleagues are truly interested in economic revitalization they will realize that the SBA helps small businesses fuel our economy through expansion, job creation and increased revenues.

Mr. Chairman, I urge my colleagues to vote against the Penny amendment.

□ 1410

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Colorado [Mr. MCINNIS] to the amendment offered by the gentleman from Minnesota [Mr. PENNY].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. PENNY] as amended.

The amendment, as amended, was agreed to.

Ms. SHEPHERD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this bill, but I would also like to express my great concern about the status of the radiation exposure compensation trust fund, which will receive a zero appropriation level for fiscal year 1994 with passage of this bill. The trust fund has, since its inception, offered a formal apology and significant monetary relief for American nuclear testing radiation exposure victims and uranium miners. It is my understanding that the President's initial Justice Department budget request included $75,250,000 for the radiation exposure compensation trust fund. It is also my understanding that this request was amended after the Justice Department discovered reserves over and above the $75,250,000 that would fulfill grant requests through fiscal year 1994.

Since you have confirmed my understanding, I would also like to clarify that the intent of this zero appropriation was not to negate the need for Radiation Exposure Compensation Act as it was authorized, but simply to recognize that the trust fund has a sufficient current surplus to cover all expected radiation compensation exposure fund claimants into fiscal year 1994.

Mrs. THURMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the chairman of the subcommittee in a colloquy.

Mr. Chairman, March 13 was a very devastating time for seven of the nine counties that I represent in Florida as they became disaster areas during that storm, and one of the things that has come to our attention is that the citizens of west central Florida lack direct access to the National Weather Service radio service.

As the hurricane season begins, it is extremely important for the citizens of this area to have the most complete and up-to-date weather information. This part of Florida is very vulnerable to the effects of severe storms due to a high concentration of people living in low-lying coastal areas and, just as importantly, having a limited number of evacuation corridors.

I understand from local officials in my district that a site has been chosen to place the necessary technical equipment. The only thing they need now is the funding.

Is it correct that the money for these types of projects comes out of the National Weather Modernization Fund?

Mr. SMITH of Iowa. Yes, Mr. Chairman, if the gentlewoman will yield, the National Weather Service radio upgrade program is included in the modernization plan.

Mrs. THURMAN. Mr. Chairman, I believe it is vital that the National Weather Service radio system in this area of Florida is operational during the current hurricane season. Is it possible the necessary funding for this project can come from the fiscal year 1993 appropriations?

Mr. SMITH of Iowa. Yes. I will ask the Department of Commerce to look into the availability of this funding and report back to the subcommittee immediately.

Mrs. THURMAN. Mr. Chairman, is it possible that the funding can be made available immediately?

Mr. SMITH of Iowa. Mr. Chairman, I will respond to the gentlewoman's concerns as soon as I get a report back from the Department.

Mrs. THURMAN. Mr. Chairman, I thank the gentleman from Iowa.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public law 100–504), $7,962,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $22,994,000, and for the cost of guaranteed loans, $219,459,000, as authorized by 15 U.S.C. 631 note: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $94,737,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans, authorized by 15 U.S.C. 631 note, $75,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That none of the funds provided in this or any other Act may be used for the cost of direct loans to any borrower under section 7(b) of the Small Business Act to relocate voluntarily outside the business area in which the disaster has occurred.

In addition, for administrative expenses to carry out the direct loan program, $76,101,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $12,369,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

SBIC BANKRUPTCY PROVISION

None of the funds provided by this Act for the Small Business Administration may be used to guarantee any participating securities authorized by Public law 102–366 until legislation has been enacted which directly or indirectly prohibits the filing of a petition under the Bankruptcy Code by a small business investment company licensed under subsection (c) or (d) of section 301 of the Small Business Investment Act of 1958 or regulations implemented to reduce risks to the Small Business Administration from companies licensed under section (c) or (d) of section 301 of the Small Business Investment Act of 1958.

THOMAS JEFFERSON COMMEMORATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Thomas Jefferson Commemoration Commission as authorized by Public law 102–343, $62,000: *Provided*, That any unobligated balances of amounts made available for fiscal year 1993 shall expire on September 30, 1994.

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that this portion of the bill, through page 58, line 2, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any points of order with regard to the material up to the point specified?

Are there any amendments to the language up to that point?

If not, the Clerk will read.

The Clerk read as follows:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $400,000,000: *Provided*, That none of the funds appropriated in this paragraph shall be expended for any purpose prohibited or limited by or contrary to any of the provisions of section 607 of Public Law 101–515 and that all references to "1991" in section 607 of Public Law 101–515 shall be deemed to be "1994".

POINT OF ORDER

Mr. DELAY. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DELAY. Mr. Chairman, I make a point of order against the language appearing in the bill on page 58, lines 3 through 12. The paragraph provides appropriations that have not been authorized by law and is in violation of House rule XXI, clause 2(a).

The CHAIRMAN. Does the gentleman from Iowa [Mr. SMITH] desire to be heard on the point of order?

Mr. SMITH of Iowa. Mr. Chairman, I concede the point of order.

The CHAIRMAN. For what purpose does the gentleman from Kentucky [Mr. ROGERS] rise?

Mr. ROGERS. Mr. Chairman, I regret that we must concede the point of order because the Legal Services Corporation continues to lack authorizing legislation.

I want there to be no misunderstanding about why no funds for the Legal Services Corporation will be included in this bill once it has passed the House. It is not because my subcommittee did not fund the Legal Services Corporation. We did. In fact, the Legal Services Corporation got a 12-percent increase over 1993 while most other programs were being cut.

Once again, the problem is in the authorizing committee of Congress which has still not passed an authorization for the Legal Services Corporation since 1977.

Mr. Chairman, I support the Legal Services Corporation, and I hope the authorizers will act quickly so that we can work in conference with the Senate to fund this important program.

Once again, Mr. Chairman, I regret that the point of order must be conceded.

The CHAIRMAN (Mr. BROWN of California.) The gentleman from Iowa [Mr. SMITH] has conceded the point of order. The Chair upholds the point of order, and the paragraph is stricken.

The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for trade adjustment assistance and for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, the Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, $223,150,000: *Provided*, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration.

POINT OF ORDER

Mr. PENNY. Mr. Chairman, I make the point of order that on page 58, lines 15 through 25, these are unauthorized appropriations and in violation of clause 2 of rule XXI of the rules of the House.

Mr. SMITH of Iowa. Mr. Chairman, I concede the fact that DEA is not authorized.

The CHAIRMAN (Mr. BROWN of California). The distinguished chairman of the subcommittee concedes the point of order. The Chair sustains the point of order, and the paragraph is stricken.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $26,284,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of

the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY: Page 59, strike lines 1 through 8.

Mr. SMITH of Iowa. Mr. Chairman, I was not aware of this amendment.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

□ 1417

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. SKAGGS] having assumed the chair, Mr. BROWN of California, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2519) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1994, and for other purposes, had come to no resolution thereon.

CONDITIONAL ADJOURNMENT OF THE HOUSE FROM THURSDAY, JULY 1, 1993 UNTIL TUESDAY, JULY 13, 1993, AND CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE FROM THURSDAY, JULY 1, 1993 OR FRIDAY, JULY 2, 1993, UNTIL TUESDAY, JULY 13, 1993

Mr. GEPHARDT. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 115) and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 115

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, July 1, 1993, it stand adjourned until noon on Tuesday, July 13, 1993, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, July 1, 1993 or Friday, July 2, 1993, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until noon, or until such time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, on Tuesday, July 13, 1993, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

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

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JULY 14, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that business in order under the calendar Wednesday rule be dispensed with on Wednesday, July 14, 1993.

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

There was no objection.

AUTHORIZING THE SPEAKER AND THE MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, July 13, 1993, the speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

□ 1420

MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1993

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 216 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 216

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2118) making supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. SKAGGS). The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DRIER], pending which I yield myself such time as I may consume. During debate on this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 216 waives all points of order against the conference report on H.R. 2118 and against its consideration. The rule also provides that the conference report will be considered as having been read.

The supplemental provides necessary funding for our urgent domestic needs, including $220 million for the Summer Youth Employment Program. This includes $50 million for the new Youth Fair Chance Program and raises the maximum eligibility age from 21 to 30 years.

Mr. Speaker, the conference report provides $150 million for discretionary grants to hire additional community police officers and makes the funds available until expended. The supplemental also provides $5.5 million to pay jurors. Federal courts are not able to impanel juries because they have run out of funds. The chief judge of the Northern District of Texas announced recently he could not impanel any further juries until this supplemental is enacted.

The conference report provides $11.5 million for the FCC to begin implementing the Cable Television Consumer Protection and Competition Act of 1992.

Mr. Speaker, there are additional funds for the FBI and Bureau of Alcohol, Tobacco and Firearms to respond to terrorist and extremist acts and to offset increased costs for the Waco, TX, operation. The conference report includes $11.3 million for the Secret Service to meet increased costs to protect former President Bush and losses associated with the World Trade Center bombing.

The conference report includes $95 million for community development disaster assistance, offset by rescissions and transfers. The supplemental also provides the subsidy amount needed to fund $3.2 billion in SBA business loan guarantees.

The conference report includes $6 million from the Public Health Emergency Fund for the recent outbreak of acute illness in the Four Corners area of the Navajo Nation. There is $36 million included for the FDA to hire additional personnel to expedite the drug approval process and to fill 5 full-time slots to begin implementation of the Mammography Quality Standards Act.

The conference report includes $475 million for veterans's compensations and pensions. It also covers the costs of Operation Restore Hope in Somalia. The bill includes $616 million for DOD operations and maintenance accounts and $293 million to pay for transportation costs incurred in Operation Restore Hope and an additional $23 million to continue aid to the Kurdish refugees in northern Iraq. These costs are

offset by specific DOD rescissions, totalling $923 million. The conference report also includes $50 million for defense conversion fully offset by a $50 million rescission.

Mr. Speaker, the supplemental appropriation act is $1.5 billion below the President's request and $831.6 million below the House bill.

Mr. Speaker, this is the customary rule for conference reports. While I recognize that those on the other side of the aisle oppose the summer youth grant program and the rejection of the D'Amato workfare program, I urge my colleagues to adopt this fair rule and move directly to the debate on this important legislation.

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

Mr. Speaker, as we rush toward the Independence Day recess, I want to thank my friend, the gentleman from Dallas, Texas [Mr. FROST], for yielding me this time.

Mr. Speaker, I urge a "no" vote on this rule. The conference report which incorporates the two supplemental appropriation bills adopted by the House in late May does not closely resemble those measures. We in the Committee on Rules were the first to see this conference report very late last night, so very few of our colleagues have had an opportunity to look it over.

Mr. Speaker, as the Committee on Rules majority does with most major bills we have considered this year, we waived the three-day layover rule for conference reports, preventing Members from having the opportunity to look at the measure, we well as the Budget Act, and virtually every other rule of this House.

As I have said in our reform efforts, Mr. Speaker, the best reform we could bring about would be simply to comply with the standing rules of this House. Tragically, this rule throws those out.

There a number of important programs that are funded by this supplemental, such as the Somalia operation, defender services, and jury pay. But this supplemental does not achieve its original objective. That was to stimulate the economy and create jobs. In fact, we no longer even hear it called the stimulus package. The only jobs being created are for the White House staff, which President Clinton promised us he was going to reduce by 25 percent.

Mr. Speaker, what started out as an urgent and ambitious $16 billion business as usual program, has now been pared back to simply a normal business as usual program.

Consider what is in this bill. It provides $125,000 to expand the Vice President's entertainment budget. It increases the eligibility for the so-called summer youth program from 21 to 30. There are many of us that think that 30 is still young, but I do not quite think that that would qualify them for a youth program. And it provides for an additional $14 million for that very important tree planting program, which we just voted to be eliminated 15 minutes ago.

The SBA has repeatedly urged Congress to eliminate the tree planting program because it has nothing to do with small business development and it takes resources away from very legitimate programs. Tree planting has never created a permanent job, outside of the bureaucracy of the SBA. As one SBA official put it, once you dig the hole, the job is over.

Last year, Mr. Speaker, an average of $189 was spent for each tree that was planted. The figure includes a per tree cost of $1,400 in Washington, DC, and $782 in the Virgin Islands. I would note that more than 90 percent of all trees are planted in this country by private property owners at no cost to the Government whatsoever. It is ironic that the only place where there is becoming a shortage of trees is on Government-owned land.

□ 1430

Finally, Mr. Speaker, I want to point out what's not in the conference report. The other body adopted an amendment to reduce the Federal reimbursement for State administrative costs of the AFDC Program by 50 percent, if the States do not enroll at least 10 percent of certain general assistance recipients in a workfare program. This amendment would not have cut benefits. It would merely create a financial incentive for the State welfare bureaucracies to implement workfare programs. This is real welfare reform, Mr. Speaker, which President Clinton called for in his book "Putting People First," but it was deleted from the bill.

Mr. Speaker, as I stated, there are some positive aspects to this bill, although overall, I have concluded that it is a bad bill. However, I can say for sure that there are no positive aspects whatsoever to this rule.

I urge my colleagues to vote against it.

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

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

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

I urge strong support both for the rule and for the conference report on this legislation. I am here to speak in support especially of a provision in the legislation that provides $6 million to the Four Corners area in northwest New Mexico to combat the mystery illness that has plagued the region, and no doubt many of my colleagues have seen on television and reported in other media.

Federal and State health experts are continuing to search for the cause and cure for the new viral disease, a new viral disease which has been implicated in the deaths of 21 people in the Southwest.

Many of these victims have been from my district in the northern part of New Mexico. I have called in the last 4 weeks on the President, the Centers for Disease Control, and the Indian Health Service to dedicate all available resources to identify and stop this terrible illness.

I specifically asked the President for the public health emergency funds which are now included in this bill in the amount of $6 million.

I especially want to commend the conferees for putting this legislation that contains the $6 million in the conference report. These funds will be used to provide medical assistance, conduct more experiments, bring more doctors in in one of the most extremely remote parts of this country, and that is the Navajo Reservation.

I do, nonetheless, want to make two points crystal clear. First, this is not a Navajo nor an Indian disease. Although many of the victims are Native American, this illness is not limited to one race or ethnic group.

Second, one cannot contract this disease by merely traveling to the Southwest or being in contact with native Americans. Native Americans in the area, particularly the Navajos, have suffered discrimination because of this disease. There have been incidents where they have gone into restaurants, meetings have been canceled in other parts of the country because of lack of information on this disease.

The Centers for Disease Control, the New Mexico Department of Health, and the Indian Health Service have tentatively determined that this illness is caused by a hantavirus which is carried by rodents.

I also want to make clear that these funds do not carry any travel restrictions with them. The funding is to be utilized by the Secretary of Health and Human Services to combat this health emergency in ways she deems appropriate. Traveling to the area is perfectly safe. There has been no need for any travel advisory. There has been no need to declare the area a travel restricted area.

Mr. Speaker, Indian country as a whole and the Navajo Nation specifically are in dire need of better health care. It is sad that the only time we notice these needs is when this kind of tragedy occurs.

I would hope that in the future, as we deal with this national health care plan, this comprehensive national health care plan, we look at our native American reservations, where in some parts of the country there is tremendous need, Third World standards exist and access to health care through the

Indian Health Service is almost nonexistent.

To avoid this kind of tragedy in the future, I strongly suggest that we redirect many of our efforts toward the Indian Health Service to have preventive efforts so this kind of outbreak and the lack of information attendant to it does not happen again.

I thank the gentleman from Texas for yielding time to me, and I urge my colleagues to support the rule and the conference report.

Mr. DREIER. Mr. Speaker, just a few minutes ago, as I said, we voted by a near unanimous vote to eliminate the tree planting program. Tragically, it is included in this supplemental appropriation bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. MCINNIS], the author of the amendment, to delete the tree planting program.

Mr. MCINNIS. Mr. Speaker, it is like hunting groundhogs. You go out in the field, and you have got a bunch of holes in the field and you shoot a groundhog, and all of a sudden, he pops up somewhere else.

It was not 10 minutes ago we took away the $16 million for tree planting out of the Small Business Administration, one of the biggest pork barrels, I think, in this budget. And now all of a sudden, we have got $14 million popping up. We would like to object to that. But no, we cannot object to that because we have got the rule.

I oppose the rule. I have got a point of order. I think the point of order would allow us to eliminate that $14 million, but I am going to be prohibited from doing that.

I am trying to learn the process here. Frankly, it is a sneaky process. I am having trouble figuring out all the holes that these groundhogs keep popping up out of.

I tell my colleagues something, when we keep putting money into that kind of budget, and I hear my respected colleague from New Mexico, by the way, it is not limited to one State. I have got the southwestern part of my State that borders the Four Corners. I would like to take that $14 million, send $7 million to the Four Corners and take $7 million, instead of planting trees, to reduce the deficit. But no, I do not know where the groundhog hole is.

I am going to be eliminated, because we cannot debate the rule.

I cannot believe it. I think it is time that we oppose the rule and that we allow both sides of this to have a thorough debate. And once and for all, we get that groundhog called the tree planting project nailed down in one hole and get rid of it while we have an opportunity.

Mr. DREIER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. DELAY], a hard-working member of the Committee on Appropriations.

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

I rise reluctantly to oppose this rule, mainly because I was not aware of what is in this bill until about an hour ago, when it was brought to my attention that there were certain things in this rule.

I thought I just heard the gentleman from California tell me that they finished the conference at 6 o'clock yesterday. They got the bill at 7 or 9 last night.

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

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

Mr. DREIER. Mr. Speaker, we received it in the Committee on Rules at about 9 o'clock last evening, and this was handed to use. And we were asked then to vote on a rule which waives points of order against items in here, like the tree planting program and increasing the age for the summer youth program, a wide range of other things that clearly should not be in this measure.

Mr. DELAY. Mr. Speaker, I want to make a point here. The reason I rise to defeat the rule is so that we can write another rule that allows us points of order against these kinds of things. That is the only way that we can get at them.

Members, I have a warning. There are safeguards in our rules to stop us from being embarrassed. The reason we usually lay these things out for 3 days is so that Members can see what has actually been written and we are not blindsided by certain things. But we are about to leave here is just a couple hours for a district work period where we are going back to face our constituents at a time when the newspapers are going to be writing what is in this bill.

□ 1440

Now, are we going to stand up in our town meetings or before our constituents and tell them that we are now raising the age of youth; we are now young if we are under 30, because we have just done that in this bill, or they are attempting in this bill to raise the age of those that can participate in the Youth Fair Chance Program from 21 to 30? That may be a great idea, but there is no way we can debate it.

I will tell the Members, I am going to tell my constituents that I voted for a rule that allowed a bill to come up that raised the age of youth from 21 to 30. Those are great headlines.

There are some other things in here the Members may not know about. The White House office, and we voted on this many times, and cut funds in the White House office, the add-on, $7.5 million, an add-on of $7.5 million to the White House office. This is the same White House that repeatedly claims it is going to cut spending, yet we increase spending in their office by $87.5 million.

I could go on. There is other stuff in here, and I have not been able to get through it with a very fine comb, but I am just really worried that there is a problem or could be a potential problem while I am back home over the next week facing my constituents, and I would hope that the Members would give us an opportunity to have points of order against some things in this bill by voting no on the rule.

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

Mr. DREIER. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. GOSS], my seat mate on the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from Greater San Dimas, CA for yielding me this time.

Mr. Speaker, this whole exercise of providing Federal funds as supplemental appropriations and for so-called stimulus programs reminds me of a badly seasoned left-over stew. You are not really sure what is in it—and you may not want to ask. But you know it has been spiced up to make it seem better than it really is. Today we have a conference report on which the ink is barely dry. Those of us on the Rules Committee may have a better idea what is in the bill than most of the rest of the House, but we only received it at about 9 last night. The fact is, I think few people really know what is in this $1 billion, bits-and-pieces spending bill which still provides for 30-year-old teenagers. Yet, today we have a rule that waives all points of order against this conference report and, of course, we will dispense with the reading of this 150-page document in the interest of completing work before the Fourth of July comes and goes. I oppose this rule—and I urge my colleagues to do the same. These past few weeks have been a spending frenzy in this House—a tornado of debate and late-night votes in which this House has voted to spend hundreds of billions of taxpayers' dollars. Of course, these bills include many worthwhile programs deserving of our support. But they also include many lower priority and downright wasteful projects. We cannot just ignore the damage done by years of spending money we do not have, years of running up enormous deficits and forcing taxpayers to pay staggering interest on our astronomical debt. We are addicted to spending—and like any addiction, forceful action is needed to ensure a change in behavior. In my first floor statement of this 103d Congress I pledged to vote "no" on spending bills until the Congress charts a course toward a balanced budget. I am fully aware that we cannot achieve a balanced budget this year, or next year or even the year after that. But we can and must have a plan to reach that goal before we proceed through this annual spending spree. And we do not

have such a plan. What we have is a President pushing a program that never approaches a balanced budget, but predicts instead rising deficits after 5 years and a debt of more than $6 trillion. I cannot support—and America cannot afford—proceeding with the Nation's business as if we do not have a spending problem. So I will continue to vote "no" on these spending bills until we devise a realistic plan to achieve a balanced budget. I hope my colleagues who truly believe in real change for this Congress will join me.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to our chief deputy whip, the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. Speaker, I just rise with a question, since all of this is being done very quickly, and even the Committee on Rules has not had very much of a chance to look at this particular bill.

Since we are waiving all points of order on the bill, can anybody tell me what that includes? What is it that is being waived that required that language in the bill? It would be helpful for the Members to know just what it is we are running over with a steamroller here on our way to passage of this rather questionable piece of legislation.

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

Mr. WALKER. I yield to the gentleman from Texas.

Mr. FROST. As the gentleman is aware, there is a 3-day layover rule which, of course, cannot be accommodated within this timeframe. That is being waived.

Mr. WALKER. However, it says "all points of order." Is that the only thing being waived?

Mr. FROST. If the gentleman will continue to yield, I will have to consult with the staff to see if there are any additional points, or matters that are being waived, but that is the primary reason for the rule, is the 3-day waiver.

Mr. WALKER. If I understand correctly, we are waiving the 3-day layover, which was meant to give the Members a chance to study the bill, and by waiving the 3-day layover we cannot figure out what is in the bill, but that is a good reason for rushing it to the floor with all the points of order waived?

I am having trouble understanding how the Members are supposed to find out what is in the legislation.

Mr. FROST. If the gentleman will continue to yield, I do not know if the gentleman was on the floor, but I gave a fairly lengthy summary as to what was in the bill. I do not think there is any question about specific provisions.

If the gentleman has questions about the provisions, the chairman of the Committee on Appropriations is here, and I am sure he would elaborate on those provisions.

Mr. WALKER. I guess what I am wondering is whether or not something is being waived with regard to now redefining the term "teenager" to age 30. I know the genesis of that particular provision was a deal cut in order to pass the reconciliation bill, but I am a little concerned that we are now in the process of suggesting that 25-year-olds, when they get elected to Congress under the Constitution, will now be regarded by Congress in the bill they passed today as teenagers. I think the country is going to have trouble figuring this one out.

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

Mr. WALKER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I think we have found the fountain of youth. All we have to do is pass a bill to raise the age of being young. I am 46. I want to raise this to 46, so I can be young again.

Mr. WALKER. I am 50. I would like to raise it to 50.

Mr. DREIER. I move that the gentleman from Indiana [Mr. MYERS] be part of the Summer Youth Program.

Mr. WALKER. All we have to do is cut a deal as part of the reconciliation bill.

Mr. FROST. Mr. Speaker, for purposes of debate only I yield 3 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, I rise in support of the rule.

I wish to thank the conferees for their hard work on the supplemental before us today. I know that many of the programs in the bill are time-sensitive, and the conferees worked diligently to agree on a report before the Fourth of July. I especially appreciate their cooperation with colleagues from the other body, in the care they took in addressing concerns raised by myself and others regarding the deficit.

This supplemental contains many important items: among them, paying for the United States operation in Somalia, CHAMPUS, SBA loans, low-income rural housing, and Pell grants. While we virtually all agree on the merits of these programs, this supplemental now includes rescissions to help pay for it, and reduce the burden on the deficit.

This supplemental first came before us in May, and at that time it included $1.2 billion in new spending for its Department of Defense programs. DOD had not requested that spending, it had not been authorized, and in fact the Pentagon had already sent up a reprogramming request to pay for most of the items with existing funds.

At that time, Mr. ANDREWS and Mr. PENNY and I offered an amendment to pay for the DOD items with existing funds; 188 of us voted for that amendment. Among those 188 were all but eight of the freshmen Democrats and 46 Republicans. In fact, the freshmen were more united on this amendment than we were on the reconciliation bill.

Following the other body's unanimous vote for the position we took, 151 of us sent a letter to Chairman NATCHER urging offsets for the Pentagon spending.

Now we have before us a package in which 75 percent of the DOD items are paid for with existing funds. That, I say to my friends, is a victory for the American taxpayer.

The message we are hearing from all around the country is to cut the deficit. But we could not have claimed to be serious about reducing the deficit had we tossed money to an agency which had not even requested it. That is exactly the kind of thing which frustrates the taxpayers about the way Congress does business.

We finally see before us today a package that enables us to not only talk about the deficit, but to actually do something about it. Because of the actions of the conferees, $973.5 million will not be added to the deficit.

Public interest has been generated across the country about this issue. Thanks to the work of the conferees, we are showing the taxpayers we have heard their pleas and we have resisted adding nearly $1 billion to the deficit with unrequested, unauthorized spending.

To all those who have questioned the commitment to change in Congress—particularly among the freshmen class—this conference is proof: business as usual is out of business and it is the taxpayers who can take that to the bank.

I urge Members to support the rule and final passage of the bill.

□ 1450

Mr. DREIER. Mr. Speaker, the question was asked a little while ago by my friend from Pennsylvania as to what specific waivers were made that will allow this conference report to be implemented, and my friend from Dallas referred to the 3-day layover.

We have to recognize that there is a lot more to it than that. We have nongermane Senate material that is in here. We have unauthorized appropriations, and legislation on appropriations. All of those provisions which are standard rules of the House have been waived to make this conference report in order.

Mr. Speaker, I am happy to yield 2 minutes to my friend and classmate, the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, for those of us who voted against last year's cable act, I guess now is the time to say we told you so, because what happened in the debate, if you will recall, was that some of us who opposed the reregulatory scheme under the cable act as being far too burdensome, also said that at some point the Congress is

going to come back to the taxpayer and ask him for more money for more regulations. So that now you have seen it.

The House did not even get a chance and the Appropriations Committee in the House did not even get a shot at this. It was stuffed into the Senate version of this appropriation. The supplemental appropriation now comes back to the House with $11.5 million for the FCC to reregulate cable.

Not the first dime has been saved by the first cable subscriber to date. As a matter of fact, the FCC has told us that it will be at least October before they get at it, and we had a hearing last week on the FCC reauthorization. The Chairman of the Commission, Mr. Coelho, told me that based, on a question I had propounded, the average cable subscriber will save less than $2 a month on his cable bill after all of this reregulation and after the FCC hires all of these lawyers and accountants. This is indeed a jobs bill, by the way, for lawyers and accountants who are out of work, who want to go to work for the FCC. We are going to take $11.5 million out of the pockets of the taxpayers and try to buy them off with some kind of regulatory scheme somewhere down the line.

The chickens have come home to roost. Everybody in this Chamber should know what a roost this is, and vote against the rule, and vote against this supplemental appropriation. It is the wrong message to send at the wrong time.

We do not need more bureaucracy. We need competition in cable, not more reregulation.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to my friend, the gentleman from Illinois [Mr. PORTER], a hard-working member of the Committee on Appropriations.

Mr. PORTER. Mr. Speaker, I thank my distinguished colleague from California for yielding the time.

Mr. Speaker, as a conferee on the supplemental, I find myself very disturbed, even outraged, that it contains a $50 million appropriation for the Youth Fair Chance Program, and changes the law to define youth from age 21 in the present law, to age 30. Frankly, I have no issue with the substance per se of these changes. I have great issue, however, with the process under which they are probably going to become law.

They got into the conference through a self-executing rule that should never be allowed, Mr. Speaker, in this House. They got into the conference by way of no hearings, by passing by the Appropriations Committee and adding the dollars, bypassing by the authorizing committee, and making changes in the law, by insulting the chairman and the members of each of those committees that should have had the opportunity to look into the merits and make their decisions according to the procedures, the normal procedures of this House. I find that, Mr. Speaker, unconscionable. I find that to be a terrible way to legislate. I see this as having the stench of a political payoff about it that reflects unfavorably upon this body and each one of its Members.

We should not, we must not, allow this kind of procedure to prevail. I will vote against the supplemental for this reason, not because I might not favor the changes, had we had a chance to consider them in the normal way, but because of the process by which they became a part of this legislation.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to our friend, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding the time.

In the process of going through this particular bill we have found something here that puzzles me a little bit. Money was allocated for, and I am quoting from the language of the bill, in Los Angeles, CA, for "a loan fund to be administered by a nonprofit community organization in support of small business revitalization that will create a beneficial impact on employment, income, savings, and the development of a stronger community economic base in south central Los Angeles." Then we find out that $1.7 million is being diverted from that to go to a group called the Brotherhood Crusade Black United Front of Los Angeles. When we get very, very specific about a group that is getting $1.7 million of taxpayer money in here, some of us are wondering who is this group, and why were they specifically designated in the bill for $1.7 million? And are any of the waivers that we are granting in this rule applicable to that particular grant of money to that one specific group?

Can anybody tell me?

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

Mr. WALKER. Sure, I yield to the gentleman from Texas.

Mr. FROST. Mr. Speaker, a question of that nature is properly directed toward the Appropriations Committee. The chairman of the Appropriations Committee is here, and I do not know whether the gentleman would want to try to respond to that specific question, but I would yield to him for that purpose when the gentleman from Pennsylvania has concluded.

Mr. WALKER. Can the gentleman tell me whether or not any of the waivers we have in this rule were required in order to make this specific grant of money to this group?

Mr. FROST. Mr. Speaker, if the gentleman will yield, I am advised that that provision was in the House bill, and that waivers would not be required for that provision.

Mr. WALKER. I am wondering if someone can tell us why this specific group is singled out to get over $1.7 million?

Mr. FROST. Mr. Speaker, for purposes of debate only, I am happy to yield 2 minutes to the gentleman from Kentucky [Mr. NATCHER] if he wishes to respond to this particular inquiry.

Mr. NATCHER. Mr. Speaker, I want to thank the gentleman for yielding the time to me. I say to my friend from Pennsylvania that we are trying to find out at this time just exactly what section and what chapter this is in in order to get our detailed information on this matter before us.

The subcommittee chairman involved in this particular bill is on his way to the Chamber.

Mr. WALKER. If the gentleman will yield, I will tell the gentleman that it is in the Federal Housing Administration, community planning and development, community development grants under the administrative provisions. So it would be in VA-HUD.

Mr. NATCHER. The gentleman from Ohio [Mr. STOKES] is the chairman of that subcommittee, and he is on his way to the Chamber at this time. If the rule is adopted, the gentleman's question will be fully answered.

□ 1500

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. I thank the gentleman for yielding to me.

Mr. Speaker, I would be pleased to engage in a colloquy with the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. STOKES. I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I was just trying to figure out, we found this one thing down there where the money that is going to Los Angeles, supposedly to support small business revitalization in the badly hit section of the city, all of a sudden we found out that $1.7 million of the money is being made available to a specific group known as the Brotherhood Crusade Black United Front of Los Angeles. And none of us can figure out just exactly why that specific grant was made. There is no indication of the qualifications of this group to administer a sum of money that size.

My question was: Who is this group, and why were they specifically designated to get $1.7 million of funds that otherwise would be going for rebuilding of the community?

Mr. STOKES. Let me say to the gentleman that this was a special-purpose grant which was in last year's bill. As you know, we did not put any special purpose grants in our bill this year because they are not authorized. But we

had a request with reference to that particular grant, which had been made last year, to make a technical change. There was some confusion as to whether all the funding went to one of two groups, or not. Actually there were two groups who applied. We had been requested to agree to this technical change. But this is something that was done last year. Nothing has been done new on our part.

Mr. WALKER. I thank the gentleman. If he would respond further: The thing that I am concerned about is it specifies here that the earmark in the bill was $260 million earmarked in Public Law 102-389, which would confirm what the gentleman is saying. But then, what is apparently happening here, is that it is further earmarked down to this specific group. The problem that I have is the language I have indicates that the chairman is absolutely right that there was an earmark in Public Law 102-389. But then what it also indicates is that in this particular bill, we are further earmarking below that, this $1.75 million that then goes to a very, very specific group, and we cannot find out just exactly what the qualifications of that group are to administer money that was earmarked for a very specific purpose in Los Angeles.

Mr. STOKES. Let me try again and see if I can answer the gentleman's question.

First, there is no new money here at all. This is just a redesignation of previously appropriated funds. At the time that the special-purpose grant was approved in last year's bill, there was evidently, in the language used, some type of error made in terms of the designation. There were two groups applying, and evidently the language in the report needed some clarification. So they came back to us this year and asked for that technical correction.

Now, in terms of the group, HUD would probably have to answer that as to their qualifications. But as I said, all of this was done last year. This is nothing new, no new money at all. It is just a redesignation of what the House and the Senate did last year.

Mr. WALKER. So we are picking between one of the two groups here, we are picking one out of the two groups?

Mr. STOKES. We are merely clarifying and redesignating as it relates to that one group. But originally there were two groups, it is just that the language of the bill, in the 1993 bill, was not clear. The purpose of this language is to try to clarify it.

Mr. WALKER. So that the gentleman is saying that, for the purpose of this bill, we are making it very, very clear that the group that we want the money—the $1.7 million—to go to, is the Brotherhood Crusade Black United Front of Los Angeles.

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

Mr. STOKES. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Speaker, could the gentleman tell us who made the request for the $1.7 million?

Mr. STOKES. The letter that was written to us, as I recall, came from the city of Los Angeles.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Georgia [Mr. KINGSTON] one of the hard-working Members of the House.

Mr. KINGSTON. I thank the gentleman for yielding to me.

Mr. Speaker, one of the things I hear from my constituents, not just now as I am a Representative, but also as a candidate, I hear it from black and white, rich and poor, rural and urban, is that when it comes to public assistance, when it comes to helping people along through Government finances, one of the things they want to see is able-bodied people pitching in and doing their part. One of the things that has happened with our welfare state that we have right now is that we have a lot of capable people who are physically able, mentally able, and they are not working. It is easy now to take advantage of the welfare lifestyle, if you will, by not working. This is universal.

The President of the United States, the Democrat President, Bill Clinton, said as a candidate over and over and over again,

> Let's work for workfare, let's implement workfare. If you are capable of working, we want you working. If you need public assistance, we want to help you. America is a kind-hearted country. But if you are able to work, then, by golly, you need to go out and do that.

This bill, the conferees here rejected the workfare requirement.

As I read this bill—and I am a newcomer, I do not know everything there is to know—but if we support this rule, then we are voting against workfare. To vote against workfare when we are increasing the taxes, increasing regulation, and increasing the hardships on the hard-working poor, the middle class, and everyone else, and to say this is a vote against workfare, is hard for me to take, Mr. Speaker. For that, I urge my colleagues to vote against the rule.

Mr. DREIER. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, having observed this display that has taken place over the past 45 minutes or so, I have come to the conclusion that we are going to make an attempt to defeat the previous question. And the reason for that is that, as we look at the waivers that have been put into place in this measure, we clearly are violating our responsibility to deal with the spending problems that we have in this country.

We have seen Members hold up these reports, copies of the conference report that we received in the Committee on Rules in the middle of the evening last night, finding different programs in here, like the provision which takes the Summer Youth Program and increases the age cap from 21 up to 30. We have seen the $14 million that is being put back in here for tree planting, which just 45 minutes ago, on a unanimous vote, we knocked out, it is kept in this bill.

It seems to me what we should do is consider this conference report under the standard operating procedures of this House. So, if I could ask my colleagues to join with me in defeating the previous question, it means we will put the 3-day layover provision back into place. It will mean that every Member will have 3 days to go through this measure, sit down with your staff, read through it, find out where transfers have taken place in Los Angeles, Chicago, or other areas.

They will also have a chance to make points of order against measures which do increase up the Summer Youth Program and put in place the tree planting program for the Small Business Administration. The Small Business Administration does not even want the tree planting program. Yet it is put in this bill, and we cannot offer any provision here, we do not have any opportunity to knock that out.

□ 1510

If we defeat the previous question, I plan to offer an amendment which would eliminate the waiver on all points of order. It would allow every Member of this House to have the opportunity to do what our constitutional responsibility should be.

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

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I thank the gentleman for yielding this time to me.

I just want to point out that in this bill there is $175 million to pay the full subsidy cost on $3.2 billion in loan guarantees.

They needed these funds 2 months ago, really. They ran out of money about April 27.

There are 310,000 jobs involved. We should not have any more delay on this bill. If we delay today, it will be after the 4th of July before it is enacted. They need this money now. If we pass this bill today, it will probably be Monday before they can make these loans. Some borrowers are going to have their loans called because they cannot extend the loans under current bank regulations unless it is Government guaranteed. These loan guarantees are terribly important.

I did not mention the defender service and the fees for jurors. They cannot even have civil jury trials because they

do not have the money for fees for jurors.

If we do not waive the 3 day rule and the bill lays over 3 days, we would really be talking about laying over 10 days due to the Fourth of July holiday, not 3 days. That means less jobs next week, a lot of small businesses will have their loans called or they will not get to make a loan. These loans only cost us $567 each. Some of them are not just 1-year loans. Some of these businesses stay in business for several years. So we should not have any further delay on this bill.

Mr. DREIER. Mr. Speaker, I would like to respond to the subcommittee chairman, my good friend, the gentleman from Iowa, by stating the remarks that I made earlier when we were considering his appropriations bill, and that is as we look at the $141 million that we want to get out there for SBA loans, it really is ridiculous for the Government to be providing that when the Bank of Boston has already said that at about the same rate they are trying to get $6 billion out there in loans for the small business sector of the economy. So it seems to me that as we look at this, yes, there are a lot of very important items in this measure. I do not want to delay the funding for the Somalia effort. I do not want to delay the funding for the defender services, and I do not want to delay jury pay. There are good and important items in this program, but the fact of the matter is we should allow our colleagues the opportunity to look through this measure, and that is why as we proceeded with this debate, I made the decision that I am going to move to defeat the previous question.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, perhaps some bank out there has the money without using loan guarantees, but there are hundreds and hundreds of banks around this country, especially country banks, that have to have a Government guarantee on the loan or call the loan. If they do not have the guarantee, the loan counts against their capital and they would exceed the limit and not be permitted to make loans to other people. They could not make car loans.

So it is the smaller banks as well as the borrower that is being helped by this. This is a very important program. We should not have any more delays.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my very hard-working and sensitive friend, the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, I thank the gentleman for yielding me this time. Garden Grove is listening.

I just wanted my colleague and particularly my friends and colleagues on the other side of the aisle to see that I am wearing a ribbon today actually printed by Uncle Sam. It is a ribbon dollar bill.

I may not be a handsome man, but I am a sensitive man. I care and this shows that I worry about the budget deficit and the $4.4 trillion debt that this country has.

Everything we are trying to do on this side of the aisle and why this rule is so important to us is because, like you on this side, we are sensitive people over here. We care.

I think over the next few weeks you will see more and more Members wearing this dollar bill ribbon to show that we care.

In Rush rooms all across this country, Mr. Speaker, at lunch time people are now aware that the budget deficit is before us, and being sensitive men and women we will whip this problem this year and not leave it to my grandchildren or to Mr. GONZALEZ' great-grandson and his 22 grandchildren, is it, 22 or 23.

There is a new sensitivity taking over this Chamber. After a little rough time yesterday that we got through, I want all the visitors who watch us either from our distinguished guests in the gallery or through the 1½ to 3 million audience that follows our proceedings on C-SPAN, I want them to know that we are sensitive. We care.

Mr. DREIER. Mr. Speaker, I yield 30 seconds to my friend, the gentleman from Pennsylvania [Mr. WALKER].

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

I just want to point out that the real nature of those ribbons, the Rush ribbons, is that if you wear a $5 bill, you are five times as sensitive. If you wear a $10 bill, you are 10 times as sensitive, and if you wear a $100 bill, and some of us around here may be able to afford to do that, you are 100 times as sensitive about the deficit. So we are hoping that everyone can come and show their true sensitivity.

Have you got a quarter over there? The gentleman from Indiana [Mr. MYERS] has a penny, I understand.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time, simply to say that this debate has led me to conclude that defeating the previous question is really the most responsible thing that this House can do.

Why? Because we have this report that came to us late last night. We have a wide range of things in here that this House does not support, the most recent being, as I said a few moments ago, the tree planting program. We voted to delete $16 million just a little while ago, and yet $16 million is placed back in here.

The only way that we will have an opportunity to raise a point of order to knock that out is by defeating the previous question.

I have my amendment right here, Mr. Speaker, I urge my colleagues to vote "no" on the previous question.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I am happy to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, it seems the gentleman's life is going to be spent talking about trees. I am glad to talk about trees.

The $14 million was put in here in the House. We had a rollcall vote.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I want to remind the gentleman that we had a 2-hour debate about that and a rollcall vote. What the gentleman does not want to do is to do what the House has already voted to do.

Mr. DREIER. Mr. Speaker, if my friend would yield to me, since I have had to yield back the balance of my time, I would simply say that about 1½ hours ago the House nearly unanimously, I did not hear any "noes" called out, we had a vote on the Appropriations bill coming forward. Members of the House had an opportunity to cast a vote on it. They voted to delete it. The SBA does not want it. It seems to me that the only responsible thing for us to do is to allow points of order to be raised against this so we can vote down the bill.

Mr. SMITH of Iowa. That was not on this at all. That was for salaries and expenses. That was not on this at all.

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

Mr. Speaker, the minority has some concerns about some provisions of this bill. If the minority does not like the bill, they would have the opportunity to defeat the bill on final passage when it comes up.

This bill deals with a number of pressing matters, matters that must be dealt with right away.

For that reason, I urge my colleagues to support the previous question. Vote for the rule and proceed to consideration of this very important supplemental bill.

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

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

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5(b)(1) of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within

which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution, following the vote on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 250, nays 172, not voting 12, as follows:

[Roll No. 319]

YEAS—250

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—172

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Blute
Bonilla
Dellums
Dooley
Fields (TX)
Henry
Houghton
Lipinski
Moakley
Skeen
Spratt
Waxman

□ 1539

Mrs. MORELLA changed her vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. As previously announced, this will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 243, nays 170, not voting 21, as follows:

[Roll No. 320]

YEAS—243

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Stenholm
Stokes
Strickland
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Watt
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—170

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bliley
Boehlert
Boehner
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle

Coble	Inglis	Quillen
Collins (GA)	Inhofe	Quinn
Combest	Istook	Ramstad
Cox	Jacobs	Ravenel
Crane	Johnson (CT)	Regula
Crapo	Johnson, Sam	Ridge
Cunningham	Kasich	Roberts
DeLay	Kim	Rogers
Diaz-Balart	King	Rohrabacher
Dickey	Kingston	Ros-Lehtinen
Doolittle	Klug	Roth
Dornan	Knollenberg	Roukema
Dreier	Kolbe	Royce
Duncan	Kyl	Santorum
Dunn	Lazio	Saxton
Emerson	Leach	Schaefer
Everett	Levy	Schiff
Ewing	Lewis (CA)	Sensenbrenner
Fawell	Lewis (FL)	Shaw
Fish	Lightfoot	Shays
Fowler	Linder	Shuster
Franks (CT)	Livingston	Smith (MI)
Franks (NJ)	Machtley	Smith (NJ)
Gallegly	Manzullo	Smith (OR)
Gallo	McCandless	Smith (TX)
Gekas	McCollum	Snowe
Gilchrest	McCrery	Solomon
Gillmor	McDade	Spence
Gilman	McHugh	Stearns
Gingrich	McInnis	Stump
Goodlatte	McKeon	Sundquist
Goodling	McMillan	Talent
Goss	Meyers	Tauzin
Grams	Mica	Taylor (MS)
Grandy	Michel	Taylor (NC)
Greenwood	Miller (FL)	Thomas (CA)
Gunderson	Molinari	Thomas (WY)
Hancock	Moorhead	Torkildsen
Hansen	Myers	Upton
Hastert	Nussle	Vucanovich
Hefley	Oxley	Walker
Herger	Packard	Walsh
Hobson	Paxon	Weldon
Hoekstra	Peterson (MN)	Wolf
Hoke	Petri	Young (AK)
Horn	Pombo	Young (FL)
Huffington	Porter	Zeliff
Hunter	Portman	Zimmer
Hutchinson	Pryce (OH)	

NOT VOTING—21

Berman	Fields (TX)	Pomeroy
Bilirakis	Henry	Skeen
Blute	Houghton	Spratt
Bonilla	Hyde	Stark
Clinger	Lipinski	Studds
Dellums	Moakley	Waters
Farr	Morella	Waxman

□ 1548

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. NATCHER. Mr. Speaker, pursuant to the rule just adopted, I call up the conference report on the bill (H.R. 2118) making supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

The Clerk read the title of the bill.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to H.R. 2118, and that I may include tabular and extraneous matters.

The SPEAKER pro tempore (Mr. BEILENSON). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

□ 1550

The SPEAKER pro tempore (Mr. BEILENSON). Pursuant to House Resolution 216, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Wednesday, June 30, 1993, at page H 4368.)

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. NATCHER] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. NATCHER].

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

Mr. Speaker, today we bring to the floor the conference agreement on the fiscal year 1993 Supplemental Appropriations Act (H.R. 2118). This conference agreement covers the items in both H.R. 2118 and H.R. 2244 that passed the House on May 26. When the Senate considered H.R. 2118, they also included items included in the House-passed version of H.R. 2244. As we conferred with the other body, all items in H.R. 2244 were construed to be in conference.

This conference agreement provides net new budget authority of about $1 billion. This is the result of $3.5 billion in new appropriations and $2.5 billion in rescissions.

The conferees were constrained to develop an agreement that was within the limits of the fiscal year 1993 budget resolution and the 1990 budget agreement minicaps. This conference agreement is within those limits. In fact for domestic discretionary, the conference agreement actually reduces the deficit in fiscal year 1993 by $40 million because of rescissions.

The conference agreement includes: $220 million from summer jobs of which $50 million is for the Youth Fair Chance Program; $341 million for Pell grants; $3.2 billion in Small Business Administration business loan amounts; $150 million for police-on-the-streets; $60 million for fees for jurors and for trial attorney payments; $475 million for veterans compensation and pensions; and $1.3 billion for DOD for Somalia peacekeeping, no-fly zone operations in southern Iraq, and other urgent defense needs. These defense funds are offset by $973 million in DOD rescissions.

Mr. Speaker, this is a responsible conference agreement. It addresses important and urgent needs. It is fiscally responsible.

I urge adoption of this conference agreement.

Mr. Speaker, the following table provides more detail on this conference agreement:

FY 1993 SUPPLEMENTAL APPROPRIATIONS BILL (H.R. 2118)

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	FY 1993 SUPPLEMENTAL APPROPRIATIONS BILL						
	CHAPTER I						
	DEPARTMENT OF AGRICULTURE						
	Food Safety and Inspection Service						
103-50	Salaries and expenses	4,000,000	4,000,000	4,000,000	4,000,000		
	Soil Conservation Service						
	Watershed and flood prevention operations			3,328,000	3,328,000	+3,328,000	
	Rural Development Administration						
	Salaries and expenses (rescission)		-8,576,000	-9,587,000	-9,587,000	-1,011,000	
	Rural Development Insurance Fund Program Account:						
	Water and sewer facility loans: Direct:						
103-50	(Loan authorization) 1/	(470,000,000)	(250,000,000)	(250,000,000)	(250,000,000)		
103-50	Loan subsidy 1/	66,821,000	35,543,000	35,543,000	35,543,000		
103-50	Rural water and waste disposal grants 1/	281,767,000	35,000,000	35,000,000	35,000,000		
	Total, Rural Development Administration	348,588,000	61,967,000	60,956,000	60,956,000	-1,011,000	
	Farmers Home Administration						
	Rural Housing Insurance Fund Program Account:						
	Low-income single family housing (sec. 502):						
103-50	(Loan authorization) (unsubsidized guaranteed)	(234,805,000)	(250,000,000)	(250,000,000)	(250,000,000)		
	Loan subsidies:						
103-50	Unsubsidized guaranteed	4,297,000	4,576,000	4,576,000	4,576,000		
	Direct (rescission)			-64,826,000	-64,826,000	-64,826,000	
	Rental housing (sec. 515):						
	Loan subsidy (rescission)			-17,672,000	-17,672,000	-17,672,000	
	Credit sales of acquired property:						
	Loan subsidy (rescission)			-3,571,000	-3,571,000	-3,571,000	
	Rental assistance program			66,287,000	66,287,000	+66,287,000	
	Agricultural Credit Insurance Fund Program Account:						
	Farm ownership: Direct:						
	Loan subsidy (rescission)			-2,317,000	-2,317,000	-2,317,000	
	Farm operating: Direct:						
	(Loan authorization) 1/		(-99,374,000)		(-99,374,000)		(-99,374,000)
	Loan subsidy (rescission) 1/		-15,000,000	-15,000,000	-15,000,000		
	Emergency disaster loans:						
	(Loan authorization) 1/		(-56,076,000)		(-56,076,000)		(-56,076,000)
	Loan subsidy (rescission) 1/		-15,000,000	-15,000,000	-15,000,000		
	Credit sales of acquired property:						
	Loan subsidy (rescission)			-3,511,000	-3,511,000	-3,511,000	
	Salaries and expenses (rescission) 1/		-15,000,000	-15,000,000	-15,000,000		
	Total, Farmers Home Administration	4,297,000	-40,424,000	-66,034,000	-66,034,000	-25,610,000	
	Human Nutrition Information Service (rescission) 1/		-2,250,000	-2,250,000	-2,250,000		
	Agricultural Stabilization and Conservation Service						
	Salaries and expenses (rescission) 2/		-3,900,000			+3,900,000	
	Total, Department of Agriculture		-59,726,000	-148,734,000	-148,734,000	-89,008,000	
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Food and Drug Administration						
103-3	Salaries and expenses (by transfer)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)		
103-3	(User fees)	(36,000,000)	(36,000,000)		(36,000,000)		(+36,000,000)
	Total, Chapter I:						
	New budget (obligational) authority	356,885,000	19,393,000			-19,393,000	
	Appropriations	(356,885,000)	(79,119,000)	(148,734,000)	(148,734,000)	(+69,615,000)	
	Rescissions		(-59,726,000)	(-148,734,000)	(-148,734,000)	(-89,008,000)	
	(By transfer)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)		
	CHAPTER II						
	DEPARTMENT OF COMMERCE						
	Economic Development Administration						
	Economic development assistance programs (rescission)			-11,807,000			+11,807,000
	Economic development revolving fund (rescission) 1/		-66,807,000	-83,000,000		+66,807,000	+83,000,000
	National Oceanic and Atmospheric Administration						
	Operations, research, and facilities (rescission) 1/		-2,544,000	-2,544,000	-2,544,000		
	Total, Department of Commerce		-69,351,000	-97,351,000	-2,544,000	+66,807,000	+94,807,000
	DEPARTMENT OF JUSTICE						
	Legal Activities						
S.Doc. 103-7	Assets forfeiture fund (rescission) 1/	-20,000,000	-5,000,000	-35,000,000	-35,000,000	-30,000,000	
	Federal Bureau of Investigation						
103-3	Salaries and expenses	16,700,000					
	Special program			32,000,000	32,000,000	+32,000,000	
	Federal Prison System						
	Buildings and facilities (rescission) 1/		-94,500,000	-130,000,000	-145,000,000	-50,500,000	-15,000,000

FY 1993 SUPPLEMENTAL APPROPRIATIONS BILL (H.R. 2118), continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Office of Justice Programs						
103-87	Justice assistance 1/	200,000,000	200,000,000	200,000,000	150,000,000	-50,000,000	-50,000,000
.....	Rescission 1/	.....	-1,000,000	-1,000,000	.....	+1,000,000	+1,000,000
	Total, Department of Justice	196,700,000	99,500,000	66,000,000	2,000,000	-97,500,000	-64,000,000
	THE JUDICIARY						
	United States Court of Appeals for the Federal Circuit						
103-3	Salaries and expenses	1,738,000	.....	.....	.....	.....	.....
	United States Court of International Trade						
103-3	Salaries and expenses	935,000	.....	.....	.....	.....	.....
	Courts of Appeals, District Courts, and Other Judicial Services						
103-3	Salaries and expenses	12,295,000	.....	.....	.....	.....	.....
103-3	Defender services	64,800,000	55,000,000	55,000,000	55,000,000	.....	.....
103-3	Fees of jurors and commissioners	7,500,000	5,500,000	5,500,000	5,500,000	.....	.....
103-3	Court security	4,342,000	.....	.....	.....	.....	.....
	Total, Courts of Appeals, District Courts, and Other Judicial Services	88,937,000	60,500,000	60,500,000	60,500,000	.....	.....
	Administrative Office of the United States Courts						
103-3	Salaries and expenses	710,000	.....	.....	.....	.....	.....
	Federal Judicial Center						
103-3	Salaries and expenses	100,000	.....	.....	.....	.....	.....
	Total, The Judiciary	92,420,000	60,500,000	60,500,000	60,500,000	.....	.....
	DEPARTMENT OF STATE						
	International Organizations and Conferences						
103-3	Contributions to international peacekeeping activities	293,000,000	.....	.....	.....	.....	.....
	RELATED AGENCIES						
	Department of Transportation						
	Maritime Administration						
	Military useful vessel obligation guarantees:						
.....	Guaranteed loans subsidy	.....	.....	48,000,000	48,000,000	+48,000,000	.....
.....	Rescission	.....	.....	-48,000,000	-48,000,000	-48,000,000	.....
.....	Administrative expenses	.....	.....	.....	4,000,000	+4,000,000	+4,000,000
.....	Rescission	.....	.....	.....	-4,000,000	-4,000,000	-4,000,000
	Arms Control and Disarmament Agency						
103-3	Arms control and disarmament activities	2,000,000	.....	.....	.....	.....	.....
	Board for International Broadcasting						
103-3	Israel relay station (rescission)	-180,000,000	.....	-180,000,000	-180,000,000	-180,000,000	.....
	Federal Communications Commission						
103-3	Salaries and expenses	12,000,000	.....	11,500,000	11,500,000	+11,500,000	.....
	Securities and Exchange Commission						
.....	Salaries and expenses (rescission)	.....	.....	-11,700,000	-11,700,000	-11,700,000	.....
	Thomas Jefferson Commission						
.....	Salaries and expenses (rescission) 1/	.....	-200,000	-200,000	-100,000	+100,000	+100,000
	Office of the United States Trade Representatives						
103-3	Salaries and expenses	750,000	.....	500,000	500,000	+500,000	.....
	Small Business Administration						
.....	Salaries and expenses (by transfer) 2/	.....	(14,000,000)	.....	(14,000,000)	.....	(+14,000,000)
.....	Rescission	.....	.....	-2,000,000	-2,000,000	-2,000,000	.....
	Business Loans Program Account:						
103-50	(Limitation on guaranteed loans)	(2,575,558,000)	(3,308,958,000)	(3,199,269,000)	(3,199,269,000)	(-109,689,000)	.....
103-50	Guaranteed loans subsidy	140,883,000	181,000,000	160,000,000	175,000,000	-6,000,000	+15,000,000
	Disaster Loans Program Account:						
.....	Direct loans subsidy (rescission)	.....	.....	-80,657,000	-80,657,000	-80,657,000	.....
	Total, Small Business Administration	140,883,000	181,000,000	77,343,000	92,343,000	-88,657,000	+15,000,000
	United States Information Agency						
103-3	Radio construction	125,100,000	.....	.....	.....	.....	.....
	Total, Related agencies	100,733,000	180,800,000	-102,557,000	-87,457,000	-268,257,000	+15,100,000
	Total, Chapter II:						
	New budget (obligational) authority	682,853,000	271,449,000	-73,408,000	-27,501,000	-298,950,000	+45,907,000
	Appropriations	(882,853,000)	(441,500,000)	(512,500,000)	(481,500,000)	(+40,000,000)	(-31,000,000)
	Rescissions	(-200,000,000)	(-170,051,000)	(-585,908,000)	(-509,001,000)	(-338,950,000)	(+76,907,000)
	(By transfer)	.....	(14,000,000)	.....	(14,000,000)	.....	(+14,000,000)
	CHAPTER III						
	DEPARTMENT OF DEFENSE - MILITARY						
	Military Personnel						
.....	Military personnel, Navy	.....	7,100,000	7,100,000	7,100,000	.....	.....

FY 1993 SUPPLEMENTAL APPROPRIATIONS BILL (H.R. 2118), continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Operation and Maintenance						
.....	Operation and maintenance, Army	.....	149,800,000	149,800,000	149,800,000	.....	.....
.....	Operation and maintenance, Navy	.....	46,356,000	46,356,000	46,356,000	.....	.....
.....	Operation and maintenance, Marine Corps	.....	122,192,000	122,192,000	122,192,000	.....	.....
.....	Operation and maintenance, Air Force	.....	266,400,000	266,400,000	266,400,000	.....	.....
.....	Operation and maintenance, Defense agencies	.....	2,000,000	.....	2,000,000	.....	+2,000,000
.....	Operation and maintenance, Navy Reserve	.....	237,000	237,000	237,000	.....	.....
.....	Humanitarian assistance program	.....	.....	23,000,000	23,000,000	+23,000,000	.....
.....	Real property maintenance, Defense	.....	29,098,000	29,098,000	29,098,000	.....	.....
	Total, Operation and Maintenance	.....	616,083,000	637,083,000	639,083,000	+23,000,000	+2,000,000
	Revolving and Management Funds						
.....	Defense business operations fund	.....	293,500,000	295,500,000	293,500,000	.....	-2,000,000
	Other Department of Defense Programs						
.....	Defense health program, operation and maintenance	.....	299,900,000	299,900,000	299,900,000	.....	.....
	RELATED AGENCIES						
103-3	National Security Education Trust Fund	5,000,000	10,000,000	10,000,000	10,000,000	.....	.....
.....	Defense reinvestment for economic growth	.....	.....	.....	50,000,000	+50,000,000	+50,000,000
	GENERAL PROVISIONS						
.....	Rescission (sec. 304)	.....	.....	-1,250,000,000	-973,507,000	-973,507,000	+276,493,000
S.Doc. 103-7	Additional transfer authority (sec. 306)	(300,000,000)	.....	.....	(500,000,000)	(+500,000,000)	(+500,000,000)
	Total, Chapter III:						
	New budget (obligational) authority	5,000,000	1,226,583,000	-417,000	326,076,000	-900,507,000	+326,493,000
	Appropriations	(5,000,000)	(1,226,583,000)	(1,249,583,000)	(1,299,583,000)	(+73,000,000)	(+50,000,000)
	Rescissions	.....	.....	(-1,250,000,000)	(-973,507,000)	(-973,507,000)	(+276,493,000)
	CHAPTER IV						
	DEPARTMENT OF THE INTERIOR						
	Bureau of Land Management						
.....	Land acquisition (rescission) 2/	.....	-4,958,000	.....	.....	+4,958,000	.....
	United States Fish and Wildlife Service						
.....	Construction and anadromous fish (rescission) 2/	.....	-4,100,000	.....	-1,500,000	+2,600,000	-1,500,000
.....	Land acquisition	.....	.....	.....	1,000,000	+1,000,000	+1,000,000
	National Park Service						
.....	Construction (rescission) 2/	.....	-6,800,000	.....	-2,700,000	+4,100,000	-2,700,000
	Bureau of Indian Affairs						
.....	Operation of Indian programs	.....	12,463,000	7,242,000	17,400,000	+4,937,000	+10,158,000
.....	(By transfer)	.....	(8,837,000)	(3,900,000)	(3,900,000)	(-4,937,000)	.....
103-3	Miscellaneous permanent appropriations (by transfer)	(6,000,000)	(6,000,000)	(6,000,000)	(6,000,000)	.....	.....
	RELATED AGENCY						
	Office of Navajo and Hopi Indian Relocation						
.....	Salaries and expenses (rescission) 2/	.....	-3,000,000	.....	-3,000,000	.....	-3,000,000
	Total, Chapter IV:						
	New budget (obligational) authority	.....	-6,395,000	7,242,000	11,200,000	+17,595,000	+3,958,000
	Appropriations	.....	(12,463,000)	(7,242,000)	(18,400,000)	(+5,937,000)	(+11,158,000)
	Rescissions	.....	(-18,858,000)	.....	(-7,200,000)	(+11,658,000)	(-7,200,000)
	(By transfer)	(6,000,000)	(14,837,000)	(9,900,000)	(9,900,000)	(-4,937,000)	.....
	CHAPTER V						
	DEPARTMENT OF LABOR						
	Employment and Training Administration						
103-50 103-87	Training and employment services 1/	320,000,000	320,000,000	200,000,000	220,000,000	-100,000,000	+20,000,000
.....	Rescission 2/	.....	-99,000,000	.....	-50,000,000	+49,000,000	-50,000,000
.....	Community service employment for older Americans	.....	.....	10,000,000	6,000,000	+6,000,000	-4,000,000
	Departmental Management						
.....	Salaries and expenses (rescission) 2/	.....	-2,000,000	.....	.....	+2,000,000	.....
	Total, Department of Labor	320,000,000	219,000,000	210,000,000	176,000,000	-43,000,000	-34,000,000
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Health Resources and Services Administration						
103-3	Vaccine injury compensation	30,000,000	30,000,000	30,000,000	30,000,000	.....	.....
	Assistant Secretary for Health						
.....	Office of the Assistant Secretary for Health	.....	.....	6,000,000	6,000,000	+6,000,000	.....
	Social Security Administration						
103-50	Payments to social security trust funds	10,000,000	10,000,000	10,000,000	10,000,000	.....	.....
103-50	Limitation on administrative expenses: Trust fund	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	.....	.....
	Administration for Children and Families						
103-3	Refugee and entrant assistance	27,000,000	.....	.....	.....	.....	.....
	DEPARTMENT OF EDUCATION						
.....	Impact aid (rescission) 2/	.....	-1,786,000	.....	.....	+1,786,000	.....
.....	School improvement programs (rescission) 2/	.....	-15,135,000	.....	.....	+15,135,000	.....
.....	Vocational and adult education (rescission) 2/	.....	-2,946,000	.....	.....	+2,946,000	.....
103-3	Student financial assistance	160,000,000	160,000,000	353,700,000	341,000,000	+181,000,000	-12,700,000
.....	Rescission 2/	.....	-72,490,000	.....	.....	+72,490,000	.....
.....	Higher education (rescission) 2/	.....	-23,652,000	.....	.....	+23,652,000	.....
.....	Education research, statistics, and improvement (rescission) 2/	.....	-4,949,000	.....	.....	+4,949,000	.....

FY 1993 SUPPLEMENTAL APPROPRIATIONS BILL (H.R. 2118), continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
.....	Libraries (rescission) 2/	.....	-14,720,000	.....	.....	+14,720,000	.....
	Total, Department of Education	160,000,000	24,322,000	353,700,000	341,000,000	+316,678,000	-12,700,000
	COMMUNITY INVESTMENT PROGRAM						
.....	Community Investment Program (rescission)	.....	.....	-500,000,000	-275,000,000	-275,000,000	+225,000,000
	Total, Chapter V:						
	New budget (obligational) authority	547,000,000	283,322,000	109,700,000	288,000,000	+4,678,000	+178,300,000
	Appropriations	(547,000,000)	(520,000,000)	(609,700,000)	(613,000,000)	(+93,000,000)	(+3,300,000)
	Rescissions	.....	(-236,678,000)	(-500,000,000)	(-325,000,000)	(-88,322,000)	(+175,000,000)
	(Limitation on administrative expenses)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	.....	.....
	CHAPTER VI						
	MILITARY CONSTRUCTION						
.....	Military construction, Navy	.....	3,000,000	.....	3,000,000	.....	+3,000,000
.....	Family housing, Navy and Marine Corps	.....	4,345,000	.....	4,345,000	.....	+4,345,000
.....	Homeowners Assistance Fund, Defense	.....	133,000,000	133,000,000	133,000,000	.....	.....
.....	Rescission	.....	-133,000,000	-133,000,000	-133,000,000	.....	.....
	Total, Chapter VI:						
	New budget (obligational) authority	.....	7,345,000	.....	7,345,000	.....	+7,345,000
	Appropriations	.....	(140,345,000)	(133,000,000)	(140,345,000)	.....	(+7,345,000)
	Rescissions	.....	(-133,000,000)	(-133,000,000)	(-133,000,000)	.....	.....
	CHAPTER VII						
	DEPARTMENT OF TRANSPORTATION						
	Office of the Secretary						
.....	Office of the Assistant Secretary for Budget and Programs (rescission)	.....	.....	-158,000	-237,000	-237,000	-79,000
.....	Office of the Assistant Secretary for Governmental Affairs (rescission)	.....	.....	-224,000	-303,000	-303,000	-79,000
.....	Office of the Assistant Secretary for Public Affairs (rescission)	.....	.....	-158,000	.....	.....	+158,000
.....	Office of Commercial Space Transportation: Operations and research (rescission)	.....	.....	-25,000	-25,000	-25,000	.....
103-3	Office of the Assistant Secretary for Transportation Policy (by transfer)	(2,358,000)	(2,358,000)	(2,358,000)	(2,358,000)	.....	.....
103-3	Office of the Assistant Secretary for Aviation and International Affairs (by transfer)	(7,920,000)	(7,920,000)	(7,920,000)	(7,920,000)	.....	.....
.....	Transportation planning, research and development (rescission)	.....	.....	.....	-285,000	-285,000	-285,000
	Total, Office of the Secretary	.....	.....	-565,000	-850,000	-850,000	-285,000
	Coast Guard						
S.Doc. 103-7	Operating expenses (rescission) 1/	-3,150,000	-20,000,000	-5,476,000	-7,000,000	+13,000,000	-1,524,000
	Federal Aviations Administration						
S.Doc. 103-7	Operations (rescission) 1/	-3,100,000	-5,000,000	-13,750,000	-8,000,000	-3,000,000	+5,750,000
.....	Facilities and equipment (Airport and Airway Trust Fund) (rescission) 2/	.....	-57,400,000	.....	-48,300,000	+9,100,000	-48,300,000
S.Doc. 103-7	Grants-in-aid for Airports (rescission)	-36,750,000	.....	-29,028,000	.....	.....	+29,028,000
S.Doc. 103-7	(Liquidation of contract authorization)	(100,000,000)	.....	(100,000,000)	(100,000,000)	(+100,000,000)	.....
	Total, Federal Aviations Administration	-39,850,000	-62,400,000	-42,778,000	-56,300,000	+6,100,000	-13,522,000
	Federal Highway Administration						
.....	Limitation on general operating expenses	.....	.....	(-2,248,000)	.....	.....	(+2,248,000)
	National Highway Traffic Safety Administration						
.....	Operations and research (rescission) 2/	.....	-7,854,588	.....	.....	+7,854,588	.....
	Federal Railroad Administration						
.....	Railroad safety (rescission)	.....	.....	-140,000	-140,000	-140,000	.....
.....	Northeast corridor improvement program	.....	.....	204,100,000	204,100,000	+204,100,000	.....
.....	Rescission	.....	.....	-204,100,000	-204,100,000	-204,100,000	.....
	Grants to the National Railroad Passenger Corporation:						
S.Doc. 103-7	Operations 1/	18,000,000	30,000,000	25,000,000	20,000,000	-10,000,000	-5,000,000
S.Doc. 103-7	Capital 1/	25,000,000	21,000,000	25,000,000	25,000,000	+4,000,000	.....
	Total, Federal Railroad Administration	43,000,000	51,000,000	49,860,000	44,860,000	-6,140,000	-5,000,000
	Federal Transit Administration						
.....	Administrative expenses (rescission)	.....	.....	-305,000	-305,000	-305,000	.....
	Saint Lawrence Seaway Development Corporation						
.....	Operations and maintenance (Harbor Maintenance Trust Fund) (rescission)	.....	.....	-91,000	-91,000	-91,000	.....
	Office of Inspector General						
.....	Salaries and expenses (rescission)	.....	.....	-285,000	.....	.....	+285,000

FY 1993 SUPPLEMENTAL APPROPRIATIONS BILL (H.R. 2118), continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	INDEPENDENT AGENCY						
	Interstate Commerce Commission						
.....	Salaries and expenses (rescission)	.....	.....	-360,000	-360,000	-360,000	.....
	Total, Chapter VII:						
	New budget (obligational) authority	.....	-39,254,588	.....	-20,046,000	+19,208,588	-20,046,000
	Appropriations	(6,250,000)	(51,000,000)	(225,072,000)	(249,100,000)	(+198,100,000)	(+24,028,000)
	Rescissions	(-6,250,000)	(-90,254,588)	(-225,072,000)	(-269,146,000)	(-178,891,412)	(-44,074,000)
	(By transfer)	(10,278,000)	(10,278,000)	(10,278,000)	(10,278,000)	.....	.....
	CHAPTER VIII						
	DEPARTMENT OF THE TREASURY						
.....	Bureau of Alcohol, Tobacco and Firearms	.....	.....	4,000,000	4,000,000	+4,000,000	.....
	United States Customs Service:						
.....	Salaries and expenses (by transfer)	.....	.....	(1,618,000)	(1,618,000)	(+1,618,000)	.....
.....	Rescission 2/	.....	-600,000	.....	.....	+600,000	.....
.....	Bureau of the Public Debt (rescission) 1/	.....	-3,400,000	-3,400,000	-3,400,000	.....	.....
	Internal Revenue Service						
.....	Administration and management (rescission) 2/	.....	-11,000,000	.....	.....	+11,000,000	.....
.....	Processing tax returns and assistance (rescission)	.....	.....	.....	-1,674,000	-1,674,000	-1,674,000
.....	Tax law enforcement (rescission)	.....	.....	.....	-3,972,000	-3,972,000	-3,972,000
.....	Information systems (rescission)	.....	.....	.....	-1,427,000	-1,427,000	-1,427,000
	Total, Internal Revenue Service	.....	-11,000,000	.....	-7,073,000	+3,927,000	-7,073,000
.....	United States Secret Service	.....	.....	11,277,000	11,277,000	+11,277,000	.....
	Total, Department of the Treasury	.....	-15,000,000	11,877,000	4,804,000	+19,804,000	-7,073,000
	EXECUTIVE OFFICE OF THE PRESIDENT						
.....	The White House Office	.....	.....	7,410,538	5,310,538	+5,310,538	-2,100,000
103-3	(By transfer)	(7,410,538)	.....	.....	(2,100,000)	(+2,100,000)	(+2,100,000)
.....	Special assistance to the President	.....	.....	107,000	107,000	+107,000	.....
.....	National Critical Materials Council (rescission)	.....	.....	-50,000	-50,000	-50,000	.....
.....	Office of Administration	.....	.....	415,000	415,000	+415,000	.....
103-3	(By transfer)	(4,342,000)	.....	.....	.....	.....	.....
	Total, Executive Office of the President	.....	.....	7,882,538	5,782,538	+5,782,538	-2,100,000
	INDEPENDENT AGENCIES						
.....	Federal Election Commission	.....	.....	112,000	112,000	+112,000	.....
	General Services Administration						
	Federal Buildings Fund:						
.....	Rental of space (rescission)	.....	-16,000,000	-16,000,000	-16,000,000	.....	.....
.....	Installment acquisition payments (rescission)	.....	-2,000,000	-2,000,000	-2,000,000	.....	.....
.....	Deposit to fund	.....	.....	-18,000,000	-5,900,000	-5,900,000	+12,100,000
.....	Northern VA Naval System Command (rescission) 2/	.....	-25,000,000	.....	-25,000,000	.....	-25,000,000
103-3	Allowances and office staff for former Presidents	194,000	194,000	194,000	194,000	.....	.....
	Total, General Services Administration	194,000	-42,806,000	-35,806,000	-48,706,000	-5,900,000	-12,900,000
	National Archives and Records Administration						
103-3	Operating expenses	2,997,000	2,997,000	2,997,000	2,997,000	.....	.....
	Total, Chapter VIII:						
	New budget (obligational) authority	3,191,000	-54,809,000	-12,937,462	-35,010,462	+19,798,538	-22,073,000
	Appropriations	(3,191,000)	(3,191,000)	(8,512,538)	(18,512,538)	(+15,321,538)	(+10,000,000)
	Rescissions	.....	(-58,000,000)	(-21,450,000)	(-53,523,000)	(+4,477,000)	(-32,073,000)
	(By transfer)	(11,752,538)	.....	(1,618,000)	(3,718,000)	(+3,718,000)	(+2,100,000)
	CHAPTER IX						
	DEPARTMENT OF VETERANS AFFAIRS						
	Veterans Benefits Administration						
103-3 S.Doc. 103-7	Compensation and pensions	475,000,000	147,422,000	475,000,000	475,000,000	+327,578,000	.....
	Veterans Health Administration						
.....	Medical care (by transfer)	.....	(5,000,000)	(3,000,000)	(3,000,000)	(-2,000,000)	.....
	Departmental Administration						
.....	Construction, major projects (rescission) 2/	.....	-20,500,000	.....	.....	+20,500,000	.....
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Housing Programs						
	Homeownership and opportunity for people						
S.Doc. 103-7	everywhere grants (HOPE grants) (rescission) 1/	-100,000,000	-164,500,000	.....	.....	+164,500,000	.....
S.Doc. 103-7	HOME investment partnership program	75,000,000	.....	.....	.....	.....	.....
103-3	(By transfer)	(60,000,000)	(60,000,000)	(60,000,000)	(60,000,000)	.....	.....
.....	(By transfer)	.....	.....	(75,000,000)	(62,500,000)	(+62,500,000)	(-12,500,000)
S.Doc. 103-7	Opportunities for youth: Youthbuild (by transfer)	(40,000,000)	(40,000,000)	(40,000,000)	(40,000,000)	.....	.....
S.Doc. 103-7	Annual contributions for assisted housing (rescission)	-13,000,000	.....	.....	.....	.....	.....

FY 1993 SUPPLEMENTAL APPROPRIATIONS BILL (H.R. 2118), continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Severely distressed public housing project						
103-3	(by transfer)	(300,000,000)	(300,000,000)	(300,000,000)	(300,000,000)		
.....	Rescission			-17,556,000	-10,800,000	-10,800,000	+6,756,000
	Total, Department of Housing and Urban Development	-38,000,000	-164,500,000	-17,556,000	-10,800,000	+153,700,000	+6,756,000
	Federal Housing Administration:						
	FHA - Mutual mortgage insurance program account:						
S.Doc. 103-7	(Limitation on guaranteed loans)	(36,000,000,000)		(42,854,000,000)	(42,854,000,000)	+42,854,000,000)	
	CBO scoring - accelerated fee rate (language)	-6,250,000					
	FHA - General and special risk program account:						
S.Doc. 103-7	(Limitation on guaranteed loans)	(1,000,000,000)		(1,000,000,000)	(500,000,000)	(+500,000,000)	(-500,000,000)
S.Doc. 103-7	Program costs	38,000,000					
.....	(By transfer)			(38,000,000)	(19,000,000)	(+19,000,000)	(-19,000,000)
S.Doc. 103-7	Transfer of offsetting collections	-10,000,000					
	Government National Mortgage Association						
	Guarantees of mortgage-backed securities loan guarantee program account:						
S.Doc. 103-7	(Limitation on guaranteed loans)	(30,000,000,000)		(30,000,000,000)	(30,000,000,000)	+30,000,000,000)	
	Community Planning and Development						
S.Doc. 103-7	Community development grants	45,000,000					
103-3	(By transfer)	(40,000,000)	(40,000,000)	(20,000,000)	(40,000,000)		(+20,000,000)
	INDEPENDENT AGENCY						
	Environmental Protection Agency						
.....	Abate, control, and compliance (rescission)				-6,000,000	-6,000,000	-6,000,000
.....	Program and research operations				3,000,000	+3,000,000	+3,000,000
.....	(By transfer)		(5,000,000)			(-5,000,000)	
.....	Hazardous substance superfund (rescission) 2/		-100,000,000			+100,000,000	
103-50 103-87	State revolving funds / construction grants 2/	400,000,000	290,000,000			-290,000,000	
	EXECUTIVE OFFICE OF THE PRESIDENT						
.....	National Space Council (rescission)			-650,000	-650,000	-650,000	
	National Aeronautics and Space Administration						
.....	Research and development (by transfer)		(5,000,000)	(5,000,000)	(5,000,000)		
.....	Rescission 2/		-25,000,000			+25,000,000	
.....	Space flight, control and data communications (rescission)				-27,200,000	-27,200,000	-27,200,000
.....	Research and program management				20,000,000	+20,000,000	+20,000,000
	Total, Chapter IX:						
	New budget (obligational) authority	903,750,000	127,422,000	456,794,000	453,350,000	+325,928,000	-3,444,000
	Appropriations	(1,016,750,000)	(437,422,000)	(475,000,000)	(498,000,000)	(+60,578,000)	(+23,000,000)
	Rescissions	(-113,000,000)	(-310,000,000)	(-18,206,000)	(-44,650,000)	(+265,350,000)	(-26,444,000)
	(By transfer)	(440,000,000)	(455,000,000)	(541,000,000)	(529,500,000)	(+74,500,000)	(-11,500,000)
	CHAPTER X						
	FUNDS APPROPRIATED TO THE PRESIDENT						
	Military Assistance						
103-3	Peacekeeping operations	14,000,000					
	CHAPTER XI						
	DEPARTMENT OF ENERGY						
	Power Marketing Administration						
	Construction, rehabilitation, operation and maintenance, Western Area Power Administration						
.....	(rescission)			-40,000,000			+40,000,000
	Grand total:						
	New budget (obligational) authority	2,512,679,000	1,835,055,412	446,973,538	1,003,413,538	-831,641,874	+556,440,000
	Appropriations	(2,831,929,000)	(2,911,623,000)	(3,369,343,538)	(3,467,174,538)	(+555,551,538)	(+97,831,000)
	Rescissions	(-319,250,000)	(-1,076,567,588)	(-2,922,370,000)	(-2,463,761,000)	(-1,387,193,412)	(+458,609,000)
	(By transfer)	(471,030,538)	(497,115,000)	(565,796,000)	(570,396,000)	(+73,281,000)	(+4,600,000)

1/ Items in H.R. 2244 considered by Senate.
2/ Items in H.R. 2244 not considered by Senate.

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

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

Mr. Speaker, before I begin my remarks, I want to pay tribute to my distinguished friend, the gentleman from Kentucky [Mr. NATCHER], chairman of the Committee on Appropriations, for the superb job he did and the many courtesies he extended this side of the aisle as we went through the process. He is a good friend and a fine Member of whom we are all proud. I thank him.

Mr. Speaker, this conference report that we bring to the House, perhaps more than most, is a hodgepodge, in my opinion, of pluses and minuses, not only in the fiscal sense but also in the sense of wins and losses, of things that merit support combined with things that are of questionable value.

In some cases, Mr. Speaker, it seems as though we are taking two steps backward to move one step forward.

When we passed this bill originally on May 26, we provided funding for a number of unmet needs, public defenders and jury fees to keep the judiciary system going, small business loans, the Pell grant shortfalls, Veterans COLA and major unanticipated costs in the Defense Department. That was the bulk of the bill that left the House, trying to get money back to the Defense Department to pay for costs unmet like Operation Restore Hope in Somalia. These items remain in the conference report, some at higher amounts, like veterans compensation and Pell grants. On the same day, Mr. Speaker, the House passed a second supplemental, affectionately referred to as "Son of Stimulus," in which this side prevailed with respect to the philosophy that any item carried in the bill had to be offset. That was where we started from on this side of the bill. That was where we ended.

In that Son of Stimulus bill, every single item in the bill was offset. The Senate took up these measures as part of the first bill and many of them remain in the conference report: summer youth, police, Amtrak, wastewater treatment, and the tree planting program.

Offsets were retained and increased and in some cases some of the more controversial rescissions were settled out.

Now we come to the steps backward. Members will recall that when we considered H.R. 2244, the socalled Son of Stimulus, the rule contained a self-executing new set-aside program for a summer program, the Youth Fair Chance Program, that included pages and pages of authorizing legislation that had never been in front of any committee in this Congress, had never taken testimony, had never had cross-examination and was included over the objection of the distinguished chairman of the Committee on Appropriations, the gentleman from Kentucky.

Again, Mr. Speaker, over objections, that set aside is retained in the conference report and the legislative language allowing people up to 30 years to participate in this special summer youth program is once again restated. In my view, Mr. Speaker, that is a fundamental undermining of the legislative process.

But even as this legislative language was being retained, the conference was rejecting another legislative provision added by the Senate to begin welfare reform by requiring States to enroll 10 percent of able-bodied recipients of general assistance in workfare programs. Why one legislative program, Mr. Speaker, and not the other? Why one setting up a new grant program and not another requiring able-bodied people to work?

Finally, Mr. Speaker, a major step back was taken on the Defense funding by including a series of offsets that total almost $1 billion that undermines with one hand what was done by the House with the other in trying to do what we could to keep the Defense Department at a realistic level of operating capability.

The best that could be said, Mr. Speaker, is that we in this conference report have improved what the Senate brought to the conference. But, Mr. Speaker, that is not enough.

The distinguished gentleman from Pennsylvania [Mr. MURTHA] and I have been pointing out to the House that the indices are already there, that we are moving rapidly toward a hollow Army, a hollow Navy, and a hollow Air Force. We have talked about the drop in recruitments, the drop in the number of high school-educated young men and women who are applying for a career in the military. Those trends, Mr. Speaker, are continuing.

If we simply look at the Army budget and compare what is before us this year to the budget that was in existence at Desert Storm, this is what we see:

OPTEMPO, or training, dollars per division, cut by 21 percent;

Maintenance dollars per division, cut by 38 percent;

Facilities maintenance and repair dollars per soldier, cut by 33 percent;

And readiness dollars or O&M, the hardcore of what makes the military able to do what it does, per soldier cut by 36 percent.

The same holds true, Mr. Speaker, in the other branches of the Armed Forces.

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The Pentagon sits there with a request that has come up for reprogramming involving about $2.2 billion in additional funds to meet other unfunded costs from contingency operations and from draw-down of the military.

We simply have to face the fact, Mr. Speaker, that in my view we are on the road towards making the same mistake we made after World War II, the same mistake that we made after Korea, and the same mistake that we made after Vietnam. We are going to drag our military down and make them a hollow force.

Mr. Speaker, there we have it, some steps forward, and some steps backward; big backward steps in this conference report; a mixed bag, in my view, if there ever was one.

In the end, for myself, we need to take care of the shortfalls in the Judiciary, the small business loan program, improve on the work that the Senate did with respect to the Defense Department, and hopefully some of the regular programs, not the special summer program for 30-year olds that went through here in an unprecedented fashion, but some of the regular summer youth programs that maybe can still be put to work even as we speak on July 1 in midsummer, almost.

Mr. Speaker, I hope that this bill will be passed. I do so not with enthusiasm, but because we have made some improvements. I say to my colleagues, I hope this is the last supplemental we see this year.

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

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

Mr. SMITH of Iowa. Mr. Speaker, I want to point out that there are some very important programs in here that are finally being funded. One is fees for jurors. It is only $5.5 million, but nevertheless, not having the $5.5 has meant they have had to hold back on jury trials in civil cases in Federal courts.

There is also another $55 million for defender services. As we all know, under the Constitution those who are charged with crimes and do not have the money are entitled to be represented. If they are not represented, then they might be turned loose. The Judiciary was short $55 million in defender services. That is being restored in this bill.

There is also $175 million that pays the full subsidy cost for $3.2 billion in loan guarantees for small business borrowers. These loans are made by local banks. The banks get up to a 90-percent guarantee, so they have a 10-percent exposure. Without these loan guarantees, in many cases, the banks are not going to be able to make loans to their regular customers who have a higher risk. If it has a government loan guarantee, then that is not applied against the capital structure of the bank.

This program is very important. They ran out of loan money, loan guarantee money sometime in late April. I hope that they can soon get back in the business of handling these loan guarantees. Some of these are new loans, some of these are renewals of loans that are outstanding.

I want to point out, Mr. Speaker, that we offset the items in this bill with rescissions on ongoing programs. That is not new money. This bill is offset by rescissions to ongoing programs. I hope we get this bill passed here tonight. So that the courts and the SBA and the banks will be able to continue these ongoing programs.

Mr. MCDADE. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentleman for yielding time to me. I regret that I must rise today in opposition to the supplemental appropriation bill. As so often happens, there are good features, good programs in this bill, that need funding, but again, so often as it happens, Congress gets carried away and bloats it with some programs that either are unauthorized or unneeded; as an example, the summer jobs bill, $220 million, of which $50 million is for a program of Youth Fair Chance Program, involving people up to 30 years of age.

People 30 years of age are entitled to jobs, of course, but $170 million for summer youth programs? Some do not realize summer is two-thirds gone, and the bill has not gone to the President yet, has not passed the Senate, gone down for signature. By the time the programs have been implemented, we will be wasting time, as so often we have in trying to help summer youth, and it is a program we should have had a long time ago, separated away from some of this stuff that does not belong. We just could not spend wisely $170 million in the last month before young people go back to school.

Pell grants, when that bill left the House floor a short time ago, it was $160 million. Now it is $340 million. I think all of us agree Pell grants has been a good program to help encourage young people to go to school. But is the right figure $340 million, when in our judgment just about a month ago we thought $160 million was sufficient?

Another example of potential waste, Police on the Streets. That is a new name. We did not call it that when it left the House of Representatives, but $150 million to be administered by the Justice Department, the Attorney General; a good program, but how are we going to allocate? Who is going to get the $150 million, which city? Is your city going to get any of that $150 million? It is dedicated to go for policemen, for regular pay, for benefits, but no overtime for the first year.

Again, we cannot disagree with helping police on the streets. Every community in this country needs more additional policemen.

Veterans' compensation. We provide in this subsidy $475 million for veterans, absolutely necessary, a good program. I would not cut it.

CHAMPUS, $300 million for CHAMPUS. We have an obligation to our veterans, to our service people, to their families. This is to pay their medical bills, and $300 million is absolutely essential, but it is added to a lot of other things that are not.

In closing, Mr. Speaker, our minority leader here, the gentleman from Pennsylvania [Mr. MCDADE], has talked about what we are cutting, national defense. We did in this case offset the rescissions enough that we increased the spending for national defense at $326 million. Some of this is Somalia, peacekeeping. I do not know if that is necessary. We did not have testimony on it, before our committee. I think the gentleman did have, in the defense committee. I cannot respond to that. However, it was offset by some very good programs in the Defense Department.

We are already cutting the Defense Department dangerously close. Seventy-five percent of the defense spending here was offset, while the other programs, domestic programs, were offset only up to 60 percent.

One of the programs, the Mammography Quality Standards Act which we all support, we offset that by $3 million from other programs at NIH. It is a good program, but the good programs could have been offset. We could have done this without hitting the budget so hard.

Is Congress not listening to the American taxpayers? We have got to start cutting spending. We cannot continue to put it off until next year or the year after next. The time is today. We can recommit this bill. I am going to have a motion to straight recommittal back to this committee. We will have it back out when we come back. It will be absent these unnecessary spendings.

We will adequately fund the programs that really need funding, still in time for the Pell grants, still in time for CHAMPUS, still in time for the veterans, all of these things are absolutely needed, and we will have time to do it.

I hope that the Members will be able to vote for the motion to recommit and vote for the taxpayers.

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I thank the chairman of the full committee for yielding time to me.

Mr. Speaker, I rise in support of the conference report on H.R. 2118, the 1993 Supplemental Appropriations Act. This conference agreement addresses items in both H.R. 2118 and H.R. 2244, the 1993 second supplemental appropriations bill.

Chapter IX includes funding for programs under the jurisdiction of the VA, HUD, and Independent Agencies Appropriations Subcommittee. All of these funds, with the exception of VA's mandatory compensation and pensions account, are offset.

Let me briefly mention the major agreements included in this conference report.

For VA, the conference report includes $475 million for compensation and pension payments—the VA's latest estimate of the additional funds needed for fiscal year 1993. The conference agreement does not include the rescission of $20.5 million in H.R. 2244 for the clinical project at the Wilmington VA Medical Center.

Under the Department of Housing and Urban Development, the conference agreement provides $122.5 million for the HOME Program and $95 million for community development grants for use in disaster areas. These additional funds are necessary to help restore areas affected by disasters, such as Hurricanes Andrew and Iniki and Typhoon Omar.

Mr. Speaker, we also increased the credit limitations for the guarantee programs of the Federal Housing Administration and the Government National Mortgage Association. These requested increases are necessary because of higher than anticipated activity in these essential housing programs.

Under the Environmental Protection Agency, the conference agreement includes $3 million for the program and research operations account. This increase, which is offset, results from the restructuring of several accounts this past year.

Under the National Aeronautics and Space Administration, the conference agreement includes $20 million for the research and program management account. The need for these additional funds results from the redesign of the space station program. These additional funds are offset by a rescission in another NASA account.

Mr. Speaker, the bottom line is that all of the increases for discretionary appropriations are offset. These actions are both budget authority and outlay neutral.

I urge members to vote "yes" on adoption of the conference report.

□ 1610

Mr. MCDADE. Mr. Speaker, I am delighted to yield 1 minute to the very able gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, every bill has good news and bad news. In this particular bill there is some good news that I think will help some folks who right now are receiving a lot of bad news. I am very pleased to note the Senate added language into the package to allow existing Commodity Credit Corporation funds to be used for crop losses. There is very little money left, however, and it is going to take a lot more. I want to point out to my colleagues that we are

obviously going to be back here pretty soon for another supplemental for the Commodity Credit Corporation. We have been told that once they are back in operation they can function about a week, and then they will be broke and out of money again.

But in my home State of Iowa, with something like 20 percent of the crops not even being planted as yet, the Mississippi River is on a rampage, it is flooding in Iowa, Illinois, Missouri, and other States, we have had a number of levies that broke just this morning and the river is still on its way up, and we have no way of knowing what those damages will be. Obviously we will have to wait until the water goes down to know that. But at least we do have a stopgap measure here with some funds that are available that can go to help the farmers who are under a great deal of distress.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I thank the gentleman for yielding the time.

Let me reiterate the comments of my colleague from Iowa. There is money in this bill for disaster assistance. There is money in this bill for guaranteed loans for rural housing, $4.5 million of Federal funds which will generate $250 million in construction. There is money in this supplemental for 160 meat inspectors in light of the E. coli disaster which we had in the northwestern part of the United States, $36 million to the Food and Drug Administration to accelerate the drug approval process, and $3 million for mammography quality certification. I am also happy to report this bill allows the Secretary to waive a 15-percent cap regulation for the reallocation of unused funds in 1993 to allow States most in need to receive additional funding.

The best news of all is that we meet these needs at no net cost. All increased spending is offset by cuts within the agencies.

Mr. MCDADE. Mr. Speaker, I am delighted to yield 2 minutes to the distinguished gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Speaker, tomorrow I will be boarding a National Guard helicopter to examine my congressional district in the northern part of the State of Illinois which is under water from the Mississippi River to the Fox River. This past week a farmer in my district had 50 of his cows float down the Mississippi River because of the extensive flooding.

At a time when disasters are taking place in the Nation because of the amount of rain that has come, we are being asked as Members of the U.S. House of Representatives to vote upon an appropriations bill that has so many programs in here that do not seem to be important at all, in fact are not important at all in terms of what is going on catastrophically in this country. I call the chairman's attention, for example, to the $7.4 million in transition costs and salaries and expenses of the White House. It is interesting where some of that money is coming from. The House of Representatives and the other body voted some time ago to fund the Office of National Drug Control Policy, but the $2.1 million for the transition cost comes from that organization to fight drugs. And then we are being asked to add an additional $500 million to that.

Mr. Speaker, this is not the time to be spending frivolous money in areas like this. This bill does contain some good programs, but we believe that we are elected for the purpose of watching the purse strings in this Nation. And at a time when calamity is wracking this Nation, at a time when the rains are coming, we have to be alert to vote no on programs like this that spend money unnecessarily.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Maine [Mr. ANDREWS].

Mr. ANDREWS of Maine. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I support the report before us and urge the adoption by this body.

I would like to address specifically the agreement of House conferees to save the American taxpayers nearly $1 billion by paying for most of the new spending in Defense through offsetting cuts to low-priority items. As Members know, Mr. Speaker, from our original debate on this issue, the Pentagon came to this Congress and said that it wanted to spend additional money that it felt was necessary, but it was willing to pay for that spending by making cuts in low-priority items.

A hundred and eighty-eight Democrats and Republicans alike voted to amend the original bill to direct the Pentagon to do just that. I sponsored that amendment, Mr. Speaker, because I believe that whenever a Federal department is willing to act in this fiscally responsible manner it should be supported and congratulated at the very least.

I think we should march a brass band down Constitution Avenue whenever a Federal department comes to Congress and says it wants to offset new spending by making some tough choices, setting priorities and cutting spending that is not high priority.

While our position did not prevail on this floor at that time, we now have an opportunity as a result of this conference to take this responsible step by passing the measure that is before us. Make no mistake. I support funding the items requested by the Pentagon. Most of us do. The issue is how these priorities are going to be paid for.

The vote that we are about to take will save the American taxpayer nearly $1 billion as we meet these important Pentagon priorities. Setting budget priorities and trimming what we may want to spend but what we may not be able to afford to spend during fiscally difficult times is something that most American households and American businesses all across this country understand very well. And the American people are saying to us that it is about time Congress began to understand that very well.

Mr. MCDADE. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I apologize for taking the time, and thank the gentleman for yielding it. Several Members came up and asked how did I make one statement about new money and some Members have come before us and said their particular programs were completely offset.

There is about $3.5 billion in this bill. Of that $1.3 billion is for Defense, and of the $1.3 billion for Defense, $973 million is offset by rescissions. The remaining part of the bill is about $2,400,000,000 of which about $1.4 billion is offset.

In a total bill of $3.5 billion there is about $2.46 billion which is offset through rescission.

Many of these rescissions go back as far as 1991 and probably would not have been spent anyway, but in any event, some of the bill is completely offset. I mentioned the mammography as being offset, and many are offset, but there is about $1.3 billion of absolutely new money that we do not have, $1.3 billion in new programs that could be recovered by referring this bill back to the committee.

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

Mr. MYERS of Indiana. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. Mr. Speaker, the gentleman always raises good points. I just wanted to point out that of that total about $500 million is mandatory in terms of veterans' COLA's, and a few other programs. If we look at the total amount that is in the bill that is new discretionary spending, it is about $500 million in both the Defense and domestic area, and if you extract as we do when we consider our budget appropriation items, mandatory spending as the gentleman knows, about $500 million is the cost of the veterans' COLA program.

Mr. MYERS of Indiana. Day before yesterday we had the bill on the floor, an appropriation bill where we cut about a half a billion out of mandatory spending. Mandatory spending can be reduced also.

Mr. MCDADE. Let me say to my good friend, I am sure he agrees we do not want to cut the veterans' COLA's.

Mr. MYERS of Indiana. I think that is a bad cut. I would vote to go back to the conference and make us redo it.

□ 1620

CHAMPUS, I defended many of these. There are a lot of bad programs. But don't take the bad unless you leave some of the good.

Mr. McDADE. I am simply clarifying the record with respect to the gentleman's statement.

Mr. FORD of Michigan. Mr. Speaker, I rise in support of the bill, H.R. 2118, the 1993 supplement appropriations bill.

I want to thank the distinguished chairman of the Appropriations Committee, the gentleman from Kentucky, for restoring threatened funding items.

The bill restores more than $135 million in funds for the Department of Education. Among the programs to receive continued support is the State student incentive grant, or SSIG, which helps the States establish scholarships. For each Federal dollar, the States provide at least $1. No Federal funds have yet been obligated for fiscal 1993, but students in many States have been notified that they were to receive awards. As a result of the conference report, 242,000 students will not have their grants reduced.

The bill also provides $13.7 million for the cooperative education program, which enables institutions of higher learning to participate in work-learning programs. These students spend a semester working on the job in their chosen fields during their course of study. It is an integral part of their education. I am pleased that these funds have been restored.

The bill also provides $3.8 million for college library and technology cooperation grants, which help college libraries purchase computers and other technologies that enable them to improve their efficiency and infrastructure.

In addition, the bill provides $341 million for the Pell grant shortfall, more than twice the amount originally passed by the House. Unfortunately, the shortfall stands at more than $2 billion. But combined with amounts approved by the House in 1994 appropriations, Pell grant recipients should be encouraged that Congress is moving in the right direction, in the face of harsh budget realities.

The bill also contains an additional $170 million for the summer jobs program. This funding will provide 120,000 new summer jobs for our Nation's youth.

I thank the Appropriations Committee for its hard work.

Mr. GOODLING. Mr. Speaker, I would like to take this opportunity to comment on provisions affecting programs under the jurisdiction of the Education and Labor Committee in the conference report on H.R. 2118, a bill making supplemental appropriations for fiscal year 1993.

While I do have some reservations about some of the provisions of the report, I would like to commend Chairman NATCHER and the House delegation for the fine job they did under very difficult circumstances.

In particular, I am very pleased with the provisions of the report that deal with our educational programs. The higher amount, $341 million, made available to chip away at the Pell grant shortfall will bring the day when we are no longer laboring under this burden closer. The deletion of the education program rescissions which were a part of the House bill are extraordinarily welcome, particularly the deletion of the proposed elimination of the fiscal year 1993 funding of the State student incentive grants and the Eisenhower Leadership Program. The deletion of the proposed Senate amendment placing a limitation on the amount of chapter 1 funding which an LEA could spend on administrative costs was the right thing to do, for this issue will be considered as the Education and Labor Committee addresses the reauthorization of the Elementary and Secondary Education Act later this Congress.

My reservations, Mr. Speaker, have to do with the employment and training provisions of the report. During our consideration of the House version of H.R. 2244, I expressed concern about the authorization changes being made in the Youth Fair Change Program, and the way these changes were made.

While I have noted that the report indicates that most of the changes to the statute were eliminated, I continue to have concerns about the inclusion of a provision which expands the eligibility for this program to individuals up to age 30. In effect, this continues to make a substantive change to a program under the Job Training Partnership Act—a change made not by the authorizing committee, the Education and Labor Committee; and not really by the Appropriations Committee; but by the House Rules Committee just prior to the original floor consideration of H.R. 2244. While this measure was approved in conference, these actions set a dangerous precedent—that of authorizing on an appropriations bill—when the authorizing committee had no input whatsoever.

The Youth Fair Chance Program was carefully crafted to serve economically disadvantaged youth in areas of high poverty. The language in the agreement would expand and potentially diminish services to high-risk youth once this program is up and running. Quite simply, we do not know what the consequence of the change made in the agreement will be.

Mr. DINGELL. Mr. Speaker, I rise in support of the conference report to accompany the bill H.R. 2118, making supplemental appropriations for fiscal year 1993. However, I would like the RECORD to reflect my concern with the portion of the statement of managers that concerns the Federal Communications Commission's implementation of the 1992 Cable Act.

The conferees have stipulated that the Commission should revise their current schedule so that cable consumers will be able to receive refunds no later than September 1. Now I have enormous sympathy for cable subscribers—they've been getting ripped off for years, which is one of the reasons that we passed the Cable Act over the veto of then-President Bush. But the Commission has repeatedly told the Congress that it cannot responsibly implement the new law prior to October 1, 1993. In fact, FCC Chairman Quello and the other two Commissioners wrote me yesterday, and made a compelling case for implementing the law on the first of October. I ask that the text of that letter be reprinted at this point in the RECORD.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, June 30, 1993.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN DINGELL: The Commission is fully aware of the difficulty of balancing its responsibility to implement complex cable rate regulations with the perceived impact of delaying their effective date. We appreciate your serious concerns about our actions in this regard.

As a Commission, we have allotted highest priority to cooperating with congressional committees and to implementing congressional intent. In his nineteen years at the FCC Chairman Quello has always acted under the assumption that the FCC is an arm of Congress.

However, as Chairman Quello detailed in his testimony June 17 before the House Telecommunications and Finance Subcommittee, the Commission feels it would be practically irresponsible to implement rate regulation before we have the resources and personnel in place. Further, given the complexity of our cable rate regulations, we are concerned about our legal responsibilities in implementing these rules. Thus, a chaotic rush to regulation by an understaffed and underfinanced Commission would reflect on the integrity and efficiency of the Commission's processes, and result in a flood of legal challenges that could take years to unravel. This judgment is shared by each commissioner.

There are four reasons why we have found that cable rate regulation cannot be implemented prior to October 1. Briefly stated, these are:

(1) A statutory prerequisite to regulation of rates for the basic tier is the FCC's certification of local franchising authorities' jurisdiction to regulate these rates. Absent staff to process the expected challenges to these thousands of certification requests and to issue "stop" orders where appropriate, any certification request submitted will automatically become effective 30 days after receipt. This result would be inconsistent with due process and is certainly not contemplated by either the statute or the legislative history.

(2) Even if franchising authority certification were not a problem, any attempt to determine rates and order refunds prior to October 1 would still be premature. Notwithstanding our adoption of benchmarks on April 1, a number of open issues on implementing rate regulation remain to be resolved. On this basis, we cannot say that it will be possible to rationally determine what basic rates should be and what refunds would be in order prior to October 1. As of May 14, when the Commission did not delay the effective date of the rate regulations beyond June 21, we did not fully realize the extent of our implementation challenge. Commissioner Barrett noted his concern regarding the implementation issues. Since that time, we have all agreed that the complexity of cable rate implementation makes it essential that we take more time until October 1.

(3) Recognizing these problems, franchising authorities ranging from small cities in Iowa to New York City have affirmatively welcomed the delay, especially since basis rates will remain frozen in the interim. In other words, they will not be ready to do rate regulation or order refunds prior to October 1. We would further note that the freeze on basic rates, which has been in effect since April 1 and which will continue in effect, has to date produced considerable savings for consumers—a fact that has gone relatively unpublicized during the course of this debate.

(4) Implementing rate regulation on October 1 would put it in closer synch with the final channel reshuffling caused by the implementation of retransmission consent and must carry. These could affect the composition of the basic tier, which in turn could affect the basic rate—and therefore it is much

more orderly to implement these rules in one stage rather than in two stages separated by only sixty days.

Let us underscore one final point: franchising authorities and other interested parties are now proceeding on the understanding that implementation will not occur prior to October 1; their planning is firmly based on that assumption. Under these circumstances, to advance the date having already deferred it—and deferred it with the approval of local governments most immediately affected by premature implementation—not only accentuates the appearance of a Federal Government at war with itself but also, and more importantly, adds to the confusion and forces additional expenditures on planning to comply with yet another, earlier implementation date.

It is difficult to see how confusion, inadequate resources, and inviting a flood of legal challenges comports with the overall public interest.

Respectfully,

JAMES H. QUELLO,
Chairman.
ANDREW C. BARRETT,
Commissioner.
ERVIN S. DUGGEN,
Commissioner.

I would remind my colleagues—and the members of the Federal Communications Commission—that admonitions such as this are not binding law. Nor are they welcome from the Appropriations Committee, which does not have jurisdiction to revise or rewrite legislative policy or regulatory decisions. It is my hope that the Commission continue on its current course, and implement the law in a manner that is fair to cable subscribers, local government officials, and to the Commission itself.

Mr. KYL. Mr. Speaker, I rise today to address an issue that has caused a great deal of fear, a great deal of misinformation, and a great deal of concern among the people of Arizona. The issue is the unexplained respiratory distress syndrome which has already taken 16 lives. As of today, there are 29 known cases of the illness.

Mr. Speaker, I have had conversations with the leadership of the Navajo Nation and officials of the Indian Health Services. I know how concerned people are and how hard they are working to develop a good medical response.

In the meantime, it is also important to dispel some myths. The facts are, Mr. Speaker, that it is not unsafe to visit Navajo country or any other of our reservations. The facts are that this is not an illness that affects one people or another. There is no evidence at this time of person-to-person transmission, and contagiousness appears to be low.

I am told that Federal, State, local, and tribal health officials have worked in concert to come up with answers. Together, these officials have made significant progress and have identified the Hantaan virus, which can be spread through rodent urine and excrement, as a possible cause of the disease. Additional tests are being conducted by the Centers for Disease Control. Interviews conducted by Navajo community health workers, and the State health departments are disseminating information on the facts about the disease and what precautions should be taken.

Mr. Speaker, the bill before us includes a provision authored by Senator PETE DOMENICI to make $6 million available for incurred costs as a result of the disease to the tribal, State, and Federal entities that are involved in this effort. The provision specifies that the funding will be dispensed after specific requests are made. While I do not support the underlying bill, I want to express my support for this provision and hope that we can adequately support the efforts needed to address this problem.

Mr. LAFALCE. Mr. Speaker, I rise in support of the supplemental appropriation bill and want to point out the importance of one particular item which provides funding to reopen the 7(a) loan program of the Small Business Administration.

Mr. Speaker, in the past 2 months probably every Member of this House has received letters and telephone calls about the closing of the loan guarantee program operated by the SBA under section 7(a) of the Small Business Act. This program expended its entire budget for the fiscal year on April 27 and has remained closed since that date.

Some have said, and a few continue to say, that there is no credit crunch and that banks will make loans without a Government guarantee to creditworthy borrowers. That simply is not true. Anyone who believes that the SBA loan guarantee program is not critically needed should talk with those small businesses which have sought help under this program.

Even though prospective borrowers were told their applications would be put on hold indefinitely pending passage of a supplemental appropriation, they continue to come. They continue to compile the necessary documentation and put their spending plans on hold.

SBA estimates that it has a backlog of more than $1.1 billion in loan guarantee requests from 5,000 small businesses. These are viable firms who have nowhere else to turn.

Mr. Speaker, I want to congratulate the chairman of the appropriations subcommittee which provides funding for the SBA, Representative NEAL SMITH of Iowa, and the other Members who worked with him to find the funds to reopen this vital program.

This is a jobs program. It creates jobs. It preserves jobs. It will help us with our economic recovery. Based upon a study done in the private sector last year, the 7(a) loan guarantee money provided in this bill will allow the small business sector to provide 33,920 jobs in the first year and a total of 134,400 jobs over the next 4 years.

If other programs were as successful and contributed as much per capita to our economy, we would be reducing the deficit.

I urge support for the conference report.

Ms. MCKINNEY. Mr. Speaker, I am speaking on behalf of the rural water and sewage treatment facilities direct loan program. This program targets aid to smaller and poorer communities and helps those communities obtain cleaner water and improved waste disposal systems.

For far too long small rural communities have been placed at a disadvantage when trying to obtain Federal assistance to construct rural water and sewage facilities.

This program will help smaller and poorer communities comply with Federal regulations. Many times these communities find themselves unable to comply with Federal regulations because they can't gain access to affordable financing to take the necessary steps to meet compliance regulations.

Mr. Speaker, this program would create jobs for rural communities, a better environment, and a better quality of life for our rural citizens.

I urge my colleagues to join me in supporting this important legislation.

Mr. MURTHA. Mr. Speaker, I rise in support of the supplemental conference report and to make a few comments on the defense chapter of that report.

On May 26, the House passed a supplemental bill which included $1.2 billion in new funds for four programs: The operation in Somalia; enforcing the no-fly zone over southern Iraq; the CHAMPUS Program which provides health care for military personnel and their families; and repair of extensive flood damage at Marine Corps bases in California.

The funds were provided for these essential programs because of the committee's concern that the unanticipated costs of Somalia and enforcing the no-fly zone over Iraq are being paid for by transferring funds from various units. This, of course, has detracted from the readiness of those units.

It should be noted that despite the inclusion of the new funds, the total provided for defense for fiscal year 1993 by the House was $1 billion below the ceiling for defense contained in the budget resolution for fiscal year 1993.

Senate action on this supplemental basically provided funds for the same purposes as the house but offset these expenses by rescissions.

The conference agreement, in summary, provides funding of $1.3 billion. Of this total, 75 percent, or almost $1 billion, is offset through rescissions.

These funds are for the same purposes provided in the House-passed version of the supplemental plus a few additional items including humanitarian aid for the Kurds and extending the availability of defense conversion funds which were about to expire.

The conference agreement includes an increase of $500 million in transfer authority to assist the Defense Department in addressing its internal fiscal year 1993 reprogramming efforts only.

Mr. Speaker, I recommend support of this supplemental bill.

Mr. BEREUTER. Mr. Speaker, this Member appreciates the Senate's provision, included in this conference report, that reverses the very unfortunate decision of the House Appropriations Committee to have $136 million in rescissions for 14 education programs, including the Cooperative Education Program and the State Student Incentive Grant Program.

This Member earlier attempted to offer an amendment to the House second supplemental bill to restore the $13,749,000 for the Cooperative Education Program that was rescinded by the House Appropriations Committee, but failed to get unanimous consent to successfully accomplish a cut-and-add transfer of funds within the bill to accomplish this purpose. Therefore, this Member is pleased to see this funding for these essential education programs restored by the conference committee.

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

Mr. NATCHER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. MYERS OF INDIANA

Mr. MYERS of Indiana. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. MYERS of Indiana. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MYERS of Indiana moves to recommit the conference report on H.R. 2118 to the committee of conference.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the conference report.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 280, nays 138, not voting 16, as follows:

[Roll No. 321]

YEAS—280

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Canady
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Costello
Coyne
Cramer
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Durbin
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kim
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Lewis (GA)
Lightfoot
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Natcher
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stearns
Stokes
Strickland
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (FL)

NAYS—138

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bliley
Boehner
Bunning
Burton
Buyer
Calvert
Camp
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
Danner
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Everett
Ewing
Fawell
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hoekstra
Horn
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Leach
Levy
Lewis (CA)
Lewis (FL)
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McHugh
McInnis
McKeon
McMillan
Mica
Miller (FL)
Molinari
Moorhead
Murphy
Myers
Nussle
Oxley
Packard
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Quillen
Ramstad
Roberts
Rohrabacher
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stump
Sundquist
Talent
Thomas (CA)
Thomas (WY)
Upton
Walker
Weldon
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—16

Blute
Bonilla
Clay
Conyers
Edwards (CA)
Fields (TX)
Henry
Houghton
Lipinski
Miller (CA)
Moakley
Neal (MA)
Skeen
Stenholm
Studds
Waxman

□ 1643

Mr. HUNTER and Mr. YOUNG of Alaska changed their vote from "yea" to "nay."

Mr. HAYES, Mr. HOBSON, Mrs. FOWLER, Mr. RIDGE, and Mrs. MEYERS of Kansas changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. CANTWELL. Mr. Speaker, on roll call 213, I was unavoidably absent from the floor. Had I been here, I would have voted "yes," and I ask unanimous consent that my statement appear in the RECORD right after that vote.

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

There was no objection.

PERSONAL EXPLANATION

Mr. BLUTE. Mr. Speaker, I took a leave of absence so that I could bring my wife and son home from the hospital in Massachusetts. As a result, I missed four recorded votes.

Had I been present, I would have voted:

Rollcall No. 318, "Yes."
Rollcall No. 319, "No."
Rollcall No. 320, "No."
Rollcall No. 321, "Yes."

PERSONAL EXPLANATION

Mr. SKEEN. Mr. Speaker, I was on leave of absence when rollcall votes occurred in the House of Representatives.

Had I been present, I would have cast my votes as noted for the following rollcall votes which occurred during my absence.

Rollcall No. 318, Hunter amendment, H.R. 2519, Commerce, Justice, State Appropriations Act, incrasing INS funds by $60 million, "Aye."

Rollcall No. 319, previous questions, H. Res. 216, rule governing debate for H.R. 2118, "No."

Rollcall No. 320, final passage, H. Res. 216, rule governing debate for H.R. 2118, "No."

Rollcall No. 321, final passage, H.R. 2118, Supplemental Appropriation Act, "No."

PERSONAL EXPLANATION

Mr. FIELDS of Texas. Mr. Speaker, due to a prior commitment in my district, I missed

votes. Had I been here, I would have voted in favor of the Hunter amendment to H.R. 2519 (roll No. 318); against the motion to order previous question on the rule (roll No. 319); against the rule providing for consideration of H.R. 2118 (roll No. 320); and against final passage of the supplemental appropriations conference report, H.R. 2118 (roll No. 321).

DESIGNATION OF SPEAKER PRO TEMPORE THROUGH JULY 13, 1993

The SPEAKER pro tempore laid before the House the following communication:

WASHINGTON, DC,
July 1, 1993.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore to sign enrolled bills and joint resolutions through July 13, 1993.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

REFERRAL OF H.R. 1511, AGRICULTURAL TRADE ACT OF 1978 AMENDMENTS, TO COMMITTEE ON AGRICULTURE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that the bill (H.R. 1511) to amend the Agricultural Trade Act of 1978 to promote and expand the export of agricultural commodities and products to foreign countries, and for other purposes, be referred to the Committee on Agriculture.

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

There was no objection.

DEMOCRAT-CONTROLLED CONGRESS RESPONSIBLE FOR THE LACK OF JOB CREATION

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

Mr. BALLENGER. Mr. Speaker, why does this administration continue to complain about the lack of job creation while coming out of a recession?

This Democrat-controlled Congress has passed mandate after mandate, restriction after restriction on business, all of which increase the costs of production. Fringe benefits and training costs are fast approaching 40 percent of labor costs. Add to this training costs for new employees and you get a clear picture.

In the old days when manufacturers were forced to work overtime and to pay time and one half, they began to hire more people, creating new jobs. Then it was more cost effective than paying time and half to their current employees. But with all all the new mandates Congress has foisted on business, it is now more cost effective in many instances to pay overtime to the current work force rather than to hire new employees.

Federal mandates have increased year after year, causing the costs of doing business to increase year after year. Now business can make a choice—overtime or new jobs. Actions by this Congress has made it more likely for it to be overtime.

Do not ask why no new jobs. The Democrat Congress is responsible and does not even know it.

□ 1650

THE $700 MILLION D.C. SPENDING BILL

The SPEAKER pro tempore (Mr. DEAL). Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, last night this House passed another huge spending bill, this time $700 million for Washington, DC.

Before coming to Congress, I was mayor of a city of 60,000 in California. It is one-tenth the size of Washington, D.C. Our budget was less than $11 million. Washington, DC's 1994 budget is $3.4 billion; 300 times larger. That's $46,300 per person in D.C. and only $200 per person in my hometown in California.

My city has only 24 city staff members. Washington, DC, has 24,000. This is 1,000 times more.

My city, like all other cities in California, receives no Federal subsidy. Yet, our Federal Government gave Washington, DC, $680 million last year. And last night we approved $700 million for next year. That is not fair.

While I recognize the unique situation of Washington as our Nation's capital, the Federal Government should be eliminating waste and cutting spending. The American taxpayer cannot afford such huge increases in funding for Washington, DC.

The bottom line is that it's more and more and more spending and there doesn't appear to be any end in sight.

That is why I rose yesterday in strong support of the Walsh amendment. This amendment sought to cut $17 million. That's only a 2.5-percent cut in the Federal subsidy to D.C. It's only a ½-percent cut in the overall D.C. budget. That's right—only a ½-percent cut. I'm sure D.C. can afford this tiny reduction. I'm very disappointed that the Democrats who control this House rejected this tiny cut.

Every city in my State of California is having to do more with less—less police officers, less jails, and less money to educate our children but they don't get a Federal subsidy.

Washington, DC, doesn't need more money. It already has the highest income tax and property taxes in the Nation. On top of this Congress has poured in billions more. For what? It's time to stop throwing money down the Washington, DC, drain.

It's time for local government to become more responsible and fiscally disciplined.

Let me give you just one example of mismanagement. Every day when I drive to the Capitol, I fear losing a car axle and having an accident because of the grossly deteriorated condition of the Francis Case Bridge along Interstate 395. This is a major traffic and safety hazard. And, it's been like this for years. Washington, DC, says it can't afford to fix the bridge without more Federal money.

Yet they can find the money to totally rebuild roads that they had to dig up only a few months later and re-do them again because they forgot to lay in new gas pipes on Benton Street. Now this is what I call total waste.

What does Washington do with all its money and all its employees? Many services the Federal Government needs, it already pays for itself. Let's look at police protection. The Federal Government provides Capitol Police, Park Police, Secret Service, Federal Protective Services, and Smithsonian Police, all through other budgets.

Washington, DC, claims it needs more Federal money because it can't tax Federal property. But, most cities—including my hometown—have city, country and other public property, as well as church property, they cannot tax. Besides, all Federal buildings are maintained by other moneys.

Congress need look no further than across the street to find ways to start cutting Government waste and bureaucracy. We can start right here in Washington, DC. Instead of asking people in California to pay more taxes thereby taking away Federal support for police, prisons, and badly needed school programs, we should be asking others like Washington, DC, to pay their fair share first.

California pays far more to the Federal Government than it gets in return. Washington, DC, gets far, far more from the Federal Government than it pays. That's unfair. It's time for Washington, DC, to pay for itself.

Mr. Speaker, since the D.C. spending bill was passed by this House and is now over in the other body, I urge my fellow Americans to contact their Senators and demand real, serious cuts in the D.C. budget.

THE MIDWEST FLOOD DISASTER OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. MINGE] is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, I wish to take a few minutes this afternoon to report on my trip to Minnesota and the Midwest yesterday, June 30, 1993.

I traveled, along with four other Members of Congress and Secretary of Agriculture Espy, and visits were made

by Secretary Espy to Wisconsin, Iowa, South Dakota, and Minnesota. What he saw was hundreds of thousands of acres in America, some of the world's most productive farmlands, under water. These are farmlands that could not be planted in 1993, crops that were destroyed in 1993.

The loss in the Middle West is estimated to be at least $1 billion in crops. In Minnesota alone the loss is estimated to be $500 million.

□ 1700

There are areas which have been farmed for over 140 years. There are areas which have produced a crop every year. The farmers could get in the field and plant. This is the first year in the memory of some of these families that their farm could not be planted, and, according to their records they have maintained as a family, it is the first year since the sod was broken that the land could not be planted.

This is having a devastating impact on not just farmers, but also the neighboring communities. It is estimated that 10 to 20 percent of the farmers in the southern three tiers of counties in the district that I represent are at risk of losing their farms and will not be farming in 1994. This is not an exaggerated estimate that I received from distraught farmers themselves. These are estimates that come from bankers, county extension agents, and others.

The question is what do we do next? This part of the country is not looking for handouts. What we are looking for is a program, an insurance program that works. We are prepared to pay the cost of doing business in the farming sector, but we do not have a Federal crop insurance program that is effective to deal with this situation. Unfortunately, the program that we have is the only game in town. It is a virtual monopoly.

So in the interim some type of effective disaster assistance is needed. Adjustments in crop insurance are needed. Finally, we need to take the other existing Federal farm programs and tailor them, revise them, so that they meet the type of crisis that we are experiencing.

But this is not something that we need that we can afford to simply view as a 1993 issue. It is something that must be addressed so that we have effective programs to deal with these problems in years to come. A decent part of that is a decent farm price, a price for the products that are grown. We in this country have had what has been characterized as a cheap food policy. We need to move to a policy so that the agricultural sector is paid for the crops and the produce that it provides at a level that covers the cost of providing that produce.

Right now that produce is being produced and sold as if we are operating a discount warehouse, as if our margins are adequate at 1 percent. When we have $500 million crop losses, a 1 percent margin simply does not cut it. And that is why we face the prospect of thousands and thousands of farmers being driven from their occupation.

Mr. Speaker, the time has come for the United States to recognize that it has to have fairness in every sector of the economy. Included among that is the agricultural sector which for far too long has been laboring under this so-called cheap food policy, which is now laying us low.

REPRESENTATIVE SKELTON HONORED BY ARMY WAR COLLEGE

The SPEAKER pro tempore (Mr. DEAL). Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, our colleague Representative IKE SKELTON of Missouri, was recently honored with the presentation of an honorary diploma from the U.S. Army War College at Carlisle Barracks, PA. He is only the 11th civilian, and just the 27th person, to be given this distinction.

The honorary diploma was given because of his "outstanding contributions to the American military, especially in the areas of reorganization and military education." IKE SKELTON is a great American and has worked throughout his career in Congress to maintain a strong national defense. This is a truly deserving tribute and I know all my colleagues join me in offering congratulations.

He was at the college to deliver this year's commencement address, which I also want to share with my colleagues.

THINGS I ALWAYS WANTED TO TELL THE ARMY

(By Ike Skelton)

Friend General Bill Stofft, Mr. Ambassador, distinguished faculty, graduates of 1993, family and friends, after an introduction such as that I can hardly wait to hear what I'm going to say.

This is indeed a thrill for me to be with you to share some moments of thought and words. When first asked to come up here and speak with you today, I thought I had a lot of interesting information to give you; but realizing that I'm the only thing between you and your diploma, my speech will be cut down to two hours.

It is a pleasure to be with you and to be with my friend through the years, General Stofft; I thank him for the kind invitation. He's truly a scholar and soldier. He understands fully the words of the late Sir William Francis Butler who once wrote, "the nation that will insist upon drawing a broad line of demarcation between the fighting man and the thinking man is liable to find its fighting done by fools and its thinking done by cowards." That is not the case in the United States of America.

So this, today, is a significant milestone in your military career and in your life. And I realize that there are a lot of smiles and happy faces with your relatives, your families, and your friends. I congratulate you along with them.

This chapter in your life is now closing and your military career moves on, another phase begins. I especially compliment our foreign visitors and we hope that this will be a memorable year for you, so that you will not just carry back military education but you will carry back the warmth of friendship that you gained here.

In thinking of topics for today, there are a broad range of issues. I could speak of my role in the Goldwater-Nichols bill, and how it was my initial bill that finally became the law. The Pentagon was a bit upset with me because my initial bill eliminated the Joint Chiefs of Staff. The Armed Services panel on Military Education to which General Stofft referred, which examined all ten of our intermediate and senior war colleges. We can speak of the quagmire of troop intervention in Bosnia. Or, we could speak of my insistence that Ft. Leavenworth, Kansas offer courses in the American-Indian Wars, culminating in last week my joining several of those from Ft. Leavenworth on staff ride to Ft. Phil Kearney, the Fetterman Massacre, Crook's battle the Rosebud, and Custer's disaster at the Little Bighorn. And let me tell you if you ever do a staff walk at Crook's Rosebud Battlefield, I warn you ahead of time, it's a five mile trek—all uphill. We could speak of the Air Force study on airpower, which I served as a panel member, which ended with the conclusion that we should not do away with the United States Army as yet. But I realize that you've had so much of these studies, and these intellectual pursuits. And this being the rare opportunity that it is, I thought I would share with this prestigious audience that will go henceforth to lead the United States Army, and the other services, and other countries, and talk to you about "Things I Always Wanted to Tell the Army!"

Chapter 1.—I was a first year high school Junior ROTC student at Wentworth Military Academy in my hometown of Lexington. Staff sergeant Ryan, who somewhere out there in retirement land must still be living and I hope he hears this from this podium, SSG Ryan thought I was the dumbest map reader he had in the class, with good reason. But here I am, that same, dumbest, map reader in that class addressing the most prestigious army war college in the world. If he were here today, I'd tell him where to place his azimuth.

Chapter 2.—This is a story about Kevin, a young friend of mine who went to school in my hometown, later went off to college, later became a second lieutenant in the United States Marine Corps. I was very proud of him; he stayed in touch with me pretty well. And from time to time would ask my advice, and in my limited way I would give it. He did very well through the years, and he was stationed in Washington in a very prestigious captain's position. As you know that is the same as an 0-3 for you from the Navy, if you don't understand.

Young Kevin was also assigned to the White House social detail. One day he called for an appointment and came to my office; he thanked me for my interest in him and then told me that he was leaving the United States Marine Corps. I asked him why and he said that he had run into a president of a major corporation at the White House and he had invited him to join his national corporation. And after talking with Kevin for a while I said, "what would it have taken for you to stay in the Marine Corps for a career?" And he looked right at me and said, "an encouraging word at the right time." That's a heavy lesson, and I hope that those of you who are in positions of leadership will look for those bright, young Kevins in the future, and give them that encouraging word

because we're going to need them to follow in your footsteps.

Chapter 3.—A number of years ago I was invited down to the Maxwell Air Force Base to address the Air War College which I did; and after the address I was invited to speak to a seminar of some 16 members of all services. There was an Army colonel, as well as someone from the Marines, and Navy, and of course most of them were Air Force. I went into the room and I saw at the far corner of the seminar table an Army colonel who obviously thought that this was a real joke to have a member of Congress come down there. And I saw and could read his lips about the snide remarks he was making about my coming to the Air War College. So I said to myself, "I'll fix you buddy." And I gave some opening remarks and I told them that I know that being lieutenant colonels and colonels and their equivalent that they knew all about the Constitution of the United States, the role of Congress, that we were the ones that would vote to declare war, we raised them and maintained them, that we wrote the regulations and rules by which they lived. And I thought, and I said it in my thought, that all of them, of course, knowing all these things would be glad to tell me who their member of Congress was. And I went around the room and not one person of the 16 could tell me who represented them in the United States Congress, especially that Army colonel. We got the names of two senators and one former congressman.

This caused me to think, on so many occasions those of you in the military live in your world and those of us in Congress live in ours. We must do a better job of communicating, you must do a better job of understanding the Constitution of the United States, your role as well as ours. We are not the enemies. We are there to work with you. We are the reflectors of the American public opinion. We hope that in the days and years ahead, and it is my sincere desire, that those of you who make the military your career, will cause those who follow you to understand full well our role, and your role, and how we can work together all the more closely.

Chapter 4.—My wife and I have a soldier, a son, in our family. As a matter of fact, two of our three sons wear uniforms. It was April, 1991, at the Washington, D.C. National Airport and my Susie and I went down to meet our soldier-son who just returned from the desert in Saudi Arabia and Iraq. Some of his friends were there with a big banner that said "Welcome Home Desert Dude," and others were there with balloons, looking forward to seeing him after quite a few months of separation. And when he came up the entrance way from the airplane, the some 150 people standing there waiting for others saw mother and dad go to a young soldier-son, and there was spontaneous applause in the airport for that young man. What a thrill for a soldier to come home and be appreciated.

Then I also spoke, not so long ago, with a young man who was serving during Vietnam in his ROTC unit at a university in our nation. He told me he dare not wear his uniform on the university campus during that era for fear of being abused, cursed, or even spat upon. That, of course, was so very, very, sad. Contrasting those in uniform from one era to the other. But it's not your job to seek, or not your role to seek appreciation. It's your role to do your best to defend your nation and to fulfill your calling. There are days in peace when you're not appreciated, nor will you be appreciated, but you must continue to do your work to defend your nation. Rudyard Kipling said it best in his poem entitled *Tommy:*

Yes, makin' mock o' uniforms that guard you while you sleep
Is cheaper than them uniforms, an' they're starvation cheap;
An' hustlin' drunken soldiers when they're goin' large a bit
Is five times better business than paradin' in full kit.
Then it's Tommy this, an' Tommy that, and "Tommy, 'ow's yer soul?"
But it's "Thin red line of 'eroes" when the drums begin to roll—
The drums begin to roll, my boys, the drums begin to roll,
O it's "Thin red line of 'eroes" when the drums begin to roll.

Portrait of a lack of appreciation for those in uniform saddens me.

Chapter 5.—1923. Major George C. Marshall gave an address in Washington to a group of school students of military background. And in that address, MAJ George C. Marshall spoke of the infantry component of the regular Army and how it had increased through the years and decreased through the years with regularity. He spoke about the regular infantry having only 80 men immediately after the Revolutionary War, and how it increased before 1812, decreased, increased for the Civil War, then decreased; the same for the Spanish-American War, and then when the war was over and remember this was 1923. He spoke of 1920; there were 285,000 men in the infantry component, nine months later Congress cut it to 175,000, three months later 150, six months later to a 125,000 men. General Marshall said, "and just by the skin of our teeth we got through this last Congress without a further cut from 75,000." What we have seen through the years is the increase and decrease of our military which I think is one of the saddest chapters of American history. I think that we should do our best. That's our job in Congress, to keep the military at a sufficient level, to keep the bottom from dropping out so that young men and women like you, and those that follow you, can see that there is a bottom line that they can plan their future; that is our challenge. I hope that you, through the years ahead, will not get discouraged, that you through the years will do your best to stay the course, stay with the military. Because the days will come ahead when your expertise, your knowledge, and your leadership will be needed. It was the same George Marshall, who expressed in 1937, "the question of abandoning the possibilities of the next eight or nine years, so far as that pertains to a professional soldier. With the world in its present turmoil, no one can prophesize what the outcome will be. As I made my life occupation that of a soldier, I hesitate to take any decision which might leave me eliminated at the critical moment." My advice for you, in this chapter five, is for you to stay the course. For you, undoubtedly, in the years ahead will be needed.

Chapter 6.—This is an uncertain world in which we live. We don't know what the kaleidoscope of the future will be, we know there's turmoil, conflict throughout the world. Yes, we've won the Cold War, that's over. But there are uncertainties and tremendous pressures ahead. There will be a need for each military generation to pass the torch of freedom on to the next. It is important for you not only to stay the course, but to be prepared and to cause those soldiers, and sailors, and airmen, and marines to do the same.

I was nine years of age, in the fifth grade; my father, the best known orator in Lafayette County, Missouri, a veteran of World War I, was asked to give the Armistice Day speech at the Odessa High School some 12 miles away from Lexington. And he was kind enough to take me out of school and drive me over to Odessa. And I sat in the back of that auditorium with the student body of the Odessa High School. And I remember on the stage there were those dressed in World War uniforms. I remember the beating of the bass drums behind the curtains to simulate artillery. And I remember my father's speech. He spoke about freedom, he spoke about the greatness of our country, and he spoke about those who had defended our interests in the great war of which he was a part. Then he said two things that burned themselves into my memory. The first was that he said that there are those in this student audience who well may have to protect the freedoms of America once again. That was November 11, 1941. Shortly thereafter the Japanese Empire attacked Pearl Harbor on December 7, 1941, and World War II was upon us. Also during that speech he ended it with a poem that came out of the war in which he served. And it went like this,

"In Flanders fields the poppies blow
Between the crosses, row on row,
That mark our place; and in the sky
The larks, still bravely singing, fly
Scarce heard amid the guns below.

"We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved, and now we die,
In Flanders fields.

"Take up our quarrel with the foe:
To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields."

Well that poem has kind of lost itself in the years past that era. But those words still should ring true to you, because the torch has been passed to you and your generation of uniformed Americans. It's my hope, it's my prayer that you will be up to the task. So I am convinced that in this troubled and unsettled world you who are uniform today will be challenged to the best that is in you. May God go with you in days ahead. God Bless you.

MISCELLANEOUS SMALL BUSINESS AMENDMENTS ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 5 minutes.

Mr. LAFALCE. Mr. Speaker, today I am introducing the Miscellaneous Small Business Amendments Act of 1993. It is not a lengthy bill, but its timely enactment is very critical to the small business programs it amends.

First, it increases the authorization for guarantees to certified development companies which, in turn, provide financing to small businesses for plant and equipment. This is a program which creates jobs. In fact, applicants are not eligible to participate in the program unless job creation or preservation requirements are met.

This program is extremely successful and requests for funding under it have increased substantially in the past several years. It is also a program of which we should be very proud. The subsidy cost of the program is approximately one-half of 1 percent, making this

a very cost-effective initiative which delivers a substantial return on the Government's investment. For each $1 million in Federal moneys, the program provides $2 billion in loan guarantees. And, in addition, banks and other lending institutions provide an additional $2.5 billion in private loans, or a total of $4.5 billion in financing to the small business community.

Second, this bill facilitates the commencement of the White House Conference on Small Business. Legislation requesting the President to convene such a conference was enacted in October 1990. Unfortunately, the conference remained dormant for more than 2 years. We could, of course, still try to meet the original schedule. But I believe that such a compressed agenda would detract from the high expectations we have for this endeavor. Thus I believe we should reschedule the conference for 1995 and request the President to commence preparations immediately.

Finally, the bill makes several technical amendments to the Small Business Development Center Program to facilitate its continued operation.

Mr. Speaker, I anticipate that the Small Business Committee will move promptly to consider this measure, and I am hopeful that it will be considered by the full House within the next few weeks.

An explanation of the bill follows:

Explanation of Miscellaneous Small Business Amendments Act of 1993

CERTIFIED DEVELOPMENT COMPANY AUTHORIZATION

Section 2 increases the total authorization for loan and debenture guarantees by the Small Business Administration in fiscal year 1993 from $7.03 billion to $7.155 billion and within these amounts it increases the authorization for debenture and loan guarantees for certified development companies from $775 million to $900 million.

It also increases the total authorization for loan and debenture guarantees by the Small Business Administration in fiscal year 1994 from $8.083 billion to $8.458 billion and within these amounts it increases the authorization for debenture and loan guarantees for certified development companies from $825 million to $1.2 billion.

WHITE HOUSE SMALL BUSINESS CONFERENCE

Section 3 delays the dates for the White House Conference on Small Business. The State meetings would begin not earlier than November 15, 1994 (instead of not earlier than December 1, 1992), and the national conference would be held between October 1, 1995 and December 31, 1995 (instead of between January 1, 1994 and April 1, 1994.

It also provides that the President shall appoint commissioners to oversee the conference, and that such appointments shall be made after the enactment of this act but not later than 30 days after the date of such enactment.

It also increases the authorization for the conference to $7 million (now $5 million).

SMALL BUSINESS DEVELOPMENT CENTER PROGRAMS

Section 4(a) authorizes the Small Business Administration to fund Small Business Development Center information sharing systems (i.e., a library of materials) by making grants or cooperative agreements with one or more such centers instead of by issuing a contract after soliciting proposals.

Subsection (b) reduces the authorization for the Small Business Development Center replication program in Central Europe for 1993 from $8 million to $2 million and authorizes a similar amount for each of fiscal years 1994 through 1996.

Subsection (c) strikes a provision of current law which prohibits the Small Business Administration from publishing regulations on the Small Business Development Center Program in the FEDERAL REGISTER.

DEMOCRACY MOVEMENT IN FEDERAL REPUBLIC OF NIGERIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. JEFFERSON] is recognized for 5 minutes.

Mr. JEFFERSON. Mr. Speaker, today in the Federal Republic of Nigeria, a democracy movement is taking place that is comparable to the recent celebrated democratization movements in Poland, Germany, and Russia.

But in Nigeria, this sacred and risk-filled process of democratization, involving the destinies of well over 100 million people is being played out in relative obscurity, without graphic CNN reports. Yet the courage of the people of Nigeria is no less obvious than that of the people of Russia or Poland. And the heroism of its democracy leader, one M.K.O. Abiola, is just as inspiring as that of Lech Walesa or Boris Yeltsin.

Mr. Speaker, on June 12, 1993, the people of Nigeria elected Mr. Abiola their president through elections judged fair and free by international observer nations, including Great Britain. Yet his election has been annulled by Nigeria's military dictator.

Mr. Speaker, just as our Nation rallied to Yeltsin and his countrymen as they faced down tanks, let us now give our national commitment to Mr. Abiola and the people of Nigeria as they confront the guns of military rule and seek to take the reins of their Government.

ORDER OF BUSINESS

Mr. BURTON of Indiana. Mr. Speaker, under great duress, I ask unanimous consent that my 1-hour special order be given to the gentleman from Oklahoma [Mr. INHOFE].

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

There was no objection.

CONTINUED DISCOURSE ON TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. INHOFE] is recognized for 60 minutes.

Mr. INHOFE. Mr. Speaker, I thank the gentleman from Indiana [Mr. BURTON] for his time.

This week, Mr. Speaker, we have had the opportunity to talk about term limitation. It is something that the public wants, it is something that the public needs, it is something that everybody at the town hall meetings knows is a good idea and everyone seems to want but politicians, and that is understandable. We have a tendency to protect our own turf.

So this week we have devoted the week to bringing up some of the points so that we can better enlighten our colleagues and hopefully get something passed.

Mr. Speaker, I yield to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Speaker, I want to commend the gentleman from Oklahoma [Mr. INHOFE] for taking this hour tonight to again bring to the American public the attention that this term limit movement needs.

The very first bill that I filed in the House of Representatives was a bill to bring about this much needed change. My bill would limit the House of Representatives Members to 8 consecutive years and Members of the Senate to 12 consecutive years.

In the congressional district which I represent, 79 percent of the people who voted in November 1992 voted "yes" to the term limits initiative, 8 years for the House, 12 years for the Senate. These numbers are reflected throughout the State of Florida, as voters have said that enough is enough, and that Congress must be reformed.

I am committed, myself, to adhere to the 8-year term limit if my voters choose to keep me here that long, regardless of how it works here in the Congress. But I think limiting terms in the Congress is a step in the right direction to reform this Congress. That was something I was sent here to do, and I hope that the leadership would let this legislation come to the floor.

I would encourage other Members to sign the discharge petition so that we can have a fair debate and a vote on the floor of the House of Representatives on term limits.

Mr. INHOFE. Mr. Speaker, the gentlewoman is a freshman. Yet the first bill she introduced was for term limits. Is that because she had so much support at home and there is that much of an outcry for it?

Mrs. FOWLER. It is because I deeply believe in term limits. I instituted a term limit movement when I served on the city council in Florida, in Jacksonville. I supported the Eight is enough movement in the State of Florida. I think it is healthy to have turnover in every elected body, that you need new ideas, new people, and I am an affirmative believer that good people will step forward to run when the opportunity presents itself.

Mr. INHOFE. I think that is good. It certainly says something about your State of Florida, because that is where the very first movement on term limitation came from. I joined the group

down there in 1976, and that was the first time they were even talking about term limitations. Of course, the gentleman from Florida [Mr. MCCOLLUM] and others from Florida are very supportive. I think it is very important today that we have at a moment's notice all of these freshmen from all the way across the Nation, from Florida, to Maryland, to California, to New York, and all of them, with the same feeling and the same ideals and the same commitment that they have given to their people back home. I am sure that the gentlewoman as a freshman must have felt that commitment that she felt strong enough to introduce that as her first bill.

Mrs. FOWLER. Well, that is correct. That is why I wanted that to be my first bill. And I am going to continue working on it until we get this to the floor of this House. Because I know that is what the American people want. So I am pleased we have more and more of our Members supporting it, and I think we will succeed eventually.

Mr. INHOFE. I thank the gentlewoman very much.

We will move from the east coast to the west coast and hear from the gentleman from California [Mr. HUFFINGTON].

Mr. HUFFINGTON. Mr. Speaker, it appears there has been a misunderstanding on the part of the Democratic leadership. The American people overwhelmingly want congressional term limits. Even in the State of our distinguished Speaker, 52 percent of the voters chose to limit the number of terms he can serve. Now, don't you think a proposal supported by a majority of Americans deserves at least a fair hearing?

Even though the Democratic leadership will not allow me to vote on a term limits proposal, I am thankful that Californians gave me the opportunity to do so last November. I was one of 21 million Americans in 14 States who voted for term limit initiatives, and do you know how many States passed those measures? All 14. This brings the total number of States with a term limit provision to 15, which means 42 percent—181—of us are restricted in the number of terms we can serve in Congress.

Limiting congressional tenure was an issue that was raised by the delegates at the Constitutional Convention in 1787. Although the Committee of the Whole rejected the measure, an amendment to limit congressional tenure was in fact introduced. You see, the delegates had the foresight to know that politics would change and that citizen politicians would evolve into career politicians.

Our Founding Fathers were not career politicians. George Washington was a surveyor and Thomas Jefferson an architect, two professions for which these men would rather have been remembered. I am a businessman and want to remain so. I also want to bring back the concept of citizen legislator.

Those who oppose term limits say they would infringe upon the right of the people to determine who serves, and for how long. I say, when 68 percent—according to a New York Times/CBS News 1991 poll—of Americans want limited terms for Members of Congress, it appears the people have already decided. The opposition also says that term limits would increase the number of Congressmen with little to no experience. Well last year, 72 percent of the new Members elected to this body had prior political experience. That's 79 fresh but experienced legislators.

Mr. Speaker, from 1789 to 1992, 152 term limit proposals were introduced in the U.S. Congress and virtually all were killed in committee. This time let's get serious about reform. Term limits will provide a vehicle for citizen politicians to address the real needs and concerns of the American people.

□ 1710

Mr. INHOFE. Mr. Speaker, I really appreciate that, the gentleman from California. I have got to elaborate on that a little bit.

When you say that, how many do you say bills had been introduced for limitation of terms?

Mr. HUFFINGTON. One hundred fifty-two.

Mr. INHOFE. Let me tell you what happened to those bills. I am not speaking because I am more senior than the ones standing here, but I have seen this happen. There is a cute little trick that this body has done since 1931. They will take a bill that everyone at home wants like yours, 68 percent of the people in this country want term limitations, and then those individuals who want to go home and face those people will become coauthors of that bill. Then they will put it into a committee like the Rules Committee with the understanding that the chairman will not bring it up. And the only way to get it out of that drawer up there is during the regular hours that we are in session and to sign a discharge petition. It takes 218 signatures to sign a discharge petition.

I can remember in 1988, when we had H.R. 321, which was a balanced budget amendment to the Constitution. We had 240 coauthors. Yet we could only get 146 signatures. That means there are 100 Members of Congress who wanted their names on the bill but did not want it out to vote.

I happen to have a discharge petition No. 2, which will reform this system. I think it is a corrupt system that has been here for the last 60 years. So I am glad you brought that up.

I would advise you, that is what happens to good legislation that the majority of people in America want. And yet, they wonder, why is it we cannot enact that into law. With these reforms, we will be able to have term limits.

Mr. HUFFINGTON. I signed the discharge petitions No. 2 and No. 3. I hope we can make those names public someday.

Mr. INHOFE. I thank the gentleman from California very much.

I yield to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, it is very difficult to talk about term limitations without talking about other forms of congressional reform. When you talked about having to reform the discharge petition procedure, I agree with you. I think that is absolutely wonderful. Not only did we sign today the discharge petition that sits right over here in this drawer, but there is also a discharge petition for a constitutional amemdment on the balanced budget.

Mr. INHOFE. There are three, as you well know. I am sure you have signed all three of them.

Mr. BUYER. Not until I came to this body did I realize about this discharge petition and the secrecy of the discharge petition. We can go sign this discharge petition, but we cannot disclose who has or has not signed the discharge petition. That process provides cover for Members of this body. They can go back to their districts and they can say to the American people, "I signed the balance budget amendment" or "I signed on to this particular bill, knowing full well that it will never come out of committee".

If they believed in it, if they believed, they could come right over here and sign on to this discharge petition, allowing the will of this body to be served.

Mr. INHOFE. Let me ask you a question. Are you aware of how severe the punishment could be if you disclosed the names to the public?

Mr. BUYER. I would be expelled from the Congress.

Mr. INHOFE When I tell people that in town hall meetings, they are absolutely outraged. And yet, as well informed as you are, you were not aware of that until you came to Congress.

Mr. BUYER. There are a lot of things I was not aware of till I came here. Having never served in politics before, being one of a few who in the modern age can get up out of their chair at home and walk into the Halls of this Congress, you can call me naive, if you like, but I believe that that House floor right here should be the greatest arena of open debate and exchange of ideas in the world. And now that I have been here, I have to stand, as a U.S. Congressman, and say that this is one of the most undemocratic institutions I have ever seen.

We are going to change it. There are a lot of things that can be done in forms of optimism of reforms, not only for term limitations and campaign finance reform, but also changing the way the Rules Committee operates.

Mr. INHOFE. Let me ask you the same question I asked the gentlewoman from Florida. You also are a freshman. This is your first term here. You immediately got on the bandwagon for limited terms.

Mr. BUYER. The entire quest for term limitations, there is a cry out there among the American people. They recognize that well over 96 percent of the Congressmen and Congresswomen all across this Nation get reelected no matter what they do. And when they look at that, they say, "Wait a minute, what is going on? Is there something wrong with the process?"

Then they think, maybe we could have campaign finance reform. That may or may not happen.

They recognize that the Congress does not do well at reforming itself and so when they recognize that Congress is not going to do it, the American people have taken control into their own hands. And that is why you now have 14 to 15 States that, in fact, have enacted term limitations. And that is good. We will do our part. We will try to do what we can here, and it is a complement to the American people that they are doing also their part.

The problem, in closing, is that we have 15 States out there that have enacted term limitations, but like the gentleman here from California, who can now only serve three terms, your State, sir, has now placed itself in jeopardy against other States who have not set term limitations. And when you presently operate under the present seniority system, we have a problem. And until we either change the seniority system or we have the constitutional amendment to set term limitations, we are going to continue to have a problem.

Mr. INHOFE. I appreciate very much the gentleman from Indiana for your contribution to this. And his reference to the gentleman from California [Mr. HUFFINGTON] was interesting, because the gentleman from California [Mr. HUFFINGTON] made a comment as to what this representative system used to be, that there was no necessity for term limitations because those people were out making a living. And I can remember, as recently as a few years ago, when I was first elected to the Oklahoma Legislature, at that time we met every 2 years, just once every 2 years, for no longer than 6 months.

And the thing that stands out in my mind, when I was a very young, impressionable State legislator, is that I would go on January 1, the first week in January, and everyone was so responsible and everybody was sitting around very much concerned about getting things done and getting out. By the time June came along, they would have people blowing smoke at them for so long that they no longer were reflecting the needs of the people at home. You can be around here enough, talking to lobbyists, talking to think tank people, talking to bureaucrats, that you forget what real people back home are.

Mr. BUYER. It is the rotation that the gentleman from California [Mr. HUFFINGTON] also brought up of California and that you are alluding to, the rotation bringing in the new blood and new spirits but also, as the gentlewoman from Florida [Mrs. FOWLER] referred to. When you bring in that new blood, you bring in new ideas.

The Republican freshmen were able to institute reforms through the rotation of committee chairs. What a radical idea to this place. And that is very good, because not only were people upset about how long someone serves here, but they also say, "Look how someone chairs a particular committee forever." So when you have rotation of the committee chairs, you bring in the new blood of leadership.

□ 1720

This really goes to the heart of how we define Americanism. I believe that is in that spirit of great minds of our initiative and our creativity. That is what will define us as a great society.

When we have that turnover, we bring in the new people and we can better our society.

Mr. INHOFE. Mr. Speaker, before I yield to the gentleman from California [Mr. BAKER] I want to just share one story with the Members that actually happened. I think it illustrates it very well.

We have so many people in Congress who really are wonderful people, they are honest people, they are intelligent people, but they have not had experience in the real world. They have come straight from the fraternity house to Congress.

I always remember what happened to George McGovern when George McGovern had spent his entire career in Congress, and ran for President a couple of times. Finally he went out and decided he was going to fulfill a lifetime dream and start a hotel. I think it was in Connecticut, wasn't it?

Mr. BAKER of California. Will the gentleman yield?

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

Mr. BAKER of California. It was a bed and breakfast.

Mr. INHOFE. Something he had always wanted to do. The first thing that happened was, the EPA came down on him, the IRS came down on him, OSHA came down on him, the regulators came down on him, the health department. Finally he had to throw it into bankruptcy.

His statement, and this is not his exact words, but I will paraphrase it, he said, if I had known how tough it was in the real world, I would have voted differently in the U.S. Senate.

We need to have this rotation that the gentleman speaks of, and get this country back to a representative system.

I am glad to yield to the very eloquent gentleman from California [Mr. BAKER].

Mr. BAKER of California. I thank the gentleman from Oklahoma very much. However, he forgot the liability suit from the person who faked a fall in front of his bed and breakfast.

Mr. Speaker, several polls have shown that more than 70 percent of the American people support term limits. If this is so, then why don't we have them?

Because the Democrats who control Congress are ignoring their constituents and prolonging their careers.

In fact, the leadership of this House would never even let it come up for debate. The House leadership is way out of touch and are doing everything they can to remain in Washington for life.

We need to return this Congress to its rightful owners—the American people.

That is exactly what term limits would do. We would have wider variety of citizens coming to Washington to represent their fellow Americans. We would have lawmakers who actually thought about the effects of their laws on the American people.

The Founders of this country meant for the Representatives to return to private life—not to become a separate ruling class.

A government of the people would ensure that legislation is not made in some ivory tower, but by the people and for the people.

Mr. INHOFE. Mr. Speaker, I appreciate the statement of the gentleman from California.

The fact that we have right now participating in this special order almost all freshmen is a message, because I think the gentleman came here with a message. I do not think there is one person who ran for Congress, of all the 110 freshmen who won, most of whom defeated incumbents, which is a rare thing now, but they did it, promising changes.

I am sure this is one promise that the gentleman made, that he would do all he could do to limit the terms of Congress and to get it to a representative system.

Mr. BAKER of California. Mr. Speaker, I would say to the gentleman from Oklahoma, I did not. I was in the legislature for 12 years, and I did not believe in term limits, because this was a chance for different people to be elected in those districts, but I have never met gerrymandering the way I saw gerrymandering here, and the people that say, just let the folks at home decide, they have the right to keep somebody 100 years if they would like. Well, with the way they draw the lines and the way the computers do it now, and with

these minority districts, a person, once getting in those districts, can literally stay for life.

I have changed my mind, reluctantly, because I think now we have to have fresh faces and fresh blood if we are ever going to balance the budget.

Mr. INHOFE. So the gentleman came to this position?

Mr. BAKER of California. I came to this position reluctantly. I only do that because I believe that 12 years is enough. It will equal out with the Senate, which will have two 6-year terms. As Mr. Rudman, who was the Gramm-Rudman budget balancing costar, said as he left, it is impossible to balance the budget because we do not have enough people who want to.

As long as there are those who do not want to, who want to continue living in debt and squander the American people's money, then we are going to go down the rat hole. We have to get some new faces.

I have changed my mind reluctantly. I am here to support the gentleman, and support term limits. I have signed the discharge petition so we can get this issue out on the floor and debate it, and let the American people be heard.

As the gentleman mentioned, 15 States have brought up term limits. In my State of California it passed by two-thirds vote, enough to amend the Constitution and say, let us get some new blood in Congress. Let us make sure we have some people who want to represent the private sector and the people, and get this budget balanced, and get this horrendous debt off our backs.

Mr. INHOFE. Let me ask the gentleman from California one question before we go to the gentleman from Maryland [Mr. BARTLETT].

The gentlewoman from Florida had mentioned that she introduced a bill that was 8 years for the House and 12 years for the Senate. I have seen 6 years and 12 years, and 12 years, and 12 years.

I do not think any of us are married to any particular number of years, at least in my position, as long as the person who is serving in Congress, in the House or the Senate, knows that some day he or she will have to go out and make a living under the laws they pass.

Mr. BAKER of California. That is correct. After the way we have spent money these last 22 years, not balancing the budget, perhaps we should have a 2-year term limit. Let us keep turning the people out until they do it right.

I really believe that this Ross Perot phenomenon that people talk about, the phenomenon of the silent American, is really based on the fact that we are living beyond our means. The American families cannot do it. This debt is burying us. We are adding, each morning that we get up, $1 billion to the national debt. This adds up. As one Member who spoke on the floor the other day said, if we take this at 7-percent interest over 30 years, we can triple the amount of debt, so every time we talk about this new necessary program that we want to add, with a $1 billion increase, we are talking about $3 billion over 30 years, because we do not have the money, we are just putting it on debt.

I really believe the gentleman from Oklahoma [Mr. INHOFE] is right, and I appreciate his leadership in this area.

Mr. INHOFE. Mr. Speaker, it reminds me of a speech made by Ronald Reagan in 1965 called "A Rendezvous With Destiny." In this speech he said, "there is nothing closer to immortality on the face of this Earth than a Government agency, once formed." Now the gentleman has seen that in action.

Mr. BAKER of California. I had to come all the way to Washington to see the gridlock, the deadlock, and the dead hand of Government which refuses to reform it. I will be happy to be part of that reform, and if it has to start with term limits, again, I am reluctant to tie the hands of the people and tell them that their sacred Representative could only serve 12 years, but if that is what it takes to balance this budget, I am for it.

I signed the discharge petition so we could get it out here on the floor and debate it before the American people, so they can see both sides of this issue.

Mr. INHOFE. I thank the gentleman. We are very honored to have the gentleman from Maryland [Mr. BARTLETT] here, and I yield to him.

Mr. BARTLETT of Maryland. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would say to the gentleman, it is interesting. Many of those 14 States that voted for term limitations had Representatives that had been here quite a long while. They kept sending them back, but they realized that was not the best thing for this country, so they voted for term limitations, and not to keep sending them back endlessly.

During the campaign, I campaigned very strongly for term limitations. I am one of the relatively few here who has never held a public office before. The vast majority of Americans that were on the ballot in 14 States, and 14 States that carried, they want term limitations.

I would just like for a moment to discuss with the gentleman one of the reasons that those who oppose term limitations use. They say that Government is so complex, that our laws are so complex, that if we do not have legislators who have been here for a long while, if we keep having new legislators because of term limitations, then what we are going to have is a big staff of people, a bureaucracy here, and we do have a lot of bureaucrats here; that the bureaucracy is going to become more important, and that they are then going to run the institution, rather than the elected Representatives.

I would just like to wonder for a moment if Government really has to be so big and so complex and collect so many taxes and enact so many laws that it could possibly be true that for legislators who have been here for 20, 30 years, we need staff members.

I just think that we need to get our country back to what envisioned by our Fore Fathers. Thomas Jefferson said, "The government which governs best is the government which governs least." Abe Lincoln said it in another, very interesting way, that "Government should only do for its people what they cannot do for themselves."

I would ask the gentleman if he thinks that if we got our Government back, our country back to this dream of our Fore Fathers, that we would not need a big bureaucracy, that we could do with a citizen legislator; that we would not need these career bureaucrats and these career politicians?

Mr. INHOFE. I have often driven by the Old Executive Office Building and reminisced about the fact that all of our Government was once run out of that building. Our population was not that much smaller at that time.

Yes, the answer to the gentleman's question is a very emphatic yes.

Mr. BARTLETT of Maryland. Our bureaucracy tends to have two characteristics. One was mentioned by Ronald Reagan, and that is that once established, a bureaucracy tends to have immortality.

There is another characteristic, too, and that is that like a cancer, they just grow forever. I just think that with getting new blood in here, with term limitations, getting new blood in here, that we can turn that around; that we can come back to the kind of a Government envisioned by our Fore Fathers, which was not as pervasive, that was not as invasive, that did not have all of these regulations and laws that are burdensome to our industry and our businesses, and driving jobs overseas.

I just think that new blood with fresh ideas coming in here would help to turn our country around.

Mr. INHOFE. I can remember when the gentleman was kind enough to speak at our House prayer breakfast, and he talked a little bit about his background. I am hoping he can stay for a few minutes. I want to hear from the gentleman from New York, but the gentleman from Maryland has such a unique background that I think maybe we could share that with some of the people around here, some of our colleagues.

□ 1730

Because you bring a perspective, having had no politics in your background, but you have thought things ought to

change. And what else do we hear now around this country by Ross Perot and others who bring that same perspective, and people are interested in that.

So why not hang around for just a minute, I will ask the gentleman from Maryland, and we will get back to you.

We are honored today, of course, to have the chairman of our National Republican Conference Congressional Campaign Committee, the gentleman from New York [Mr. PAXON].

Mr. PAXON. Thank you very much, Mr. INHOFE. I want to commend you and all of those who have participated this afternoon and this evening in your special order. I think it was tremendous of you to take time and prepare this order. I wanted to join with you because I am very convinced that there is a tidal wave sweeping across this country, and frankly, it is a tidal wave that is going to engulf the Disney World of the North here in Washington, DC. It is a tidal wave that is built on the outrage of the American people over the abuses of this Congress and this Government over the problems of our debt and deficit that are not being addressed and have not been addressed in this House, certainly, and most of all the business-as-usual approach that has gone on for so long in Washington.

That tidal wave is being manifested by the single-most significant grassroots movements that has hit this country since the tax revolt of the 1970's and 1980's, and that tidal wave is term limits.

When I came to Congress, much like my friend from California here, Mr. BAKER, who just spoke before me, I did not support term limits. I was convinced that there were less radical ways to accomplish the same goal of real change in Washington, that all we needed to do was sit down, and reasonable people could find reasonable ways to change this place. Unfortunately, after a couple of terms, maybe about 3 years in Washington, I realized that just was not going to happen, that the only way we were going to change this institution, and ultimately bring real change to the Government of the United States, was to enact term limits. So I sponsored those pieces of legislation and believe strongly that a 12-year term limit in the House and the Senate is the right way to go.

My feeling has been reinforced by the folks from my district who have attended countless town meetings. I have held about 40 so far this year, attended by about 2,000 or 3,000 of my constituents, and there is almost universal support at my town meetings for the notion of term limits, that people feel that they want that level of control that they know that the special interests and the perquisites of power will keep maintaining the Congress and the incumbents year after year, decade after decade. And only by limiting the amount of that time that Members can spend will we see real change and real reform in the House of Representatives and in the U.S. Senate.

Of course, as some have mentioned, the statistics are certainly on our side. During the 1980's, the turnover in the House per election cycle averaged just 13 percent. Yet, in the 1790's, in the beginning of our Nation, turnover averaged some 37 percent. And while we were very pleased to experience a large turnover this last election in 1992, I think that was an aberration, frankly. I think as we look down the road into the end of this century and into the 21st century, unless we have term limits we will not see that type of turnover in the years to come. And we are going to need to make certain that the people have the chance to have turnover in their House of Representatives and give them real opportunity.

So again I want to commend the gentleman from Oklahoma [Mr. INHOFE] and my colleagues like Mr. BARTLETT of Maryland, Mr. MCKEON who is here, and Mr. BAKER and others who have been here before for standing up and speaking out on behalf of term limits. I believe in them so strongly, I would say to the gentleman from Oklahoma, that when I was elected to the leadership, to serve as the chairman of the National Republican Congressional Committee, I voluntarily said, and I think I am the first leader of either party to do it, that I would only serve 4 years, that it was a time to have new leadership in our party as well as in the Congress as a whole, and that when people take on a job like chairing the Congressional Campaign Committee that it takes some new energy, and some new ability, some new cycles, and that I was going to after 4 years turn the reins over. And I think that stands as an example, that is more than just words and rhetoric, that it is action speaks louder than words. I hope in my time in Congress, and I do believe in my time in Congress that we will see term limits enacted. Frankly, I think it's in the next few years. The tidal wave is growing and growing and growing, and it is up to us to make certain that this Congress falls in line with the real feelings of the people of this country.

Mr. INHOFE. I thank the gentleman from New York. I would have to observe that I was thinking while you were talking about one of the arguments you hear against term limits is that the staffers would end up running Congress. But you know nothing could be further from the truth, because the first thing you do when you come is you bring your own people, and new ideas, and that is the whole idea of rotation, as the gentleman from Indiana [Mr. BUYER] was talking about.

Mr. PAXON. I would just point out, for example, on my own staff, we brought most of my staffers from the district down here, and it gives people from the community a chance to come down and help us bring real change to Congress. And frankly, a lot of them have decided that after they get some experience, and they understand the ways of Washington, they want to go back to western New York and get back to the community. They wanted to help bring about some change, but they do not want to stay here and spend a lifetime here.

All too many Members of this Congress want to stay and spend a lifetime. And I do not believe for a moment that the staff will run this place. Like you, I believe that real change will occur, and of course I think if we have our way on the Republican side of the aisle, we will make sure that there are changes, because we want to reduce the amount of staff, and that is one of the basic tenets of House Republicans, to bring down the staffing level in this place, and bring about some quality management reforms here in Congress, reforms just like are instituted in the workplace.

Mr. INHOFE. That is right. And I had the honor last September of participating in a prime time ABC 1-hour talk show with Senator ALAN SIMPSON, and Senator HANK BROWN and one other person debating this same subject. Someone on the other side of the issue said well, you cannot limit terms because it takes someone in Congress 6 or 8 years just to learn the ropes. And I said that is my point. Once they learn the ropes they then become a part of the problem. And that is how you get cute little things like discharge petitions where you cannot publicize the names of the signatures.

Mr. PAXON. I want to mention that it is amazing that we have many candidates coming to Washington interested in running for Congress, and sometimes they say gee, I am a little concerned. Is it going to take me 2, 3, 6 years to understand the process. And I say to them that I think it will take you about 2 to 4 months to understand the process, and then after that you will know what has to be done, and you can fully participate. But there seems to be a misnomer out there. A lot of people are afraid to run for Congress because they do not want to give up their families, they do not want to give up their businesses and their community participation and come to Washington and spend many, many years. And I think it is a misnomer, because many are very effective in the first months and in the first years that they are in this body. We have to break that misunderstanding down and make certain people know that they can walk in this place and make a difference, and term limits will help make certain that happens.

Mr. INHOFE. When I get new interns in my office I give them a little indoctrination speech, sometimes, as to my narrow view. And I say that there are

three kinds of Members, there are those who are on the extreme right side, which is where most of us are, and then there are those on the extreme left, and then the mushy middle. And the goal of the mushy middle is to die in Washington, DC. So whatever they think they can do to stay here the longest, they will do, and they are really not tied to a strong political philosophy that emanates from their district back home.

Mr. PAXON. Again, I want to commend the gentleman for taking this time, and I certainly commend our colleagues who have taken time to be here and participate tonight.

Mr. INHOFE. I thank the gentleman from New York.

About a year and a half ago, in fact 2 years ago right now, I was flying an airplane around the world, and we came back and we did a 2-hour special order. And I did it with the gentleman from California [Mr. DORNAN]. And I always thought how can you talk for 2 hours about anything, but I found out if you have DORNAN as a partner, that is not a problem at all.

I would like to yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, what a pleasure to be back on the House floor with this distinguished body, this Parliament of ours. What I wanted to add, because I am getting kind of senior around here, is I never planned to spend more than 6 years here. I took note when I got here that President Kennedy had only been here 6 years, that President Nixon had only been 4 years and then he was off to the Senate for less than 2 years before he was chosen Vice President.

Sometimes if you want a career you ought to put your life in the hands of fate and see what God has in store for you. And I do not plan on homesteading, nesting in any one place. Then I came to realize that President Johnson, LBJ, everybody thought he was around here forever and in the Senate. And he was precisely 12 years here, 12 years in the U.S. Senate, and he was off to be Vice President.

So when I got here as a freshman out of our bicentennial 1976 election, I got here without having given a thought to term limits, except that I probably would not stay very long. And when I got here and began to observe, and I will say this slowly so people know that I mean it literally, that the Civil War, or out of deference to my pals south of the Mason-Dixon line, the war between the States was still affecting this body. When I got here our party did not exist in the South. We had outstanding individual stars like our longtime colleague here who went to glory in the Senate, TRENT LOTT of Mississippi.

□ 1740

But that term "yellowdog Democrat" still had a lot of power. They actually had two parties in the South: the southern Democrats, the larger party; and then a small group of minority Congressmen—I don't mean ethnically, I mean liberal Democrat in the South was a rare breed. We just saw one disappear here in Georgia here in the U.S. Senate in a special election. They were from big cities, like Atlanta.

Then I looked around, I looked at the committee chairmen, and I thought, "Wait a minute, there is no second party of force in the South," Nixon's southern strategy had collapsed because of Watergate—I said, "How are we going to break the seniority system?" A lot of these distinguished southern gentlemen had defended our national security on the Armed Services Committees, so there is nothing personal—I said, "We have got to get, not young blood here, although that is important, but as the gentleman referred to the gentleman in the well who has a couple of months on me in seniority—new blood, that is what one of the gentlemen said, new blood.

Not trying to crank young people of the Woodstock generation; it is people who live life that we are trying to encourage, as President Kennedy said, to get senior people in experience into the Peace Corps. It was not cut out to be just college kids. As a result, Jimmy Carter's mother, long before he was President or Senator, was in the Peace Corps. So I looked at these people and said, "We have to have term limits."

Dan Quayle and I got together, and we put in a bill in 1977 and again every 2 years and in 6 years—not my decision, but being gerrymandered in the 1980 census, I was gone in 1982. So I cranked in my bill without even knowing that it would apply to me personally, the fact that you could come back with all loss of seniority if people in your district or in an adjoining district said, "We want you to go back in 2, 4, 6 years"—I do not care whether they make it a 4-year break or not—"but go back later in your life after you have had one or two more careers, that is fine." Then you have a former Member who could be selected veep, run for President, Vice President, dog catcher, assembly, State senate, you cannot be treated like a felon, that you could never come back. Let me take up something historical here, and then I will turn it back to the young membership here. Here is a book that sits in our little minority leadership office in the corner over there. I suggest every new Member take a shot at going in there and taking a look at this. It is an abbreviated compendium of statistical data on our budget. It is put out in January 1993. So, although it is put out under Clinton administration folks, and these were still the same people that were doing it for President Bush or President Reagan. It simply says "Budget Baselines, Historical Data, Alternatives for the Future." Now, I refer to a senior Member of this House, a fine gentleman——

Mr. INHOFE. Before the gentleman proceeds, I would like to ask the gentleman a question. The gentleman came up with a good idea, and I think even though it is not germane, I have to announce this: That is that he discovered and initiated and started the grandfathers caucus. Since I am one of those blessed last April, getting two grandchildren, it is great. I say that because in a way it does relate to this. I have noticed that people who have children, or grandchildren, are much more concerned about the future of this country and are much less likely to vote these huge deficits that your grandchildren and my grandchildren are going to have to pay for.

I think that is consistent with our theme here tonight.

Mr. DORNAN. Well, national CBS "Evening News" here got religion recently a few months ago when Dan Rather then, and now Dan Rather and Connie Chung, started running these revolving, like a one-armed bandit in Las Vegas, the Government debt figures, trillions and trillions, $4.4 trillion, then they will stop and say, "And each man, woman, and child in the United States, their personal debt is $16,747," which was the last time I saw it a month ago. It is over $17,000 now.

But let me close by pointing out that JAMIE WHITTEN, our distinguished colleague from Mississippi, former chairman of the Committee on Appropriations, came here in a special election right before Pearl Harbor. We have discussed this many times. He is still with us. So that is 52 years. He is here. He could have come back maybe seven times and still have some good sabbaticals in between those terms to pick up several Ph.D.'s when he came here—and these are in constant current dollars, fiscal year 1987—we took in $6.5 billion in receipts, and because of Bundles for Britain and other things, we outlayed $9.5 billion, and we had a deficit of less than $3 billion. That was the entire Federal budget when he got here. He has watched this thing through what Senator Dirksen used to call, "A billion here, a billion there, and pretty soon that is real money," then come into the trillions.

We simply have to start rolling this place over for new blood.

I recommend everybody take a look at this book.

Mr. INHOFE. I feel compelled to make an observation. When the gentleman talks about those large figures, he talks about people who have been here for a long time, people who are not out earning a living in the system that we have, this overregulated system, they honestly believe in their own hearts that Government can run things better than the private sector. You know, it is really interesting when we look around the world today and see

what is happening with Lech Walesa, Vaclav Havel, and Carlos Salinas, all over they are using us as the example of less government and greater empowerment of the people. What are we doing at the same time? We are turning into what they have discarded as a failed system.

I would like at this time to yield to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. I appreciate that. While you all were talking, it reminded me of a lot of things. When we talk about new people and new blood, it brought back a lot of memories because a little over a year ago I was happily engaged in my business with my brothers at home, a good family, good surroundings, really enjoying life. Much like many others who decided to come here, I was upset with the things that were happening in Washington and made the run for Congress in a new district in California.

One of the things, after winning, I came back here to meet our new colleagues, and one of the things I was really concerned about was would I be involved with a bunch of political hacks. We had a meeting of the new freshman class, and men like ROSCOE BARTLETT, TIM HUTCHINSON, and others, I was really impressed with the caliber of people. We sat around in a room down the street in a hotel, and we talked about what it was that motivated us, that had driven us to do this. ROSCOE was 66 years old, first time in public office. He was the oldest of 48 new Republican freshmen. RICHARD POMBO from California, 31 years old, the youngest. We have a wide variety, a wide range of people. We have three women in our class; TILLIE FOWLER from Florida, who had been on the city council; DEBORAH PRYCE from Ohio, who had been a judge; JENNIFER DUNN from Washington, clear across the country, had served as a State committee chairperson. There was a wide variety, wide interests in life, wide degree of backgrounds. I had never served in a legislature. I had been on a school board and then city council, but all of those different people came with one thing in common, and that was reform with an idea to come here and make a change. One of those changes that was most important to us was term limits.

Now, I have met people who have been here a long time, and I have a lot of respect for them. One of the problems with term limits is we would lose some of those people. But there are a lot more people out there who would do well if they had the chance to come here. I think if we go back to what our forebearers had in mind when they founded this country and we all came here at a sacrifice to our lives back home, and served a period of time, and do our best, I think we can be effective and accomplish things.

I think you send capable people here—the idea that your staff would run it, well, if that is the kind of people you send here, you are making a mistake. I think you send people here who are capable of running a staff, running an office. This is much like setting up a business. A person with a good business background knows what to do and can come here and make a change.

□ 1750

Then I think after living here and working and passing some laws, then we should go back and live under those laws that we passed and give somebody else an opportunity, because they will have a different idea. They will look at things a little bit differently.

I see some of these people who have been here a number of years. I do not question their integrity, their ability, their desire. It is just that they look at things a little bit differently.

We who are new have come fresh out of sitting around and talking to our neighbors. We have a different view of life of where the country should be than people who have been here in the Beltway for a long time.

In my campaign, I talked about the disease that happens to you as you cross that bridge out there and come across the Beltway. You lose common sense that seems to be out there in life.

I appreciate the opportunity of being associated with the gentleman from Oklahoma [Mr. INHOFE], for the work that he is doing in this area. I have talked about the gentleman from Oklahoma back in my district. I told them that the gentleman from Oklahoma is a hero here, that he is a champion, and of the work that he is doing to overcome hypocrisy with his discharge petition effort.

I think this is a tremendous thing, and I want to thank the gentleman for yielding to me.

Mr. INHOFE. Let me ask the gentleman from California [Mr. MCKEON] a question.

First of all, we are so fortunate to have the gentleman serving here, someone with the gentleman's business background, someone who has done so well in the private sector and knows how tough it is to meet a payroll. We need a lot more of that in government and we would have a lot less government harassment and government control of our lives, so we are certainly the beneficiaries of the gentleman's service here.

Let me ask the gentleman a question, though. With the gentleman's broad background, was the gentleman aware before he came to Congress of the problems of the rules that regulate a discharge petition. Did the gentleman know anything about that before he came here?

Mr. MCKEON. I did not know anything about the Congress when I came here. It has been a great education.

But I think as the gentleman from New York [Mr. PAXON] mentioned before, in 3 or 4 months you can learn. You can learn a lot. I have learned about the discharge petition. I did not know how the Rules Committee ran things. I did not know how the committee process worked, but I have learned that, and I have only been here 6 months.

Mr. INHOFE. Was the gentleman aware that they would bundle up 25 or 30 totally unrelated things and put them in the same bill so that if you vote for one, you vote for all of them. You cannot pull them out with a closed rule. Was the gentleman aware of that?

Mr. MCKEON. That one I knew a little bit about, because I was a strong proponent of the line-item veto. I think you need to be able to look at things one item at a time.

Mr. INHOFE. We could do a lot of reforming with people like the gentleman from California participating in the system.

Mr. MCKEON. Mr. Chairman, I thank the gentleman very much.

Mr. INHOFE. Mr. Speaker, I yield to the gentleman from my neighboring State of Arkansas. I feel an affinity toward him. One of my daughters teaches at the University of Arkansas, and they, are in the gentleman's district, so the gentleman is her Congressman.

Mr. Speaker, I yield to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman from Oklahoma for yielding to me.

I felt to come over and say a word when I saw the special order on term limitations. I want to commend the gentleman for organizing this special order.

I want to say a little bit about the Arkansas experience on term limitations. We just passed this 6-year term limit in the most recent election. I had some background in that in 8 years in the Arkansas Legislature serving under then-Governor Bill Clinton, who is now our President.

I think the term limitation movement is an indication of the great resentment and cynicism people feel toward their government.

I like what my good friend and neighbor, the gentleman from southwest Missouri [Mr. HANCOCK] said when one of his constituents came up and said that Congress ought to be limited to two terms, one in Congress and one in prison. I think that is certainly an extreme position, but it is indicative of the way so many people feel about this institution and the cause behind this swell for term limitations.

In 1985, my first term in the Arkansas Legislature, I introduced a term limitation bill that would have applied to the executive offices in Arkansas. We do not even limit our Governor to a 4-year term. We have no limitations to how long a Governor can serve. It never got out of committee.

In 1991, there were a whole group of us that introduced a term limitation

amendment that would have applied to all the State legislature, as well as our constitutional offices. Once again it never was able to get out of committee.

The same kind of institutional resistance that we are seeing in this Congress has been seen in State legislatures all over the country.

I told the State agencies committee in the Arkansas Legislature that if they refused to submit to the people a constitutional amendment limiting our terms, then sure enough the people of Arkansas would go out on a petition drive and they would put it on the ballot themselves. That is what they did, and they put one far more restrictive than that which we introduced in the Arkansas Legislature.

It is truly a movement of the people.

Mr. INHOFE. It is not just confined, you can look at the executive branch, there was a time in this country when we did not have term limits for the President of the United States, and those same arguments were used against it. Remember, FDR was there all the way through the war, and yet it has turned out now everyone has agreed this is a much better system.

Mr. HUTCHINSON. Absolutely, and I am sure this has been addressed. One of the arguments against term limitations is that you are going to have the bureaucracy running the Government.

I attended a Southern Conference of State Legislators a few years ago that had a special seminar on term limits. I think I was the only advocate in the whole room, but the panel asked the question, "How many of you here oppose term limitations?"

Virtually every hand went up. Over 50 percent of the people in that room were from the bureaucratic part of government. They were from State agencies. It is not the bureaucrats who want to see term limitations as if it were going to benefit them. They like things the way they are.

Mr. INHOFE. And so do the lobbyists.

Mr. HUTCHINSON. It is very comfortable, and it is that comfort level that is one of the big problems in the U.S. Congress and in government in general, and term limitations will not only bring in new blood, it will bring in new ideas. We need some of that discomfort.

Mr. INHOFE. There is something I wanted to visit with you about in Arkansas, but first, I am afraid we might be running short of time here. I want to hear from someone who is not a freshman, but who is in his second term, the gentleman from California [Mr. DOOLITTLE], and I yield to the gentleman.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman for yielding to me. I appreciate that the gentleman is sponsoring this special order on term limits. I think it is an issue that a lot of people in this country are very, very interested in.

Like other speakers before, I have not always supported term limits, although years ago in our State senate I did actually introduce a constitutional amendment to bring those about, and finally a few years later in the 1990 that did come about.

Coming to the House I think has reinforced my earlier belief that while term limits are not a panacea and are not necessarily going to be the complete cure to our problems, I think they are a part of the solution.

I guess the thing is, time and time again I am just reminded watching the proceedings in the House, and what I am about to say is a generalization. I do not mean to upset any of our Members here, but the generalization I see is that generally speaking the greater activity with good ideas and so forth is coming from the newer Members in the House.

Now, the irony of all this is that that is the complete antithesis of the way the seniority system works, so that by the time someone gets to be a ranking member or a chairman, they have been so co-opted into the system, more often than not, and there are notable exceptions; but more often than not, they are so worn down they become acculturated, shall we say, to membership in the club that they are not able to operate with the same efficacy and enthusiasm that they originally would have had when coming here.

I think it is interesting to note that the events in the last several years seem to be driven more by the newer Members.

Now, obviously, term limits is not going to replace completely the seniority system, but it is going to promote more of a turnover as Members reach the end of their terms in this proposal, 12 years, and then move on to something else and create those opportunities for people to move ahead.

I do not know as a practical matter how you would make your newly elected Members, say the chairman or the ranking members; yes, it is true they do not have the experience of having been in the legislative body and the familiarity necessarily with the way the process works completely or the issues and the way they have been addressed, but they do have something that I think is very valuable to this country. They have an understanding of the pulse, the heartbeat of America.

What we are most hurting from today is that we seem to be an institution that is unwilling, some would say incapable, I do not believe incapable, but unwilling to respond to the needs of the American people.

We have just elected a President, elected with a campaign theme that was very popular, but he appears to be unwilling now to implement it.

So the frustration levels of Americans across this country are rising dramatically.

I think these term limits are necessary. They are a part of the solution. If we do not have other changes, we are not going to see the improvement that we need, but they are part of the mix.

I think it is clear that most Americans want to give them a try. We sure see that everyplace they appear on a State ballot. I think we have at least 14 States, maybe more now, that have enacted some version of term limits for themselves.

□ 1800

And when it gets to the House of Representatives, I think, in order to make this work properly, so that some States that do not have it are trying to maximize their advantages under the seniority system, I think this needs to apply throughout the whole country.

Mr. INHOFE. The gentleman used a word, and I wanted to make sure that it did not slip by us, and that is "club."

As my colleagues know, the people at home refer to the Good Ol' Boys Club, the ones who have been here for a long time, the ones who do not want change, the ones who can participate in things like signing on as a coauthor of a bill and not signing the discharge petition, using all these things, these little tricks that we have around here, to not really vote the wishes of the people who sent them here in the first place, and the Good Ol' Boys Club has been referred to in my townhall meetings. They talk about that, and I think it is a refreshing change when you get people here who really want to limit the terms, to open it up, to rotate and have new blood coming in so that we would kill or close the club permanently.

Mr. DOOLITTLE. Well, the gentleman mentioned tricks, and the gentleman knows the tricks are used so commonly around here. I think many of our colleagues actually believe them, like, for example, this discussion on how many billions of dollars we are going to save in, as my colleagues know, reducing the deficit.

Mr. INHOFE. What they call spending cuts which are not spending cuts at all.

Mr. DOOLITTLE. That is exactly right. I mean there are no spending cuts except perhaps in defense, and then, of course, the money is being transferred for massive new social programs.

Mr. INHOFE. We were supposed to have on the agenda and never got around to it his National Service Corps Program, just as an example. Here we are talking about this program that they passed over in the Senate, the largest single tax-and-spend increase in the history of America. It passed by one vote. That means each Senator who voted for it is responsible for it, and then they come dancing in here with such things as health care reform, which is not even covered. They do not even know what kind of funding levels

they are going to be looking at or what the sources of funding are going to be. The National Service Program by their own figures, they talk about, the President talks about, $7.4 billion over a 4-year period with no indication about where that money is going to come from.

Mr. DOOLITTLE. Well, if I told my son I had to cut his allowance for whatever reason, he would understand that he would be getting less the next month than he got this month, but in Washington, if we use the term "cut" in the way they use it, he could anticipate a 7-, 8-, 9-, 10-, 11-percent increase. That would be a cut in their parlance.

Mr. Speaker, the people read the newspapers, they hear all this rhetoric that is incorporated about the deficit and how many hundreds of billions we are going to be saving with our new 5-year plan, and the reality is they are spending billions more. I think in the next 5 years under President Clinton's plan we are going to add $1.7 trillion, I believe, to the cumulative national debt. I hardly think that is a cut.

Mr. INHOFE. I think the Speaker of this House made the statement the other day that at the end of that period of time the increase in spending would be 45 percent. That is not a cut. That is an increase of 45 percent.

As the gentleman said, the only thing that is cut is our defense. We are going to be down below where we were in 1980 when we could not get spare parts for our military vehicles.

Mr. DOOLITTLE. And if the gentleman would continue to yield, and I am just about done, only inside the beltway in Washington do we deceive ourselves. I do not think we deceive ourselves, the gentlemen speaking here, but these people here in Congress deceive themselves about thinking they are getting away with this because the people out beyond the beltway are seeing past these tricks finally. They are done with it. They do not believe their Representatives anymore.

That is a sad commentary. They just do not believe them, and why should they, because for the most part they are not believable. They have lost their credibility, and that is why we see the tremendous level of cynicism, and indeed I might say anger, that is continuing to rise out there as people are just saying, "Enough is enough."

Well, maybe what we need is part of the mix then; in fact, not maybe. We do need, I believe, the term limits that the gentleman has called a special order to discuss. We are just going to have to have some turnover and hope that we can help move the cause of real change and reform along by changing some of the people here.

Mr. INHOFE. Mr. Speaker, I thank the gentleman from California [Mr. DOOLITTLE] and yield right now to another gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my friend, the gentleman from Oklahoma [Mr. INHOFE], for yielding to me, and I would like to engage in a colloquy with my friend from Rockland by asking him specifically about this allowance situation with his son.

So, if you give your son $5 a week, and the next year he asks you for $7 a week, and you give him only $6 a week, based on the mentality here in Washington, Mr. Speaker, that would be considered a cut in the allowance.

Am I correct in understanding it?

Mr. DOOLITTLE. That is a very good analogy. That would be a cut.

Mr. DREIER. I do not have a 14-year-old son. I do not have one at all. But I think I figured it out, and I thank the gentleman from Oklahoma [Mr. INHOFE] for having yielded to me.

Mr. INHOFE. One last statement, Mr. Speaker.

I think the way we started off, we talked about this country being in a lot better position and a lot better shape if the Members of Congress around this country knew that someday they would have to go out and make a living under the laws that they had passed.

THE 1993 FULL EMPLOYMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. BLACKWELL] is recognized for 60 minutes.

Mr. BLACKWELL. Mr. Speaker, one of the leading citizens of Philadelphia, a scholar, a writer and an extraordinary thinker, is Mr. Samuel L. Evans. Mr. Evans has written and published a document that he refers to as, "The Second Phase of Democracy, An American Manifesto."

This profound and visionary work by Mr. Evans is a summary and revision of a book by the same name which he published in 1976, and it offers a thought provoking approach to resolving the economic problems of this Nation, particularly as they relate to unemployment.

It is my intent today to share with our colleagues in the Congress and the American people some of the pearls of wisdom contained within the pages of Mr. Evans' work. In addition, I intend to describe legislation that I will introduce which is, in part, an adaptation of some of the Samuel Evans proposals.

While the book was written nearly two decades ago, its focus on the economy and emphasis on job creation is amazingly timely. Some 9 million Americans are out of work. Another 6 million are underemployed, working at jobs which are either part-time or do not pay them what they are worth.

These are not just numbers. These are people. These are fathers forced to stand in unemployment lines, broken and bent because they have no health insurance. These are mothers, who must face the fear of high infant mortality rates in this nation of plenty. These are whole families, hungry and homeless, standing in the soup lines, sleeping on the grates and in the subway stations of America. These are the victims of 12 years of policies which saw much of the wealth of this country shifted from most of the people to a few of the people.

Mr. Speaker, despite the bleak employment picture we face, it is interesting to note how labor is utilized.

An article which appeared in the Philadelphia Inquirer on March 18, 1993, is quite revealing. The article, titled, "As Jobless Wait, U.S. Factories Choose Overtime Instead," was written by a reporter with the Associated Press. The article begins by stating that, "Nearly nine million Americans can't find work. But many of those who still have jobs are putting in the most overtime since the government started keeping records in the 1950's. 'Factory workers are averaging 4.2 hours of overtime a week', the Bureau of Labor Statistics says. That means that more than one-tenth of all work done in the Nation's factories is being performed on overtime." Those are amazing facts and figures. The reporter, Mike Feinsilber, further noted, "'If we could go back to the amount of overtime worked in 1982, we would create 3 million new jobs without increasing the federal deficit', said John Zalusky, an economist at the AFL–CIO." He also said, "Many workers were putting in extra hours for extra pay against their wishes." In essence, while the unemployment rate has remained stagnant for more than two years, those who have jobs are doing work which could be done by others. Worse yet, apparently many are unwillingly doing work that could be done by others.

UNEMPLOYMENT IN PHILADELPHIA

In the city I represent, Philadelphia, PA, the ravages of unemployment are deeply felt. In 1992, the unemployment rate, which like most other jurisdictions has also been stagnant, increased by almost 1 percentage point to 7.3 percent. Philadelphia last year had a 14.6-percent rise in the number of unemployed—from 156,500 to 179,400, compared to the State of Pennsylvania's increase in unemployment of 10 percent.

According to the Pennsylvania Business Survey, published by Penn State University's College of Business Administration, 7,900 building-related jobs were lost last year in Philadelphia. There are fewer construction jobs now than there have been over the last decade. Industrial power sales, which can be used to measure factory production, fell 2.8 percent last year. Jobs in industrial machinery and electronic equipment in Philadelphia declined by 4,500. Another 13,500 jobs in service producing establishments in Philadelphia were eliminated in 1992, leaving the lowest level of such jobs in the past 5 years. Job losses in Philadelphia had the second sharpest decline of nonfarm jobs among the 15 metropolitan areas in Pennsylvania.

In sum, Mr. Speaker, the people of Philadelphia have little tolerance for those who argue that we should do nothing about the economy, that we should let economic matters take care of themselves. Those who make that argument have jobs. They don't have to be concerned with whether they will be able to make the next mortgage payment or the next rental payment. They are certain about their next meal. They have health care coverage. Those

who argue that we should do nothing are among the few who benefited from the shift in wealth over the past 12 years.

The fact of the matter is that while the economy has experienced some growth, job growth has been totally inadequate. Indeed, job growth has been lacking altogether. And, if job growth is poor now, think of what we can expect if the growth in the economy does not continue. The Washington Post reported today that, last month, new home sales, the leading index of economic indicators, took its largest fall in 13 years. If times are better, I would hate to see bad times for America's workers. The unemployment rate for many States is far above the national average, and we expect more massive layoffs in 1993 like those we experienced in 1992. Indeed, more than 200,000 layoffs have already been announced by some of America's corporate giants this year, and more are expected. And, once again, the unemployment rate was unchanged during the month of May.

UNEMPLOYMENT IN AMERICA

On the national level, the unemployment and job loss picture is as bleak as that of Philadelphia. While unemployment dipped to 6.9 percent in May, over the past 2 years, unemployment has stayed around 7 percent, almost 2 percentage points higher than it was in 1990 when the recession began. Most of the new jobs have been part-time jobs only. More and more business firms are moving toward hiring temporary employees, seeking to avoid the burden of paying for benefits.

Since the beginning of the recession, we have recovered fewer than half of the jobs we lost. Long-term unemployment is a serious problem. One out of every five unemployed workers have been out of work for 6 months or more. Nearly half a billion construction jobs have been lost nationally since 1990. And, nearly 400,000 manufacturing jobs have been lost. The parade of layoffs in the first quarter this year have been devastating, with firms like Sears, Boeing, IBM, and McDouglas announcing thousands of job cuts. And, more firms have indicated similar plans. Reductions in defense spending and base closures add to the problem. While Philadelphia has largely been spared by proposed base closures, California, Virginia, and other States face massive job losses. The airline industry has been rocked by losses, and many of those airlines that have not gone under either have implemented plans or are considering significant cost-cutting measures, which typically means job cuts.

AN ECONOMIC RECOVERY PLAN AND NO RECOVERY

On February 17, 1993, President Clinton outlined his proposal for a comprehensive economic recovery program before a joint session of Congress. The President's plan had as a central feature putting people back to work at livable wages. The goal of the plan was to provide a higher standard of living for all Americans.

Under the plan, 8 million new jobs were supposed to be created. Incomes for working Americans were supposed to increase.

As part of the President's plan, there was an immediate stimulus program to spark the economy and bring some relief to the nine million unemployed Americans. The President wanted $30 billion for the stimulus program, however, the House, on March 19, 1993, passed the stimulus package by voting $16.3 billion as an emergency supplemental bill, H.R. 1335. But, the Senate, on April 21, 1993, killed the package, with a fiercely partisan Republican filibuster, finally deleting all of the funds except the $4 billion needed to pay for extension of unemployment insurance benefits. While the tax portions of the President's recovery plan remain in one form or another in versions passed by the House and Senate, the temporary, incremental investment tax credit is not included in the fiscal year 1994 budget reconciliation bill, H.R. 2264. Thus, the jobs expected from a vigorous increase in business development, as a result of the incremental investment tax credit can no longer be counted on. Different versions of a reconciliation bill have now passed the House and the Senate, and a conference will take place some time after the July 4th recess. Like the plan offered by Mr. Samuel L. Evans, the President's plan was built in large part around the need for job development and creation. The President pledged that no working parent will be forced to watch his or her family live in poverty, stand in soup lines and sleep on park benches. If a person has a job, the President said, there will be no reason to be hungry nor homeless. And, Congress has met the President's goal of deficit reduction by legislating some one-half trillion in spending cuts over the next 5 years. With deficit reduction, we are told that we can expect a drop in interest rates, a rise in consumer confidence and renewed economic activity. We are told that businesses will be able to afford loans to expand, working Americans will be able to afford to buy homes again, consumers will be able to afford cars and students will be able to afford college.

Yet, despite all of the good features of the President's Plan, despite the hope that it has generated, and despite it emphasis on jobs, the fact is that the plan, with all of its parts in place, still assumed continued unemployment in the range of six percent. Millions of Americans will remain out of work, without income, without health care, unable to afford decent shelter and without hope.

THE SAMUEL L. EVANS PLAN

The fundamental assumption of the Samuel L. Evans plan, under "The Second Phase of Democracy," is that all who want to work and can work, will work.

Mr. Speaker, so that I do not risk misquoting or misstating the essence of the Evans plan, I will insert into the RECORD his recently published "American Manifesto" in full. This 26-page document, as I have indicated, serves as the inspiration for the full employment legislation I plan to introduce.

THE SECOND PHASE OF DEMOCRACY—AN AMERICAN MANIFESTO

(By Samuel L. Evans)

Democracy manifesto.—The Greatest ever devised for the governing of people.—

The Second phase of democracy and democracy is one and the same.—

Thus, the goal and objective of the second phase is to bring the American democracy to the frontier of technocracy.—

The second phase, without dismantling any parts of its constitutional structure.—

For the main objective of the manifesto is to purify, remove false erosions and to retool the basic structure to meet the needs of an automated technological society.

INTRODUCTION

Many forces affect the job outlook for American workers, ranging from changing life styles to international competition. But, one stands out above all: Automation and technological change, heralded by the accelerating impact of the computer in all of its manifestations.

All occupations in the world of work are affected, of course, but the impact is heaviest on the wage and salary workers closely associated with the production process, whether it be in the goods producing or service producing sectors of the economy.

What is in store for us, then, in the years ahead?

That picture has been drawn for us in all its detail by the U.S. Department of Labor's Bureau of Labor Statistics. Government estimates for the job outlook in almost 500 specific occupations make the impact of changing technology very clear right across the board: agriculture, fuel and power, transportation, communications, manufacturing, construction/demolition, finance and services.

Economists in search of answers to this contagious virus, that decreases demands for goods and services, agree that building and repairing the nations' infrastructure, bridges, highways, dams, affordable homes, is a band-aid solution which simply delays a major depression.

A clear cut example is represented by the almost five-million blue collar workers, again at all skill levels, ranging from the precision skilled electronic equipment assembler to the machine tool cutting operator to the hand grinder and polisher, all of whom work with metals and plastic to produce many, if not most, of the industrial goods in our society. Of the 41 specific occupations involved, more than half are projected to decline in employment and just about all the rest will show relatively weak growth, well below the national average, in every case, the major force at work is the impact of technological change.

A major point to make in this connection is that a significant amount of unemployment already has occurred in many of these fields and these projections are scheduled to take place on top of these developments. A good case in point is the communications industry where every one of the nine occupations listed by the Bureau of Labor Statistics in telephone, telegraph and related work is projected to experience major downturns in employment to the year 2005 ranging as high as a 60 percent cut. These very occupations already have and are experiencing significant "downsizing" as rewired installations, satellites, fiber optics, etc., etc., have diminished job opportunities.

The basic reason for this Manifesto is to establish new signposts and a code of ethics in the workplace and a new pattern of life among the people. Because of the need for continuous mass education and apprenticeships for present and future generations, it is essential that the Manifesto be written, spoken and explained on the level of the thinking and understanding of a child.

Simplicity is the guiding symbol of this Manifesto, free from intellectual charade and void of pretense. Unrecognizable because of its smallness and limitation in documentation and yet so powerful a Manifesto that it will equalize the American economy, create unity and understanding in the workplace, community, schools, homes and serve as an ideological pattern for other nations,

to replicate; thereby replacing political gimmicks of foreign aide, such as the Marshall Plan and others, to win friends.

The Manifesto, at its simplest, is to make two jobs out of one job thereby doubling the number of job slots and provide a job for every person able and willing to work.

To achieve this, Congress shall enact laws prohibiting an employee from working over 3½ hours out of every 24 hours or not more than 17½ hours out of each week.

Hidden in the crevice of this Manifesto, like the nucleus of the atom, is the explosive requirement of paying the worker for 7 hours for 3½ hours work. This payment shall be known as technocracy dividends.

The Manifesto seeks to purify and maintain all that is required in a true democracy. It identifies and recommends plans for dismantling all activities contrary to: The Declaration of Independence, Constitutional Laws and The Bill of Rights.

Beyond its goals and objectives in the workplace, the Manifesto touches the sensitive nerves of The Peer Review Systems of Scientists and Research Scholars: Sports and Athletics (amateur and professional); Mathematics, Science, Creative and Performing Arts, with increased emphasis on the Sacred Arts—with the hope that, by our being and living, all shall feel safe in our presence—Domestic and Foreign.

THE PROBLEM

The most persistent problem confronting democratic institutions is the fulfillment of human rights. Unemployment, welfare, poverty and a low level of human existence are deadly enemies to a democratic form of government. Poor people, hungry people, uneducated people and angry people, are the major suppliers of fuel that germinates foreign ideologies contrary to our constitutional form of government.

No one can deny that despite the military and ideology competition between the great powers to win the minds of the world's inhabitants, the Cold War and intrigue, nevertheless left a legacy of freedom from colonialism—in 1961, sixty-four nations were under colonial rule. In 1993, only eighteen were under colonial rule. Therefore, in 32 years, 46 nations were freed and of the 18 nations remaining, 10 are under the United Kingdom, 4 under the United States, and one each under France, New Zealand, Spain and Portugal. All of this was realized even at times of threats of Nuclear War on the Planet.

For over 200 years, the United States of America, under each Administration, has struggled in many ways to alleviate the problems of unemployment, poverty and the fulfillment of its Constitutional promises to its people. Beyond the enactment of laws for the achievement of human rights and justice for all people, the federal government's expenditure of funds, with a false concept of eliminating poverty, hunger and illiteracy has reached a terminal stage—10 million people unemployed, public education has reached a crisis—school dropouts over 42%—Drugs, crime and destructive behavior patterns of young Americans are the answer to the Nation's failure to pursue a quality education and equal opportunity in making democracy a reality.

It is inconceivable that mankind, despite considerable knowledge, scientific know-how and skills, does not understand the basic significance of the underlying global factors that threaten the democratic process of government, foreign and domestic.

In the year of 1993, we offer to the President of the United States, the Congress and the People of the World, a simple plan, a mechanism, to rid the nation of unemployment, welfare, poverty, ignorance and divisiveness among its people. We call on the United States of America to move to the front line of leadership in promoting the implementation of the concept of this Manifesto to the people of the World who are living under many flags.

If the democratic nations of the world are to survive, the United States must double its efforts by orderly transfer of funds used for foreign aid and from other sources to aid and encourage people and nations to propagate and participate in the implementation of this Manifesto.

THE AMERICAN ECONOMY/FACT AND FIGURES

(The following information was derived from the United States Department of Commerce, Labor Force Statistics Division; United States Department of Health and Human Services, Social Security Administration; Bureau of Public Debt; and The Free Library of Philadelphia.)

As of July 30, 1992, the United States had a total indebtedness of $4 trillion.

The population of the United States totals 248,709,873.

Divide the population into the total indebtedness.

The result is what each American—adult and child—would be responsible for paying. $16,083.

The total amount of people employed in 1991 in nonagricultural jobs was: 108,310,000.

The total number employed in 1991 in agricultural jobs was 3,233,000.

The unemployment rate in 1991 totaled 8,426,000.

However, it has been estimated that the 1992 unemployment was 10,000,000.

In 1959, the total number of employed farmers and agricultural workers was 5,490,000.

The total number of farmers employed as of the first quarter of 1992 was 2,630,000.

Therefore, the total number of jobs farmers and agricultural workers lost from 1959 to 1992 is 2,860,000.

Where did these jobs go?

You guessed it! The machines.

As of 1991, the average American's pay was approximately: $20,000 per year.

If 10,000,000 people are unemployed at an average annual salary of $20,000 then 10,000,000 $20,000 would equal a withdrawal from the consumer market of $200,000,000,000.

UNITED STATES SOCIAL WELFARE ECONOMY

The total amount of money spent in 1991 on social welfare programs:

Public assistance: $22,900,000,000.

Unemployment compensation—10.2 million people: $25,148,000,000.

Social welfare benefits—41 million people: $268,000,000,000.

Grand total: $316,048,000,000.

UNITED STATES SOCIAL WELFARE ECONOMY

For the past two decades, the American economy has been slipping deeper into a recession leading towards a depression; suffering from over-production and under consumption: the basic causes for the Great Depression of 1929. Therefore, any decrease in the social welfare funds will add to the withdrawal from the consumer market and increase recession.

Further, when one speaks of jobs, turning America around, and taking Americans off relief rolls, one needs only to look at the above documented evidence and find that the stability of America's present economy is based on social welfare. If the total social entitlement were to be withdrawn or if all the recipients on social welfare would strike today and refuse to accept the money, a panic would occur on Wall Street and in the stock markets around the world.

Many candidates running for public office place great emphasis on jobs-jobs-jobs for every American. However, the above figures regarding the number of farmers and agricultural workers indicate a reduction of 2,860,000 jobs. This means The Industrialized Machine Age has taken over the jobs, leaving the farmers and agricultural workers destitute and, in some cases, homeless. The profits from these machines are lining the pockets of the vastly growing number of millionaires and billionaires who have harnessed the nation's wealth. This group represents less than seven percent of the American population.

Surely, this is a violation of all laws of economics: the social science concerned chiefly with description and analysis of production, distribution and consumption of goods and services. An acceptable economy means the management of household or private affairs, especially expenses; a thrifty and efficient use of material resources. To achieve a successful goal, no better yardstick has been designed in millions of years on planet Earth to measure the equal distribution of life-preserving needs in a time of scarcity than "rations". An equal share to each is determined by the number involved and supply available.

At this juncture, let me say that the machine and its technological mechanism is "God's gift to humanity and living things". Today, there is no workplace in America for human slaves. The machine has lifted the burden off the oxen, mules, horses and human beings.

Nevertheless, we find the oxen on the table of the masters with large segments of humans in bread lines, on unemployment, in poverty, homeless and uneducated. This is attributable to the attitude that advanced technology, and the gains received, are considered to be the private property of the wealthy and powerful instead of benefits to be equally shared by all those who helped make advanced technology possible through their tax money; support of the education of scientists and scholars; financial aid to schools, colleges and universities; and maintenance of the American educational system in general.

In fact, all financial gain from advanced technology should be more equally distributed to each American as a dividend. Every machine invented to replace the service of human brains should be recognized as a slave, releasing humans for their continued education in advanced mathematics and science. This could totally eliminate and remove, as much as possible, the burden of human labor in the workplace.

Indeed, the educated opinion of many frontier economists polled indicates a belief that the American economy today can be equated with Herbert Hoover's 1928 campaign slogan, "A chicken in every pot; a car in every garage." Hoover's election failed to prime the economic pump. Thus, the country went into a depression with the numbers of the unemployed reaching 13½ million people.

When you look and study the social entitlement figures in this document, you will observe the lesson to be learned by everyone in this country. Americans who believe in justice, human rights and equality should make greater demands for their share of profit from the machines which are now and will be the major job holders.

Therefore, the greatest battle working Americans will be called on to win is the acquisition of equal gain from the machine. That victory can be used to usher in a new day and a new employees' society to be known as the Second Phase of Democracy.

Too often in the past, those who could have helped, stood by as uninterested observers of actions that crated divisiveness among the races; they tolerated scarcity. Instead, they could have helped develop and support programs that could elevate the economic and educational standards of the total society.

SIMPLE ECONOMICS/JOB RATIONS—TECHNOCRACY DIVIDEND

Since humans first appeared on Planet Earth millions of years ago wearing animal skins and making grunting sounds, no formula has been devised to take the place of rationing in times of scarcity—whether a shortage of water or food in time of famine. We have noted elsewhere in this document that across the board the major force at work in unemployment is the impact of technological change.

Indeed, it is internationally accepted that the basic tools of the economy are supply and demand, goods and services, then in simple terms, there can be no demands with an empty pocket:

Producers need consumers.

Consumers need producers.

The longevity and success of each depends on the other.

We live in an expanding universe . . . to keep pace with the great leaps of automation, "The Second Phase of Democracy—An American Manifesto" sets new guidelines and rules for the quality of life in the workplace now and for the future.

STEP 1.—RATION THE JOBS

The President of the United States shall work with Congress to establish laws prohibiting any person from working more than 3½ hours out of every 24 hours.

This means job slots will be doubled by requiring two workers to fill the job formerly held by one; thereby creating a job for every American able and willing to work.

STEP 2.—3½ HOURS WORK FOR 7 HOURS PAY

Congress shall include the following within the Act: The establishment of a Commission for administering the Act which will be known as the United States Employment and Dividend Commission.

The enforcement of the concept of 3½ hours will double the need for transportation, employees, facilities, fuel and power.

Congress shall include in the Act the requirement that the Commission shall pay an additional 3½ hours' pay to all employed workers. This amount would be equivalent to the salary being received from the employer. The additional pay to the employees shall be known as the The Employees Technocracy Dividend.

This means employees receive 7 hours pay for 3½ hours work. This should provide them with the time to achieve an education of high school level or higher. Note: Technocracy Dividends would be paid to employees through employers unless Congress or the Commission decides otherwise.

STEP 3.—SOURCE OF FUNDS

The funds for Technocracy Dividend payments to employees shall come from the following:

The total funds from social welfare entitlement, with the exception of social security, shall be transferred to the U.S. Employment and Dividend Commission. The social welfare system shall be gradually phased out and dismantled as the number of people receiving gainful employment increases.

The Commission shall formulate plans to tax any and all machinery based on their production capacity and the number of employees replaced. This would accumulate the amount of funds needed from year to year to subsidize the Act.

STEP 4.—CONTINUED EMPLOYMENT AND EDUCATION

The Commission shall call a conference together with national, state and city officials and educators who represent public, parochial and private schools, together with businesses, colleges and universities. The purpose of the conference would be to establish plans for continuing education and apprenticeships for all workers.

This means setting up plans for continuing apprenticeships within the broad spectrum of business. All workers within the Dividend Plan will be required to complete a high school education or higher with the goal of providing the nation with a totally literate society within three decades. The emphasis would be on advancing greater knowledge in mathematics and the sciences.

The Manifesto requires an ongoing apprenticeship of hands-on learning, thereby resulting in a total dismantling of the welfare system through the orderly transfer—through education and training—to gainful employment within 3–5 years.

This means educational institutions shall benefit financially from vast expansion:

Enrollment of paying students.

Increased need for additional teachers and instructors.

Advancement of the building trade through construction of additional classroom facilities.

STEP 5.—ORGANIZED LABOR AND EMPLOYEE/EMPLOYER RIGHTS

It is to be noted that it is not the intention of this Manifesto to address every minute question that may arrive about employers and employees. Absenteeism and tardiness would be handled according to the labor and management agreement. For it must be understood that the reduction of the hours in the workday does not change the procedures and agreements established between labor and management with the exception of those written in the Manifesto.

In establishing the Act, Congress shall mandate that nothing in the Plan shall prohibit the legal and Constitutional rights of organized labor or employers to carry out their duties and responsibilities now and in the future.

This means Union membership will be doubled and increased benefits will be received through technocracy dividends.

The enactment of laws and guidelines shall be established to form a lasting partnership in the workplace between organized labor and the employer. For they are the Pillars upon which the economic, social, educational standards and the equality of life must rest.

Congress shall enact laws limiting vacation, sick leave and holidays to one half of that previously received by employees. There should be no reduction in pensions, social security, health and/or death benefits, if any.

The need for law enforcement personnel, firefighters and employees in all parts of government, with the exception of executives, could also be doubled. As mass education becomes available, the vacant slots would be filled.

STEP 6.—DRUGS AND CRIME

Since the drug crisis is closely connected to the stability of the country, the workplace, supply and demand, it is essential that it be listed in this Manifesto for immediate action.

The President of the United States, with the cooperation of Congress shall declare war on the planting, growing, processing and trafficking of drugs in the western hemisphere. They shall declare those illegal actions as attacks on the United States government and its people.

The President of the United States shall call a conference of all nations within the western hemisphere and outline the determination of the United States to protect the health and safety of its people from the trafficking of drugs into the United States. Drugs are a greater harm to Americans than any of the previous wars in which the United States has been engaged. Therefore it is equally important to declare war on the drug peddlers who invade our country.

Further, the distribution of so-called "clean" needles to drug addicts is equal to giving them a gun to shoot themselves. The Act also calls for the establishment of institutional space and professional care for the cure of all afflicted drug users. The chance to live again is the cry of every addict. Indeed, a strong and firm Act is essential for the protection of the workplace, employees, communities and the nation.

STEP 7.—HEALTH CARE AND PREVENTIVE MEASURES

The advancement of nuclear weapons as an instrument of war has sent former scientists back to the blackboard to devise new instruments to equalize weapons of destruction. Therefore, today, germ warfare represents an equal threat to life on planet earth. The United States of America has not as yet formulated an acceptable plan to protect the American citizen from infectious diseases. If the United States was rated on a scale from zero to ten for prevention against the spread of infectious diseases, the United States would be rated zero among the other industrialized nations.

All of this raises grave questions because they involve the employee and the workplace. Consequently, they are not separate entities. For the health and security of the people represents the totality of the problem: the economy, unemployment, supply and demand.

Therein the signposts have been established, the problem identified and conclusions made that a preventive health plan is paramount within an acceptable medical care proposal to assure security of life and full health care from the cradle to the grave.

Therefore, the President shall establish a National Commission for the purpose of devising a National Health Plan available to and within the reach of every American.

Institute a mass frontier research for the prevention and cure of AIDS and other infectious diseases;

Since the spreading of infectious germs can be used by foreign enemies as a weapon of war, it is important that the United States establish methods of control to prevent catastrophic deaths resulting from contagious diseases: Isolation, annual health checkups, citizen health identification cards—all should be the subject of discussion and possible use.

This document is intended for the creation of an American nationwide movement by individuals and groups whose desire is to dedicate themselves to contributing their time and efforts to bringing the employees technological rights to the frontier of shorter

hours and double pay in the workplace. Then, the extra hours would be used for continued education.

EMPLOYEE BENEFITS

First, the Manifesto reduces and limits the working hours of an Employee to 3½ hours out of every 24 hours. The employee gets paid for 7 hours.

Second, the Employee has 20½ hours out of every 24 hours to participate in other activities, economic and educational advancement.

1. The Manifesto encourages a return to school to obtain professional or higher education; requiring at least a high school diploma.

2. The Manifesto encourages and permits self-employment under the plan; limits only to family participation.

3. The Manifesto encourages advanced teaching and participation in the performing and creative arts, painting sculpture, theater, ballet and music.

4. The Manifesto encourages participation in sports and athletics.

The main point to be emphasized here is that the Manifesto for the first time gives to employees time to learn and participate in across the board activities to enable them to equally climb the economic ladder and meet the requirements of a technological society.

It must again be stated clearly that employee participation in business ventures is limited only to family participation. This will play a major role in building wholesome family units and, at the same time, contribute to the expansion of the American Free Enterprise System.

EMPLOYER BENEFITS

First, the Manifesto reduces the average work day from 8 hours to 7 hours which means that the employer will pay for 1 less hour per day for the same amount of work.

For example:

1 hour per day.

108,000,000 job slots.

Average rate of $15.00 per hour.

108,000,000 $15.00 = $1,620,000,000.

5 days per week = $8,100,000,000.

Per Month = $32,400,000,000.

Per Year = $388,800,000,000.

Total Amount Saved by Employers in one Year.

Second, it is estimated that employees working 8 hours per day would use: 30 minutes of non-productive time going to restrooms, smoking, coffee breaks, etc.

Per day: 108,000,000 $7.50 = $810,000,000.

Per week = $4,050,000,000.

Per month = $16,200,000,000.

Per year = $194,400,000,000.

Total amount saved by employers in one year of reduced and nonproductive hours: $583,200,000,000.

Employers will have two persons working 7 hours instead of one, which should result in greater consistency and production.

Recent research reflects that an employee working seven to eight hours per day will use 30 minutes in non-productive activities such as coffee breaks, restrooms, smoking, etc. It is estimated that non-productive costs could be reduced by 70%.

Employers will also benefit by disbanding all fringe benefits with the exception of Health benefits, sick leave and Vacation for one employee will be reduced.

Prohibiting an employee from working over three and one-half hours out of every twenty-four hour period doubles the economy in travel, parking, fuel and power and general service.

It will take five to seven years to retrain, through apprenticeships and education, to fully implement the Manifesto Plan. However, there is a large segment of City, State and Government workers that can be implemented in one to three years in such positions as: Sanitation Workers, Police Officers, Firemen, Transportation Workers, etc.

BENEFITS TO AMERICA—SUPPLY AND DEMAND/SIMPLE ECONOMICS

The Manifesto requirement for two employees working 3½ hours per day each, in the same position but different times, would stimulate the economy by doubling the transportation and all other related areas.

The Manifesto brings together employers, organized labor, consumers, news and communication agencies under one umbrella where they serve as Pillars upon which the goals and objectives of the Manifesto must rest.

The Manifesto will abolish unemployment and provide gainful employment (a job) for all persons willing and able to work while largely increasing the income tax paying citizens.

The Manifesto goals and objectives will greatly eliminate poor people, hungry people, uneducated people and angry people.

The Manifesto gives to America an ideology that could be passed on to the nations of the world . . . a democratic way of life that could be won through the demonstration of our American pattern of being and living . . . through the spreading of democracy rather than the barrel of a gun.

The Manifesto would provide an opportunity for widening the circle for a greater participation of individuals and groups of Americans—as owners in business and commerce—the nuts and bolts of our free enterprise system.

The Manifesto propels America to the forefront as a world leader in making democracy a reality through the equal distribution of the goods, services and rewards made impossible through automation and industrial advancements.

SPORTS AND ATHLETICS/PLAYERS AND MANAGEMENT—THE UNSETTLED QUESTIONS/AMATEUR OR PROFESSIONAL

For many decades the AAU (Amateur Athletic Union of the United States) has laid down guidelines which separate and define:

A professional as one who performs for the love of the sport without compensation.

An amateur is one who performs for the love of the sport without compensation.

In the pure and idealistic definition of the term, an amateur is one who engages in sports merely for the enjoyment received from them and never capitalizes on athletic skills to any degree whatsoever. A professional is defined as one who makes a business for compensation of something that others do for pleasure.

AMATEUR SPORTS

In recent years, producers of college and university football and basketball athletics have created a vast commercial enterprise which brings in billions of dollars annually, yet still enforces the amateur rule against the player/performers.

These young people, sent by their parents for an education, immediately find themselves engaged in sports. This prevents them from achieving a first class education and at the same time they receive no compensation or financial gain for the performance of their talent in athletics.

Enforcement of such rules as the use of a person's time, labor and talent without compensation and under veiled threats of being dismissed from college for failing grades, raises legal questions as to a violation of the 13th Amendment prohibiting involuntary servitude.

Therefore, colleges and universities are producers whose promotion, through the sale of tickets, the hiring, at exorbitant cost, of professional coaches and managers, has all the trappings of a commercial business enterprise. With athletes as performers denied financial compensation and steered largely away from the academic direction for which educational institutions were founded and students enrolled—this constitutes false pretenses.

Yet educational institutions continue to prescribe rigid academic standards while at the same time pulling students out of classes to pursue commercial institutional athletic activities.

Indeed, it is an accepted fact that the various organizations established to govern amateur athletics are operating under rules, regulations and definitions that began thousands of years ago and today are just as outdated as chariots, beasts of burden, yoke of oxen or the horse and buggy at 3 miles an hour.

To attempt to apply and enforce an amateur rule on a free citizen while others are receiving compensation and benefits for their services is like garbing slavery in illusionary academic robes of pomp and splendor.

In the Purification of Democracy under this Manifesto, all charades shall be identified, exposed and dismantled, so that many may be enlightened by the mighty Woman with the Torch. Then the nation shall be strong. It must be, for together we stand.

Therefore, under this Manifesto, Congress shall enact laws requiring that colleges and universities who sell tickets to the general public and advertisements to the media industries, must declare as professionals the athletes who perform in league competition.

Such college and university athletes shall have the right to negotiate financial contracts on the same basis as other professionals.

Further, colleges and universities shall be obligated to carry out their educational responsibilities; thereby giving athletes equal access to all areas and fields of academia targeted for graduation by including academic tutors and instructors as an integral and essential part of the athletic team, either at home or away. The curriculum will be worked out by the colleges and universities.

PROFESSIONAL SPORTS

To prevent a monopoly of ownership in professional organized league sports such as football, baseball, basketball, etc., Congress shall enact laws requiring all organized sports to become stock-holding companies; thereby prohibiting any individual, family or related interest from owning more than 49 percent of a team. The remainder of the stock would be publicly owned.

Today, in many instances, the major sports constitute a monopoly and violate the Civil Rights statutes of equal opportunity for employment in positions such as managers, coaches, policy making and other front office positions. Selection of players should remain by proven ability only and the needs of the team. Making the Major Big League sport teams largely stock companies open to the general public would indeed create great interest in the sports and remove the conflict which now exists between team owners, players and special interest groups.

A major goal of this Manifesto is to Purify Democracy in its Second Phase by instituting and laying a principle foundation for safety and happiness.

For as we retool for the Second Phase of Democracy, each American will be better served in meeting their needs by dismantling the concepts of getting ahead of others and instituting a partnership for getting ahead with others.

Armed with such a concept, the ideology of the Manifesto could be passed on and shared by the nations of the world, as to what we mean by democracy by our being and living.

THE FREEDOM OF SCIENTIFIC INQUIRY VS. THE PEER REVIEW SYSTEM

It is a fact that the work of some of our greatest scientists and researchers has been limited by the Peer Review System and those who control funding. For years, it has been not what the scientist or researcher wanted to study. It has normally been what the people controlling the purse strings want to finance for study.

This Manifesto will bring Democracy to the Frontier within its various categories, leading towards purification. Therefore, it is hereby requested that Congress shall enact laws to make it a federal crime for a person or persons to withhold scientific knowledge and discoveries for personal gain that pertain to human development and security or to hinder through conspiracy, either verbal or written, unless such persons present facts to the contrary.

Under the Act, scientists shall have the right, if employed by another, to share equally in their findings, if such finding or discovery is distributed to individuals or the general public at a financial cost and gain.

Also, it shall be illegal and a federal crime to withhold or prevent any substance, subject or instrument, from commercial development or gain which is proven to be helpful or an advance beneficial to society.

Under the Act, it shall be a crime to continue expenditure of taxpayers funds for social, scientific, educational, economic, research and otherwise, or projects with long past records of long term failures and no accepted evaluation of success and no evidence or yardstick to prove that the project will work.

Finally, unless funds, knowledge and economic opportunities are equally distributed on all areas and levels, our democratic form of government will become a cesspool of the have and have nots. A Two Class Society—The Knowledgeable and the Unknowledgeable—The Rich and the Poor.

Indeed, all of this gives factual data and reason for dismantling the erosions of our democratic process and moving into The Second Phase of Democracy.

Because in The Second Phase of Democracy, to successfully implement the Goals and Objectives of the Manifesto, the governments backed by mass population must lean heavily on the Frontier Scholars of Science and Mathematics to maintain the continuous scientific research discoveries and inventions. To achieve this, the Scientist must be free to pursue the quest of the unknown without hindrance, fear or reprisals.

MATHEMATICS, SCIENCE, CREATIVE AND PERFORMING ARTS—THE PATHWAY TO DISCOVERY

Since the goals and objectives of this Manifesto are based largely on: Technocracy, the Machines and the Workplace, thereby elevating humans to a greater search for knowledge, it is essential that a larger segment of the population be engaged in the advancement of: Mathematics, Science, Creative and Performing Arts. For each represents the Pathway to Creativity, Inventions and Discovery.

America, in its First Phase of Democracy, evolved as a Super Power built on an escalating spiral of creating and maintaining the worlds greatest Army and Stockpile of nuclear weapons of war equal to destroying life on Planet Earth.

This Manifesto, The Second Phase of Democracy will unleash a Renaissance of the Arts and Humanities which will bring America to the forefront of world leadership through the arts rather than the barrel of a gun.

To achieve this end, it is hereby requested that Congress shall enact laws requiring that 25% of all City, State and Federal funds for education shall be earmarked for the advancement of mathematics, Sciences, Creative and Performing Arts. Included within the Act shall be laws mandating that all City, State and Federal Buildings be required to use funds for the installation of arts within such buildings and their surroundings. This will also include colleges, universities and any such buildings using taxpayers money.

Further, that the teaching of mathematics, sciences, creative and performing arts shall become integrated and recognized as a separate profession. The standards for the teaching profession shall be upgraded and salaries greatly increased to encourage excellence.

The Act shall require establishment of a Multidisciplinary Commission for the purpose of implementation, supervision and enforcement of the Arts in every segment of American society; cities, states, homes and communities. All of this can become a reality in The Second Phase of Democracy, An American Manifesto.

Indeed, if America is ever to become a world center and leader in the creative and performing arts, we will need to create and establish a haven where great artists the world over may seek to live, study and be free to fulfill their creative desires and financial needs. Religious leaders of all faiths should be interested in establishing in America a World Center for Creating the Sacred Arts. For Sacred Art has always had something of the highest to say to the living and to the deathbed of humankind.

EMPLOYERS, EMPLOYEES, CONSUMERS, COMMUNICATORS—THE PILLARS OF ECONOMY/SUPPLY AND DEMAND

To maintain and equalize the rewards from production and distribution and to realize a successful Supply and Demand Economy, the following groups must serve collectively as the Pillars upon which the goals and objectives of the Manifesto must rest:

Employers.

Organized Labor/Employees.

Consumers.

Journalists/News Media with all Constitutional Freedoms.

In order to maintain confidence and trust between each of the components and the general public and to avoid destructive attitudes, under the Act each will be required to establish a basic Code of Ethics. For the highest ideals of any profession are contained in its Code of Ethics. In the Medical and Legal professions, ethics are so highly developed and so clearly outlined that violations may cause a physician or lawyer to lose his/her practice.

Although journalism has come a long way toward developing high standards, as a whole, the profession has not yet developed the means for enforcing these standards or taking any action against members of the profession who violate them. Under this Act, journalists, employers, organized labor and consumers shall be required to create standards comparable to the Hippocratic Oath. However, nothing in this Act shall abridge the Freedom of the Press, the Rights of Organized Labor, the Employer and Employee or Consumer.

We cannot repeat too often that Advanced Technocracy and its Mechanisms are God's Gift to Humanity and the Beasts of Burden and only through the partnership of the above component Pillars—Employers, Organized Labor/Employees, Consumers, News Media—can the multitude of benefits be realized. For the failure to implement the Manifesto, the machines will surely become a Frankenstein. For a consumer with an empty pocket cannot create a demand.

America is a humanological Garden, a Noah's Ark—and we must demonstrate to the world that our Constitutional way of life is the greatest instrument ever devised for the governing of a Nation, its People and Living Things.

TO DISSOLVE THE ECONOMIC CRISIS GOVERNMENT INSTITUTED

In putting this Manifesto to bed, I am indeed relieved to know that finding a substitute for it to equalize Supply and Demand is difficult, if not impossible.

We know now that, from the fright of unemployment and depression, many employers and employees will be driven back to the drawing board to seek what they think are the answers . . . they will toy with such words as "Job Sharing", "Reduction in Hours". But all will fail for the lack of the congressional laws required by The Manifesto, The Second Phase of Democracy.

A major point to make in this connection is that a significant amount of unemployment—10 million across the board—makes it a government responsibility.

Mr. Speaker, as you will note from his work, Mr. Evans seeks to stretch our minds to new dimensions. To some, his ideas may not be palatable. To others they may seem extreme or even dangerous. To those who have reaped the benefits of 12 years of wealth shifting, they will appear intolerable. It is my hope that, like any other ideas, we will take them, digest them, dissect them, discuss and debate them, sort them out in the marketplace of ideas and make use of those that help the human condition. It is the ability to say what one believes that makes America great.

THE BLACKWELL FULL EMPLOYMENT ACT

Soon, I will introduce the 1993 Full Employment Act. This act will have several provisions. First, the act will set as a goal for all Americans full employment by the year 1997. That provision will build on the Humphrey—Hawkins Full Employment Act of 1978, and pushes the institutions of America toward job creation. In order to accomplish this, as a practical matter, the act will provide for an emergency jobs program, not unlike the emergency jobs program Congress passed in 1983.

Second, the act will prohibit any one individual from working more than a certain number of hours during any 5-day work week. It is my view that the dysfunctional family, marked by division, divorce, drugs, and teen violence, is caused, in great measure, by parents who are forced to work and have little time to devote to themselves and their children. This provision will promote the family.

Third, the act will increase the minimum wage to an amount which will ensure that every working parent is above the poverty level. Regular and automatic adjustments will be provided for so that the minimum wage keeps pace with cost and price increases.

Fourth, the act will provide certain investment and tax incentives to those business firms that hire new employees, add new jobs, provide ongoing education and training to their employees, provide child care arrangements, undertake research, and establish certain types of health care plans for their employees.

Fifth, the act will encourage those who are currently on entitlement programs to seek employment, by providing for a higher income and making reasonable and affordable child care available.

THE NEED AND IMPORTANCE OF AN EMERGENCY JOBS PROGRAM

Federally created jobs are worthwhile. Not only do they ease the unemployment situation, but they also provide workers with marketable skills. Some experts believe that providing employment tax credits for employers is better than providing public service jobs because workers get jobs that offer them more readily transferable skills. They also argue that no new Government programs need to be created and, thus, no new administrative entities would be needed.

In the postwar period, Congress created, in 1962, the first effort to create publicly funded jobs as a way to combat rising unemployment. The Public Works Acceleration Act of 1962 targeted areas that had experienced substantial unemployment for at least 9 of the preceding 12 months. In 1971, Congress passed the Public Employment Program [PEP], which was authorized by the Emergency Employment Act of 1971. That program expended $2.5 billion for antirecessionary public service employment. The Emergency Jobs and Unemployment Assistance Act of 1974 amended the Comprehensive Employment and Training Act [CETA], adding about $15 billion over a 7-year period. This program created many jobs in a short period of time. Subsequently, Congress enacted the Local Public Works Capital Development and Investment Act of 1976 and the Public Works Employment Act of 1977. The Economic Development Administration allocated funds to States from a $6 billion appropriation, based upon their unemployment levels and rates.

The most recent Federal job creation measure, however, was the Emergency Jobs Appropriations Act of 1983. That act provided roughly $9 billion to 77 programs, administered by 18 Federal departments and agencies. In sum, we have had considerable experience with federally funded job creation programs. Some of the programs have met their goals, others have not. I believe the experience we have, however, provides a solid foundation upon which we can build and create an effective emergency jobs program.

We have also had some experience with a tax credit, aimed at promoting private sector job growth. In 1977, Congress enacted the new job tax credit, a subsidy program intended to increase employment among all workers. Firms were given credits against income tax liabilities for job growth above a specified threshold. Again, this experience provides a solid foundation upon which we can build in creating a tax credit program that works for all concerned.

THE FEDERAL RESERVE SYSTEM—THE NEED FOR REFORM

In addition to the Full Employment Act that I plan to introduce, I am also exploring the possibility of introducing legislation to reform our central bank, the Federal Reserve System. No program to boost our economy and create jobs can be effective without the cooperation and support of the Federal Reserve System. Lower interest rates are critical to higher employment, higher production, and sustained economic growth. Indeed, President Clinton has made clear that a continued policy of low interest rates is essential to his plan for economic recovery, much of which has been embraced by the Congress.

The Federal Reserve System, operating through statutory authority as well as tradition, has evolved into the most powerful of the financial agencies of the United States. Consequently, its policies and actions have a significant impact on financial matters throughout the world. This unmatched power is due, in part, to the fact that the Federal Reserve System is probably the most independent of all central banks. Because of this independence, the economic health of all Americans and of most citizens in the world community is affected by the monetary policy of the Federal Reserve System. Other national policies in the United States, such as taxation, military spending, foreign spending, domestic spending, and others, are subject to the authority and control of Congress and to our system of checks and balances.

On the other hand, the Federal Reserve System, composed of a seven-member Board of Governors, Federal Open Market Committee made up of the Board of Governors and five Reserve bank presidents, and Federal Reserve banks from 12 districts, is not accountable to anyone. Indeed, it has grown to the point that it is self-funding and operates with autonomy within the Government. It earns approximately $20 billion on its portfolio, holding almost 9 percent of the Federal debt outstanding. The budget of the Federal Reserve System does not require congressional approval, and, in fact, it contributes approximately $17 billion to the U.S. Treasury on an annual basis. Not even the General Accounting Office, which can only conduct a nominal audit of the Federal Reserve System, has the authority to investigate how, when, where and by whom the public money controlled by the Federal Reserve System is used.

Perhaps most inconsistent with the manner in which our Government functions is the secrecy under which monetary policy decisions are made. Five of the voting members and seven of the nonvoting members of the Federal Open Market Committee represent the commercial bankers who own the Reserve banks. Reserve bank presidents are not subject to Senate confirmation. When interest rates are high, it is understandable that the public suspects that the Federal Reserve System is operating in the interest of those institutions represented by its members—financial institutions and banking organizations.

Under article I, section 8 of the U.S. Constitution, Congress has the power to "coin money and regulate the value thereof." It would seem, therefore, that Congress has the constitutional authority and responsibility to ensure that some control is exercised over the Federal Reserve System. A number of approaches have been suggested to achieve that control. Among the suggestions are: allowing the General Accounting Office to conduct full audits, placing the Secretary of the Treasury on the Federal Open Market Committee, forcing the Federal Open Market Committee to publicly release its policy change decisions immediately, and requiring regular meetings with the public.

These and other proposals will be considered in the final draft of legislation that I expect to propose on this subject.

THE NEED FOR FREE TRADE LEGISLATION

One of the sources of continuing concern is the trade imbalance under which the United States and particularly its workers must suffer. Jobs continue to be lost to cheaper labor markets abroad. Capital flight is adding to the destruction of a large part of America's industries and institutions. This problem is perhaps best reflected in our relationship with Japan.

The United States trade deficit with Japan at the end of 1992 was an estimated $48 billion, up by more than $4½ billion from the 1991 figure. The trade deficit in motor vehicles and parts represents two-thirds of this deficit, nearly $30.1 billion. During 1991, Japanese auto exports totaled 1.3 million units, or about 16 percent of the United States market. In 1991, Japanese imports accounted for 61 percent of the total sales of imported cars sold in the United States. At the same time, United States car sales in Japan represent less than 1 percent of the Japanese automotive market. In fact, Japan exports approximately 60 times more cars to the United States than this country exports to Japan. It is no wonder then that in 1992, General Motors announced plans to cut 76,000 jobs, close 6 assembly plants and 15 parts plants.

It is for these reasons that I intend to introduce free trade legislation. We need trade agreements with teeth in them. We cannot seriously discuss expanded employment in America while allowing jobs and money to escape our borders through a weak trade program.

THE NEED FOR TAX EXEMPT BOND REFORM LEGISLATION

There is another area of concern which may require a legislative initiative. As we implement the remainder of President Clinton's economic recovery program, those who are targeted for tax fairness, persons with income of $100,000 or more, will seek ways to avoid their new tax liability. Just today, the Associated Press reported that, according to the Internal Revenue Service, 779 couples and individuals who earned more than $200,000 in 1990, paid no Federal income tax. Those taxpayers earned a total of $340 million. While tax avoidance is entirely legal, if these wealthy persons are allowed to use loopholes in the law to avoid the taxes contemplated by the economic recovery program, the revenue projections will not be reached and the recovery program will not work.

One such loophole that is expected to gain widespread popularity and use among the wealthy is the tax-exempt municipal bond. With this widespread popularity and use, we can expect considerable growth in the volume of tax-exempt bonds. I expect soon to introduce legislation to insure that tax-exempt bonds are truly used for the public purposes for which they are intended, legislation that will include targeting restrictions to insure that tax exempt bond financing is appropriately used.

This is another area where there is considerable experience in the Congress from prior legislative initiatives. I intend to build upon that experience in crafting any legislation that I may ultimately introduce.

CONCLUSION

Mr. Speaker, this Nation faces many problems—rising homelessness, deteriorating and unaffordable health care systems, vicious violence in our schools and in our neighborhoods, educational crises, shameful infant death rates, staggering unemployment, and more. Yet, we also face much promise—a new party is in power for the first time in 12 years, a new President with a genuine desire to do good, a Congress which seems dedicated to the end of gridlock and a swing in the mood of the country away from fear and toward hope. There is a sense that things can only get better.

A writer once noted that, "Even after a fire, something remains, a blade of grass, an idea." American has been burning under callous and uncaring leadership. Despite the devastation that has been caused, something remains. The remains may not be much—a blade of grass, an idea—nonetheless, it is enough to rebuild America. America can house the homeless, if we want. America can care for the sick, if we want. America can stem the violence, educate our young people, save our babies, and put people to work, if we want. That is the challenge for America. That is our agenda for the nineties. That is the goal of Samuel L. Evans. That is my goal, and I invite our colleagues to join with me in this endeavor.

Mr. Speaker, Congress has a responsibility to lead. Leaders must lead. That is why we were elected.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title.

H. Con. Res. 115. Concurrent resolution providing for an adjournment of the House from the legislative day of Thursday, July 1, 1993, to Tuesday, July 13, 1993, and an adjournment or recess of the Senate from Thursday, July 1, 1993 or Friday, July 2, 1993, until Tuesday, July 13, 1993.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2118) entitled "an Act making supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes."

OXFORD STYLE DEBATE ON NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KOLBE], is recognized for 60 minutes.

Mr. KOLBE. Mr. Speaker, I rise to take this time this evening to discuss an issue which has been discussed on this floor at some length, both pro and con, but last evening it received a good dollop of debate. The subject is the North American Free-Trade Agreement.

Mr. Speaker, I want to begin my comments by noting that my colleague, the gentleman from California [Mr. DREIER], is here again this evening. Last night he took a 5-minute special order to talk about the order of the judge yesterday affecting the submission of the North American Free-Trade Agreement implementing legislation to the Congress, and then that was followed by a 60-minute special order by the majority whip, the gentleman from Michigan [Mr. BONIOR].

I could not help but think, as I listened to that debate and watched it in my office as I was doing some other work that, if I was a member of the American public, and I had listened first to what the gentleman from California [Mr. DREIER] had to say, and then I listened to what the gentleman from Michigan [Mr. BONIOR] and his colleagues from other States had to say in opposition to NAFTA, that somebody out there would have said, "Are these people talking about the same issue? Are we debating the same subject? Are we on the same planet?" That is because it hardly seemed that there was even any grounds for a debate.

So, the first thing that I wanted to suggest tonight, especially since the House of Representatives has been talking about changing some of its rules to permit a greater style of Oxford style debate on subjects, is this is a good topic for us to start on. This is one where we ought to engage in a serious debate on the floor of the House of Representatives during some special orders and debate some of the facts, and I am wondering if my friend from California, if he would agree with that.

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

Mr. DREIER. Mr. Speaker, I thank the gentleman from Arizona [Mr. KOLBE] for yielding to me, and I thank him for taking out this special order. He is absolutely right. Last night I stood here in the well taking 5 minutes to basically respond to the so-called Ritchie decision which was made yesterday. Charles Ritchie is a U.S. district court judge who ruled based on a case that was filed by three environmental and consumer organizations that the negotiations for the North American Free-Trade Agreement could not proceed until an environmental impact statement is filed.

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Well, this is the first time that such action was taken. Clearly I happen to believe that it violates the President's authority to proceed with international negotiations. And the fact of the matter is, I took the well to praise President Clinton and Ambassador Mickey Kantor, who is the U.S. Trade Representative, stating that they are on the right track by proceeding with negotiations, No. 1, and, No. 2, by calling for a near immediate appeal to this case.

Well, I spoke specifically of the Richey decision, and then I left. I went home. Frankly, it was 11 o'clock at night and I had been up very late.

My friend from Tucson, who has been one of the most active leaders in behalf of implementation of the North American Free-Trade Agreement, was watching it on the television and saw our colleagues get up and proceed to trash a number of the statements that I had made, I am told. I have not read the RECORD yet. And then provide what I believe are some of the weakest arguments, some of the weakest arguments to try and defeat NAFTA.

So I join with my friend from Tucson by saying the North American Free-Trade Agreement should be the first Oxford style debate that we have right here on the floor of the House of Representatives. We should have Members of both parties who are proponents stand up and argue on behalf of the North American Free-Trade Agreement. Then we should have a rebuttal from members of both sides of the aisle who are opponents of the North American Free-Trade Agreement. Then I believe we should engage in the kind of exchange that we see in the so-called Oxford style debates.

Now, I serve as a member of the Joint Committee on the Organization of Congress, and there has been a proposal which has come forward to proceed with this kind of debate format. I would say, by the way, just this evening we have an hour, and frankly I have another hour of special order. I do not plan to take that entire time. But if any of our colleagues who are on either side of the issue would like to come here to the floor, I know that my good friend Mr. KOLBE would enjoy an exchange with them. I know that I certainly would.

Mr. KOLBE. I appreciate the gentleman's comments. That is exactly right. As a matter of fact, as you may know, Mr. Perot has challenged in one of his statements Mr. Kantor to have a debate, Ambassador Kantor, to have a debate on this subject. I do not think he was really terribly serious. By my colleague Senator JOHN MCCAIN and I responded by challenging Mr. Perot, who is going to be in my state in a couple of weeks, to have a debate.

Let us have a debate on this subject. I think the same applies here in Congress. Let us have a debate on this issue. Get people down here to talk about this thing, to find out what the pros and cons are about job creation.

As you said, we have been talking in this House through this reorganization

committee that you have been such an active member of, and I think we are going to hopefully see some very good recommendations come from that. And here is a way we can test how that is going to work, right here during the course of the special orders.

So I would say my colleague and I would join in issuing a challenge to Mr. BONIOR or any of the others who might want to do this. We will formalize how we might do it, and let us have a real debate on this subject. And we can urge the American people to watch this. Because I think this is what the education process is all about. Our colleagues and the American people need to understand what the facts are about NAFTA.

Mr. DREIER. I thank my friend for yielding. I think that we have basically laid it out there. We are willing to stand here as Members of Congress and debate this issue any time, anywhere. And there are many people who are very involved. This is a very passionate issue, and there are people who feel strongly on both sides. I think we should get right into it.

What I would like to do right now is lay forth a challenge to my colleague. Let us begin talking about NAFTA right now and some of the arguments that were made here on the House floor last night.

Mr. KOLBE. I appreciate that. We are going to. That is exactly what I intend to do and why I took this hour, because I think some of the statements that were made last night were outrageous to say the least. They were certainly not factual. I believe they do need to be responded to.

I would like to begin talking about something that my friend from California took 5 minutes to talk about last night and began again this evening discussing, and that is the decision yesterday. Because there has been a lot of confusion. I have talked to my colleagues about what is the meaning of Judge Richey's order yesterday, which basically said that the U.S. Trade Office, U.S. Trade Representative, must conduct an environmental impact statement before, and I underscore the word before, the President can submit the implementing legislation on NAFTA to the Congress of the United States for consideration.

Well, I think several things need to be said about this. First of all, in a very narrow and technical sense, the order does not really apply to the North American Free-Trade Agreement, which is already completed and out of the hands of the U.S. Trade Representatives and in the hands of the President to submit to Congress.

Clearly the act, the NEPA act, does not apply to the action of a President, but rather to agencies. It was the ruling of the Judge that it applied to USTR because the Trade Office, he said, really is an independent agency.

Having listened to the debate last week we had on the floor on the budget for the Treasury, Post Office budget, dealing with the President's budget and what cuts might be made there, I find this a rather astonishing view to come to.

The Trade Office is very specifically, legally, and otherwise a part of the Office of the President, and for good reason. The President has exclusive authority over negotiating trade agreements and international affairs for the conduct of foreign policy, and that is why the President of the United States has the Trade Office as a direct part of the President's Office.

So I think the Judge's basic premise that he started from was a fundamentally flawed decision.

Mr. DREIER. If the gentleman would yield, I would simply like to underscore the fact many of us are concerned about the environment. I represent the Los Angeles Basin, which has the highest number of first stage fog alerts in the entire country, the Inland Basin area that I represent. Clearly it seems to me this judgment was able to come about because of the proliferation of so many laws and regulations which were imposed on the private sector of our economy.

While I support efforts to clean up the environment, I think this action does bring home the message to me, and I know to my colleague from Arizona, that we in the Congress passed these laws which allowed judges to come forward with decisions like this. So my message would be that we should be very, very careful as we proceed with the imposition of these kinds of constraints.

Mr. KOLBE. I think the gentleman is absolutely right. I am going to come back to the underlying issue of how we are going to improve the environment, particularly along the border. I also represent a border district and am very concerned about that issue. But the fact is NEPA was enacted by this Congress in 1970, the National Environmental Policy Act. The Trade Act, which is the fast track process under which we negotiate trade agreements, as my colleague knows, was first passed by this Congress in 1974. Since that time we have had, of course, the Tokyo round of GATT talks, we have had an Israel Free-Trade Agreement, Canadian Free-Trade Agreement, and scores of other minor free trade agreements, none of which have been subject to the environmental impact statement of NEPA.

Mr. DREIER. I think it is also important to note that since the fast track provisions were put into place, since 1974 there has not been a major international trade agreement in which the United States has been involved that has not been embarked upon on any process other than the fast track negotiating process.

Mr. KOLBE. The gentleman is absolutely correct on that. I think the bottom line of this decision yesterday, and, quite honestly, the opponent of NAFTA when they filed this suit, and one of them, of course, we know is Citizen Watch, is Ralph Nader's organization, which I think is less concerned about the environment than it is about their opposition to NAFTA. They shopped around to find a judge who has a history of limiting presidential authority, residential powers.

I read the opinion, or I read the judge's decision and some of the arguments, the briefs that were provided in that case, and I do not see how this thing can possibly stand up on appeal.

So I want to begin this evening by just saying that this is one judge, one district court. It is not the end of the process. It does not stall NAFTA. We will go ahead as Ambassador Kantor has made clear with the negotiations on the side agreements. We will go ahead with drafting the implementing legislation. The Justice Department will seek an expedited appeal of this, and I expect we will have this resolved before the legislation is ready to be considered by Congress.

Mr. DREIER. If the gentleman will yield on that, you know, at this particular side of the aisle regularly we hear criticism of Bill Clinton. I know my friend and I join in being very critical of many of the decisions that President Clinton has made over the past 6 months since he has been in office.

That is why I am always glad to seize the opportunity and stand in this well and say, as Teddy Roosevelt told us to do, when the President of the United States is correct, we should provide him with our complete support.

On the issue of the North American Free-Trade Agreement, his statement through his U.S. Trade Representative Mr. Kantor which came yesterday afternoon that they will appeal the process and proceed with the negotiations, is a very positive sign that the President does want to reduce those trade barriers. I am proud to stand here as a Republican Member of Congress and congratulate President Clinton and Ambassador Kantor for this decision.

□ 1820

Mr. KOLBE. I thank the gentleman for that statement, and he is absolutely right. President Clinton is right on this. He is right in his support of the North American Free-Trade Agreement, and I will stand up and support him.

I had an opportunity this afternoon to meet with some people from the White House on this subject. The point I tried to drive home to them is, they may have gotten off to a bad start with the stimulus package, the tax package, the budget, which my colleague and I certainly have not supported the President on, for good reason, we think it is

bad for the economy, but here is an opportunity for him to demonstrate, before he gets to the health care, which is going to clearly require bipartisan support, to build that bipartisan effort here in the Congress of the United States.

There is no way the North American Free-Trade Agreement is going to be enacted, we are not going to implement it, unless we have bipartisan support of Republicans and Democrats, House and Senate, easterners, westerners, north and south, people from all sides of this issue are going to have to join together in order to enact the North American Free-Trade Agreement.

Mr. DREIER. I think that having praised President Clinton, I make no bones about pointing to the fact that this was an initiative by President Bush. I congratulate President Clinton.

Mr. KOLBE. Signed by President Bush on December 17 of last year.

Mr. DREIER. President Bush signed it, and he came up with the idea. Frankly, the idea was first discussed by a former Ambassador from the United States to Mexico who served in the early 1980's, stating that moving in the direction of a North American Free-Trade Agreement was the way of the future. So I doubly congratulate President Clinton for recognizing that President Bush was right on target to proceed with the North American Free-Trade Agreement. And now he wants to implement it.

Mr. KOLBE. The gentleman and I might pat ourselves on the back just a little bit. Several years ago, before we began these negotiations, we introduced a resolution, a sense-of-Congress resolution calling for a Free-Trade Agreement with Mexico. I can recall that when I did that, we did not really get our phone calls returned either by Mexico City or downtown at the State Department or USTR.

So maybe we were a little bit ahead of our time, too.

In any event, it is a reality today, and I think the benefits are going to be very apparent, particularly as we go through this in the next few minutes.

Mr. DREIER. I should say for the RECORD that my friend from Tucson has been a bold and dynamic leader on the issue of free trade, and he has proceeded with this. He started the idea brewing here in the Congress, and now he not only gets his calls returned downtown in Mexico City, but they all roll the red carpet out for him because they know that he is the one who tries diligently to reduce these barriers to trade.

Mr. KOLBE. I would return the compliment. My friend, who has been a stalwart on the Rules Committee, which has joint jurisdiction, original jurisdiction over trade agreements, has certainly led the fight in that committee.

Mr. DREIER. It has been a lonely battle.

Mr. KOLBE. But we are making progress.

Before we get to responding to some of the things that were said in last night's special order, I want to comment just one more moment on the judge's order yesterday, particularly as it relates to the environment and the issue of the environment. As my friend from the Los Angeles area has said correctly, it is an issue which we are very concerned about. The environment is something anybody is concerned about that lives close to the border or lives in a place like the Los Angeles Basin where we have seen the problems that exist there. So along the border, we are very concerned with the environmental problems that have come from the rapid growth that we have had of trade and the rapid growth of population in the border cities. But the bottom line is, are we going to be better off, are we going to have more cooperation on trade, if we have a free-trade agreement, or are we going to have less. In other words, do we benefit the problems that exist in Tijuana and in Mexicali and in Nogales and Juarez-El Paso and Brownsville-Matamoros, do those environmental problems get better by not having a trade agreement.

Common sense will tell you that that is not true. If we have a trade agreement, we are going to have the basis for cooperation, and this agreement has environmental provisions written into it that no one trade agreement has ever had.

Mr. DREIER. I totally agree with what the gentleman has just said here. One of the items we need to underscore is if you look at an impoverished society, the ability to insist on an improved environmental standard is basically nonexistent, because we know that people who are downtrodden and living in substandard environmental conditions are not in the position to insist on that improved quality. Virtually everyone, even the opponents of NAFTA, have acknowledged that implementation of NAFTA is going to enhance the standard of living in Mexico.

We already, over the past 7 years, have seen a dramatic improvement in the standard of living in Mexico. We have seen a growth rate in Mexico which has been substantially greater than the rate of growth here in the United States. And as I say, even opponents to NAFTA acknowledge that we will, with NAFTA, see an improved standard of living.

That improved standard of living will lead the people of Mexico to insist on even greater improved environmental quality for their life. And that, obviously, is going to take place at the border, too.

I thank the gentleman for yielding to me.

Mr. KOLBE. The gentleman is absolutely right. The fact is that Mexico has spent a great deal of its resources recently on the environment. I think it is rather astonishing the kinds of things that have happened in recent years.

In fact, this last weekend, I was in Arizona with some environmental engineers, systems engineers, that do business in Mexico as well as other countries. They said in all of their experience they have never seen a developing country go as far or as fast as Mexico has in improving the environment.

There are a couple of reasons for that. One, they are conscious of it because they live next door to the United States, where a lot of attention is being given to the environment. But there is another reason, and that is Mexico City, where 20 percent of the population of Mexico lives, all the government, all the political, media leaders, business leaders of the country live there. It is one of the most polluted cities in the world, something that the gentleman from the Los Angeles area can relate to.

They are very cognizant of the problem they have and the need to deal with it from a health standpoint as well as simply from the quality of life that they have there.

Mr. DREIER. We know that one of the greatest developments that took place in the area of environmental concerns came when that very bold and dynamic President Carlos Salinas de Gortari proceeded to close down the largest oil refinery in the central part of Mexico City, which I hope my friend will correct me if I am wrong. It seemed to me there were 5,000 people.

Mr. KOLBE. Five thousand employees put out of work as a result of that.

Mr. DREIER. That was done in the name of improving the environment in Mexico City. The sense was that there would be an outcry because of that loss of jobs. Yet, because of the enhanced standard of living on an overall basis in Mexico, people were very supportive of the decision that President Salinas made to close that plant that was polluting heavily right in the center of Mexico City.

Mr. KOLBE. My colleague and I might wonder how many of our own politicians in this body would be so quick to support a jobs closure or shutting down a plant that supported 5,000 jobs in our district. That is very tough for any politician to do, particularly in a developing country like Mexico.

I think it is worth noting that the Mexican basic environmental law, which is patterned after our own Clean Air and Clean Water Act, is very good. It is, in fact, its provisions in many ways are tougher than our own.

They have lacked on enforcement. That is simply a matter of not having had the resources of a developing country.

The bottom line is, if the economy cannot improve down there, how are they going to have the resources to do it?

Mr. DREIER. One of the things that we have found is, yes, there are many very old plants and facilities in Mexico that have a difficult time complying with the new environmental laws that have been put in place there. That is why implementation of NAFTA is so key.

Within Mexico, they want new plants, new facilities built, because with those new plants and those new facilities, they will be better equipped with the environmental laws that exist there. So this clearly will be very beneficial on the pollution problems that exist at the border and on the overall environment within Mexico.

□ 1830

Mr. KOLBE. The gentleman is absolutely correct. Mexico's commitment to this, I think, is a very real one.

Let me just give the gentleman a couple more figures that I think are fairly impressive. They have added last year, they added more than 200 inspectors along the border region itself.

Here are some actions that have taken place in the 6 years from 1985 to 1991. They have had more than 8,900 manufacturing inspections, which led to a temporary or partial shutdown of 1,926 facilities and a permanent closure of 109 facilities. They have brought about the relocation of 36 major manufacturing companies to outside of Mexico City. They have increased threefold the number of inspectors throughout the country, and as I said, more than 200 within the border region alone.

There has been a very substantial increase in the amount of environmental protection. There is a long way to go, I think we all acknowledge that, but we have a long way to go in our own country. We have a long way to go in our relationship with Mexico on environmental protection.

We signed in 1983 the La Paz agreement. President Reagan signed the first environmental agreement with a foreign country. Not too many people recognize that. That was 10 years ago; in fact, 10 years ago this last month that President Reagan signed that agreement, in the first year of office, with President de la Madrid.

That agreement calls for a series in the annex, there is a series of things to be done, one of which, for example, deals with the disposal of toxic wastes that go from the United States to maquillos in Mexico and back to the United States, or they are supposed to come back to the United States to be disposed of.

The fact is, we have never developed a tracking system, so we can keep track of these hazardous materials that go down to Mexico, so we are partly responsible for the fact that we have not been able to decide what is going down there, to keep track of that, and make sure that we account for that as companies are supposed to bring it back.

Mr. DREIER. If the gentleman will yield, we have focused, and it is his special order, and I do not want to dramatically shift the subject, but last night there was not a great deal of talk about the environmental issues. This was not really a focus.

The key that our colleagues who seem to be opposing vigorously this plan raise constantly is the issue of jobs, and the flow of jobs from the United States to Mexico. They constantly say that, "With NAFTA we will see a dramatic increase in the flow of jobs," so if my friend would allow, could we begin talking about that jobs issue?

I do not want to interrupt, if the gentleman has another few points he wants to make on the environment.

Mr. KOLBE. I was going to change from the environment. I was going to concentrate our comments, as the gentleman suggested, on jobs. Before we do that, I would just like to raise with my friend, the gentleman from California, a couple of other items that were said early on in the special order last night.

He had the opportunity to travel in Mexico, and the gentleman has had an opportunity to meet with many of the political leaders down there. I dare say the gentleman has been as impressed as I have with the team that President Salinas has put together down there, perhaps the most impressive team of market-oriented, free enterprise oriented political leaders that I have ever seen.

Mr. DREIER. No doubt about it.

Mr. KOLBE. Last night, on the floor, it was said that we take in this country for granted the right to speak freely, the right to freely choose political and labor leaders, the right to organize for decent wages.

Then it went on to say that "in Mexico, it is a corrupt one-party political system, a political system that denies the right of the Mexican people to basic human and democratic rights."

First of all, we are not entering into an economic union. This is not Europe. This is not an economic union, this is a free trade agreement.

We give most-favored-nation status to Libya. They have embargoes to Libya, but they have most-favored-nation status. We are talking about trading, increasing our trade, the sale of our goods with Mexico, so it is, in a sense, a non sequitur. It is also simply a lie, a lie to talk about the Mexican political system in that regard.

Mr. DREIER. If the gentleman will yield on that point, I think it is something that we need to realize. My friend has heard me tell this before. I am sure I have probably stood here in the well and said it.

I came to this Congress in January 1981, and I had the privilege of being appointed my first year as a member of the United States-Mexico Interparliamentary Conference, and my friend, the gentleman from Tucson, and I have over the past several years participated in the United States-Mexico interparliamentary meetings which have taken place.

At that first meeting President Jose Lopez Portillo stood up and proudly announced that he was ready to nationalize the banking system of Mexico. Needless to say, I was a little nonplussed and very disappointed.

We, in the early 1980's, and obviously for decades before that, have seen the things to which our colleagues last night referred in Mexico. We know that, really, since 1982 when the Institutional Revolutionary Party came to power, there have been many problems of corruption, human rights violations, violations of political freedoms.

People have got to realize that we have seen a change which has taken place over the past several years. Is it perfect? Absolutely not, but those who have been trying to argue regularly that we are dealing with this corrupt government where we have nothing but payoffs, it has changed. Again, it is not perfect, but we have seen a dramatic turn-around since 1986 in the waning days of the Miguel de la Madrid administration, when we saw those first steps made toward privatization, and then, of course, this dynamic leadership provided by Carlos Salinas de Gortari, in which he has brought about privatization of the banking industry and the telephone industry. He has moved the way of the world, toward freedom and opportunity, and political pluralism, clearly, is following.

Mr. KOLBE. Would the gentleman not agree with me that in a sense, this is very similar to what many of us have argued with regard to China, that if the economic changes are brought about in China, that the political system will change there? It seems to me that that is exactly what President Salinas is trying to do. He is saying, "Change the economy and the political reforms will follow."

It is the reverse of what happened in Russia. We have seen the problems that Russia has had with trying to get the economic reforms to follow the political changes made there.

Mr. DREIER. Absolutely, my friend is absolutely correct. Political and economic freedom are interdependent.

There are those of us, and I have been a supporter of most favored nation trading status for China, but I marched up to the Chinese Embassy following the Tiananmen Square massacre on June 4, 1989. I have been outraged by what we have seen from the butchers of Beijing, but the fact of the matter is that we are seeing improvement. It is not nearly as fast as I would like to see it take place in China or in other parts of the world, and frankly, I would like to see a greater degree of political freedom in Mexico than we have to this point, but we have seen improvement.

Of course, the election of National Action Party, the opposition party candidates, to governorships in the northern part of Mexico, in the state that adjoins Arizona, I know has been a very positive sign toward political pluralism.

Mr. KOLBE. Two states now have a governor of the PAN, the opposition party, and more than 100 municipalities are now controlled. There is a very large, well over one-third, almost 40 percent of the Chamber of Deputies in Mexico is now the opposition party's.

Mr. DREIER. From 1928 up until this point, the PRI party controlled the entire country. So while we listened to our friends who are opponents to NAFTA talk about the political corruption and the problems within Mexico, we are not about to say that the situation is perfect today, but we have to recognize that with two governors and, as my friend said, hundreds of municipalities, the mayor of Tijuana is of the PAN party, we have seen tremendous change take place.

I am convinced with the economic reforms that we have seen, coupled with the implementation of a North American Free-Trade Agreement, we will see even greater political freedoms within Mexico.

Mr. KOLBE. Mr. Speaker, I wanted to ask the gentleman about one other thing before we go to the basic subject of jobs.

The statement was made last night in a very disparaging way about the fact that they, referring to Mexico, "are hiring the best firms on K Street, the best lawyers, the best consultants, the best lobbying firms, guys running around here in $1,000 suits. It is the biggest lobbying group in this Congress that I have ever seen since I have been here."

Well, I am not sure that that is quite true, when we think about lobbying for a lot of special interests. We have all kinds. When we go out here and watch what is going on on the tax bill, and look at the people gathered out here, outside the Committee on Ways and Means or the Senate Finance Committee, we realize that there are a lot of lobbying groups that are being hired by a lot of people.

Mexico, until this North American Free-Trade Agreement debate began, it never had hired any lobbyist in Washington. They had relied entirely on their own Embassy to do everything. There were many of us, and I was one of them, that encouraged them to get some consulting support, others to give them advice on some things.

I frankly am not alarmed by the fact that Mexico has hired somebody to help assist them. Maybe it is unfortunate that we have too much of that here in Washington, but it is certainly not just Mexico that is doing that.

□ 1840

Mr. DREIER. If my friend would yield on that point, this has come up several times. I have met with some of my constituents in California who are virulently opposed to NAFTA. I have talked to groups around, and there is this implication that somehow those of us in the Congress who are supporters of NAFTA are in the hip pocket of the Mexican Government and want to send the jobs of our constituents from the United States to Mexico. It is absolutely crazy.

I mean, I am proud of the independence I have shown here on a wide range of issues, independent of the so-called lobbyists, and it seems to me I know that my friends here have had the exact same pattern. Yes, we listen to information that comes from a wide range of sources, from telephone calls and letters that flow into our office from our colleagues who are experts on issues, from people who are involved here in Washington, and represent certain interests, but frankly, the credibility of someone who works here in Washington on an issue is thrown out the window if they misrepresent. So clearly those of us who support the North American Free-Trade Agreement do so in large part because we want to create jobs, jobs in the United States of America.

Mr. KOLBE. I appreciate what the gentleman is saying, and I think this evening what both of us are trying to say is that this is a debate that has to be conducted on a plane that talks about facts and statistics, and the basic philosophical differences that may exist. And I would recognize, and I know my friend would recognize that there can be differences on this subject.

But finally, before we talk about jobs, I would just say how distressed I was last night to hear the debate be reduced to the level where one of the speakers last night said they do not even know, and he was talking about academicians he called them, do not even know how to pronounce NAFTA. He said they call it "NAHFTAH", as if it was some fancy cheese or something.

This is far too important a debate to reduce it to that level. I do not know, but I think the gentleman would agree with that.

Mr. DREIER. I have been known to cast a few pejoratives around about those who have been opponents of NAFTA, and I am not going to do it here in the well myself. But I agree. I think that we should try to keep this debate on the highest level we can. Even this morning at a breakfast meeting that I had I cast a couple of names about some of the people who have been opposed, and I agreed that we should not do it, especially here on the floor of the House of Representatives.

But certainly this has become a very emotional debate. And I become emotional about this because I feel in my heart and my head, just as my colleague does, that this is in the best interests of the United States of America.

One of the most pressing problems that we have in the border States is the illegal immigration problem. Earlier today in the House we overwhelmingly passed, I am happy to say, an amendment that was designed to toughen up the Border Patrol. But frankly, we have to get at the root of the immigration problem that we have, the flow of illegal immigrants across the border into Arizona, California, Texas, and other States, which is overwhelming. And it seems to me that we have to recognize that improving the economy of Mexico is in the best interest of the United States as we try to get at the root of the problem of illegal immigration, because people leave Mexico for one very simple and basic reason: Economic opportunity, whether it is a job or welfare.

Mr. KOLBE. And improving the economy in Mexico, and providing jobs in Mexico does not mean that we have to lose jobs here. That is the fundamental fallacy that people on the trade issue always make, that it is a zero sum gain, that if one side is gaining, the other side over here has to be losing.

As we know from Adam Smith, and we know from economic theory, and we know from practical trade that it is not a zero sum gain. Both sides benefit. In fact, 70 percent, and that is going to get us to the bottom line here about jobs, 70 percent of the growth in the U.S. economy since 1987 has come from our exports, 70 percent.

Mr. DREIER. Seventy percent of the economic growth on a nationwide basis here in the United States has come because of our exports of goods throughout the world. And I think it is important for us to note that in 1986 we were running about a $4.9 billion trade deficit with Mexico. Last year we had approaching a $6 billion trade surplus, which has been a dramatic turnaround.

Mr. KOLBE. In fact, Mexico has moved until now it is our largest surplus of any country that we trade with. It is a very, very dramatic increase. More than 700,000 jobs in the United States depend today on the business that we do, the selling that we do with Mexico.

I wanted to talk a little bit about this issue first from the standpoint of Ross Perot talks about the giant sucking sound of jobs to Mexico. But I hear a giant sucking sound of American exports going down to Mexico, which means creating jobs here at home.

First it is said well, how can you compete with a country that has a minimum wage of 58 cents. The minimum wage is a benchmark. It is not the real wages paid in manufacturing, anymore than $4.35 minimum wage in this country represents the real wages here.

Mr. DREIER. What is the average wage in Mexico actually?

Mr. KOLBE. The average wage is considerably higher than that in manufacturing.

Mr. DREIER. The average wage is $2.35 an hour, is it not?

Mr. KOLBE. With all of the benefits added in, it is a little more. You see, Mexico has a system that is very hard to define, because they have things that are required of manufacturers that we do not have. There is a housing tax that has to go back into housing. There is a requirement, a mandatory requirement for a bonus at the end of the year. There is not only their Social Security that is provided, but there is also day care that is provided, and mandatory subsidization of meals in mequilos and in manufacturing plants. So they have a number of benefits that we do not historically give to people in our manufacturing plants here.

But it is somewhere in the range, as you suggested, of $2.30. In the new Ford plant, with benefits added in it is very close to $5 an hour.

Mr. DREIER. Yet we know that overwhelmingly the American worker continues to be more productive than the Mexican worker.

Mr. KOLBE. Of course.

Mr. DREIER. That is why we have to look at the strategy.

Mr. KOLBE. Higher education levels, better schools, more capital, that is, equipment that is available to them, high-technology equipment that they can do the job faster, and better training.

Mr. DREIER. The best evidence of that was the decision by General Motors, and I underscore "and" the United Autoworkers in concert moving their plant back to Lansing, MI, creating 1,000 jobs there in the United States, because we know that with the average tariff today on United States goods going to Mexico being 10 percent, and the average tariff on goods going from Mexico coming into the United States being only 4 percent, that they basically have a one-way free trade arrangement. So with NAFTA we are going to be able to have plants and facilities in the United States that will be able to take advantage of the 88 million strong Mexican market.

Mr. KOLBE. I always make the point if wage was the only factor which a company used to decide where they would locate, you would have every company in the world located in Haiti or Bangladesh.

Mr. DREIER. The industrial capital of the world.

Mr. KOLBE. The industrial capital of the Western Hemisphere would certainly be Haiti, yet we do not see too many manufacturing plants being located down there. And we laugh about that, but we know that the reason is that they lack infrastructure, they lack roads, they lack any kind of education system, and they lack anything that you need in order to have a manufacturing plant there.

Mexico is obviously much farther along than that. It is about where Korea was 10 years ago. It is on the verge of taking off. And that is one of the things we have not really gotten to. We are talking about a market of 80 million people which has a propensity, the people of which have a propensity to buy more of their goods from the United States than any other country buys from a single country.

Mr. DREIER. Korea, Japan, at a greater rate than the people of Korea or Japan on a per capita basis. Based on income levels the people of Mexico spend much more.

Mr. KOLBE. On an actual basis Mexico buys, if my figures are correct, and I think my memory is correct here, about $360 per capita from the United States, and in Japan it is $380 where their per capital income is 20 times that of Mexico. So they buy an enormous amount of goods from the United States. It is just a tremendous amount.

I know the gentleman has another couple of things that he wanted to say. I just wanted on the wage thing to make one other point.

There was a study not long ago by I believe one of the large accounting firms where they asked companies to rate 20 different factors in terms of their decision about where they locate a plant, the geography, the proximity to market, transportation, job skill levels, education levels, ambience of the quality of life there, and wage came out as the 14th, the 14th most important factor. So it is only one of the factors which companies use in order to make their decision about where they are going to locate.

I mentioned earlier that 70 percent of the growth in our economy had come from exports, and my colleague from California has mentioned that in the last 5 years from 1987 to 1992 we went from a $5 billion deficit to a $6 billion surplus. So we have 700,000 jobs in this country that depend directly on the business that we do with Mexico.

I see my other good friend here from California, Mr. DORNAN.

Mr. DREIER. He represents Garden Grove.

Mr. KOLBE. Garden Grove, and he has some things that he wanted to add.

Mr. DORNAN. I thank my colleague from Arizona. And I want to say that I was listening attentively to everything both of my colleagues were saying, because this is the future that we are talking about. And we were together, I was there, Mr. DREIER was there when Ross Perot came up here to the Hill. I have known Ross Perot, or at least I met him in December 1969 when he was a 39-year-old billionaire in Time magazine. The very week I met him he flew an airplane out to Los Angeles to top it off with food, and medicine, and family packages, and greetings for our POW's in Hanoi. No one has ever questioned that mercy flight which first brought him to national attention. He actually went first to Vientiane, Laos, and the North Vietnamese Embassy in that strange international city, and they said you go on to Copenhagen, and we will let you come into Moscow, if Moscow will let you deliver those packages.

□ 1850

It never happened. That was the very month that Clinton was a Rhodes Scholar touring Russia with 10 inches of snow on the ground and 29 degrees below zero. I say all of that to date me with Ross Perot. I say unabashedly that man is a patriot. His political participation in the process in 1992 got mixed reviews. This year he has gone on the road. The day we met him he was about to launch on a tour through Virginia and Maryland and starting here in the District. Now although he has some wonderful things to say about the political process that all three of us agree with, he is flat out wrong on NAFTA. Most of the people who are listening to him, who have joined the group with the beautiful title, United We Stand America—one of our conservative colleagues has joined because they are very strong in northern California. I said to him and the gentleman said it more forcefully than I did and Congressman MCCANDLESS also said it more forcefully, "Are you people trying to destroy my career on this one issue?" "Can McCandless" was one sign.

I would like to tell everybody, Mr. Speaker, across this country that Ross Perot said very clearly his organization is not out to wreck any Member's career, Senate or House, on one issue. He said we can agree to disagree on this. What I say and I think everybody has to say very clearly on this floor, you can make a case that there will be some pain with this in the short term, that a few jobs will be lost in the short term, very debatable how many. But if we are ever going to have vision in this Chamber and with our distinguished colleagues in the other body we have to look at a truly free world as the gentleman has been pointing out, with free trade.

Mr. KOLBE. The gentleman well knows, he has traveled a great deal in Latin America and all over this world, this is a trade agreement and it is with Mexico but it is more than just Mexico. I mean we have told the rest of Latin America "If you will reform, if you will open your markets, if you will privatize your companies there will be a reward, and the reward at the end of the rainbow is going to be more trade with the United States."

Now we are going to close the door if we defeat NAFTA, the hinge—they see Mexico as the hinge on that door for them. We are going to slam that door on them.

I cannot think of anything that would be a more catastrophic foreign policy disaster for this country than to

turn our back on Latin America and frankly with the rest of the world.

Mr. DREIER. I would like to respond to my friend from Garden Grove by saying that as far as the flow of United States jobs from the United States to Mexico the gentleman and I have witnessed the flow of jobs from southern California, due in part to our tax and regulatory burden, workmen's compensation among other things——

Mr. DORNAN. To?

Mr. DREIER. To Arizona, but also to Mexico. We have seen that. The case we make is that while, yes, there is nothing in the world today that prevents the flow of United States jobs to Mexico, implementation of NAFTA is the way to counter that. Why? Because they move to Mexico today and they may build things more cheaply and sell some goods in the United States, but they are able to have this one-way street of free trade across the border. We do not have free trade with Mexico today because we have, on average, a 10-percent tariff. So when we zero out that barrier between Mexico and the United States, it allows us to compete with those jobs that have gone to Mexico. The best example of course is the one to which I referred a few moments ago, the General Motors decision to move their plant from Mexico back to Lansing, MI, creating 1,000 jobs here in the United States. That is a first step.

Mr. DORNAN. Did my colleagues mention the positive effect it would have on reducing the illegal immigration?

Mr. DREIER. Absolutely.

Mr. KOLBE. We talked a bit about that. But I wanted to ask my colleague something about which he is very knowledgeable, on drug addiction. But before that may I just finish the thought that my friend, Mr. DREIER, was making, and it is a very important one, the bottom line. When you reduce all of this down to one phrase, one paragraph, it comes down to this: The free-trade agreement is about our being able to sell goods in Mexico. Companies can already move their plants to Mexico. They can move their jobs down there now. This is about selling more of our goods there.

Common sense will tell you when Mexico has an average 10-percent tariff and ours is 4 percent, if we reduce them both to zero, then we have a 2½ times greater advantage penetrating the market in Mexico for the sale of our goods than they do coming into the United States. They understand that and they know in the short term actually they are going to be hurt by the free-trade agreement. In the long term of course is the growth from having a free open market down there. They do understand this.

So the advantages are going to be enormous in opening up this market. The General Motors situation is a good example. It is not just the tariff there but a very specific regulation in the AUTOPAC that Mexico has had for years which says, if you are going to sell one car in Mexico, you must export one car from Mexico. Therefore, the only way for General Motors, Chrysler, and Ford to sell in Mexico was to put a plant in Mexico for the export back to the United States. Now with NAFTA that is not necessary. If they can produce the cars more effectively in Lorain, OH, or in Detroit, MI, they can build them there and ship them down to Mexico and that is exactly why a thousand jobs are being moved back to the United States.

Mr. DREIER. On this drug interdiction issue is a big one that I know my friend from Garden Grove is very expert on so that I am sure he must have some thoughts. But a lot of people have argued that implementation of NAFTA is going to enhance the opportunity for the flow of drugs across the border.

Mr. DORNAN. The gentleman from California [Mr. DREIER] and I went to Afghanistan together for one purpose, and we analyzed the drug situation while we were there. We went to see if the Afghans had the wherewithal to defeat the Soviet forces of the prior evil empire. The people in those areas if they do not have free trade, if they cannot make substantial goods to trade among themselves and with the rest of the world, they will turn, in the Golden Crescent or the Golden Triangle of Thailand, Burma, that area of the world, they will produce an illicit product that will end up with gunfights and people overdosing and dying in the streets of America. We talk about Latin America; Colombia is already almost destroyed as a nation. The way to rebuild it is with a good free market with all the countries trading in that area.

Venezuela's political instability has been caused by not having open markets. If you march right up Central America from the Panama Canal area to places to which we have traveled together in times of trouble with other insurrections based on ideologies, but in Nicaragua, El Salvador, Guatemala, and Mexico itself right to the border with these huge tracts of marijuana growing and coming in from secret airfields in the Chihuahua and Sonora areas into your secret airfields and that coming in on foot. And this recent tunnel that was discovered that was within days of completion to pump tons of illicit goods in, what is the best way to counter the growth and the production of things that tear apart the young people of this country? It is to produce the goods that normally should flow between countries with a free market.

Mr. KOLBE. I wonder if the gentleman would agree, I do not know if he has had an opportunity to talk with some of our people down in Mexico about the drug interdiction business or not, but I go down there regularly and I have found in my latest visit——

Mr. DORNAN. The gentleman's district is on the border.

Mr. KOLBE. It is, but I am talking about going down and talking with our DEA people down there and our embassy people, and I must tell you the first several years the people from the State Department and the Embassy would give the official line that, yes, we have good cooperation with Mexico. Then you get the private briefing from the DEA people and they say that that is baloney. We are not getting any real cooperation.

The last time I was down there the DEA agent down there told me,

> We have better cooperation today with Mexico than we have ever had. It is really outstanding.

Sure, there are problems with the local areas, maybe the local commander or something, but, he said,

> We have better cooperation than we have ever had. Tracking flights coming up from Latin America, allowing our planes to refuel at La Paz so they can fly along the coast there.

All the things that they never allowed us to do before we are now getting done down there. I think it is outstanding the cooperation that we are getting.

Now if you turn you back on NAFTA, what incentive is there for the Mexicans to increase that cooperation?

Mr. DORNAN. Exactly. This is what is so sad about the temptation to demagogue this issue that we saw take place in part by some of our friends on this House floor last night. And the temptation for our pal patriot Ross, to oversimplify this and scare people in the short run and not realize that the simple words, which the gentleman was just discussing, is friendship, the growth of friendship that comes between us.

The one thing I like to say, and it sounds corny sometimes maybe overromanticizing it, but Canadians are Americans, they are North Americans.

□ 1900

These Mexicans are Americans, and everybody in South America from The Cone, except for one little remaining French colony, French Guinea, they are all Americans. They just happen to be South Americans. So these Mexicans developing these friendships are fellow Americans on this continent. This friendship is the one thing that will unravel quickly if this Chamber does not act.

Mr. DREIER. That is why we call it the North American Free-Trade Agreement, by the way.

Mr. DORNAN. Exactly, it is so obvious, and to unravel this in this Chamber for the short run of a political victory because they are scared of United We Stand America, it is going to unfortunately reverse the very thing that

brought these good citizens together in the cause that Ross Perot espoused.

Mr. KOLBE. Mr. Speaker, I appreciate the comments of my good friend from Orange County, because the gentleman has really I think highlighted this, and the gentleman from California is one who has traveled down there and understands this problem very well. I think the gentleman has highlighted the need for building this relationship, probably in 150 years the relationship the United States has had with Mexico, something of a love-hate relationship, one that has been a pretty stormy marriage through the years.

We probably have never had a better relationship than with the present relationship that President Salinas has built. This is something we should build on. We should not try to tear it down. It would be tragic to me if that happened. It will be tragic from the standpoint of jobs.

I want to mention, bringing it back if I might to jobs, a story that brought it home to me just as clearly as it could be.

I went to Hermosillo, which is the capital of Sonora, the state directly to the south of my State of Arizona. I visited a plant that was under construction. It was just a shell at that point, but it was going to be huge, 170,000 square feet. It is a toy manufacturer. I think the name of it, the Mexican name is called Ken Mex. That is the Mexican subsidiary. It is a subsidiary of a very large Hong Kong toy manufacturing company.

Now, what they are going to build there, what they are going to make there are Barbie Dolls. They are moving all the Barbie Doll production in the world from the People's Republic of China back to Hermosillo, Mexico. The reason they are going to do so is that now they will be able to buy, because of the reduction in tariffs that Mexico has already imposed in anticipation of reducing it from 10 percent down to zero, they will be able to buy the plastic which is 85 percent of the value of a Barbie Doll. They will be able to buy that in the United States.

Instead, now, of course, they are buying it in Japan or Taiwan or South Korea, taking it to the PRC, making the Barbie Doll and selling it in the U.S. market. But this is the big market. They want to be close to this market. So they will come here to Mexico, but the 85 percent of the value of the Barbie Doll in the United States, assemble it down there or build and assemble it, if Barbie Doll is the right word, in Hermosillo and then, of course, ship it worldwide for sale.

Now, there is not going to be a sign up over that vat of plastic, I do not know if it is plastic made in Nevada or where it gets made, there is not going to be a sign there saying, this is going to Mexico, but the reality is that Dow or some other company in this country is going to make millions of dollars and have hundreds of jobs created making this plastic every year going to this plant down there, jobs that did not exist before.

Mr. DORNAN. Good story.

Mr. DREIER. Mr. Speaker, if my friend will yield, may I inquire of the Chair how much time is remaining?

The SPEAKER pro tempore (Mr. DEAL). The gentleman from Arizona [Mr. KOLBE] has 4 minutes remaining.

Mr. DREIER. This special order is going to be ending in just a few minutes. I will say that I am up for the next special order. I do not plan to take the entire hour, but I will take a few minutes if we go over, because my friend from Tucson has given us, as I have repeatedly stood here in the well during the 1-minute speeches in the morning, and talked about some specific instances of job creation that has already taken place right here in the United States due to the export of U.S. manufactured goods and services.

I have talked often about some minority-owned businesses here in the United States in California and Texas and other areas.

I would like for a few minutes to talk about some businesses which are from parts of the country that has their representative often very critical of NAFTA, because there have been some large plant closures in those areas and some movement to Mexico.

One of them is a company called the Genpak Corp. which happens to be in Glens Falls, NY.

Now, Glens Falls, NY, is represented by my extraordinarily good friend and leader in the Rules Committee, Mr. SOLOMON.

Well, I was struck when I saw this here, because he has talked about the shift of his GE plant to Mexico. He has talked about the impact of Eastman Kodak and some others that have been moving, and I am very sympathetic with the concerns that many of his constituents have raised, but that is why I was very surprised when I saw this report from the Genpak Corp., located in Glens Falls.

Dick Daniels, the vice president for marketing for this company which manufactures disposal food service products, said:

> Our Mexican sales have allowed us to increase the size and efficiency of our U.S. plants because we have needed to purchase more, newer, and better equipment to satisfy the burgeoning Mexican demand for our products.

So clearly, in Glens Falls, NY, jobs have been created in the disposable food service product area by the Genpak Corp. because of their export of goods to Mexico.

Now, think about it. On average there is a 10-percent tariff, and with that 10-percent tariff they still have had an increase. With the implementation of NAFTA, think about how many more jobs they are going to be able to create there.

At Mount Kisco, NY, a battery manufacturer called Multiplier Industries Corp. has as its vice president, Elaine Ullrich saying:

> There is a wealth of opportunity in Mexico for our type of industry. We are only hitting the tip of the iceberg in regard to exploring what's out there. If our business continues to grow with Mexico, we could easily be hiring an additional 15 people by June of this year.

That is right here in the United States, in Mount Kisco, NY.

Then locally here in Winchester, VA, Rubbermaid Commercial Products, and I met the president of that operation just recently when I was giving a speech downtown talking about some other issues.

In April 1990 they entered into an agreement with Grupo San Cristobal to market Rubbermaid products through its commercial division in Mexico.

So Rubbermaid is selling a wide range of products within Mexico. Those products are created by people in the United States of America who have jobs based on that.

We have heard time and time again that for every $1 billion in exports, we create 20,000 jobs right here in the United States.

On average, the wage rate for those people who are manufacturing goods that are exported are 17 percent higher than those who are manufacturing items that are simply for domestic consumption here in the United States.

Mr. DORNAN. Mr. Speaker, if the gentleman will yield, may I ask just a quick question before the gavel comes down.

When will we get to debate this on the House floor, may I ask the gentleman from Arizona [Mr. KOLBE]?

Mr. KOLBE. I think if the timetable holds true, we should have this submitted to the Congress shortly after we come back from the August recess and a vote on this in October of this year.

Mr. DORNAN. Then the million people who watch the proceedings here tonight have time enough to study this issue in depth and stay up with us.

Mr. KOLBE. Mr. Speaker, I thank both gentlemen for their contributions to this debate.

FURTHER OXFORD STYLE DEBATE ON NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER. Mr. Speaker, I do not want to take the entire time. I just want to use a couple minutes for some other salient examples.

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

Mr. DREIER. I am happy to yield to my colleague, the gentleman from Arizona.

Mr. KOLBE. Mr. Speaker, I have a couple points I would like to share, but I think the point that needs to be made in the ones the gentleman was talking about there, these are not big companies necessarily. This is not General Motors.

Mr. DREIER. Well, some of them are big. Rubbermaid is pretty big.

Mr. KOLBE. But they are not always big companies.

Here is a company called Stratus Specialty Vehicles in Kansas City, MO. They are an ambulance manufacturer.

Mr. DREIER. This is interesting. My original hometown.

Mr. KOLBE. Well, Cordsman Manufacturing in my town also rehabilitates ambulances for sale in Mexico. Virtually all their business now is in Mexico.

But here is Stratus. It is a small family owned ambulance manufacturer, made its first sale in 1989. It had a follow-up sale in 1990. Now it has more than a $250,000 business, small potatoes in a lot of ways, but for Stratus it is a big amount.

The president of it, Gene Nicely said:

> As a small company, it is hard to go after European dollars, but Mexico is close by. Free trade will really open a lot of doors in medical equipment and vehicle transportation. It could increase our volume and sales and, of course, jobs.

The point is if you are General Motors, if you are Du Point, if you are Procter & Gamble, you can afford the capital investment necessary to establish a plant down in Mexico; but if you are Stratus Specialty Vehicles, you cannot put a plant down in Mexico. You need to be able to do your business in the United States and sell into Mexico, and that is what the free trade agreement is about, selling our products in Mexico, taking the tariffs off our products to go to Mexico and being able to increase our sales in Mexico.

Mr. DREIER. Mr. Speaker, I thank my friend for his contribution.

I do not think there is an American who is not familiar with the "I Can't Believe It's Yogurt" operation. I see it out at Dulles Airport. I will tomorrow morning as I get ready to fly back to Los Angeles. We see them all over the country.

Jim Amos, who is the president of their international division, said:

> Mexico is a natural extension of the U.S. market, especially for Texas companies. It's close geographically, and the Mexican economy is becoming more and more linked to the global business community. We anticipate continued increases in our Mexico business, and see our efforts there as a springboard to the rest of Latin America.

□ 1910

And I think one of the important points that needs to be made here is that there are some who are opponents to NAFTA who literally want to see us stick our heads in the sand and believe that we can be totally self-sufficient here. You know, we have heralded the developments that have taken place since the revolution of 1989 due to satellite technology, and cellular telephones, and fax machines, and CNN, and all of these things that helped bring down the Berlin Wall, and the world has shrunk. We have seen the emergence of the largest economic bloc in the history of the world with EC-92. We see our friends in the Pacific rim coming together, and, if we think that we can stand alone here in the United States without taking advantage of both labor forces and markets in this hemisphere, we are doing it to the detriment of the United States of America, and clearly this agreement will, based on virtually every assessment that I have seen, create upwards of a half a million jobs right here in the United States of America.

I support NAFTA because I want to increase jobs in the United States and decrease the flow of illegal immigration from Mexico to the United States, and I yield to the gentleman from Arizona.

Mr. KOLBE. I think that is the bottom line of what both of us are talking about here today.

It occurs to me that one of the places we have seen a lot of opposition to the North American Free-Trade Agreement is if a State like South Carolina where Roger Milliken, one of the major textile apparel manufacturers, has opposed vigorously the free trade agreement, but in reality most of the textile industry in the United States will benefit tremendously from the export of fabric, thread, equipment, to Mexico, and I notice here one company, Textile Machines Imports Exports Co. of Roebuck, SC. It is a minority-owned company, and Victor Leblond, who is the president of this company, he has been exporting textile machinery to Mexico for 18 years. It is a minority-owned company, employs about 20 people who rebuild textile machinery for export. It sells to a lot of other companies, in Asia, in Latin America. But 20 percent, 20 percent of his $4 million sales; that is about $800,000, goes to Mexico. So, you could say roughly, if you translate that into 20 people, 20 percent of four of the jobs in his company depend on the sales that he is doing with Mexico, and he expects to increase that substantially over the next couple of years down there in Mexico.

So, the opportunities for providing new jobs for people in the textile industry, for minority workers in the inner city, for people in the Midwest, on the border, in the Southwest and all over this country are very, very tremendous.

Mr. DREIER. I would like to point to another couple of very important examples in my State of California, one further north. There is a man called Roger Baccigaluppi who happens to be the president and CEO of Lou Diamond Growers, the tree nut marketer, and one of the interesting things we have heard is some criticism from some in the agricultural industry, especially in my State, and I know some in Arizona who are concerned about this, and yet the statement that Mr. Baccigaluppi made on this is very interesting. He said: "As one of the major exporters in the United States, Blue Diamond depends on International trade to remain competitive. Almonds are California's largest food export and the sixth largest U.S. food export. Current tariffs," and this is what we have been talking about for the last period of time here, the average 10-percent tariff on goods going into Mexico—"Current tariffs restrict the quantity of United States almonds into Mexico. The elimination of tariffs, through a free trade agreement, would result in increased exports for U.S. growers."

And then we look at the lumber industry, Cal State Lumber Sales in San Ysidro, CA.

Mr. KOLBE. By the way, that is an extraordinarily interesting company. I have worked with that company on a lot of things, some environmental things. They have had some very interesting case studies with that as to how they have dealt with the environmental problems.

Mr. DREIR. This is Cal State?

Mr. KOLBE. Cal State, Cal State.

Mr. DREIER. It is amazing that the director of international relations is someone with whom I am sure you met, Mary Alice Acevedo.

Mr. KOLBE. She is terrific. I am sure you have met her at the Border Trade Alliance meetings. She is a wonderful person.

Mr. DREIER. She really is, and her statement on this particular issue is key. She says Mexico has allowed us to remain competitive because of supplier contracts with two Mexican firms in Tijuana. Sales, and remember this is a U.S. business, sales have increased by 700 percent and employment by 30 percent. The free-trade agreement will open up that market even further. Everything we purchase from lumber to equipment is U.S. made. We buy lumber from the several mills. These jobs which are destined for Mexico have helped the mills—these sales, excuse me, these sales which are destined for Mexico, have helped the mills keep United States workers on the job, and that is why, you know, as we listen to these arguments constantly that jobs have fled to Mexico, we acknowledge that many jobs have gone to Mexico today. But the reason for that has been the opportunity to take advantage of the U.S. market and, by zeroing out the tariffs that exist between the two countries, it is clear that this is what we like to describe as a win/win situation.

As my friend said, it is not a zero-sum gain. There can be benefits to both sides.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding and for his contributions. He said it more succinctly than I think anybody else could say it, and I would just close with one other little anecdote or story. It is a personal one from that same trip that I took to Hermosillo. I was being taken around to see some of the projects that are being done down there, and one of them was the construction of a country club in Hermosillo. It is going to be really the first de luxe class country club. They are trying to build this entire 18 hole golf course and put in the infrastructure for fairway homes in the course of 10 months time. There were on the day that I was there more than 100 pieces of Caterpillar equipment rushing, roaring around the place, moving earth here and there. It is the first construction job in Mexico done by Peter Hewitt who I think the gentleman may know is one of the largest contractors in the United States. They are fascinated—they are not fascinated. They are watching this project very closely because they intend to stay in Mexico if this is successful because they know the kind of construction work that is going to be done down there. So, here is a hundred pieces of Caterpillar equipment. They are going to be staying down there in Mexico doing other road jobs, other sewage treatment plant jobs, other hotel construction jobs, other fairways, and golf courses and country club jobs. There is a hundred pieces of equipment from Caterpillar that is going to be staying down there, and the bottom line is in 1991 Caterpillar sold 360 million dollars' worth of equipment that went to Mexico.

That is one company, one country: $360 million. A lot of jobs in Decatur and Peoria, IL, depend on doing that business with Mexico.

Mr. DREIER. As they say on the television programs, my friend has had the last word. I want to thank him for his participation in this and say that we do look forward to having a full debate with our colleagues who are clearly opponents, and we respect those who oppose NAFTA. We look forward to having an exchange with them.

I thank my friend from New York and my friend from Colorado for their forbearance.

RADIO AND TV MARTI FUNDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognize for 60 minutes.

Mr. SKAGGS. Mr. Speaker, I wanted to address the House on a matter that has really been brought to the public's attention through a press release that was put out earlier today by the Cuban-American National Foundation with respect to event that occurred in the House and debate and action earlier this afternoon on the appropriations bill for fiscal 1994 for the Commerce, Justice, State Department and the Judiciary, and I need to set some background in getting into the real subject matter this evening.

As we are all quite well aware, this is a very difficult budget year for us to work in. We are faced with an absolute cap on discretionary spending, less next year than this year, and on for the next 5 years. Each of the appropriations subcommittees, therefore, has really been put to the test of trying to prioritize, find places to save money, identify lower priority programs so that we are able to shift funds to programs that we feel are more vital to the national interest.

□ 1920

In connection with going through the programs within the jurisdiction of the Commerce, Justice, State Subcommittee on which I am a member, I looked at a whole range of potential areas for reductions in spending and came up with a total of about $200 million that I proposed in cuts so that we could accomplish our mission this year under the limits of the Budget Act.

Among the cuts that I proposed to my colleagues on the subcommittee were the funds that had been tentatively identified for Radio Marti and TV Marti broadcast services financed by the United States Government directed at Cuba.

It is really the issue of funding for Radio and TV Marti that prompted the events that I want to address from earlier today. I think it is important, first of all, to establish some of the reasons that it seemed to me that both of these programs were reasonable candidates for elimination, so that we might have more FBI agents or have more efforts made in applied technology or a whole range of other programs that were otherwise going to be shorted more than they already are in the Commerce, Justice, State bill.

TV Marti, very briefly, a particularly dubious program that was being broadcast through a tethered balloon down off the Florida Keys into Cuba, only able to be broadcast between 3 and 6 a.m., the signal being jammed fairly effectively most of the time by the Cuban Government. We were broadcasting on a channel that was allocated to Havana television. Legitimate questions were raised because of our membership in the International Telecommunications Union whether or not we were in violation of international telecommunications requirements in conducting this activity.

It was very expensive per program hour. To top it all off, the programming really was of a very questionable standard, things like, I am told, Popeye cartoons and the lives of the rich and famous, things that probably are not going to make a great deal of difference in an informed political climate in Cuba.

So that was one program I proposed for elimination in subcommittee. My colleagues went along with the suggestion.

They also agreed to eliminate funding for Radio Marti. Let me just again lay a little bit of the groundwork as to why the several million dollars that were proposed for Radio Marti also struck me as a very likely candidate for reductions in funding, given this very difficult budget year we are in.

First of all, it costs too much. The National Association of Broadcasters reports, for instance, that the average commercial radio station is large markets in this country spends about $5 million a year. Radio Marti, on the other hand, was spending over $20 million a year. Even at the reduced level that was ultimately suggested by the full Committee on Appropriations last week, we would be paying double the private sector standard for the broadcasts going out of Radio Marti.

Its 1994 budget contains a number of seemingly excessive or unnecessary expenses. For instance, some $300,000 for talent involved in panel discussions and commentaries. Certainly by my experience I think most of us know that most reputable commercial news agencies do not have to pay for guests or interviews.

Some $8 million for its employees. With some 150 employees, that is an average salary and benefits of over $50,000 a year. And $342,000 for audience research. With the audience in Cuba, it is questionable, it seems to me, how you are practically able to apply those funds to that purpose. Close to $1 million for technical operations, for which the average radio station in this country pays some $40,000 a year. I wonder why Radio Marti needs to spend so much for a transmitter? A transmitter is a transmitter, regardless of where it is broadcasting. Even on a percentage kind of calculation, Radio Marti's engineering costs were extraordinarily high.

They were also proposing to spend over $200,000 for domestic interviewers. I am not sure what those folks do. Anyway, there were substantial costs associated with this program.

If it were a unique program and one of proven effectiveness that was providing a service that was not being furnished in any other fashion, we might be able to rationalize those kinds of costs. But I think it comes up short there as well.

The Federal Communications Commission estimates there are 23 commercial radio stations in south Florida that reach Cuban listeners. Nine of them broadcast in Spanish, and five of the Spanish language stations have primarily a news or a news-talk format, presumably a source of much the same kind of public information, news, and

analysis that is the mission of Radio Marti.

Radio Marti also thinks that these stations reach Cuba, in that it has leased time itself on two of them to broadcast its own programs.

The signals of Radio Marti are often jammed, and that jamming sheds some doubt on the claim that 70 percent of the Cuban population regularly listens. According to their budget request, overcoming jamming has become Radio Marti's top priority. one wonders if that is the problem, again given the other sources of free radio signals into the Cuban market, whether this is a particularly cost effective program.

Its assertion of audience size is also quite questionable. There is no way of validating this, obviously. There is no Nielsen ratings for Cuba. But the widely quoted statistic that 70 percent of the Cuban people listen to Radio Marti seems to be based primarily on a 1991 survey of some 487 Cubans seeking asylum in this country, which may not be an entirely objective pool of respondents.

The quality of programming for Radio Marti has also raised numerous allegations of unsound practices and questionable contracts, incompetence, and censorship. Violations of Federal rules and regulations appear to be a serious problem there.

The former director of Radio Marti, Ernesto Betancourt, who resigned in 1990, charges that he was ousted because he refused to promote the political aspirations of Cuban-American hardliners. The former director of the Office of Cuban Broadcasting also resigned earlier this year, citing conflicts within TV and Radio Marti over their coverage of the Cuban-American community in Miami.

Finally, a reporter in my area of the country who was recently in Cuban for an extensive assignment reports that from the interviews done by this reporter, anyway, the Cubans are really a pretty sophisticated media audience; that they discount or distrust all government-generated media, whether it comes from Cuba or the United States; and they do in fact rely mainly on other sources of information, including a very effective underground grapevine that taps into CNN signals and newspapers coming in from Miami and so forth.

Anyway, for all of those reasons, it just seemed to me, given our shortages of funding for a whole range of vital national programs, that these were two programs that could well stand to be eliminated without seriously jeopardizing our national interest.

So in view of that, I was particularly startled earlier today when my colleague, the gentleman from Florida [Mr. DIAZ-BALART], approached me on the floor of the House and expressed his strongest possible objection to my plan to try to delete funding for Radio Marti from this appropriations bill which we had under debate earlier this afternoon. He said that he did not intend to threaten me, but that if I followed through with my plans, he would do all he could to go after everything he could find that was important to me.

He argued that I should back off of my objection to Radio Marti funding because it was the most important program to him and the Cuban-Americans that he represents, while cutting the program I conceded was certainly not the most important issue in the world for me, although I thought it was the appropriate thing to do.

I attempted to explain that this involved matters of national interest because of its obvious fiscal and foreign policy dimensions, and that therefore this was not just a project in a Member's district about which arguably he was due some particular deference, but rather that each Member of the House had a legitimate basis to address the issue. I told Mr. DIAZ-BALART that I planned to proceed with my challenge to Radio Marti funding.

□ 1930

Later this afternoon, he proceeded to raise a point of order against some $62 million in construction funding for the National Institute of Standards and Technology, known by its acronym NIST, about half, less than half of which was probably going to NIST facilities in the district I represent in Colorado.

As the Speaker is aware, that point of order was sustained and the money was stricken from the bill. Sometime later, the work on this bill was suspended before the House had even reached the portion of this appropriations bill involving funding for Radio Marti. We are expected to resume it when we return from the Fourth of July work period on July 13 or 14.

In any case, I was greatly disturbed and saddened that the normal legislative business of this House should have been subjected to this kind of retributive tactics and would not have requested this time on special order but for the fact that the Cuban-American National Foundation proceeded to issue a press release crowing over the success of Representative DIAZ-BALART in attacking a program presumed to be important to me because of my stated intention to deal with funding for Radio Marti.

As the press release reads,

> Colorado Rep. David Skaggs' opposition to peaceful U.S. radio broadcasting to Cuba has apparently cost his district $23 million in federal funds. The money was earmarked to build a national Institute of Standards and Technology facility at a Boulder-area university. During today's House debate on the fiscal year 1994 appropriations bill, Mr. Skaggs announced his intention—

By the way, I did not so announce, in any case.

> Announced his intention to eliminate $8.7 million in Federal funds for the continuation of Radio Marti.

It goes on,

> The NIST project was subsequently excised in a point of order by Cuban American Rep. Lincoln Diaz-Balart (R-FL), a firm backer of Radio Marti and freedom for Cuba, after Rep. Skaggs rebuffed Rep. Diaz-Balart's attempts to reach a compromise on cutting Radio Marti.

Let me just say, I wish there were grounds or an opportunity for compromise. It was basically my understanding of my colleague's proposition to me that I either back off or else. There was not much of an opportunity to compromise.

Perfectly legitimate for Mr. DIAZ-BALART to raise the point-of-order that he did. The program, the NIST construction money that he attacked, has not been specifically authorized in statute so, under the rules of the House, there was nothing intrinsically improper about the move against the NIST funding.

It is troubling, though, that given this press release, his motivation seems to be not that he objects to funding for the National Institutes for Standards and Technology but that he objects to me and the way I try to carry out my responsibilities as a member of the Committee on Appropriations.

I think it is sad and unfortunate that given the necessary give and take of the legislative process in the House, with Members' deeply held views and principles in the balance, that matters might degenerate into any kind of vindictiveness along these lines.

Certainly, the alliances and the antagonisms that exist in this House shift and realign day to day, as different issues come before us. I think we all have to keep in mind that those with whom we may disagree today will be our allies on another issue tomorrow, and it is essential to and really critical for us to keep in mind the paramount requirement for civil discourse, if this legislative body is to carry out its responsibilities in a respectful and respectable way.

To use the old aphorism, we need to be able to disagree without being disagreeable.

My colleague, the gentleman from New York [Mr. SERRANO], has been kind enough to join me on the floor this evening and has some substantial experience of his own with respect to these issues.

I yield to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. First of all, let me commend the gentleman on two points that I think are extremely important.

First of all, for his ability to stay totally calm, cool, and collected during what I know is a very difficult situation, a situation which requires for many Members to be very concerned about the kind of actions that were

taken today and, actually, to be very upset.

But at the same time, I also feel that it was important for him to take the time to put forth this information.

The problem, having said those two things, is that I am almost tempted to sort of smile a little bit and say, "Welcome to the club." There is a situation that exists in our country which is well known in some communities and totally unknown in others, that there is a group called the Cuban-American National Foundation which uses difficult, difficult tactics whenever you disagree with them on any policy that has to deal with the Island of Cuba, its present, its future and, in many cases, even its past.

This group is one that is funded through private contributions as well as receives government monies. It receives grants from the National Endowment for Democracy. It receives grants in an indirect way through Radio and TV Marti, because the chairman of the Cuban-American National Foundation is also the chairman of the board of TV Marti and the chairman of the board of Radio Marti. And so it all becomes a conglomerate, more or less, used to put forth a policy, a philosophy towards bringing about political changes in Cuba.

That is OK. Interestingly enough, if we were to discuss it, the gentleman from Colorado, myself and members of the Foundation would agree on political changes in Cuba. What we do not agree on and what the gentleman is now a member of the particular club is that if you disagree in any way, shape, or form, you are questioned not on that particular action you took, in this case Radio and TV Marti, but in many cases you are labeled.

I cannot tell you how many times people I know are labeled on Spanish radio as being Communists because they may oppose, for instance, the embargo, the trade embargo on Cuba.

Article after article and publication after publication will indicate that this Foundation continues to attack anyone who disagrees with them.

Just last August, the Americas Watch and the Fund for Free Expression conducted a study within our borders of human rights and civil rights violations. These are organizations that traditionally tell us what is going wrong in other countries.

These two groups said that in Miami, there was an abuse of human rights, documenting a campaign of intimidation and terror and criticizing U.S. Government encouragement primarily through funding of groups that are closely identified. And this group, in particular, with efforts to restrict freedom of expression. And the principal example, says the report, is money granted to such groups as the Cuban-American National Foundation.

On the issue of Radio and TV Marti, I have stated before in public and taken extreme amounts of heat for it that this is an electronic toy created for this Foundation to put forth their policies towards what the future of Cuba should be like.

If my colleague would permit, I think that if anybody in this country wants to get an electronic toy, they should get a Radio Shack credit card and not come here and get funded and then use this little toy to promote a policy without giving full support to people who may have a different view.

Now, we are not discussing the policy of Cuba. Let us take a second to talk about that, because I think that is important. It is at the bottom of all this.

□ 1940

For 30-odd years we have had an embargo on Cuba. Radio and TV Marti are part of a failed policy. Why is it a failed policy? Simple. If the intent of all our acts on foreign policy toward Cuba was to bring about a political change, we failed. There has been no political change. The political change that may come will come as a direct result of political changes in the Soviet Union which can no longer assist the Cuban economy.

It was not our policy that created that, it was the lack of somebody else's future policy that created it.

As the gentleman has stated, in Miami right now there are about five radio stations that beam into Cuba on a daily basis. Those radio stations, because of the Foundation's influence in Miami, I will tell the Members, are not allowed to spend 1 minute of the day saying that anything positive could be going on in Cuba, or worse, that there could be a new American policy to solve the problem of the relationship between Cuba and the United States.

What is the need for TV and Radio Marti? Only that it is a tool for some people to stay in power, locally. These people make no secret about the fact that, should there be a political change in Cuba, they want to return and establish themselves as the new government. This is what we are talking about here.

The gentleman is courageous enough to stand up and say, "We are in a cost-cutting mood. There are changes that have to take place." For the first time this year, I joined the gentleman on the Committee on Appropriations, and was saddened to see that, as a Representative of the poorest district in the Nation, the South Bronx, the poorest district in the Nation, the moneys were extremely short in talking about housing and social services and education.

Now we are spending all these dollars for what is a failed policy and a waste of time. He was correct in bringing up those questions. What he did not anticipate, perhaps, is that now he finds himself on the list of enemies for the Cuban-American National Foundation, and the lack of tact, the lack of democratic principle to immediately put a press release into a Member's district and to try to intimidate him in that way—they have a right to do that, this is a democracy. Unlike them, we believe that you can do that whenever you want, but we believe you can disagree.

The gentleman disagreed, and for that, they will try to make him pay a price. Again, welcome to the club. There are so many of us who, any time we turn on the radio, find attacks about what we stand for.

I want to really congratulate the gentleman for putting forth today's conversation, and to tell the gentleman that I stand shoulder-to-shoulder with him in making these questions and continuing to make these questions, and to alerting people, perhaps starting today, that there exists within our borders a group of people who have set policy—past administrations have allowed them to set policy toward Cuba, and that has to end; that they can become part of a lot of voices who will determine what the future of Cuba should look like, including people who live in Cuba right now.

Mr. SKAGGS. I am very grateful for the gentleman's comments. Let me just say, I do not think there should be any question or doubt left in the minds of anyone that may be listening to us this evening, that no one is here to suggest that anything but our wholehearted endorsement of the need for change in the government and the economic policies of Cuba. I want to make sure that there is no doubt about that. I am a strong supporter for free institutions there, as we all are elsewhere in the world.

The question in my mind was the effectiveness of spending millions of dollars on these programs to accomplish that purpose, and clearly, that effectiveness had not been demonstrated. In these difficult budget times, it seemed to me that there was an area where we could save some money and not jeopardize our national interests.

I am grateful to the gentleman. I believe he feels the same way about our basic objectives here. It is not what our goals are with respect to a free Cuba, but how we use scarce taxpayer dollars to effectuate those goals.

Mr. SERRANO. I am totally in agreement. One of the things that I had mentioned to the gentleman before is that if you happen to listen to shortwave radio, you will hear there is a lot of communication between the United States and Cuba. This, as he well pointed out, is something that is not necessary.

Interestingly enough, not that we negotiate with individuals we do not deal with, that we do not recognize as leaders, anyway, but when TV Marti came in it created such a difficulty in Cuba that the Cuban Government then started jamming Radio Marti, and on many

occasions had said, "If you lift TV Marti, we will stop jamming Radio Marti."

So to that extent, what we are doing is creating another layer on top of what we already had because we were not allowing either one of our institutions to get in.

As you well know, TV Marti at times is ridiculous. A balloon up in the air is called Fat Albert, and every so often it gets loose and we have to chase it all over the Florida Keys and the Everglades to bring it back so they can broadcast Popeye cartoons at 3 o'clock in the morning.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BLUTE (at the request of Mr. MICHEL), for today, on account of bringing home his first baby from the hospital.

Mr. HOUGHTON (at the request of Mr. MICHEL), for today, on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KOLBE) to revise and extend their remarks and include extraneous material:)

Mr. MCCOLLUM, for 60 minutes each day on today and July 13, 14, 20, and 21.

Mr. KOLBE, for 60 minutes, today.

Mr. DREIER, for 60 minutes, on today and July 15.

Mr. KIM, for 5 minutes, on July 14.

(The following Members (at the request of Mr. MINGE) to revise and extend their remarks and include extraneous material:)

Mr. MINGE, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. BLACKWELL, for 60 minutes, today.

Mr. TOWNS, for 60 minutes, on July 13 and 14.

Mrs. CLAYTON, for 60 minutes, on July 27 and 29.

Mr. OWENS, on July 1, 2, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, and 30.

(The following Member (at the request of Mr. MINGE) to revise and extend his remarks and include extraneous material:)

Mr. SKAGGS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KOLBE) and to include extraneous matter:)

Mr. CAMP.
Mrs. ROUKEMA.
Mr. ROTH.
Mr. MOORHEAD.
Mr. SOLOMON.
Mr. HOKE.
Mr. GOODLING in two instances.
Mrs. MORELLA.
Mr. STUMP.
Mr. FIELDS of Texas.
Mr. GALLEGLY.
Mr. DICKEY in two instances.
Mr. SCHAEFER.
Mr. BEREUTER in three instances.
Mr. COLLINS of Georgia.
Mr. TAYLOR of North Carolina.
Mr. GINGRICH.
Mr. GEKAS.
Mr. GILMAN in two instances.
Mr. ROHRABACHER.

(The following Members (at the request of Mr. MINGE) and to include extraneous matter:)

Mr. NATCHER.
Mr. SWETT.
Mr. SAWYER, in two instances.
Mr. BARCIA.
Mr. TOWNS.
Mr. ROSE.
Mr. ROWLAND.
Mr. STARK, in three instances.
Ms. SLAUGHTER.
Mr. GLICKMAN, in two instances.
Mr. RANGEL, in two instances.
Ms. BYRNE.
Mr. KANJORSKI, in two instances.
Mr. FAZIO.
Mr. HAMILTON, in four instances.
Mr. ENGEL, in two instances.
Mrs. KENNELLY.
Mr. DEFAZIO.
Mr. LANTOS, in two instances.
Mr. FORD of Michigan.
Mr. NEAL of Massachusetts.
Mr. LAFALCE.
Mr. MAZZOLI.
Mr. ORTIZ.
Mr. MINGE.
Mr. DE LUGO.
Mr. RICHARDSON.

(The following Members (at the request of Mr. SKAGGS) and to include extraneous matter:)

Mr. HUGHES.
Mr. KREIDLER.
Mr. TAYLOR of North Carolina.
Mr. KLEIN.
Mr. MICHEL.
Mr. MARKEY.
Ms. MOLINARI.
Mr. HOCHBRUECKNER.
Mr. KILDEE.
Mr. FAZIO.
Mr. TRAFICANT.
Mr. PAYNE of Virginia.
Mr. LEWIS of Georgia.
Mr. LEHMAN.
Mr. EDWARDS of Texas.
Mr. JACOBS.
Mr. CHAPMAN.
Mr. GILLMOR.
Mr. GUTIERREZ.
Mr. CONDIT.
Mr. PORTER.
Mr. GONZALEZ.
Mr. KENNEDY.
Ms. PELOSI.
Mr. BILBRAY.
Mr. FINGERHUT.
Mr. LIPINSKI.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 88. Joint resolution to designate July 1, 1993, as "National NYSP Day."

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 765. An act to resolve the status of certain lands relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36), and for other purposes.

H.R. 1876. An act to provide authority for the President to enter into trade agreements to conclude the Uruguay Round of the 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.

H.R. 2118. An act making supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

ADJOURNMENT TO TUESDAY, JULY 13, 1993

Mr. SKAGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. DEAL). Pursuant to the provisions of House Concurrent Resolution 115 of the 103d Congress, the House stands adjourned until 12 noon, Tuesday, July 13, 1993.

Thereupon (at 7 o'clock and 46 minutes p.m.), pursuant to House Concurrent Resolution 115, the House adjourned until Tuesday, July 13, 1993, at 12 noon.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 State. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true

faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 103d Congress, pursuant to the provisions of 2 U.S.C. 25:

PETER W. BARCA, First District, Wisconsin.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1520. A letter from the Chief Financial Officer, Department of State, transmitting a violation of section 3679 of the Revised Statutes (31 U.S.C. 1517), pursuant to Revised Statutes, section 3679(e)(2); to the Committee on Appropriations.

1521. A letter from the Department of Defense, transmitting the Department's Defense Manpower Requirements Report for fiscal year 1994, pursuant to 10 U.S.C. 115(a); to the Committee on Armed Services.

1522. A letter from the Acting President, Thrift Depositor Protection Oversight Board, transmitting the annual report of the Board, pursuant to section 21A(k)(4) of the Federal Home Loan Bank Act; to the Committee on Banking, Finance and Urban Affairs.

1523. A letter from the Acting President, Thrift Depositor Protection Oversight Board, transmitting the annual report of the Oversight Board on the Resolution Funding Corporation for the calendar year 1992, pursuant to Public Law 101-73, section 511(a) (103 Stat. 404; to the Committee on Banking, Finance and Urban Affairs.

1524. A letter from the Acting President, Thrift Depositor Protection Oversight Board, transmitting the audited financial statements of the Resolution Trust Corporation as of December 31, 1992, and for the year then ended, pursuant to section 21A(k)(1)(A) of the Federal Home Loan Bank Act; to the Committee on Banking, Finance and Urban Affairs.

1525. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to Australia (Transmittal No. 7-93), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1526. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Australia (Transmittal No. 8-93), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1527. A letter from the Director, Defense Security Assistance Agency, Transmitting the Department of Air Force's proposed lease of defense articles to the Coordination council for North American Affairs (Transmittal No. 6-93), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1528. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to the Republic of Korea (Transmittal No. DTC-29-93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1529. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to the United Kingdom (Transmittal No. DTC-33-93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1530. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Taiwan (Transmittal No. DTC-23-93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1531. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to the Netherlands (Transmittal No. DTC-31-93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1532. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on missile proliferation, pursuant to 22 U.S.C. 2776b(a)(1); to the Committee on Foreign Affairs.

1533. A communication from the President of the United States, transmitting a report on U.S. peacekeeping contributions and the use of U.S. Armed Forces in Somalia (H. Doc. No. 103-107); to the Committee on Foreign Affairs and ordered to be printed.

1534. A letter from the Director, U.S. Information Agency, transmitting a draft of proposed legislation entitled "United States International Broadcasting Act of 1993"; to the Committee on Foreign Affairs.

1535. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

1536. A letter from the National Council on Radiation Protection and Measurements, transmitting the 1992 annual report of independent auditors who have audited the records of the National Council on Radiation Protection and Measurements, a federally chartered corporation, pursuant to Public Law 88-376, section 14(b) (78 Stat. 323); to the Committee on the Judiciary.

1537. A letter from the Counsel, National Tropical Botanical Garden, transmitting the annual audit report of the National Tropical Botanical Garden, Calendar Year 1992, pursuant to Public Law 88-449, section 10(b) (78 Stat. 498); to the Committee on the Judiciary.

1538. A letter from the Secretary, Department of Transportation, transmitting a report entitled "Value Engineering on Federal-Aid Projects," pursuant to Public Law 102-240, section 1091(b) (105 Stat. 2024); to the Committee on Public Works and Transportation.

1539. A letter from the Acting Administrator, General Services Administration, transmitting an informational copy of a lease prospectus, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1540. A letter from the Railroad Retirement Board, transmitting the 1993 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; jointly, to the Committees on Ways and Means and Energy and Commerce.

1541. A letter from the Secretary of Energy, transmitting a report entitled "Comprehensive Report to Congress: Proposals Received in Response to the Clean Coal Technology V Program Opportunity Notice"; jointly, to the Committees on Appropriations, Energy and Commerce, and Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.J. Res. 208. Resolution disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; adversely (Rept. 103-167). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 1804. A bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications, and for other purposes, with amendments (Rept. 103-168). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUGHES (for himself and Mr. BERMAN):

H.R. 2576. A bill to amend title 17, United States Code, to provide an exclusive right to perform sound recordings publicly by means of digital transmissions; to the Committee on the Judiciary.

By Mr. ALLARD:

H.R. 2577. A bill to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado; to the Committee on Natural Resources.

By Mr. BEVILL:

H.R. 2578. A bill to ensure fair resolution of commercial disputes between United States firms and Saudi Arabia; to the Committee on Foreign Affairs.

By Mr. DE LA GARZA (for himself, Mr. ENGLISH of Oklahoma, Mr. GLICKMAN, Mr. VOLKMER, Mr. PENNY, Mr. JOHNSON of South Dakota, Mr. SARPALIUS, Ms. LONG, Mr. PETERSON of Minnesota, Mrs. CLAYTON, Mr. MINGE, Mr. HILLIARD, Mr. INSLEE, Mr. BARLOW, Mr. HOLDEN, Ms. MCKINNEY, Ms. THURMAN, Mr. THOMPSON, Mr. BISHOP, Mr. FARR, Mr. WILLIAMS, Ms. LAMBERT, Mr. CONDIT, Mr. POMEROY, Mr. EMERSON, Mr. GUNDERSON, and Mr. NUSSLE):

H.R. 2579. A bill to extend to 1993 and subsequent crops the disaster assistance provisions of the Food, Agriculture, Conservation,

and Trade Act of 1990; to the Committee on Agriculture.

By Mr. DEFAZIO (for himself, Mr. WYDEN, Mr. KOPETSKI, and Ms. FURSE):

H.R. 2580. A bill to amend the Federal Water Pollution Control Act relating to Federal facilities pollution control; to the Committee on Public Works and Transportation.

By Mr. DUNCAN:

H.R. 2581. A bill to direct the Secretary of Transportation to make a grant to the State of Tennessee for the purpose of erecting a highway sign to inform motorists of the location of the Living Heritage Museum in McMinn County, TN; to the Committee on Public Works and Transportation.

H.R. 2582. A bill to direct the Secretary of Transportation to make a grant to the State of Tennessee for the purpose of erecting a highway sign to inform motorists of the location of Blount Mansion in Knoxville, TN; to the Committee on Public Works and Transportation.

By Ms. ESHOO (for herself, Mr. HAMBURG, Ms. PELOSI, Ms. WOOLSEY, Ms. SCHENK, Mr. FRANK of Massachusetts, Mr. OWENS, Mr. TOWNS, Mr. STOKES, Mr. FILNER, Mr. STARK, Mr. WAXMAN, Mr. BERMAN, Mr. BEILENSON, Mr. MINETA, Ms. HARMAN, Mr. BROWN of California, Mr. EDWARDS of California, Ms. ROYBAL-ALLARD, Mr. LANTOS, Mr. DIXON, Mr. MATSUI, Mr. TORRES, Mr. HASTINGS, Mr. HINCHEY, Mr. FAZIO, Mr. BECERRA, and Ms. WATERS):

H.R. 2583. A bill to establish a California ocean protection zone, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Natural Resources.

By Mr. FOGLIETTA (for himself and Mr. BORSKI):

H.R. 2584. A bill to amend the Internal Revenue Code of 1986 to provide equity in medical benefits for retirees in multiemployer plans; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. GEKAS:

H.R. 2585. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 to provide for fixed deficit targets to reduce the deficit to zero by the end of fiscal year 2000; to the Committee on Government Operations.

By Mr. GLICKMAN (for himself, Mr. GEKAS, and Mr. KANJORSKI):

H.R. 2586. A bill to reorganize the Federal administrative law judiciary, and for other purposes; to the Committee on the Judiciary.

By Mr. GLICKMAN (for himself, Mr. FIELDS of Texas, Mr. SLATTERY, Mrs. MEYERS of Kansas, Mr. ROBERTS, Mr. PENNY, Mr. TANNER, Mr. BEREUTER, Mr. SUNDQUIST, Mr. EVANS, Mr. JACOBS, Mr. BURTON of Indiana, Mr. ROEMER, Mr. FINGERHUT, and Ms. DANNER):

H.R. 2587. A bill to amend the International Air Transportation Competition Act of 1979; to the Committee on Public Works and Transportation.

By Mr. HINCHEY:

H.R. 2588. A bill to amend title XVIII of the Social Security Act to provide for coverage of qualified acupuncturist services under part B of the Medicare Program, and to amend title 5, United States Code, to provide for coverage of such services under the Federal Employees Health Benefits Program; jointly, to the Committees on Ways and Means, Energy and Commerce, and Post Office and Civil Service.

By Mr. JACOBS:

H.R. 2589. A bill to improve under the title II of the Social Security Act and to increase the Social Security benefit and contribution base; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota (for himself, Mr. MINGE, and Mr. PENNY):

H.R. 2590. A bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to make prevented planted disaster payments for wheat, feed grains, upland cotton, and rice under certain circumstances, and for other purposes; to the Committee on Agriculture.

By Mrs. KENNELLY (for herself and Mr. PICKLE):

H.R. 2591. A bill to amend the Internal Revenue Code of 1986 to exempt services performed by full-time students for seasonal children's camps from Social Security taxes; to the Committee on Ways and Means.

By Mr. KREIDLER (for himself, Mrs. UNSOELD, and Mr. MCDERMOTT):

H.R. 2592. A bill to establish a clearinghouse of information concerning telecommunications technologies that are useful in distance learning programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LAFALCE (for himself, Mr. DICKEY, Mr. MFUME, Mr. WYDEN, Ms. DANNER, Mr. TOWNS, Mrs. MEEK, Mr. MCDERMOTT, Mrs. CLAYTON, Mr. TORRES, Mr. OBERSTAR, Mr. ENGEL, Mr. ROMERO-BARCELO, and Ms. ROYBAL-ALLARD):

H.R. 2593. A bill to establish minimum standards of fair conduct in franchise business relationships, and for other purposes; to the Committee on the Judiciary.

By Mr. LAFALCE:

H.R. 2594. A bill to amend the Small Business Act, and for other purposes; to the Committee on Small Business.

By Mr. LAFALCE (for himself, Mr. DICKEY, Mr. MFUME, Mr. WYDEN, Ms. DANNER, Mr. TOWNS, Mrs. MEEK, Mr. MCDERMOTT, Mrs. CLAYTON, Mr. TORRES, Mr. OBERSTAR, Mr. ENGEL, Mr. ROMERO-BARCELO, Ms. ROYBAL-ALLARD, and Mr. SHAYS):

H.R. 2595. A bill to revise current Federal law and procedure to provide consumers with comprehensive and accurate statistical information about franchising and franchise practices, and for other purposes; jointly, to the Committees on Energy and Commerce and Post Office and Civil Service.

H.R. 2596. A bill to strengthen current Federal law and regulation to protect consumers in connection with the representation and sale of franchise businesses; to facilitate increased public disclosure regarding franchise opportunities, to enhance common law remedies for purchasers of franchises, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. MACHTLEY (for himself, and Mr. KOPETSKI):

H.R. 2597. A bill to amend the Internal Revenue Code of 1986 to allow a credit to small employers for the cost of implementing health promotion and disease prevention programs for their employees; to the Committee on Ways and Means.

By Mr. MACHTLEY (for himself, Mr. SAXTON, Mr. WALSH, Mr. MCCLOSKEY, Mr. GALLO, and Mr. HINCHEY):

H.R. 2598. A bill to extend and improve the adjustment assistance program for firms under the Trade Act of 1974; to the Committee on Ways and Means.

By Mr. MARKEY (for himself, Ms. MOLINARI, Ms. ESHOO, Mrs. MORELLA, Mr. FINGERHUT, Mr. MCCLOSKEY, Mr. LIPINSKI, Mr. BEREUTER, Mr. FRANK of Massachusetts, Mr. BEILENSON, Mr. MAZZOLI, Mr. HINCHEY, Mr. FILNER, Mr. UPTON, and Mr. HUGHES):

H.R. 2599. A bill to prohibit the use of outer space for advertising purposes; jointly, to the Committees on Science, Space, and Technology and Foreign Affairs.

By Mr. KANJORSKI (for himself, Mrs. ROUKEMA, Mr. NEAL of North Carolina, Mr. ORTON, Mr. KLEIN, Mr. MORAN, and Ms. KAPTUR):

H.R. 2600. A bill to promote economic growth and credit formation by facilitating the development of a secondary market for business, commercial, and community development debt and equity investments, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CONYERS:

H.R. 2601. A bill to redesignate the Environmental Protection Agency as the Department of Environmental Protection; to the Committee on Government Operations.

By Mr. MAZZOLI (for himself, Mr. SCHUMER, and Mr. MCCOLLUM):

H.R. 2602. A bill to amend the Immigration and Nationality Act to improve immigration enforcement and antismuggling activities, to reform the asylum law, and to authorize appropriations for the Immigration and Naturalization Service; to the Committee on the Judiciary.

By Mr. NEAL of Massachusetts (for himself and Mr. MOAKLEY):

H.R. 2603. A bill to amend the Internal Revenue Code of 1986 to provide transition relief for nonprofit student loan funding corporations; to the Committee on Ways and Means.

By Mr. ORTIZ:

H.R. 2604. A bill to establish a Wetlands Center at the Port of Brownsville, TX, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ORTON (for himself, Mr. FROST, Mr. GILLMOR, Mr. PETERSON of Minnesota, Mr. SOLOMON, and Mr. WALSH):

H.R. 2605. A bill to amend the National Housing Act to provide that a person purchasing a home with a mortgage insured under the FHA single family mortgage insurance program may, under such program, borrow amounts for the downpayment from family members; to the Committee on Banking, Finance and Urban Affairs.

By Mr. QUILLEN:

H.R. 2606. A bill to amend the Public Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RICHARDSON (for himself, Mr. SERRANO, Mr. PAYNE of New Jersey, Mr. MORAN, Mr. CASTLE, Mr. TOWNS, and Mr. KING):

H.R. 2607. A bill to establish the Professional Boxing Corporation, and for other purposes; jointly, to the Committees on Energy and Commerce and Education and Labor.

By Mr. SAWYER (for himself and Mr. MYERS of Indiana):

H.R. 2608. A bill to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program; to the Committee on Post Office and Civil Service.

By Mr. SCHUMER (for himself and Mrs. ROUKEMA):

H.R. 2609. A bill to establish a Presidential commission to investigate and propose solutions to reduce the broadcasting of violence

on television; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 2610. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to provide for a Mediplan that assures the provision of health insurance coverage to all residents, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SENSENBRENNER:

H.R. 2611. A bill to delay the effective date of certain proposed amendments to the Federal Rules of Civil Procedure; to the Committee on the Judiciary.

By Mr. STARK (for himself and Mr. FARR):

H.R. 2612. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain charitable risk pools; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 2613. A bill to amend the Internal Revenue Code of 1986 to deny certain tax benefits in the case of buildings constructed with Japanese services; to the Committee on Ways and Means.

By Mr. THOMAS of Wyoming:

H.R. 2614. A bill to direct the Secretary of the Interior to convey certain lands of the Shoshone Federal reclamation project, Wyoming, to the Big Horn County School District, Wyoming, and for other purposes; to the Committee on Natural Resources.

By Mr. THOMAS of Wyoming (for himself, Mrs. VUCANOVICH, Mr. HEFLEY, Mr. POMBO, Mr. CRANE, Mr. DOOLITTLE, Mr. HANSEN, Mr. SMITH of Oregon, Mr. DELAY, Mr. STUMP, Mr. HAYES, Mr. HERGER, Mr. SKEEN, and Mr. YOUNG of Alaska):

H.R. 2615. A bill to limit the acquisition by the United States of land located in a State in which 25 percent or more of the land in that State is owned by the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. TRAFICANT:

H.R. 2616. A bill regarding the payment of interest with respect to certain reliquidated entries; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.J. Res. 224. Joint resolution proposing an amendment to the Constitution of the United States to prohibit the death penalty; to the Committee on the Judiciary.

By Mr. GILMAN:

H.J. Res. 225. Joint resolution designating the third week of July 1993 as "Captive Nations Week," and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KENNEDY (for himself, Mr. THOMPSON, Mr. SANDERS, Mr. CRAMER, Mr. LANCASTER, Mr. KOPETSKI, Mr. UNDERWOOD, Mr. SARPALIUS, Mr. FRANK of Massachusetts, Mr. KLECZKA, Mr. MCDERMOTT, Mr. HEFNER, Mr. VALENTINE, Mr. SPRATT, Mr. BREWSTER, Mr. HOAGLAND, Mrs. MINK, Mr. DE LUGO, Mr. VENTO, Mr. ACKERMAN, Mr. TOWNS, Mr. FROST, Mr. GORDON, Mr. MAZZOLI, Mr. LIPINSKI, Mr. HYDE, Mr. EVANS, Mr. QUILLEN, Mr. MURPHY, Mr. MCCOLLUM, Mr. RAVENEL, Mr. LANTOS, Mr. MANTON, Mr. TAYLOR of Mississippi, Ms. BROWN of Florida, Mr. SCOTT, Mr. DELLUMS, Mr. ENGEL, Mr. FAWELL, Mr. FOGLIETTA, Mr. HAMILTON, Mr. HOBSON, Mr. HUTTO, Mr. MARTINEZ, Mr. OLVER, Mr. STOKES, Ms. WATERS, Mr. MOAKLEY, Mr. WHEAT, Mr. MCNULTY, Mr. HOYER, Mr. BILIRAKIS, Mr. NEAL of Massachusetts, Mr. SERRANO, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. POSHARD, Mr. KILDEE, Mr. OBERSTAR, Mr. OWENS, Mr. PALLONE, Mr. SLATTERY, Mr. MILLER of California, and Mr. TORRICELLI):

H.J. Res. 226. Joint resolution to designate the second Sunday in October 1993 as "National Children's Day"; to the Committee on Post Office and CIvil Service.

By Mr. TORRICELLI:

H.J. Res. 227. Joint resolution calling upon the President to initiate discussions with members of the United Nations for the purpose of entering into agreements providing for an equitable sharing of responsibility among those members relating to armed forces available to the United Nations Security Council, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GEPHARDT:

H. Con. Res. 115. Concurrent resolution providing for an adjournment of the House from the legislative day of Thursday, July 1, 1993 to Tuesday, July 13, 1993 and an adjournment or recess of the Senate from Thursday, July 1, 1993 or Friday, July 2, 1993 until Tuesday, July 13, 1993; considered and agreed to.

By Mr. CAMP:

H. Con. Res. 116. Concurrent resolution calling upon the President to discontinue further economic assistance to the Government of the Russian Federation until all pertinent documents from the archives of the Communist Party of the former Soviet Union relating to the fates of American prisoners of war and missing in action have been provided to the United States Government; to the Committee on Foreign Affairs.

By Mr. LEHMAN (for himself, Mr. STARK, Mr. WILSON, Mr. GALLEGLY, Mrs. MORELLA, Mr. SARPALIUS, Ms. KAPTUR, and Mr. CANADY):

H. Con. Res. 117. Concurrent resolution relating to improved United States-Mexico cooperation in controlling illegal immigration; to the Committee on Ways and Means.

By Mr. SOLOMON:

H. Con. Res. 118. Concurrent resolution expressing the sense of the Congress that any limitation under Federal tax law on the deductibility of compensation exceeding $1 million paid to executives individually should be expanded to apply to compensation paid to entertainers and athletes; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. FOGLIETTA.

H.R. 44: Mr. BAKER of California, Mr. BLACKWELL, Mr. CAMP, Miss COLLINS of Michigan, Mr. COSTELLO, Mr. COYNE, Mr. DORNAN, Mr. DUNCAN, Mr. ENGEL, Mr. FRANKS of New Jersey, Mr. GEKAS, Mr. GOODLATTE, Mr. GRANDY, Mr. GUNDERSON, Mr. HAYES, Mr. HOAGLAND, Mr. HOEKSTRA, Mr. HOYER, Mr. JOHNSON of Georgia, Mr. JOHNSON of South Dakota, Mr. KLEIN, Mr. KLINK, Mr. LEWIS of California, Mr. MARKEY, Mr. MILLER of Florida, Mr. PAXON, Mr. POMBO, Mrs. ROUKEMA, Mr. SISISKY, Mr. SMITH of Texas, Mr. SUNDQUIST, Mr. SWETT, Mr. TANNER, Ms. THURMAN, Mr. TORKILDSEN, and Mr. UPTON.

H.R. 58: Mr. WELDON.

H.R. 65: Mr. TANNER, Mr. COX, and Mr. VOLKMER.

H.R. 68: Ms. THURMAN.

H.R. 115: Mr. TORRES.

H.R. 140: Mr. BROWDER, Mr. SLATTERY, Mr. BARCA of Wisconsin, Mr. EMERSON, Mr. ROBERTS, and Mr. ISTOOK.

H.R. 145: Mr. PETRI and Mr. KIM.

H.R. 147: Mr. DOOLITTLE.

H.R. 214: Mr. DELAY and Mr. BROWN of Ohio.

H.R. 245: Mr. STUMP.

H.R. 285: Mr. LANCASTER.

H.R. 303: Mr. VOLKMER.

H.R. 322: Ms. SLAUGHTER, Mr. WYNN, Mr. KREIDLER, and Mr. MEEHAN.

H.R. 378: Mr. PAXON.

H.R. 436: Mr. ENGEL, Mr. CALVERT, and Mr. MCDADE.

H.R. 512: Mr. JOHNSON of South Dakota.

H.R. 558: Mr. LEWIS of Georgia and Mr. BARCA of Wisconsin.

H.R. 591: Mr. LEWIS of Georgia and Ms. PELOSI.

H.R. 647: Mr. PETE GEREN of Texas.

H.R. 649: Mr. SHAW, Mr. COLEMAN, Mr. WAXMAN, and Mr. HAMBURG.

H.R. 662: Mr. DOOLITTLE.

H.R. 703: Ms. NORTON and Mr. GALLEGLY.

H.R. 763: Mr. DOOLEY.

H.R. 767: Mrs. CLAYTON and Ms. ESHOO.

H.R. 786: Mr. CALLAHAN, Mr. TANNER, Mr. SMITH of New Jersey, and Mr. SMITH of Texas.

H.R. 789: Mrs. ROUKEMA, Mr. OXLEY, Mr. ZIMMER, Mr. GILMAN, and Mr. GILLMOR.

H.R. 794: Mrs. MORELLA.

H.R. 799: Mr. GILCHREST and Mr. MICHEL.

H.R. 827: Mr. BARTLETT of Maryland, Mr. EVANS, Mr. LEACH, Mr. TUCKER, Mr. SENSENBRENNER, Mrs. LOWEY, Mr. DOOLITTLE, Mr. PAXON, Mr. GILLMOR, and Mr. ROGERS.

H.R. 830: Mr. GILLMOR, Mr. QUILLEN, and Mrs. MORELLA.

H.R. 864: Mr. ROHRABACHER.

H.R. 911: Mr. LEWIS of California and Mr. BONIOR.

H.R. 916: Mr. GIBBONS.

H.R. 930: Mr. BROWN of California.

H.R. 942: Mr. UPTON, Mr. GILLMOR, Mr. SENSENBRENNER, Mr. STUDDS, and Ms. PRYCE of Ohio.

H.R. 962: Mrs. MORELLA, Mr. TEJEDA, and Mr. UNDERWOOD.

H.R. 967: Mr. BAKER of California, Mr. JOHNSON of Georgia, Mr. CASTLE, Mr. GOODLING, and Mr. STEARNS.

H.R. 977: Mr. WILLIAMS.

H.R. 982: Mr. QUILLEN, Mr. ROEMER, Mr. HILLIARD, Mr. WAXMAN, Mr. BILBRAY, and Mr. KILDEE.

H.R. 1017: Mr. GORDON.

H.R. 1036: Mr. PAYNE of New Jersey, Mr. BONIOR, Mr. SWIFT, and Ms. KAPTUR.

H.R. 1103: Mr. PETERSON of Minnesota and Mr. CHAPMAN.

H.R. 1126: Mrs. LLOYD.

H.R. 1127: Mrs. LLOYD.

H.R. 1141: Mr. SKELTON and Mr. REED.

H.R. 1155: Mr. OWENS.

H.R. 1246: Mr. BEILENSON.

H.R. 1251: Mr. LIVINGSTON and Mr. RAMSTAD.

H.R. 1304: Ms. SLAUGHTER.

H.R. 1349: Mr. INGLIS of South Carolina.

H.R. 1380: Mr. PARKER, Mr. LEWIS of Georgia, Mr. DELLUMS, Mr. HASTINGS, and Mr. EVANS.

H.R. 1406: Mr. SHAYS, Mr. BISHOP, and Mr. BLACKWELL.

H.R. 1419: Mr. FISH.

H.R. 1431: Mr. YOUNG of Alaska, Mr. JOHNSON of South Dakota, Mr. PETERSON of Minnesota, and Mr. TAYLOR of North Carolina.

H.R. 1438: Mr. SAXTON and Mr. GALLEGLY.

H.R. 1440: Mr. SCOTT and Ms. BYRNE.

H.R. 1442: Mr. FISH.

H.R. 1500: Ms. NORTON, Mr. NADLER, and Mr. HOCHBRUECKNER.

H.R. 1517: Mr. OLVER, Mr. HOCHBRUECKNER, Mr. MANTON, and Mr. REED.

H.R. 1541: Mr. CLINGER, Mr. BALLENGER, and Mr. DELLUMS.

H.R. 1555: Mr. DEFAZIO.

H.R. 1595: Mr. ROBERTS.

H.R. 1608: Mr. CAMP, Mr. SANDERS, and Mr. WYNN.

H.R. 1697: Mr. SCOTT, Mr. GOODLING, Mr. GILLMOR, Mr. LANTOS, Mr. LAFALCE, Mr. THOMAS of Wyoming, Mr. HOAGLAND, Mr. REYNOLDS, Mr. BLILEY, Mr. KOPETSKI, Mr. ARCHER, Mr. DE LUGO, Mr. HORN, and Mr. HALL of Texas.

H.R. 1722: Mr. UPTON, Mr. KLINK, Mr. MAZZOLI, Mr. SANDERS, Mr. CLYBURN, Mr. JOHNSON of South Dakota, Ms. NORTON, Mr. BONIOR, Ms. MALONEY, Mr. PAYNE of Virginia, Mr. PASTOR, Mr. CONYERS, Mr. WYNN, Mr. MARKEY, Mr. SWIFT, Mr. KOPETSKI, Ms. DANNER, Mr. HALL of Ohio, Mrs. UNSOELD, Mr. SCOTT, Mr. HOCHBRUECKNER, Mr. GONZALEZ, Mr. KENNEDY, Mr. SLATTERY, Mr. EDWARDS of California, Mr. REED, Ms. WOOLSEY, Mr. MORAN, Mr. SAWYER, Mr. FROST, Mr. HINCHEY, Mr. ENGEL, Mr. TORRES, Mr. GEJDENSON, Mr. PARKER, Mr. BARRETT of Wisconsin, Mr. DEFAZIO, and Mr. FISH.

H.R. 1733: Miss COLLINS of Michigan.

H.R. 1734: Ms. VELAZQUEZ, Mr. LEWIS of Georgia, and Mr. FOGLIETTA.

H.R. 1738: Mr. EMERSON.

H.R. 1793: Mr. DEUTSCH, Mr. WHEAT, Mr. FILNER, Mr. STARK, Mr. LEWIS of Georgia, Mr. COYNE, Mr. PETERSON of Minnesota, Mr. FROST, Mr. HASTINGS, Mr. SANDERS, Mr. LIPINSKI, and Mr. COLEMAN.

H.R. 1804: Mr. REYNOLDS, Mr. SCOTT, Mr. STUPAK, and Mr. DE LUGO.

H.R. 1913: Mr. ENGEL, Mr. GILMAN, and Mr. HOUGHTON.

H.R. 1915: Mr. DELLUMS, Mr. HASTINGS, Mr. LANCASTER, Mr. ANDREWS of Maine, Mr. FROST, Mr. FIELDS of Texas, Mr. BONIOR, Mr. REED, Mr. PALLONE, Mr. HUTTO, Mr. PICKETT, Mr. EVANS, Mr. MCNULTY, Mr. FRANK of Massachusetts, Mr. DEUTSCH, and Mr. LIPINSKI.

H.R. 1924: Mr. FISH.

H.R. 1950: Mr. SENSENBRENNER, Mr. ISTOOK, and Mr. INHOFE.

H.R. 1952: Mr. BORSKI, Mr. FINGERHUT, Mr. FROST, Mr. HALL of Texas, Mr. HUTTO, Mr. LIPINSKI, Mr. DE LUGO, Mr. MILLER of California, Mr. MOAKLEY, Mr. MOORHEAD, Mr. MURPHY, Mr. RANGEL, Mr. STOKES, Mr. TOWNS, Mr. WALSH, Mr. WOLF, and Mr. UPTON.

H.R. 1981: Mr. DREIER, Mr. VISCLOSKY, Mr. ALLARD, Mr. HAYES, Mr. EVERETT, Mrs. MINK, and Mr. ENGLISH of Oklahoma.

H.R. 1994: Mr. KLEIN.

H.R. 2012: Mr. MCCLOSKEY, Mr. FIELDS of Texas, Mr. MCCANDLESS, Mr. KLECZKA, Mr. LEHMAN, Mr. MONTGOMERY, Mr. SKELTON, Mr. ROWLAND, Mr. CALLAHAN, Mr. TAYLOR of Mississippi, Mr. CONDIT, Mr. PETE GEREN of Texas, Mr. PICKETT, Mr. FAZIO, Mr. RAHALL, Mr. HEFNER, Mr. ABERCROMBIE, Mr. BROWDER, Mr. PASTOR, Mr. BERMAN, Mr. DELLUMS, Mr. LANTOS, Mr. MARTINEZ, Mr. MATSUI, Mr. MILLER of California, Mr. MINETA, Ms. PELOSI, Mr. TORRES, Ms. WATERS, Mr. WAXMAN, Mrs. KENNELLY, Mr. HUTTO, Mr. DARDEN, Mrs. MINK, Mr. COSTELLO, Mr. DURBIN, Mr. LIPINSKI, Mr. SANGMEISTER, Mr. SLATTERY, Mr. JEFFERSON, Mr. TAUZIN, Mr. HOYER, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. KILDEE, Mr. SABO, Mr. WHITTEN, Mr. VOLKMER, Mr. WHEAT, Mr. HOAGLAND, Mr. SWETT, Mr. RICHARDSON, Mr. FLAKE, Mr. HOCHBRUECKNER, Mr. LANCASTER, Mr. ROSE, Mr. SAWYER, Mr. TRAFICANT, Mr. BREWSTER, Mr. MCCURDY, Mr. DEFAZIO, Mr. BLACKWELL, Mr. SPRATT, Mr. CLEMENT, Mr. TANNER, Mr. SARPALIUS, Mr. STENHOLM, Mr. OBEY, Mr. UNDERWOOD, Mr. DE LA GARZA and Mr. LIVINGSTON.

H.R. 2043: Mr. HASTINGS and Mr. GUTIERREZ.

H.R. 2121: Mr. FALEOMAVAEGA, Mr. STENHOLM, Mr. BARRETT of Wisconsin, Mr. JOHNSON of South Dakota, Mr. CONDIT, Mr. SYNAR, Mr. YATES, Mr. POMEROY, Mr. HERGER, Mr. HOUGHTON, Mr. CANADY, Mr. PACKARD, Mr. CUNNINGHAM, Mr. HANCOCK, Mr. WOLF, Mr. LINDER, Mr. COX, Mr. KYL, Mr. LIVINGSTON, Mr. MICA, and Mr. SHAYS.

H.R. 2134: Mr. CASTLE.

H.R. 2136: Mr. MOORHEAD.

H.R. 2139: Mr. FOGLIETTA, Mr. PAYNE of Virginia, and Ms. SLAUGHTER.

H.R. 2140: Ms. PELOSI.

H.R. 2159: Mr. INSLEE.

H.R. 2191: Mr. PARKER, Mrs. CLAYTON, and Mr. LEWIS of Georgia.

H.R. 2192: Mr. LIPINSKI.

H.R. 2263: Mr. STUPAK, Mr. FRANK of Massachusetts, and Mr. FROST.

H.R. 2285: Ms. DELAURO, Mr. FILNER, and Mr. KOPETSKI.

H.R. 2286: Mr. EMERSON, Mr. INHOFE, and Mr. SUNDQUIST.

H.R. 2292: Mr. BISHOP and Mr. LEWIS of Georgia.

H.R. 2307: Mr. BARTLETT of Maryland.

H.R. 2319: Mr. FISH, Mr. GREENWOOD, Mr. HAMBURG, Mr. HERGER, Mr. HOEKSTRA, Mr. HUFFINGTON, Ms. MOLINARI, and Mr. TUCKER.

H.R. 2331: Ms. PELOSI, and Mr. KOPETSKI.

H.R. 2338: Mr. LEVY.

H.R. 2353: Mr. HILLIARD.

H.R. 2375: Mr. FOGLIETTA.

H.R. 2393: Mr. KYL, Mr. SPENCE, Mr. ISTOOK, Mr. CAMP, Mr. SMITH of Texas, and Mr. CANADY.

H.R. 2394: Ms. SCHENK and Ms. SHEPHERD.

H.R. 2395: Ms. SCHENK and Ms. SHEPHERD.

H.R. 2399: Mr. CLYBURN.

H.R. 2433: Mr. POMBO.

H.R. 2434: Mr. KASICH and Mr. KING.

H.R. 2456: Ms. MOLINARI.

H.R. 2488: Mr. HASTINGS, and Mr. LEWIS of Georgia.

H.R. 2535: Ms. BROWN of Florida, Mr. BISHOP, Ms. LONG, Mr. EDWARDS of Texas, and Mr. TEJEDA.

H.R. 2556: Mr. COX.

H.R. 2572: Mr. WAXMAN.

H.J. Res. 106: Mr. STOKES and Mr. YOUNG of Florida.

H.J. Res. 137: Mr. MANN and Mr. KLEIN.

H.J. Res. 157: Mr. COYNE, Mr. FOGLIETTA, Mr. KASICH, Mr. KING, Mr. MARKEY, Mr. MARTINEZ and Mr. NADLER.

H.J. Res. 162: Mr. MARKEY, Mrs. MEEK, Mr. KINGSTON, Mr. PORTER, Mr. DURBIN, Mr. BALLENGER, Mr. LEWIS of California, Mr. CALVERT, Mr. MCDADE, Mr. VALENTINE, Ms. DANNER, Mr. ROHRABACHER, Mr. KENNEDY, Mr. BAKER of California, Mr. RAHALL, Mr. STOKES, Mr. SAXTON, and Mr. KLINK.

H.J. Res. 178: Mr. DEFAZIO and Mr. CRAMER.

H.J. Res. 190: Mr. BARTLETT of Maryland, Mrs. BENTLEY, Mr. BLILEY, Mr. FAWELL, Mrs. FOWLER, Mr. GUNDERSON, Mr. GRANDY, Mr. HEFLEY, Mr. HOEKSTRA, Mr. HUNTER, Mr. KING, Mr. LEWIS of California, Mr. LIVINGSTON, Mrs. MEYERS of Kansas, Ms. MOLINARI, Mr. QUINN, Mr. RAMSTAD, Mr. REGULA, Mr. SHUSTER, Mr. TAYLOR of North Carolina, Mr. THOMAS of California, Mr. WALSH, Mr. KLECZKA, Mr. DELLUMS, Mr. EWING, Mr. APPLEGATE, Mr. HOCHBRUECKNER, Mr. KLEIN, Mr. GEKAS, Mr. ROGERS, Mr. INHOFE, Mr. HOBSON, Mr. BACCHUS of Florida, Mr. GALLEGLY, Mr. LEVY, Mr. FIELDS of Texas, Ms. ROYBAL-ALLARD, Mr. REYNOLDS, Mr. ROYCE, Mr. SKEEN, Mr. SMITH of Texas, Mr. PETE GEREN of Texas, Mr. HOAGLAND, Mr. LEACH, Mr. KNOLLENBERG, Mr. SERRANO, Mr. KOPETSKI, Mr. RAHALL, Mr. BAKER of Louisiana, Mr. BONILLA, Mr. BUNNING, Mr. CARR, Mr. COX, Mr. CRANE, Mr. DICKEY, Mr. FRANKS of Connecticut, Mr. GINGRICH, Mr. GOODLING, Mr. GRAMS, Mrs. JOHNSON of Connecticut, Mr. LAUGHLIN, Mr. THOMAS of Wyoming, Mr. WOLF, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. MCCANDLESS, Mr. MACHTLEY, Mr. PORTER, Ms. PRYCE of Ohio, Mr. ROBERTS, Mr. SCHAEFER, Mr. SCHIFF, Mr. SHAW, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. TALENT, Mr. THORNTON, Mr. COYNE, Mr. BONIOR, Mr. MURPHY, Mr. VOLKMER, Mr. STENHOLM, Ms. MALONEY, Mr. WASHINGTON, Mr. FLAKE, Mr. GILLMOR, Mr. MOAKLEY, Mr. TEJEDA, Mr. HALL of Texas, Mrs. MINK, Mr. SAXTON, Mr. CLINGER, Mr. GALLO, Mr. GILCHREST, Mr. PETRI, Mr. PAXON, Mr. OWENS, Mr. HORN, Mr. BATEMAN, Mr. MARKEY, Mr. CALLAHAN, Mr. MCCOLLUM, Mr. MORAN, Mr. DARDEN, Mr. KANJORSKI, Mr. PORTMAN, Mr. KOLBE, Mr. NATCHER, Mr. MAZZOLI, Mr. CONDIT, Mr. HEFNER, Mrs. MEEK, Mr. ORTIZ, Mr. SARPALIUS, Mr. HOYER, Mr. WELDON, Mr. STEARNS, Mr. ROWLAND, Mr. DEAL, Mr. DELAY, Mr. CALVERT, Mr. ROTH, Mr. OXLEY, Mr. HERGER, Mr. RICHARDSON, Mr. BEILENSON, Mr. CRAPO, Mr. EVERETT, Mr. HALL of Ohio, and Ms. LOWEY.

H.J. Res. 204: Mr. CAMP, Ms. KAPTUR, Mr. WELDON, Mr. TEJEDA, Mr. BARCA of Wisconsin, and Mr. SMITH of Texas.

H.J. Res. 208: Mr. ABERCROMBIE and Ms. MOLINARI.

H.J. Res. 212: Mr. DE LA GARZA, Mr. SANGMEISTER, Mr. OWENS, Mr. JOHNSON of South Dakota, Ms. PELOSI, Mr. TORKILDSEN, Mr. BATEMAN, and Ms. KAPTUR.

H. Con. Res. 7: Mr. MOORHEAD.

H. Con. Res. 26: Mr. MARKEY.

H. Con. Res. 52: Mr. DIXON, Mr. SCOTT, Mr. REYNOLDS, Mr. UNDERWOOD, Mr. SKEEN, Mr. GINGRICH, Mr. PASTOR, Miss COLLINS of Michigan, Mr. FLAKE, Mr. PAYNE of New Jersey, Mr. WYNN, Ms. MCKINNEY, Mr. SCHUMER, Ms. VELÁZQUEZ, Mr. HASTINGS, Ms. LAMBERT, Mr. GEJDENSON, Mr. BISHOP, and Mr. FISH.

H. Con. Res. 79: Mr. CRANE, Mr. BACHUS of Alabama, Mr. ZELIFF, Mrs. MEYERS of Kansas, and Mr. ISTOOK.

H. Con. Res. 84: Mr. HASTINGS.

H. Con. Res. 100: Mr. SLATTERY and Mr. ANDREWS of Maine.

H. Res. 11: Mr. DOOLITTLE.

H. Res. 86: Mrs. THURMAN.

H. Res. 127: Mr. BACHUS of Alabama.

H. Res. 128: Ms. DELAURO, Mr. BORSKI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ENGEL, Mr. TOWNS, Mr. ACKERMAN, Mr. SPRATT, Mr. NEAL of North Carolina, Ms. LOWEY, Mr. OLVER, Mr. ROYCE, Mr. REYNOLDS, Mr. WHEAT, Mr. ORTON, Ms. BROWN of Florida, Mr. SERRANO, Mr. SCOTT, Mr. WYNN, and Mr. TUCKER.

H. Res. 165: Mr. QUILLEN, Mr. PETERSON of Minnesota, Mr. FRANKS of Connecticut, Mr. ROSE, Mr. FIELDS of Texas, Mr. BOUCHER, Mr. STEARNS, and Mr. ROWLAND.

H. Res. 175: Mr. BAKER of Louisiana, Mr. BUNNING, Mr. GALLEGLY, Mr. TAYLOR of North Carolina, Mr. GILCHREST, Mr. CRANE, and Mr. YOUNG of Alaska.

H. Res. 188: Mrs. MINK, Mrs. MEYERS of Kansas, Mr. FISH, Mr. KLEIN, and Mr. ABERCROMBIE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2010

By Mr. TRAFICANT:

—At the end of the bill add the following new sections:

SEC. 408. DOMESTIC EMPLOYMENT.

No funds shall be made available under this Act to any entity that does not certify that all individuals employed by such entity are individuals authorized by law to work in the United States.

—At the end of the bill, insert the following (and conform the table of contents accordingly):

SEC. 407. PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds appropriated to carry out this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

—At the end of the bill insert the following (and conform the table of contents of the bill):

TITLE V—GENERAL PROVISIONS

SEC. 501. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act (including the amendments made by this Act) may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1993 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 502. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided under this Act (including the amendments made by this Act), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act (including the amendments made by this Act), the Secretary of Education shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SENATE—*Thursday, July 1, 1993*

(Legislative day of Wednesday, June 30, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania.

PRAYER

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

Let us pray:

*O God, thou art my God; early will I seek thee: my soul thirsteth for thee, my flesh longeth for thee in a dry and a thirsty land, where no water is * * *.*—Psalm 63:1.

Gracious God, help us comprehend that we have hunger and thirst for Thee which nothing else can satisfy—that when we forsake Thee, however we may surfeit ourselves with substitutes, our souls starve.

Help us comprehend that authentic humanness depends upon a close relationship with Thee, that we are most complete as persons when we worship Thee, serve Thee, love Thee.

In His name who is love incarnate. Amen.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 1, 1993.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:45 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Iowa is recognized to speak for up to 10 minutes. The time between 9:45 a.m. and 10:45 a.m. shall be under the control of the Senator from Florida or his designee.

Mr. GRASSLEY. Mr. President, I wonder if I might have all the time that is remaining between now and 9:45 for my statement.

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

PAYING OFF VIETNAM'S ARREARS

Mr. GRASSLEY. Mr. President, on July 15, the Executive Board of the International Monetary Fund will be considering whether to permit France and Japan to pay off Vietnam's arrears so that Vietnam can borrow money from the international community.

Do not forget, the American taxpayers provide about 20 percent of all this money that will be borrowed.

The President will shortly decide whether the United States should use its IMF vote of influence in favor of the French and Japanese plan. Such action would be the next step toward lifting the 20-year economic embargo against Vietnam and eventually the normalization of relations.

The lone barrier between IMF loans and Vietnam, of course, is the POW/MIA issue that I have been involved with, and a lot of other Members of this body have been involved with as well.

Already, trial balloons have surfaced. The bureaucracy is presently pushing for the approval of the IMF loans and for a lifting of the embargo.

This is very risky business, in my view.

All sides would agree that the United States approval should be linked to concrete progress and cooperation by Vietnam toward the fullest possible accounting of POW/MIA cases. However, there are differing judgments on this point, as to whether or not Vietnam is actually making progress and is actually cooperating. These are honest differences, let me say, Mr. President.

The data itself says, at least to me, there has been no progress. There has just been a change in atmospherics. Nonetheless, the bureaucracy has provided misleading information and false choices to the White House regarding the U.S. decision on IMF loans.

As a nonveteran, I rise today in the spirit of providing advice to President Clinton regarding the IMF loans and the political consequences.

In my view, United States approval of the French-Japanese plan is at the very least premature. We would be squandering the leverage that we have, and we would be getting little in return. We seem to be moving mountains for Vietnam, and yet they have responded with a molehill of results. It is quite plain that concrete progress has not occurred.

Notwithstanding the bureaucracy's winks and nods, Vietnam has not provided greater access and cooperation since the select committee ended its work in January. Of course, I make a significant distinction between cosmetic access and real access, between cosmetic cooperation and real cooperation.

If you brush aside all the rhetoric, all the promises, all the rosy scenarios and the like, you can boil progress down to one practical, simple, empirical indicator. Since the summer of 1991, when the select committee began its business, only 12 MIA cases have been resolved. That is 12, Mr. President, in 2 years, only 5 in the last year, and only 1 in the last 6 months. That is out of 2,267 cases. There are now 2,255 cases.

Progress and cooperation on the part of Vietnam? I do not believe so.

Now, if progress means resolving more cases, then there is less, not more progress. Concrete results are slowing down, not speeding up. This is despite all the happy talk and all the busy-beaver activity. This is despite all the supposed increased access, all the supposed new cooperation, all the thousands of photographs, all the artifacts, all the returned remains, all the so-called progress on priority cases. After all this, only 1 MIA case has been resolved in the last 6 months, only 5 in the last year, only 12 in the last 2 years out of 2,267.

Mr. President, this is not progress, and that is no basis, no rationale, for moving ahead to the next step for normalization of for ending the embargo or for the IMF loans. How do we explain this lack of progress, or very little progress, to the people of this country?

If there were progress, I would be the first to say let us go ahead with the IMF loans, but let us not squander our leverage lest we lose credibility on this issue in the eyes of the people, I say to the President.

Suppose the President were to consider U.S. approval of the IMF loans. To actually do so, we must present the

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

American people with justification. We must be ready to concretely demonstrate progress toward resolving MIA cases. We must be ready to rely on the analysis provided for this move by the bureaucracy.

But is the bureaucracy sufficiently sensitive to the public's expectations, as the President might be, or is it moving another agenda? This is risky business, and so I humbly suggest to President Clinton that he test the intellectual underpinning of the options provided to him by the bureaucracy.

Mr. President, I would like to explore this issue in more depth. The bureaucracy's judgment that the United States adhere to a road map is based on several premises:

First, Vietnam refrained from interferring in Cambodian elections;

Second, U.S. inducements and encouragement have produced significant progress in relations;

Third, Vietnam is cooperating more fully with the Joint Task Force/Full Accounting in helping account for the MIA's. Furthermore, Vietnam is granting unprecedented access to archives and to Vietnamese veterans, and in facilitating field investigations;

Fourth, U.S. businesses will lose out if restrictions are not lifted.

Some departments want to lift the embargo in July and thereby accelerate the roadmap. The marking period for lifting all restrictions is September when the Trade With the Enemies Act is to be reviewed as it applies to Vietnam. The Government contends that further progress along the road map is warranted because the Senate select committee found there is no evidence that men are alive.

Mr. President, the bureaucracy's reasoning is flawed in a number of respects.

First of all, let us get one thing straight. The select committee did not conclude there was no evidence that men were left behind. On the contrary, there was evidence. On the issue of evidence of live men, there was no consensus. So using that argument as justification for moving ahead is not correct.

Second, rewarding Vietnam for not interferring in Cambodia is rewarding it for refraining from doing what its membership in the United Nations proscribes. This justification squanders U.S. leverage for nothing.

Third, United States inducements have produced no substantive and significant change in Vietnam's honesty and cooperation in POW/MIA matters. Our bureaucracy's argument confuses improved atmosphere with substantive progress. There is a difference between just improving the atmosphere and whether or not you really get something done.

There is perhaps a better interpretation of recent events. Superficial, low-cost moves by Vietnam toward cooperation are about to stimulate a huge windfall of benefits from the United States. The cost of cooperation by Vietnam with the United States joint task force is exorbitant. What is more, it is being paid for by the American taxpayers. I would pose two questions: First, are the Vietnamese simply stringing us along while we nourish their starving economy with millions of dollars to investigate crashsites and live sightings? And, second, are they keeping us busy investigating crashsites and live sightings to avoid the salient issue—which is, what happened to the MIA's?

Let us look closer at Vietnam's cooperation. Vietnam for nearly two decades denied the existence of archives. When it finally admitted their existence, it produced nearly 5,000 photographs—with much hoopla—of dead men. They resolved a handful of cases.

Vietnam has failed to open any sensitive archives. Other known archives include those dealing with Laos; police-type dossiers on each American who came into Vietnamese custody; intelligence archives related to POW's; and, archives of the enemy proselytizing department of the Vietnamese Army.

The select committee received evidence that field interviews are artificially contrived. They are neither spontaneous nor honest. All persons interviewed appear to have been prepared by the Vietnam security services or, in fact, are themselves agents of the security services. No dissidents or antirevolutionary elements are permitted near U.S. field investigators.

Mr. President, again, there may be a better interpretation of circumstances. Vietnam's actions may not be in response to United States moves, but part of a careful calculus to obtain the benefits of victory so far denied them. Vietnam has debated since at least 1987 the merits of opening up the country to the United States. The ostensible purpose would be to seduce Western businesses and the United States into paying the reparations denied at Paris in 1973. The likelihood of obtaining reparations by indirection has been discussed in Vietnam Foreign Ministry conferences annually, according to information received by the select committee. For instance, Le Quang Khai, in his deposition to the select committee, stated that he himself had participated in simulation games to determine whether this strategy would work.

In addition, Vietnam has changed its laws on foreign investment and trade in order to make United States businesses exert pressure on the Government to lift the embargo. Included among these United States businesses are large banks and firms based in Hong Kong.

While Vietnam has been playing those cards against the United States, it is seeking a way to counterbalance China. China claims all of the South China Sea as its territory. China is trying to establish the equivalent of a free-trade zone linking it to Vietnam and Laos. Vietnam would like the United States as a counterbalance. Without such a counterbalance, Vietnam will fall into China's economic orbit. The Chinese economy is red hot, and Vietnam simply cannot compete without a protector, such as the United States. If China dominates economically, Vietnam may lose its oil claims. China has pressured Vietnam already to lift border crossing and trade restrictions.

The obvious question, here, is this: Is Vietnam stringing us along, hoping to use us, with China, to play both sides against the middle?

We certainly cannot preclude that from happening if we squander our leverage, Mr. President. If our interests really do entail progress on resolving MIA cases, let us wait for some progress, and then move ahead, otherwise, if there are other U.S. interests, let us have a more open and honest policy.

Mr. President, I offer this advice to the President in the hope that he will have carefully evaluated what he has been given by the bureaucracy in the way of justification for approving the IMF loans. Approval would have to be based on a solid rationale. And the American people will be listening carefully to what it is.

That is one nonveteran, CHUCK GRASSLEY, talking to another nonveteran, President Clinton.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida [Mr. MACK] is recognized.

Mr. MACK. Thank you, Mr. President.

THE SPENDING REDUCTION ACT OF 1993

Mr. MACK. Mr. President, my purpose this morning is to both announce and to outline legislation that I will be introducing today. It is legislation that is patterned after the Base Closure Commission. It calls for the establishment of another commission.

There will be those who will say, "Oh, my heavens, Congress is establishing another commission. Why do you fellows keep doing this? Why don't you do the work of the Congress yourselves without establishing a commission?"

I think it is fair, up front, to say that there are some things the Congress has failed to do. And we have failed to carry out our responsibility now for over a decade.

The legislation that I am introducing calls for the establishment of a spending-reduction commission. It is patterned after the Base Closure Commission.

It is interesting, I observed on C-SPAN earlier this morning a conversation by the chairman of the Base Closure Commission, former Congressman Jim Courter, responding to questions about the establishment of more commissions, did he believe that it was, in fact, something that should be done?

His response was that initially he was critical of the establishment of the Base Closure Commission because he did not really think it would work. He had seen the idea of, say, Gramm-Rudman in the past being put into place and not working. He had seen literally 10, 15 different commissions, blue-ribbon commissions, that would be established over the years with no real result accomplished.

He is convinced now, however, after serving on the Base Closure Commission for the last several years that the process is very effective in carrying out to the point of action decisions that the Congress has failed to make in the past.

Again, I would just underscore the concept of the Base Closure Commission. We attempted for decades to close military bases around the country, and the Congress year after year after year failed to be able to close military bases.

We established the concept of the Commission and we know today that the Commission works. I, for one, know all too well that the Commission works. The State of Florida is going to lose some 22,000 jobs as a result of a decision made by the Commission. But all of us understand the importance that if, in fact, we are going to be spending less in defense, we cannot keep open, maintain, and operate all of the military bases around the country. So we do know that it works.

I will a little bit later this morning in the time that is allotted to me go into some of the motivations and into the details of the Spending Reduction Commission. But I know that there are others who want to make comments about the Spending Reduction Commission.

I would ask my colleague from Texas whether she is prepared at this point to make those comments.

Mrs. HUTCHISON. Yes.

Mr. MACK. Mr. President, I yield to my colleague from Texas for further comments with respect to this legislation.

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

THE SPENDING REDUCTION ACT OF 1993

Mrs. HUTCHISON. Mr. President, the people of America have been told time and again "just let Congress raise taxes now and the spending cuts will come later." Time and time again, the spending cuts do not come. The taxes go up, the deficit soars, but the spending cuts do not come.

The American people know we do not have a deficit in this country because we are being taxed too little. We have a deficit in this country because Government is spending too much, and because we are not prioritizing spending. That is why I chose the Spending Reduction Act of 1993, sponsored by the distinguished junior Senator from Florida, to be the first Senate bill that I will originally cosponsor.

The purpose of this bill is to provide $65 billion in budget reductions each fiscal year until a balanced budget is reached. To put it in words the American people want to hear: This bill cuts spending first. It does so by establishing an independent, bipartisan Commission to be known as the Spending Reduction Commission. The Commission is charged with recommending to the President and Congress $65 billion in spending cuts each fiscal year beginning in 1995. By cutting $65 billion in spending every year for 5 years the Congressional Budget Office has determined that we will achieve a balanced budget by the year 2000.

The Spending Reduction Commission, modeled after the Base Closure Commission, simply extends the same model to Governmentwide spending. We have just witnessed the work of the Base Closure Commission, where the tough choices which must be made were made, and I think the President and the Congress will accept those tough choices. I sat through 1 whole day of those hearings, and I am here to tell you that it was tough, and the Commission did an excellent job in each and every decision, knowing how hard it was for the people that got the bad news.

The part I like best about this bill is that it will force Congress into making the necessary spending cuts that the American people want and that Congress has long avoided. It holds Congress' feet to the fire by forcing it to vote a straight "yes" or "no" on the Commission's recommended cuts, without making any amendments. The approach to deficit cutting set forth in this bill recognizes something that I have long said, and that is: We do not have a Republican deficit. We do not have a Democrat deficit. But we do have an American deficit.

This bill is a vehicle to stop partisan gridlock by making cuts that are fair, and which were recommended by a bipartisan Commission, using verifiable criteria.

Finally, let me say this is only the first step in a process of doing what must be done to prioritize Government spending, just like we do in our homes and businesses. We must continue the process by providing a real line-item veto for the President and a balanced budget amendment to the Constitution. I commend my colleague from Florida, Senator CONNIE MACK, for bringing this bill forward. It took a lot of research, effort, and dedication, and I am pleased that it is my first bill to cosponsor.

I ask my colleagues to join in supporting the Spending Reduction Act of 1993. This is a solid step in the right direction. Thank you, Mr. President.

I yield the floor.

"BANKRUPTCY 1995"

Mr. MACK. Mr. President, I want to thank the Senator from Texas for those comments, and it certainly is appropriate that the first piece of legislation that she would cosponsor would be a spending reduction bill. After all, the message I think most of us got from the election that took place in Texas not long ago was the message to cut spending first. I believe, as the Senator does, that this proposal will in fact accomplish that. So I thank the Senator from Texas for her endorsement of this idea.

As I said a moment ago, I share with my colleagues some of the motivation. I brought with me a book called "Bankruptcy 1995," and I think it might be appropriate to take a moment to give you a little background about why I end up on the floor of the Senate holding this book. I know that I am probably not any different than any other Member of the House or the Senate in the sense that we are constantly being asked by our constituents, "Do those letters really make any difference?" "Do you folks really pay attention to the letters and the phone calls that come to your office?" I say that this book, in a sense, represents the ultimate constituent letter. It is written by Harry Figgie, who was involved in the Grace Commission, with a forward from our former colleague, Senator Warren Rudman. I will comment about that a little later on.

During the debate on the so-called stimulus package, or the spending package—whichever way you want to refer to it—earlier this year, after there was significant debate, there was a recess during which the Members of the Senate went back to their States. And during those meetings that I had during that recess, I heard from my constituents over and over and over again the message of cut spending first. In fact, several of them recommended to me the reading of this book.

As I said to the first individual who recommended that I read this book, "Frankly, I am familiar with all of the details in this book. I have not read it, but I am familiar with the details." I had not intended to read the book after hearing about it the first time. But I had individuals that came up to me, and you could see in their eyes the fear they had about the future of this Nation if we did not respond to what is being said in this book. Again, after having several of these books—I think as many as five—sent to my office, I picked it up and I read it. And it is the reason why I came up with the idea of the establishment of a Spending Reduction Commission.

In addition to this book and to the meetings at home, comments by Alan Greenspan really underscore the importance of cutting spending first. Again, I will make reference both to this book and to the comments by Alan Greenspan a little bit later on in my comments.

But at this point I want to yield to my colleague from Wyoming, who would like to make comments with respect to this legislation, as well.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Wyoming is recognized.

Mr. WALLOP. Madam President, I thank the Senator from Florida. I call to his attention a lapel decoration that was devised by the Nation's most favorite radio talk show host, Mr. Rush Limbaugh.

This is for sensitivity to deficit spending. It is a dollar bill folded in the new, modern fashion of sensitivity ribbons. This one is for deficit spending.

Mr. MACK. If I may ask the Senator a question: Is the message there to cut spending first? Is that why the dollar bill is there?

The message there is cut spending first. It is a message that the American people reflect time and time again.

THE SPENDING COMMISSION BILL

Mr. WALLOP. Madam President, the year's budget debate has been dominated by two very spurious themes: The first is that this agreement breaks the dreaded Washington gridlock; the second is that the Clinton tax and spend budget is the first real, effective attempt to reduce the deficit in 12 years.

Madam President, gridlock is simply an expression used by those who have unsuccessfully promoted legislative blarney. Those who desperately desire to expand the Federal Government's ability to command and control every aspect of our lives have been frustrated, and their frustration arises from the determination of some of us in Congress and in the two previous administrations to just say "no."

The second facetious argument is that we now have a budget plan that really reduces the deficit. Madam President, we have had budgets every year for the past 12 years. The problem is that the other party has consistently undermined efforts to reduce spending. In the past 12 budgets we were promised real spending cuts if, obviously, we were to accept some new taxes. The new taxes were accepted, they were enacted. But the spending cuts were sidestepped more deftly than any routine by Fred and Ginger.

Now we are being misled once again. New taxes in the Senate version of the Clinton budget exceed spending cuts by a margin greater than 2 to 1. Worse still, there is new spending. Americans did not believe that their purpose in life was to expand Government when they said that they were willing to shoulder a great responsibility and pay some taxes.

New spending is authorized, and it dilutes spending reductions. So, the fact of it is that the President and his party are not serious about spending reduction. We cannot move the line-item veto or the balanced budget amendment. The White House is acting like a bunch of kids who have gotten into the cookie jar, and Congress is absolutely just as bad. We do not have a spenders anonymous to deal with those who have an unquenchable desire to spend other people's money in search of their own reelection.

One solution has been proposed that I have seen, and that is the one by the Senator from Florida, the Mack proposal, a spending reduction commission, which will devise an annual spending reduction plan. The advantage of such a commission would be that it would force us to confront spending, just cut spending first.

We have seen how difficult it is in the Base Closure Commission and we have seen on television in recent times the sensitivity with which that Commission dealt with the very difficult human problems that surround them. This Commission could do the same thing.

The disadvantage that we now face in admiring this proposal is that it is, in effect, an admission of failure by the Congress. But it is an honest admission of the inability of Congress to deal with the people's desire to cut spending first. It is not a pleasant solution, but it is preferable to the alternative of higher taxes and higher spending. I do not like it all, but I will support the Commission until I see a Congress that is willing to assume the constitutional role of developing a prudent Federal budget. I do not expect to live to see that Congress. Reelection is the overriding special interest that guides the behavior of Members of these two bodies.

Madam President, let me say again, for my friend from Florida, how much I admire the concept that sits behind this proposal. It is not only a question of cutting spending first, it is somehow or another getting hold of Government. Government is running loose from us today. It is, in effect, running loose from the administration's own concept. Their inconsistent remarks of what they expect to come out of this conference are an absolute admission that, in the end, they do not know what they want to do. They want to have taxes, they know that. They want to have an increase in the assault on the regulatory lives of people in small business who provide the jobs.

Here is the sensitivity proposal that could at least bring us to the point where at one moment in time maybe some people whose lives did not directly depend on being reelected, by their decisions might be able to make recommendations on behalf of people. All of us give lip service to the idea that deficit and the national debt are killing us. Very few of us give vote service to that, Madam President, and this is a proposal by which maybe some of the onus of giving that authority to vote might be alleviated a little so that some level of responsibility would return and the Nation could find itself again on the road to balance and sanity in its fiscal affairs. So I salute the Senator from Florida.

Mr. MACK. I thank my colleague for those comments. Let me just respond to one of the points that he made, and, frankly, I raised it earlier this morning. That is this felling that we should not establish a commission to do this, that Congress itself ought to do it; the sense that we are giving up our responsibility or power or authority.

There are two points that I would like to make. One is that that is not the case. The Spending Reduction Commission's work would go into effect in essence if the Congress failed to carry out that responsibility.

Mr. WALLOP. Madam President, will my colleague yield?

Mr. MACK. Yes.

Mr. WALLOP. It will go into effect, I can assure him of that.

Mr. MACK. It will go into effect if this were to be passed.

The second point is, again, that somehow or another we should not do this because of the purity of the system. Purity of remaining with the present process is the only right and justified way for Congress to proceed. I think it is a tragedy for people to get caught up in that mindset. There are some good friends of mine and there are some very scholarly folks who have taken that position. But, if we continue with that position, then it seems to me we will continue for the next 10 years or longer with the same outcomes as we have gotten in the last 10 years.

This is my point: In 1983 I remember attending my first committee meeting of the Budget Committee in the other body. I was a freshman, and in those days it was kind of a big deal for a freshman to be on the Budget Committee. And, again, I was brand new at the whole process. This was the first committee meeting I had attended in any kind of legislative body. So this was fairly important.

And the three people who came to testify at the opening session of the budget session in 1983 were David Stockman, Marty Feldstein, and Regan of Treasury. Their message was very clear, very precise: "If you don't get control of Federal spending, you are going to see deficits out as far as we can see." And they said $200 billion at that time. In the intervening period,

the Congresses failed to take that advice.

So for us to continue with the same process and say, well, we will try what we tried last year, and failed at. We will try that this year. And if that does not work, we will try what we tried 2 years ago, and failed at, and try that next year.

It seems to me I can no longer go back home and talk to my constituents and say, "Well, we are doing the best we can under the circumstances and say, "Well, we are doing the best we can under the circumstances that we face." It just seems logical to me that somebody ought to say, "Well, is there a different way to go about it?"

And when we look at the success of the Base Closure Commission, it seems to me we ought to give that an opportunity.

Let me make one additional point.

I raised this idea at a hearing in the Banking Committee with Ross Perot. He was there to testify about NAFTA. I threw this idea out to him. His instincts were he liked it. But he asked a question, a very important question: Does it have teeth?

Part of the question was: "Well, is it going to be just like Gramm-Rudman or is it going to be like the Grace Commission?"

Well, he is right to ask that question. I think the response to it is that this does, in fact, have teeth. This has a conclusion to it. This has a legislative requirement to it. It will force the Congress to deal with the decisions that are made by a Spending Reduction Commission, just like the Congress is going to have to deal with the recommendations made by the Base Closure Commission. So it does have teeth. It is a Grace Commission with teeth. It is a Gramm-Rudman with a brain.

People always argued against Gramm-Rudman, because it was an across-the-board cut on everything. Everything was treated the same. With the Base Closure Commission, you have a target in spending reduction and you have a legislative vehicle to carry it out.

I think that is a very significant difference from what we have dealt with in the past.

Mr. WALLOP. Will my colleague yield for one more observation?

Mr. MACK. Certainly.

Mr. WALLOP. What you said about the budget agreement, for instance, I think it was called TEFRA—we were promised by a Democratic Senate and House that we would get—actually, a Republican Senate and a Democratic House—we would get $3 in spending reduction for every $1 we raised in taxes. Having just cut taxes, we raised them again before the ink was dried and the rulings had been passed on the cuts that we made.

The only thing that came from that was the raise in taxes. There was never, ever, an attempt even to satisfy the $3 in reductions.

And then we had Gramm-Rudman. And it was a well-crafted, well-thought-out piece of legislation which had teeth, but for the fact that Congress refused to be bitten. I mean, we never were able to belly up to a sequester, and neither was any President able to belly up to a sequester.

And then we have such incredibly short memories here, both Democrats and Republicans alike.

Madam President, the President of the United States, Leon Panetta, all kinds of Democrats, including the majority leader of the Senate of the United States, have touted this as being the largest deficit reduction package ever offered.

Madam President, does anybody ever remember George Bush walking out of Andrews Air Force Base saying, "We have cut $500 billion from the deficit," the same figure the President uses today? Does anybody remember them promising that this was the road to a new future?

Madam President, look back. It is the same proposal that we did 2 years ago that did not work. And this one will not either.

What we will have come out of here—mark my words—are the taxes. Using the President's own figures, the deficit—if everything works perfectly according to their plan and they find these mystical cuts that they have not identified—the deficit still begins to climb sharply after the fifth year or in the fifth year; climb sharply.

Now, we will have had the largest tax increase in history. We will have had several new programs start. We will have cut defense to the point where that cow is now dry. She has no more milk to give.

The peace dividend is lost, squandered and used. We still have not gotten to the next largest, or most largest, tax increase in history, which comes with the health care program. What do we do then? Taxes besetting every corner of American society, every single individual in it being taxed to the limit beyond the 50-percent figure, cuts not having been made, new programs having been established, and the President's figures show the deficits rising.

Madam President, I wish the Senator well. I pray for his success in this thing, because there is a catastrophe pending and we are all party to it, but particularly we saw in the Vice President the real catastrophe with his vote the other night.

Mr. MACK. I thank the Senator for his comments.

I will just make one reference to the chart that I have this morning that illustrates the point that the Senator was making earlier.

If everything goes right—"right" meaning as identified in the President's proposal—if everything goes right—inflation, interest rates, unemployment, growth rates—what will happen after taxes have gone into effect and no significant spending reductions is at the end of that plan?

You see the deficit drop from above $250 billion to around $200 billion, and then begin to make its way back up again.

The proposal that was offered as an alternative by Republicans was spending cuts. The difference here is that at the end of the 5 years, deficits continue to go down, not shoot back up.

I use this chart to make the point that, in fact, it is spending that is driving the deficit, not the failure to raise taxes.

At this time, I yield to my colleague from Colorado, Senator BROWN.

Mr. BROWN. I thank the distinguished Senator from Florida.

Madam President, I want to add my voice of support for this innovative concept that the distinguished Senator from Florida has come up with. I am happy to add my name as a cosponsor of this bill. I simply want to make several observations that I think are appropriate for us.

There is no more distressing problem that faces the American people than the prospect of not having funds to reinvest in this Nation's future and the future of our children and grandchildren. At a time when almost every other major country in the world that wants to be a industrial power is focusing on reinvestment, we, as a matter of fact, as a country have the lowest capital formation rate on a net basis than any major industrialized country in the world.

It is no shock or surprise to any Democrat or any Republican to know this gives us a dismal outlook. The polls nationwide reflect the cynicism that pervades about our future because of our inability to deal with this problem.

The simple fact is this: This country consumes most of its private savings with public debt or public deficit. Some would say the programs we spend money on are so vital and so important that there simply I no other choice that we have. Yet, I know of no single person in Colorado or around the country that believes that. And for good reason. It is not true.

U.S. spending has skyrocketed, exploded, and this Congress has been unwilling or unable to set priorities. Concern over our failure to do so is bipartisan.

I have been amazed, in the budget debates that we have had, that some of the Members have actually come to the floor and said, "This last 12 years is the most fiscally irresponsible in history," and yet, in checking the records of those Members, I find that they voted for almost all of those budgets.

I find some of the most eloquent speeches made on this floor and the

floor of the other body being made about concerns over the huge deficit and its impact on our long-term growth. Yet, those speeches are sometimes made by the very people who opposed almost every major program to control or to reduce the deficit.

I do not think this shocks or surprises the American people. There is no subject that I know of where Members of Congress lack so much in the way of credibility. This proposal by Senator MACK is a positive proposal that will work because it will pinpoint proposals in a bipartisan manner that can, indeed, result in savings.

Madam President, the budget alternative that I offered in the Budget Committee would have saved $679 billion over 5 years, it would have balanced the budget by the 6th this year, and the irony of it is there was not a single one of those things that was difficult or tough or took money away from the poor in this country. Let me give a couple of examples because I think specifics are very important.

One of the bills I introduced yesterday is an idea I hope this commission will consider. Back in the 1960's, when this country was expanding the research we provided through universities, we had a guideline. We limited the overhead cost on research to 20 percent of the cost of doing the research. Basically, the way this system works is you had research awarded on a competitive basis between universities based on their ability to perform, the cost of it, and the quality of the research that they had done in the past. In addition, there was a limit to 20-percent overhead, that is the cost of the building, the heat, the lights, and what supervision the administration might provide. All research was done within that 20-percent limit.

Then, in 1966 we took the lid off. When I say we, I mean the current Congress at that time took the lid off overhead, thinking they needed flexibility in the way they did it. Today overhead runs more than 50 percent. This has nothing to do with the research, just overhead cost.

Some universities finance $1,500 for a liquor bill for a reception; $4,500 for retreats of boards of trustees; depreciation on a yacht—that is right, a yacht. Money used for what I think are barely related costs and services and, overall, universities now cost more than 50 percent in the way of overhead, and that overhead was done for 20 percent with no complaints. Universities were delighted to get the contracts.

It is an example of when we took controls off and did not mind the store how the expenses went through the roof and much was wasted: A $1,600 bill for a commode? One would think this was the Defense Department of years ago, yet these are simply examples. The $679 billion we itemize are simple things that basically involve paying attention to how you would run it. Every business in this country and every business in the world goes through cycles, and when things are tough they go back and look at where they can save money. The problem is we have not done that.

What this Commission does, in a bipartisan manner, is require thoughtful, reasonable people to go back through the way the Government spends money and see if there are not ways we can get better service for the taxpayer's dollar, and bring those proposals before Congress in a way that will highlight the issue. I think we will see both Democrats and Republicans respond in the way they responded to the base closing commission.

I think what Senator MACK has put together is a positive proposal that will work in facing up to the most difficult, the most perplexing problem we have. One thing I do know, the deficit we have is not a function of our unwillingness to tax the American people. I know there are some people who believe that, but looking at the facts is sometimes helpful.

Tax revenue in the last decade is up more than 83 percent—not down, not cut—it is up more than 83 percent. In the last 15 years there is not one single solitary year, check the record, where this Congress has come out with a deficit equal to or below what it set as its own target.

Let me emphasize that because I think it is fundamental here. Congress, left to its own devices, has been unwilling or unable to face up to the problem. There is not one single year we have kept spending and revenue in line with what we called for in our own budgets. And there is not a year where we cut spending in those. Almost always the budgets were huge increases in spending. There is not 1 year out of 15 where we met our targets.

This bill by Senator MACK, I think, can make the difference. It will come up with thoughtful, reasonable, objective, bipartisan proposals to control spending. It will focus on eliminating waste. It will provide a mechanism for bringing it before Congress and provide us specific issues on which we can improve the efficiency of proposals in controlling spending.

This budget this year is talked about as an effort to control spending, reduce spending, and reduce the deficit. Madam President, I think you know the President's budget this year increases spending $62 billion over last year. The budget document we offered, that we eventually adopted, does a little better than that, it is in the low $50 billions in the way of increased spending. But for anyone who thinks this problem will go away, take a look at what happens to us. I do not know as of the year 1995, but I do know a couple of facts that are important. If you look at the balloon of this population, the baby boom generation, when they begin to draw Social Security and they become eligible for Medicare—what you see is the expenditures go off the chart. That begins to happen towards the end of this decade and the early part of the next century.

The second thing I think that is easy to look at is this simple fact. By the end of this budget cycle we are going to be looking at—when I say budget cycle I mean the current budget we adopted—simply by the numbers included in it, not talking about a scenario in 1995 but a scenario right in our own budget document—you are going to be looking at borrowing in the neighborhood of $6 trillion by the end of this budget cycle. That is our own figures. Close to $6 trillion.

If interest rates go back up the the level they were under President Carter when President Carter left office—that is not an impossible figure, that is not a draconian figure, that is the simple reality of what they were when President Carter left office—that is more than 15 points higher than prime rates. Prime rates are 6 percent now, 21 percent when President Carter left office. If you simply go back to those 21 points you are looking at something under a $900 billion a year increase in the cost of interest. We are not talking about programs. We are simply talking about borrowing, the cost of the money. We are not talking about interest costs. We are talking about the increase annually in interest costs, $900 billion if you go back to that interest rate figure.

Does anyone here want to suggest we will never see those interest rates again? I suggest with the deficits in this country, we will—tragically, we will. And $900 billion in 1 year is more than anyone I know in this Chamber has ever proposed cutting—anyone. We either face this now, either face up to the problem and provide the discipline this country needs, or we see the future of this Nation go down the drain.

Senator MACK's proposal is a reasonable, thoughtful, careful analysis to come up with some good ways to make our spending more efficient. I think it will set aside the draconian future that we have if we fail to face up to the problem.

I want to commend Senator MACK on his efforts. I want to tell him I support them fully and I believe this Chamber, in a bipartisan manner, will move toward adopting this measure.

Mr. MACK. I thank the Senator for his comments, and maybe just build on a point he was making a moment ago. I am sure, if you talk to Mr. Figgie, for example, he will say 1995 is not going to be the year of bankruptcy or the year of economic collapse. The point he is making in his book is this growth of debt will eventually hit a point where it will shatter the economy, if you will.

You mentioned at the end of this budget cycle that we will see the debt

at $6 trillion. Let me point out where we started in 1993 and where we are going to end up in 1998, at $6 trillion. It is not going to be very far off the curve that was established by the folks in the Grace Commission back early in the eighties.

What is scary about this chart—they refer to it as the hockey stick chart—which shows the accumulation of debt over time—is how close they are to their projections of the accumulation of the debt. And it is the accumulation of the debt in addition to the deficit that we should be concerned with.

Before I yield to my colleague from Montana, let me, if I can, Madam President, ask unanimous consent that Senators BROWN, DOMENICI, HUTCHISON, GRAMM, GORTON, BENNETT, COVERDELL, NICKLES, FAIRCLOTH, KEMPTHORNE, MCCONNELL, COATS, BURNS, CRAIG, and SIMPSON be added as original cosponsors of the bill to create a Spending Reduction Commission.

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

Mr. MACK. At this time, I am glad to yield to my colleague from Montana [Mr. BURNS].

Mr. BURNS. Madam President, I thank the Senator from Florida. I want to remind him of about 2, maybe 3 years—2½ years ago—when we stood on this floor and we talked about a similar solution for getting our spending habits under control. I think we called it the 4-percent solution at that time.

A couple of think tanks in town sat down with us and figured out that if we could do away with baseline budgeting and we base our spending increases on previous years' expenditures rather than previous years' budgets, we could then start to bring into some kind of reality what we are doing physically with this Government.

Then in the campaign of 1992, I heard a lot of people say, yes, we are willing to sacrifice in order to deal with the debt. Maybe some of that sacrifice should be shared by those who receive from the trough rather than those who want to sacrifice by putting more into the trough because the history of increasing taxes to deal with deficits or to deal with the debt has not worked all that well because if you look at the figures, they say we increase spending every time we increase taxes to do a certain thing.

That 4-percent solution back in 1990, by the time of Mr. Figgie's sort of cutoff date, 1995, we would almost have a balanced budget. Yes, there was going to be some pain with this. It was not without pain; it was not without sacrifice. What it said was we can allow each line in the national budget from this Federal Government to grow 4 percent—no more—a year based on previous years' expenditures. I think that is very important: not on previous years' budget, or even previous years' what we call budget authority, what authority we have to spend. I ought to explain that.

When we look at our budgets, each piece of legislation is given a budget authority, so much money to spend. We do not always spend that much. We try to stay within the budget recommended by the Budget Committee.

That 4-percent solution would have balanced the budget by 1995. That idea really did not catch on because people looked at it and said, "That is way too simple." It is kind of like a flat rate income tax. I do not think we will have a flat rate income tax in this country; in other words, whatever you made this year, we are going to send 5 percent of it to the Federal Government. We have to have CPA's for something and tax lawyers and all these folks that do all the figures and add to our cost of doing business in this country.

But nonetheless, the 4-percent solution would have gotten us to the point where we were balanced by 1995. That idea did not really get off the ground because, as I said, it was too simple.

But what have we done in the Government that brings on an idea of establishing a Commission to deal with this, as we have done in the base closings? In the base closings, we, as individuals, do not have the political courage to close down a military installation that is going to cost a bunch of jobs in our home States. I suffer with the folks who live in California and the folks who live in South Carolina because this is a tremendous; it is a traumatic thing on base closings whenever we talk about jerking that much money out of a specific neighborhood.

We just do not have the political courage to do that because everything, they say, we look at in this Congress has three sides to it: There is a social side; there is an economic side; and there is a political side.

It is like NAFTA. I believe in the philosophy of the NAFTA, but I have a political situation in Montana where I have a lot of wheat and durum and barley coming into my State out of Canada and it is acutely affecting my business in Montana. Until we deal with that, we better not start opening up another door for other problems. But that is another day.

As to the reconciliation bill that was passed by this Senate, I heard a lot of people say we passed $3 in increased taxes to every $1 cut. It is more like $8 over the 5 years. It does not go along with that.

I want to compliment the Senator from Florida, who has given a lot of thought and he has worked very hard. When I was in county government, let me tell you, if you overlook a line item and it gets out of control, you are in trouble so quick on budgets and managing the public's money. That is why in Yellowstone County, MT, we went to a 5-year budget. I wish we had done a 2-year budget here because of the effects of what it does in the outyears. It gives us a reading on the future. If this happens, this is how it is going to play 2, 3, 4 years later.

I like the idea of maintaining reserves, like we did in county government. You had to maintain reserves. You only collected taxes twice a year. You had to have some to tide you over so you maintained reserves in all lines for emergencies. I like that idea and I think the American people like that idea to have this money set aside for emergencies.

Look what is happening on the Mississippi River. It is going to cost money, and I think Americans want to help those people who are affected that is going on in those flooded areas. I say we should help them, but we should have a fund set aside so that we can help them. I have no problem with that.

I want to congratulate the Senator from Florida for his work on this because basically it does go down the line of my 4-percent solution of 3 years ago. It holds with that philosophy that we have to do something.

Yes, we can move some money around. But in business, I want to tell you, the difference between Government and business is that in business, if we try something and it costs money and it does not make any money and there are no returns, what do we do? We quit doing that. We quit putting resources into it and we cancel that project and go and try another one. And if it works, we keep on.

Do you know what this Government does? We will set up an idea and we will fund it. If it does not work, we do not cancel it, we just keep on funding it and we try something else and keep funding that and that does not work. There are areas in this budget—what this thing does is it takes the best part—maybe the Grace Commission that had recommendations.

We have functions in the Government now that should be phased out, gone, history, out of here, and we do not have the political courage to shut them down. I think this Commission may take a look at those, nonpartisan or as bipartisan as it can be, and probably bring some kind of sanity to the process.

I am discouraged by the fact that we are starting to talk in conference now on reconciliation of bringing back the gas tax, bringing back the Btu tax. We always find new ways to tax. We can be very, very imaginative on how to tax, but when we say we have to cut, it seems like our imagination turns to old Mississippi River mud. None at all.

Some folks just love to tax more than going through the pain of cutting and telling those people who are beneficiaries of some of these programs that, yes, you have to sacrifice and you have to share in this pain, too. I think it is a noble purpose.

All people want to share, but they want it fair. That is what I would like to say. We cannot afford, like in Montana, an energy tax. We are an energy producer, an energy user. We are also small business. Ninety-eight percent of the jobs in Montana are provided by employers that employ 20 people or less. That is very important, and taxes hurt those kinds of people. We cannot expand our economy.

So I thank my friend from Florida, and I wholeheartedly want to put all the resources we have in making this a reality.

THE RECONCILIATION CONFERENCE

Mr. BURNS. Madam President, I rise today to express my concerns about the upcoming conference on the tax bill.

As my colleagues know, the tax bill will be going to conference after we return from the Fourth of July recess. We also know that there are significant differences between the House bill and the Senate bill that will need to be ironed out at that time.

For example, the House-passed bill contains the "Big time unemployment" tax. The Btu tax is a terrible idea, as I have said on this floor many times. It is inflationary; it will be passed on to consumers through higher prices, and it will heavily impact the poor and the middle class.

The Senate-passed bill, on the other hand, has a 4.3-cent gasoline tax. Again, this will negatively impact consumers and businesses. You add to the cost of running Main Street and what happens? Costs go up, people get laid off, and money that would go into expanding the business goes to the taxman instead. This isn't the America I know. As far as I am concerned, moving from a Btu tax to a straight gas tax is jumping from the frying pan into the fire.

Montana is both an energy user and an energy producer. My State's main industries rely heavily on the expenditure of energy. For example, tourism is an important component in the economy. It takes gasoline to drive across the plains and up the mountains, folks. Old Faithful does not make house calls. And if gas prices increase, fewer people will take vacations in cars.

We have been getting mixed signals from the administration as to whether or not the Btu tax is dead. Some Cabinet officers are saying that the Btu tax is still alive while others say the opposite.

The conferees will need to come to an agreement about this issue. Is it a Btu tax or a gas tax? Either one is bad news for Montana. There is an alternative. The conferees should heed the call of all Americans and cut spending before they impose this regressive tax on America.

Just what is the administration's position on this issue? I think Congress needs to know this before the conferees begin their work.

Thank you, Madam President.

THE SPENDING REDUCTION ACT OF 1993

Mr. DOMENICI. Madam President, I rise in support of the Spending Reduction Act of 1993, introduced today by my good friend the Senator from Florida. This legislation would provide for a commission—similar to the Base Closure Commission—that would examine the panoply of Federal programs and make recommendations for terminating and consolidating outdated and duplicative programs.

The key to success of this reform is that the Spending Reduction Commission will operate in isolation from the current congressional process. The members of the Commission would not be besieged with constituent requests for more congressional pork, but would be able to dispassionately make judgments about funding priorities. Most importantly, this process would be open to the public, both for their education and their input.

I have an interesting story about a professor who was doing a study on the congressional budget process. As he was researching what went on during the annual appropriations process, he noticed that many people testified in favor of increased funding for various programs but that no one ever spoke in support of reducing any programs. So, he made a request to appear before the House Appropriations Committee to make the case for terminating a program in the Department of Agriculture. The committee granted him 2 minutes, cut off his statement, asked him no questions, gave no verbal or written response to his testimony, and, of course, fully funded the program that year. Basically, this is the same fate of amendments to appropriations bills that try to terminate programs or to reduce funding substantially.

Some will say that the Congress would be abdicating its constitutional responsibility over control of the power of the purse by adopting this legislation. I would say that we have already abdicated. Witness the fiscal year 1994 budget resolution. The conference agreement, which I did not support, contained a lot of nice language about providing funding for important initiatives but not one word about specific spending cuts. In fact, reconciliation assumptions for Senate committees were not included in the budget resolution, as has been customary in the past.

In pursuing House action on fiscal 1994 appropriations bills, it is apparent that several subcommittees are ignoring both the President's initiatives and proposed reductions, intently preserving the status quo. We do not want to preserve the status quo—we cannot afford it and our children and grandchildren cannot afford it. The Spending Reduction Commission will give us a mechanism to accomplish what we have not been able to do on our own.

Mr. MACK. I thank the Senator for his comments.

At this time, I yield to my colleague from Idaho [Mr. CRAIG].

Mr. CRAIG. Madam President, let me extend a very special thanks to my colleague, CONNIE MACK of Florida, for bringing this most important concept to the Senate.

For a good number of years, the American public has known that collectively the Congress of the United States has become incapable of being fiscally responsible. Largely, that is because of special interest groups, well-meaning interest groups representing very important segments of people and the economy of this Nation, that constantly work with the Congress of the United States to divide up the largesse of the public Treasury for the purpose of Federal expenditure.

With those kinds of pressures, it is nearly impossible for some to say no. And collectively, we now have a budget that is over $300 billion in deficit and a debt of nearly $4 trillion.

Over a decade ago, I became the champion of a balanced budget amendment to our Constitution, and I will continue to work on that because that is the ultimate control in the ability of this Congress to spend.

But the idea of a spending commission, I believe, is a concept whose time has come. I say that because it does not abrogate the responsibility of the elected official, the Senator who is sent here by his State to make those tough decisions. But it does allow an independent group to sort through the spending of the Congress and the Government and to prioritize and make recommendations.

I am sure this morning the Base Closure Commission has been referred to as a similar approach, a Commission that has made clear choices and forces this Congress to make tough choices. And it has worked. A lot of pain has been produced, but it was the necessary kind of pain to begin to scale down a massive military complex that we politically did not have the will to do.

Here is an opportunity to examine all of the expenditures of our Government and to, in an up-or-down vote, present to us these ideas with our choices to be put before this Congress, both the House and the Senate. It is a novel and very valuable idea.

I will work very closely with the Senator from Florida to make sure we get this job done. The American people deserve it, and we ought to be very positive in moving it into law.

I thank my colleague for bringing it to us.

Mr. MACK. I thank the Senator for his comments.

Madam President, I believe our time is about to expire, and I ask at this point unanimous consent for an additional 10 minutes.

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

Mr. MACK. At this point, I yield to my colleague from Georgia, Senator COVERDELL.

Mr. COVERDELL. Madam President, I rise to support my distinguished colleague, Senator CONNIE MACK from Florida, in presenting his Spending Reduction Commission legislation. I am proud to be a cosponsor of this effort to bring new discipline to the spending habits of the Congress.

For the past 5 months and longer, we have been in an intense debate over the financial dilemmas faced by the Congress and our country. Throughout the Presidential campaign, much was said of the deficit and the debt and how are we to come to some solution regarding these issues and these problems.

I have come to believe that there is only one resolution with respect to the deficit and the debt for the Congress, and that is to pursue new disciplines, new rules of the road.

Madam President, I find it difficult to accept with any credibility those who argue they are seriously trying to deal with the deficit and deal with the debt when they systematically will not accept nor promote new disciplines and new rules of the road. If you are unwilling to step forward and support a balanced budget amendment, if you are unwilling to step forward and cast your lot with those who would ask for a line-item veto, if you have made no proposals such as this new idea from the Senator from Florida, the Spending Reduction Commission, then you are not really concerned about the deficit and the debt. The idea that we can tax ourselves out of the deficit or debt has been proven time and time again to be wrong.

I find it somewhat puzzling to come to Washington and find such resistance to ideas that are so uniformly accepted by the people throughout our country. We all are very much aware of the fact that they are calling for us to institute new disciplines in new forms. The American people overwhelmingly support a balanced budget amendment. They overwhelmingly support the line-item veto. And as they are exposed to the idea offered today by the Senator from Florida, they will overwhelmingly support this as well. Why? Because they see it as an attempt to discipline and to manage our affairs.

There is no need for me today to spell out the similarities between Senator MACK'S proposal and the Base Closure Commission. There are many. But simply, to close, I say the Senator contributes substantially to the process of debate and dialog about the need for the Senate and House to institute procedures and a process of discipline to force us once and for all to set meaningful priorities in the spending habits of the Congress.

Madam President, I yield to the Senator from Florida.

Mr. MACK. I thank the Senator from Georgia.

Madam President, I will close with a few brief comments. It is my intention to read several endorsements, if you will, of the proposal.

But before I do that, I think this is important. Earlier in the morning, I made reference to the Chairman of the Federal Reserve Board, Alan Greenspan, and his comments with respect to how one really should go about controlling or getting control of the deficit and the debt, and it had to do with the spending side. He testified before the Committee on Finance of the Senate on March 24, 1993. I am now reading from that testimony.

According to both the Office of Management and Budget and the Congressional Budget Office, deficits are likely to be held in check by relatively good economic performance over the next few years. But from 1997 on, budget outlays under existing law are projected to rise appreciably faster than the tax base. If such trends are not altered, stabilizing the deficit-to-GDP ratio solely from the receipt side, not to mention reducing it, will necessarily require ever increasing tax rates. This would surely undercut incentives for risk taking and inevitably damp the long-term growth and tax revenue potential of our economy. The gap between spending and revenues will not close under such conditions. Thus, there is no alternative to achieving much slower growth of outlays if deficit control is our objective. This implies not only the need to make cuts now, but to control the growth of future spending so that it does not exceed, and preferably is less than, the projected growth in the tax base.

In other words, if Federal spending is growing at a faster rate than incomes in the country, the only way you can reduce the deficit is by continuing to increase the rates of taxation, and you will ultimately reach a point at which you will collapse the economy. No longer will you be able to generate higher revenues by increasing the tax rates. That is a very important point.

I would like to read a couple of endorsements. The Citizens Against Government Waste had this to say about the commission idea:

The Commission established in your legislation will force Congress to act. Taxpayers can no longer afford to wait; time is of the essence.

THE HERITAGE FOUNDATION

(The Commission) is a terrific new approach to getting our country's fiscal house in order.

COMPETITIVE ENTERPRISE INSTITUTE

We must change the calculus of Congress away from awarding targeted special interest benefits toward reducing the cumulative burden of political appetites on each American's individual choices and opportunities.

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

The Spending Reduction Commission offers an excellent opportunity to target wasteful Government spending and restore fiscal sanity to the budget process.

THE NATIONAL ASSOCIATION OF WHOLESALER-DISTRIBUTORS

NAW continues to believe that a deficit reduction strategy that depends on spending cuts to the exclusion of an increased tax burden on individual and business taxpayers is the only approach that will serve the dual purpose of generating sustained, vigorous economic growth and reducing the budget deficit to zero.

Madam President, I ask my colleagues, both Democrat and Republican alike, to support this legislation that would establish a Spending Reduction Commission that does not take away the prerogatives of the Congress. In essence, its work would go into effect only if the Congress failed to cut spending.

Under this proposal, the Office of Management and Budget would send to the Spending Reduction Commission a proposal of $65 billion in spending cuts each year from 1995 through the year 2000, which, according to CBO, is one way that you could reach a balanced budget. The Commission would review those suggestions, make modifications, just as the Base Closure Commission makes modifications, and submit that to the President. The President could then make changes at that time or submit it to the Congress.

When the President submits it to the Congress, the Congress has a simple up-or-down vote, no amendments from any Member of the House or the Senate. The Senator from Florida could not propose an amendment to protect the space program. No one would be able to offer amendments. It would be a simple up-or-down vote.

I believe by this approach we can finally get control of Federal spending.

I yield the floor.

PROPOSED VISITS BY INTERIOR SECRETARY BABBITT TO OLD ABANDONED MINE SITES

Mr. WALLOP. Madam President, budget policy is not the only area where the administration is stumbling. I am concerned about the direction taken on natural resource issues. Several days ago, a most disturbing memo, originated by the Department of the Interior, came across my desk and the implications are quite serious to Western States. This memo, sent to BLM's Western State office external affairs chiefs, requests specific examples of "notorious, visually dramatic unreclaimed abandoned mines on public lands." The memo further states that the Secretary of the Interior plans to visit various Western States in the upcoming months and the information would be used for related future press availabilities.

Madam President, I ask unanimous consent that the memo be printed in the RECORD.

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

JUNE 22, 1993.

To: SO External Affairs Chiefs (except ESO).
From: Acting Director, WO Public Affairs.
Subject: Information on abandoned mines required no later than 4 pm EDT today.

The Secretary will be visiting various Western States in the upcoming months and wants immediately some examples of notorious, visually dramatic unreclaimed (abandoned) mines on the public lands for future press availabilities.

No later than 4:00 pm (Eastern Daylight Time) today each of you must provide to me a total of two such sites from your area of jurisdiction, with the following information for each site:

Name of mine;

Type of mine (kind of mineral; underground/surface; etc.);

Location in general terms (e.g., 20 miles west of Denver);

Type of problem(s) associated with mines abandonment; and

Point of contact for Secretary's Office (preferably a linc manager).

Mr. WALLOP. What I object to and am alarmed by is the astonishing one-sidedness. It raises serious questions about Secretary of the Interior Babbitt's stated intention and expressed willingness to work with Members of Congress and industry to achieve a balance in budget policy decisions regarding the development and preservation of the Nation's natural resources.

Madam President, this Secretary office memo abandons any pretense at fairness. It is a child's game and the manipulation of public affairs in the media. If the Secretary's pledge of fairness had been genuine, why was there no request in this directive for information on mines that have won reclamation awards? And there are many in the Western States. The Department has not even asked for information about the Department of the Interior's own waste sites, sites that are probably the most hazardous and most direly in need of cleanup in the Nation, not the private sector, but the Government sector.

I wonder about the Secretary's intention with respect to this list of mines. I have seen the list and can only draw the conclusion that Secretary Babbitt simply intends to use this list to unfairly embarrass and, indeed, punish the mining industry for the sins of another generation. His focus is bad. His promise is unreal and his focus is on the bad and the ugly, not on the good or the meritorious mine sites. He chooses to cite exceptions to the rule as he chooses to divide and not to unite. He has, in fact, not been able to shed that cap that he wore in civilian life of the environmental advocate. He is now the Secretary of the Interior of all of the United States. He is not still the head of an environmental action organization.

Many of the so-called examples of environmental degradation that would be exposed are decades old, before the industry was required to comply with a host of complex Federal and State regulations such as the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, RCRA, Superfund and the National Environmental Policy Management Act. Today, reclamation—the process of returning the land to its original state—is a routine part of every mining operation. This is an expensive undertaking, costing millions of dollars annually.

The message of the U.S. Government, as manifested by this memo is clear—go ahead and be a responsible user of our public lands if you dare, but Bruce Babbitt intends to knee-cap you anyway.

So let me suggest to the Secretary of the Interior that he examine some of the positive impacts of the hardrock mining industry.

In my own State of Wyoming, the ARCO Black Thunder Coal Mine has won 12 awards for reclamation over the last several years. ARCO's revegetation supervisor also recently received the 1993 Reclamationist of the Year Award from American Society for Surface Mining and Reclamation. I ask unanimous consent that the entire list of environmental awards given to Thunder Basin Coal Co. be printed in the RECORD.

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

THUNDER BASIN COAL COMPANY
ENVIRONMENTAL AWARDS

Thunder Basin Coal Company's Revegetation Supervisor received the 1993 "Reclamationist of the Year" Award from American Society for Surface Mining and Reclamation.

First Place 1992 Wyoming Excellence in Surface Mining and Reclamation Award—Little Thunder Creek Diversion Project.

1992—Black Thunder Mine Awarded "Highest Habitat" Certification Under the Corporate Wildlife Habitat Program of the Wildlife Habitat Enhancement Council.

First Place 1991 Wyoming Excellence in Surface Mining and Reclamation Award—Innovative Construction and Reclamation Techniques Developed For a 26-Mile Dragline Relocation.

1991 ARCO Environmental Achievement Award for Wildlife Habitat Development and Enhancement on Mined Land—$25,000 awarded to further research and development of the emerging science of restoration ecology.

Honorable Mention 1990 Wyoming Excellence in Surface Mining and Reclamation—Development of Innovative Revegetation Technology.

1990 Special Merit Recognition for "Wildlife Habitat Development and Enhancement" from the National Environmental Awards Council.

1989 Outstanding Conservation Award from the National Institute for Urban Wildlife—Construction of Replacement Reservoir 26-SR-1.

First Place 1989 Wyoming Excellence in Surface Mining and Reclamation Award—Wildlife Habitat Development and Enhancement.

First Place 1988 Wyoming Excellence in Surface Mining and Reclamation Award—Rocky Hill Coal Gasification Land Farm Project.

Honorable Mention 1987 Wyoming Excellence in Surface Mining and Reclamation Award—Construction of Rockpile Habitat.

First Place 1987 Wyoming Excellence in Surface Mining and Reclamation Award—Construction of Replacement Reservoir 26-SR-1.

Mr. WALLOP. Madam President, in the Gas Hills area of Wyoming, an area once full of uranium, numerous old sites have been reclaimed to a state far better than their premining days. One of the pits in this area, the Vecta Pit, has been nominated by OSM for a reclamation award to be presented in September. In all, more than 700 acres in the Gas Hills area have been reclaimed at a cost of $11 million. These places are worthy of the Secretary's time.

Does he plan to visit these areas and bring along the press? I hope so, but I really doubt it. He is out playing the advocates game for the League of Conservation Voters that he promised not to do at his confirmation hearings. His promises, like so many in this administration, can be relied upon so long as you are still in the room.

Now let me question some of the Department of the Interior's own cemeteries of waste such as the California asbestos problems at Coalinga, the spilling of asbestos into the Westside Canal in the Fresno Valley, and the need to purchase more than 10,000 acres of cropland to build levies on the west side of the canal to contain the asbestos in the flood waters.

Why did the Secretary not request information on sites such as the asbestos mines reclamation or the lack thereof in the Sonora Pass area of California as well as the Condor Peak-Atlas mine area east of Bonito Creek?

Why was there no mention of the smuggler site at Aspen, CO; the Robco site, part of the Denver radium Superfund; the Leadville drainage tunnel and the Kaaba-Texas mine in northern Washington? Was it because the Department of the Interior is a named principal party in those Superfund sites?

Madam President, the Interior Department did not even ask the Bureau of Indian Affairs to supply information about waste sites from the various reservations such as the Navajo in New Mexico and Arizona, the Spokane tribal lands in Washington and the Blackfeet in Montana. There is both good and bad news on these lands.

I hope the Secretary can bring himself to balance his visits to abandoned mine sites with trips to some of the places I have just mentioned. If the Secretary and his entourage are going to travel the country at taxpayer expense, he has an obligation to learn, not just practice political defamation.

The Secretary of the Interior stated at his confirmation hearing that it was his obligation to reconcile complex, natural resource problems through

thoughtful, close-up, engaged analysis—something he deemed sorely lacking in land management decisions and the cause of numerous conflicts. This memo is not only one-sided, but the antithesis of that pronouncement.

If the Department of the Interior cannot be fair in its assessment of hardrock mining issues, are we to expect these same judgmental tactics on grazing, timber, endangered species and the numerous other complicated issues that we, the Congress must work on in good faith with the administration to solve?

Madam President, I ask unanimous consent to have printed in the RECORD a letter dated June 29, 1993, from Timothy C. Richmond, AML project officer, to Greg Clark, District Ranger, Bridger-Teton National Forest.

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

DEPARTMENT OF
ENVIRONMENTAL QUALITY,
Cheyenne, WY, June 29, 1993.

GREG CLARK,
District Ranger, Bridger-Teton National Forest, Big Piney, WY.

DEAR MR. CLARK: The Wyoming Abandoned Mine Land Division (AML) investigated the Kleinstick coal mine (Sec 4, T33N, R115W) and the Cottonwood coal mine (Sec 33, T34N, R115W) for eligibility for reclamation under the Wyoming AML Program in the summer of 1991 and again in the fall of 1993. The criteria under which these two mine sites were evaluated were threat to public health and safety and degradation of the off-site environment.

Neither the Kleinstick nor the Cottonwood mine sites are considered to be eligible for reclamation under the Wyoming AML Program because of threat to public health and safety or because of degradation of the off-site environment. No hazardous open shafts, adits or subsidence features or hazardous highwalls were observed during the field visits. The coal waste piles appear stable with no apparent accelerated erosion occurring. Much of the waste piles have become naturally revegetated, further suggesting that the disturbances are stable and healing. It is our opinion that more damage would occur from reclamation efforts than leaving it in its present condition.

I have enclosed for your reference the applicable information from the Report of Investigation prepared by Coffey Engineering and Surveying, Inc., of Laramie, WY, who performed the investigations. Also enclosed are the laboratory analyses of the soil and water samples referenced in the ROI.

I will be happy to answer any questions you may have regarding these two abandoned coal mine locations. Please contact me at (307) 777-6859.

Sincerely,

TIMOTHY C. RICHMOND,
AML Project Officer.

SELECT COMMITTEE ON ETHICS—NOTICE OF PUBLICATION

Mr. BRYAN. Madam President, the Senate Select Committee on Ethics has adopted and herewith publishes in the CONGRESSIONAL RECORD interim procedures for requests for review under section 308 of the Government Employee Rights Act of 1991, and for reviews undertaken pursuant to section 501(b) of the Family and Medical Leave Act of 1993.

Specifically, rule 1 of the committee's interim rules specifying procedures under title III of the Government Employee Rights Act of 1991 has been amended to incorporate a reference to the committee's review authority under section 501(b) of the Family and Medical Leave Act of 1993.

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

ETHICS COMMITTEE INTERIM PROCEDURES UNDER TITLE III OF PUBLIC LAW 102-166, THE GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991

RULE 1—AUTHORITY

The Senate Select Committee on Ethics (the Committee) is authorized by section 308(a) of the Government Employee Rights Act of 1991 (the Act), Title III of the Civil Rights Act of 1991, Pub. L. No. 102-166, 105 Stat. 1088, to review hearing board decisions in employment discrimination cases filed with the Office of Senate Fair Employment Practices (the Office) under the Act and by section 307(f)(2) and (3) of the Government Employee Rights Act of 1991 to receive referrals for rulings on testimonial objections arising in connection with such cases, and to recommend to the Senate civil or criminal enforcement of hearing board subpoenas. Under section 501(b) of the Family and Medical Leave Act of 1993, P.L. No. 103-3, 107 Stat. 6, 27, the Committee has the same authority to review hearing board decisions and to act on testimonial objections in cases alleging violations of sections 101 through 105 (with respect to the Senate employment of Senate employees) of the Family and Medical Leave Act as it does in cases alleging violations of the Government Employee Rights Act of 1991.

RULE 2—TIME

2.1 *Computation of Time.*

(a) *Counting days.* A day means calendar day. In computing the time for taking any action required or permitted under these rules to be taken within a specified time, the first day counted shall be the day after the event from which the time period begins to run and the last day counted is the last day for taking the action. When the last day falls on a Saturday, Sunday, or federal government holiday or any other day, other than a Saturday or a Sunday, when the Office is closed, the last day for taking the action shall be the next day that is not a Saturday, Sunday, or federal government holiday or a day when the Office is closed. Where a prescribed time period is less than seven days, then Saturdays, Sundays, and federal government holidays shall be excluded from the computation of the time period. Federal government holiday means New Years' Day, Birthday of Martin Luther King, Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, any other day appointed as a holiday by the President or Congress of the United States.

(b) *Added days for mail.* Whenever a party or the Office has the right or is required to do some act within a prescribed period after the date of service of a notice or other paper and the notice or other paper is served upon the party by mail through the United States Postal Service, 3 days shall be added to the prescribed period. This additional 3 days does *not* apply to the request for Committee review under Rule 3.

2.2 *Service and filing.* Except as otherwise provided in Rule 3.1, a document required under these rules to be submitted to or filed with the Committee or the Office, or served on a party or the Office within a specified time shall be deemed timely submitted, filed, or served if it is received by the Committee, the Office or the party, or if mailed, it is postmarked, on or before the last day of the applicable time period.

2.3 *Extension of time.* Upon written request of the Office or a party, the Committee may extend the time for taking action under these rules, except that the Committee may not extend the time for taking any action for which the Act specifies a time limit.

2.4 *Where to File.* Documents required to be filed with the Committee shall be filed at the offices of the Senate Select Committee on Ethics, Hart Senate Office Building, Room 220, Washington, DC 20510. Documents required to be filed with or served on the Office shall be filed or served at the Office of Senate Fair Employment Practices, Hart Senate Office Building, Suite 103, Washington, DC 20510.

RULE 3—REQUESTS FOR COMMITTEE REVIEW OF HEARING BOARD DECISION

3.1 *Requirements for Filing a Request for Review.*

(a) *Who May Request Review of a Hearing Board Decision.* An employee or the head of an employing office with respect to whom a hearing board decision was issued is a party entitled to request Committee review of that decision. The Office may also request review of a decision.

(b) *Request by a party.* Not later than 10 days after receipt of a decision of a hearing board, including any decision following a remand of the case as provided in Rule 4.2(c), a party may file with the Office a request that the Committee review the decision. A request for review shall specify the party requesting review, and shall designate the decision, or part thereof, for which review is requested. A request for review must be *received in the Office* not later than the 10th day after the date of receipt of the hearing board decision [a postmark on the 10th day will *not* satisfy this timeliness requirement.] Within 24 hours after receipt of a request for review, the Office shall transmit a copy of such request to the Committee and serve a copy on any other party.

(c) *Request by the Office.* The Office, at the discretion of its Director, on its own initiative and for good cause, may file with the Committee a request for review of a hearing board decision, including any decision following a remand of the case as provided in Rule 4.2(c), not later than 5 days after the time for the parties to file a request for review with the Office has expired. A request for review shall specify that the Office is requesting review, shall designate the decision, or part thereof, for which review is requested, and shall specify the circumstances which the Office asserts constitute good cause for the request. A request for review by the Office must be received in the Committee's office not later than the 5th day after the time for the parties to file a request for review with the Office has expired [a postmark on the 5th day will not satisfy this timeliness requirement.] Within 24 hours after filing a request for review with the Committee, the Office shall serve a copy of such request on all parties.

3.2 *Transmittal of Record.* As soon as possible, and in no event later than 10 days after

receipt by the Office of a request for review or the Office's filing of a request for review with the Committee, the Office shall transmit to the Committee the full and complete record of the hearing board connected with the decision for which review has been requested. The Chief Clerk of the Committee shall promptly serve notice of the Committee's receipt of the record on all parties.

RULE 4—PROCEDURES UPON RECEIPT OF A REQUEST FOR REVIEW OF A HEARING BOARD DECISION

4.1 *Briefs and Arguments.*

(a) *Petitioner brief.* A party who filed a request for review, or the Office if it requested review, may file a brief in support of its position. The brief shall be filed with the Committee and a copy served on any other party and the Office, if it requested review, within 10 days of the filing of the request for review with the Office, or the Committee if the Office requested review.

(b) *Respondent brief.* A party may file a brief in response to a petitioner's brief. Such respondent brief shall be filed with the Committee and a copy served on any other party and the Office, if the Office filed a request for review, within 15 days after service of the petitioner brief. If no petitioner brief is filed, such respondent brief shall be filed within 20 days of filing of the request for review. The Office may file a respondent brief only if it filed a request for review.

(c) *Reply brief.* Any reply brief shall be filed with the Committee and served on all parties and the Office if it requested review, within 5 days after service of the respondent brief to which it replies. No one may file a reply brief who did not file a petitioner brief.

(d) *Alternative briefing schedule.* With notice to all parties and the Office, if it requested review, the Committee may specify a different briefing schedule than that prescribed by subsections 4.1(a), (b) and (c).

(e) *Additional briefs.* At its discretion, the Committee may direct or permit additional written briefs.

(f) *Requirements for briefs.* Briefs shall be on 8½ inch by 11 inch paper, one side only, and 15 copies shall be provided. No brief shall exceed 50 typewritten double spaced pages, excluding any table of contents, list of authorities, or attached copies of statutes, rules, or regulations. Footnotes shall not be used excessively to evade this limitation. All references to evidence or information in the record *must* be accompanied by notations indicating the page or pages where such evidence or information appears in the record.

(g) *Oral argument.* At the request of a party or the Office, the Committee may permit oral argument in exceptional circumstances. A request for oral argument must specify the circumstances which are asserted to be exceptional.

4.2 *Remand.*

(a) *Only one Remand.* There are two kinds of remand. The Committee may remand the *record* respecting a decision, or it may remand the *case* respecting a decision, but in no event can there be more than one remand with respect to a decision of a hearing board. If the Committee remands the record respecting a decision, there can be no further remand of any kind with respect to such decision. If the Committee remands the case respecting a decision, there can be no remand of any kind with respect to a hearing board decision issued following remand. A Committee decision remanding to the hearing board shall contain a written statement of the reasons for the Committee decision.

(b) *Remand of the Record.* Within the time for a decision under subsection 308(d) of the Act, the Committee may remand the *record* of a decision to the hearing board for the purpose of supplementing the record. After the hearing board has supplemented the record as directed by the Committee, the hearing board shall transmit the record to the Office, and the Office shall immediately notify the parties of the hearing board's action and transmit the supplemented record to the Committee. The Committee retains jurisdiction over a request for review during remand of the record, and no new request for review is needed for further Committee consideration under section 308 of the Act. A record shall be deemed remanded to the hearing board until the day the Committee receives the supplemented record from the Office, and the Committee shall transmit a written final decision to the Office not later than 60 calendar days during which the Senate is in session after receipt of the record as supplemented on remand. The Committee may extend the 60-day period for 15 days during which the Senate is in session.

(c) *Remand of the Case.* Within the time for a decision under subsection 308(d) of the Act, the Committee may remand the *case* to the hearing board for the purpose of further consideration. After further consideration, the hearing board shall issue a new written decision with respect to the matter as provided in section 307 of the Act. If the Committee remands the case to the hearing board, the Committee does *not* retain jurisdiction, and a new request for review, filed in accordance with Rule 3, will be necessary if a party or the Office seeks review of a decision issued following remand.

4.3 *Final Written Decision.* All final decisions shall include a statement of the reasons for the Committee's decision, together with dissenting views of Committee members, if any, and shall be transmitted to the Office not later than 60 calendar days during which the Senate is in session after filing of a request for review. The period for transmission to the Office of a final decision may be extended by the Committee for 15 calendar days during which the Senate is in session. A final written decision of the Committee with respect to a request for review may affirm, modify, or reverse the hearing board decision in whole or in part. The Committee may decide not to grant a request for review of a hearing board decision. The Committee will serve a copy of any final decision on all parties.

RULE 5—HEARING BOARD REFERRAL OF TESTIMONIAL OBJECTIONS

5.1 *Procedure for Ruling on Testimonial Objections.* If any witness to a hearing board proceeding appearing by subpoena objects to a question and refuses to testify, or refuses to produce a document, a hearing board may refer the objection to the Committee for a ruling. Such referrals may be made by telephone or otherwise to the Chairman or Vice Chairman of the Committee who may rule on the objection or refer the matter to the Committee for decision. If the Chairman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman or Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee, or the Chairman or Vice Chairman, shall rule on objections as expeditiously as possible.

5.2 *Enforcement.* The Committee may make recommendations to the Senate, including recommendations for criminal or civil enforcement, with respect to the failure or refusal of any person to appear or produce documents in obedience to a subpoena or order of a hearing board, or for the failure or refusal of any person to answer questions during his or her appearance as a witness in a proceeding under section 307 of the Act. The Office shall be deemed a Senate committee for purposes of section 1365 of Title 28 of the United States Code.

RULE 6—MEETINGS AND VOTING

6.1 *Quorum, Proxies, Recorded Votes.* A majority of the members of the Committee shall constitute a quorum for purposes of issuing a decision under section 308 of the Act, and for purposes of hearing oral argument if such argument is permitted. Proxy votes shall not be considered for the purpose of establishing a quorum, nor for purposes of decisions under section 308(c) or (d) of the Act. Decisions of the Committee under section 308(c) or (d) of the Act shall be by recorded vote.

6. 2 *Meetings.* Meetings to consider matters before the Committee pursuant to the Act may be held at the call of the Chairman or Vice Chairman, if at least 48 hours notice is furnished to all Members. If all Members agree, a meeting may be held on less than 48 hours notice.

RULE 7—CONFIDENTIALITY OF PROCEEDINGS

Confidentiality. The final written decision of the Committee shall be made public if the decision is in favor of a Senate employee who filed a complaint or if the decision reverses a decision of the hearing board which had been in favor of the employee. The Select Committee may decide to release any other decision at its discretion. All testimony, records, or documents received by the Committee in the course of any review under these rules shall otherwise be deemed "Committee Sensitive Information" and subject to the "Non-Disclosure Policy and Agreement" as prescribed in Rule 9 of the Committee's Supplemental Rules of Procedure.

RULE 8—AUTHORITY TO DISCIPLINE

Official Misconduct. None of the provisions of the Act or these rules limit the authority of the Committee under S. Res. 338, 88th Cong., 2d Sess. (1964), as amended, to otherwise review, investigate, and report to the Senate with respect to violations of the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the Senate.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

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

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

EXECUTIVE SESSION

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 235, the nomination

of Philip R. Lee, to be an Assistant Secretary of Health and Human Services.

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

The clerk will report.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The legislative clerk read the nomination of Philip R. Lee, of California, to be an Assistant Secretary of Health and Human Services.

The Senate proceeded to consider the nomination.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY].

NOMINATION OF PHIL LEE TO BE ASSISTANT SECRETARY FOR HEALTH, DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. KENNEDY. Madam President, it is a privilege to support the nomination of Dr. Philip Lee to be Assistant Secretary for Health in the Department of Health and Human Services.

No departmental position is more important to the health care of the American people than Assistant Secretary for Health. Phil Lee is eminently qualified to serve in this position.

To list the responsibilities of the Assistant Secretary for Health is to call the roll of progressive steps the Government has taken over the years to improve health, prevent disease, and meet the needs of those who require special help.

Within the Assistant Secretary's domain are the National Institutes of Health, the acknowledged world leader in the effort to conquer disease by pushing back the frontiers of knowledge. The Assistant Secretary has the responsibility for oversight and direction of the Food and Drug Administration, the Nation's first line of defense against unsafe and ineffective drugs and the guardian of a healthy food supply.

Programs under the Assistant Secretary deal with health promotion and disease prevention, fighting tuberculosis, AIDS and other infectious diseases, injury control, family planning, and early detection of cancer and heart disease.

The Assistant Secretary also supervises programs to assure training of health professionals, and to encourage them to serve in the areas of greatest need. He is responsible for maternal and child health block grant, the Community and Migrant Health Centers Program, the National Health Service Corps and other programs to assist those in rural and urban areas who often need health care services the most—but who would never receive them without these programs. In fact, the search for a solution for virtually every health problem facing the American people ultimately reaches the desk of the Assistant Secretary for Health.

Philip Lee is superbly qualified to fill this vital position. His breadth of experience—in medicine and in life—is unique. As a young man, he served in the Navy during the Second World War. As a young physician, he served his country again in Korea.

And throughout his career, whether in the public or private sector, his first concern has always been service to the cause of better health care for all.

Dr. Lee's career as a teacher and clinician has included appointments at New York University, Stanford, the Palo Alto Medical Clinic, and the University of California at San Francisco, where he has served at various times as a professor in the medical school, as chancellor of the university and, most recently, as the director of the Institute for Health Policy Studies in the School of Medicine.

In the public sector, Dr. Lee has been Director of Health Services at AID and Deputy Assistant Secretary for Health and Scientific Affairs at the Department of Health, Education and Welfare.

From 1965 to 1969, he served as Assistant Secretary for Health and Scientific Affairs, the post to which he is now returning. In that position he participated in the creation of many of the programs he will now be directing.

In addition to these impressive positions, Dr. Lee has an unparalleled record of voluntary service. He has served on numerous boards and commissions including the Kaiser Foundation, the American Foundation for AIDS Research, the Carnegie Corp., the Mayo Foundation, and many others.

Most recently, he has worked with many of us in his role as chairman of the Physician Payment Review Commission, a position which he has held since 1986. Somehow, in the midst of all of these activities, Dr. Lee has found time to compile an impressive record of research and writing. He has published more than 100 articles and 10 books dealing with health care.

The United States faces a tremendous challenge in the coming debate on health reform. Phil Lee is an ideal choice to help lead this all-important effort. The administration is fortunate to have him, and I am proud to support his nomination.

I urge the Senate to confirm the nomination.

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

The PRESIDING OFFICER (Mr. DORGAN). Without objection, it is so ordered. The Chair recognizes the Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise in strong support of the nomination of Dr. Phil Lee to be the Assistant Secretary for Health for the Department of Health and Human Services.

Our country has a long tradition of offering private citizens the opportunity to serve their country through periodic Government service. When a distinguished private citizen chooses to leave private life to enter the Government, whether it be a Democratic or Republican administration, every American benefits.

The nomination of Dr. Phil Lee, and his enthusiastic willingness to serve, is in the finest tradition of public service by private citizens. At age 69, with an outstanding and very active career in medicine and health policy, Dr. Lee has chosen to take over the reins at the Public Health Service.

This is not the first time Dr. Lee has brought his enormous talents and energies to the Federal Government's leading health agency. From 1965 to 1969, Dr. Lee was President Lyndon Johnson's Assistant Secretary for Health and Scientific Affairs.

Much has changed in the intervening 24 years, and Dr. Lee has not only kept up, but he has lead the public health policy debate. From his position as chancellor of the University of California at San Francisco to his current position as professor of social medicine and director of the Institute of Health Policy Studies at UCSF, Dr. Lee has taught, written and lectured on health policy while serving in many health advisory roles to local, State, and the Federal Government.

His most recent contributions have come as chair of the Physician Payment Review Commission established by the Congress, where he has served since 1986.

Dr. Lee is well known to the Members of the Senate and the House of Representatives who are involved with health policy. His admirers and supporters come from both parties, because the need for affordable, readily available and high quality health care is not partisan or ideological.

Dr. Phil Lee draws broad support because he is not partisan or ideological. Simply put, he is one of the most outstanding public health advocates in our country, and the Department of Health and Human Services is fortunate to have his services.

I congratulate President Clinton on this nomination and encourage all Senators to support it.

I yield the floor and 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. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I have been a Member of the Senate for going on 21 years, and I think I have never seen more efforts by more people to

emulate an 800-pound gorilla than I have seen this year. For example—and this is just an example—I was told last night that I better lift my hold off the nomination of Philip Lee, otherwise the majority leader was going to come to the floor, push me aside and declare; I am going to move to call up this nomination.

Let me tell you something, Mr. President, the majority leader does not have to do that. He certainly did not do it when Republican nominees were being held up for months on end. It so happens that Dr. Lee's nomination was reported on June 16, about 2 weeks ago, which is a modest amount of time for a nominee to be on the Senate's Calendar.

So if anybody wants to assume that he can shove the Senator from North Carolina around and threaten to call up any nomination, despite any question or any reason that the Senator from North Carolina, or any other Senator, may have had for putting a hold on the nomination, the majority leader perhaps should think twice.

I have nothing against Dr. Lee. He is a fine man, I am told. What I do have a problem with, and this is endemic in the Federal bureaucracy under both the Republican administrations and the Democratic administration—and I raised as much cain under the Republican administrations as I do under the Democratic administration—is that the bureaucrats will slide this way and they slide that way and try to put things over on the Congress. They withhold documents. They classify information that has no more business being classified than does the front page of the Washington Post. They do that to save their fannies because there may be something in some document that might embarrass them.

I had something to say about that the other day in the Foreign Relations Committee, of which I am the ranking member, and of which I will be chairman when the Republicans take over the U.S. Senate next year—which will happen if things continue along the trail now being followed.

I have been seeking information. I have been seeking assurances, as has the distinguished Congressman from North Carolina, CHARLIE TAYLOR. CHARLES TAYLOR's district, Mr. President, includes a multitude of apple growers who are impacted by a pesticide problem—a difference of opinion they have with the FDA and EPA about the pesticide, Rovral.

When the cloakroom told me of the majority leader's threat to come to the Senate floor today and move approval of this nomination, I said, "Well, he won't have to do that; I'm merely waiting on some information which I requested from the bureaucracy—and which I probably will get overnight."

And I did. And if I had just had the courtesy of a telephone call from the majority leader, I would have told him that.

Let me tell you the details of why Dr. Lee's nomination was held up temporarily. We were trying to get the attention of the Secretary of Health and Human Services and the Administrator of the EPA, and we go it. I commend Congressman CHARLES TAYLOR, of North Carolina, for his diligence. He is a good Congressman. He is a faithful Congressman, and he works hard for his constituents. In this case, he was working hard for his apple growers, and he has a lot of them in his district.

Specifically, Ms. Carol Browner, Administrator of the EPA, has now assured Congressman TAYLOR, and me, that the EPA will accelerate the decisionmaking process on this matter and will let our farmers know by the middle of next week whether they can resume application of this pesticide. That is all we had asked in the first place; some action to make a judgment, and not sit back in some bureaucratic ease and do nothing while our apple growers wonder what is going to happen to their crops.

Let me tell you this, Mr. President, obtaining a quick decision on this issue is vitally important to our apple growers. The fungus, which the pesticide is intended to treat, must be dealt with as soon as possible, otherwise zilch apple crop. And the fungus has already begun to attack the trees in the orchards.

So, if EPA had continued to procrastinate and say, "Well, we will get to it when we are ready," by the time it got around to making a decision, the apples would have been lost.

Mr. President, I wish we could have received an assurance from the EPA 2 weeks ago. There would then have been no problem if the EPA had given the assurances that they gave last night and this morning. There would never have been any hold on this nomination because, as I said at the outset, I have nothing in the world against the nominee.

But somehow one has to do something to get the attention of the Federal bureaucracy, otherwise, it will stomp all over one's constituents, the citizens back home. Our job is to make sure that the Federal bureaucracy moves as expeditiously as possible.

Let me say again, I wish we could have received an assurance from the EPA that it will, in fact, permit our farmers to resume using this pesticide. But I am reasonably well satisfied that the EPA has agreed, one, to accelerate its work on this problem and, two, to issue a decision by next week sometime.

And with those assurances, the majority leader does not have to threaten to come in and force consideration of this nomination. If he just ask unanimous consent, he'll get it.

Let me refer to the differences in how nominations handled by the Senate now since we are having Democrat nominees come up. I wish to contrast that to what happened to Republican nominees, and I speak of my own certain knowledge because it happened to me.

We had a distinguished North Carolina attorney, respected and admired by Democrats and Republicans alike, whom I had recommended to the President for a Federal judgeship in the western district of North Carolina.

His nomination was held up 1 year—1 year it sat on the calendar—and not a cotton pickin' thing was done about it. Oh, that is all right, boys will be boys when it is a Republican nominee. But hold up something 2 weeks and here comes the majority leader: We are going to move this thing up.

Now, a lot of people are vigorously supporting Dr. Lee's nomination. I do not know him. But I support him on the basis of his record, and I appreciate his understanding that we were trying to get a decision out of a department which he will very soon join after his confirmation here today.

He is a good man, I am told. And I am further told that he is not going to sit around on his duff while we are trying to get things done for the taxpayers back home; that he will expedite decisions—that is all I want. That is all I ask.

The problem for North Carolina's apple growers started with a policy change worked out in May of this year between the EPA and FDA which resulted in the revocation of the Rovral exemption. Rovral is the pesticide which is vital to the apple industry, as I said earlier, because it combats that fungus which I mentioned in my earlier remarks, a fungus which causes undersized apples that are neither sweet nor do they have any flavor. You can see what that would do to the apple growers.

They have been begging CHARLIE TAYLOR and begging me to get Health and Human Services and the EPA to say something about this pesticide one way or another so they can know what is going on.

Congressman TAYLOR had difficulty getting information, so he called over here and asked if I would help him. Yes, sir, I will try to help him get the attention of Health and Human Services, and the EPA.

The point is this. The apple farmers of my State and, I think, of Virginia and others States, were already in the process of applying this pesticide to this year's crop when the exemption was revoked. You see, when they started using it, it was OK. And right in the middle of the game government bureaucrats changed the rules, and you can see the dilemma that the apple growers were in.

Had they been told before the apple season began that Rovral could not be used, they could have attempted to

find an alternative pesticide. But this is jerking the rug from beneath these people midway in the apple season. The apple industry of North Carolina, Virginia, and other States stand to lose millions of dollars if something is not done to fix the situation. I pray that the Federal bureaucracy will come to its senses.

Now, I know Dr. Lee did not make the decision to revoke this exemption enabling apple growers to use Rovral. Of course not. And he knows that I know that he did not make it. The point was—and I think he understands this—we had to get the attention of the bureaucracy. There is no other way. They will sit on their fannies and say, "Well, what's on television tonight?"—if you do not push them. They might even classify the whole deal and go out for lunch. That is what is wrong with the Federal bureaucracy and that is why so many people are down on the Federal Government.

The FDA did rule that tons of apples already harvested and placed in cold storage and already treated with Rovral posed no health threat, do you not see, and therefore could be processed.

So what is the big deal? A bureaucratic logjam.

Because it seems to me, Mr. President, that if FDA felt that Rovral was truly a risk, it would have prohibited apples treated with this pesticide from going to the market. It did not do that, so it should likewise not prohibit apple farmers from completing application of this pesticide to the apples still on the tree.

In addition, I would note that Rovral has been approved, and there is no question about its use on, peaches and pears and plums and nectarines, et cetera, et cetera, et cetera.

The point is this, Mr. President, and I shall conclude.

As head of the Public Health Service, Dr. Lee is going to oversee decisions such as this, and I trust that if confirmed, when confirmed, Dr. Lee will look at the economic factors as well as the health factors when enforcing the policies of the FDA. And I am assured that this good man is going to do exactly that.

Currently, Rovral is attempting to gain an amended FIFRA section 18 specific exemption and data has been provided showing that Rovral does not concentrate in processed foods. This exemption is what the EPA and HHS will now decide upon next week. So I think it has been much ado about nothing, and for this long 2 week delay of this nomination I can apologize most profusely but not very sincerely. If the same thing comes up the next time, I will do the same thing again, Mr. President.

Mr. President, so that the record may be complete on the fungus problem which I've just discussed, I ask unanimous consent that the following items be printed in the RECORD at the conclusion of my remarks:

First, the May 7, 1993, press release issued by the Environmental Protection Agency, the Food and Drug Administration and the U.S. Department of Agriculture removing the exemption under which North Carolina farmers were permitted to apply the pesticide Rovral to their crop;

Second, a May 18 letter from Dr. Turner B. Sutton, professor of plant pathology, and a May 18 letter from Dr. C.R. Unrath, professor of horticulture and research pomologist. Both gentlemen are professors at the College of Agriculture and Life Sciences at North Carolina State University and their letters document the safety of, and need for, the pesticide Rovral;

Third, a June 21 letter from Jim Graham, commissioner of agriculture of the State of North Carolina to EPA Administrator Browner; and

Fourth, a June 28 letter to Administrator Browner from this Senator, Congressman CHARLES TAYLOR, Senator LAUCH FAIRCLOTH, and Congressmen HOWARD COBLE, ALEX MCMILLAN, and CASS BALLENGER.

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

EPA, FDA, AND USDA ANNOUNCE POLICY CONCERNING EMERGENCY USE OF PESTICIDES AFFECTED BY COURT DECISION ON DELANEY CLAUSE

MAY 7, 1993.—The U.S. Environmental Protection Agency, the Food and Drug Administration, and the U.S. Department of Agriculture today jointly announced that emergency exemptions will no longer be allowed for uses of certain pesticides on crops. The announcement is the result of the U.S. Ninth Circuit Court of Appeals' interpretation of the Delaney clause of the Federal Food, Drug and Cosmetic Act (FFDCA). Each year, EPA is asked by federal and state agencies to grant exemptions, which permit emergency use of pesticides on specific crops for which the pesticides are not approved or registered.

The Court rules (*Les* vs. *Reilly*) that under the Delaney clause EPA "has no discretion" to establish pesticide tolerances that allow pesticide residues to be present in processed foods at levels greater than in raw foods if the pesticide "induces cancer in animals," regardless of how small the risk. Applying the Court's decision, EPA today revoked five emergency exemptions it had granted previously and denied requests for another 16.

"We continue to believe that the pesticides affected by the Court decision, including those EPA is acting on today, pose only a negligible risk to public health," said Carol Browner, EPA Administrator. "However, the decision leaves us little choice but to deny emergency exemptions to pesticides that would be covered by the Delaney clause."

This new policy is a joint initiative of EPA and the Food and Drug Administration, which is responsible for enforcing the FFDCA provisions regarding the presence of pesticide residues in food. The United States Department of Agriculture has also shared in the development of this policy.

"The necessity of this new policy highlights the need for new legislation that addresses food safety. The Clinton Administration will work with Congress and other interested parties to develop a proposal. The proposal must reflect sound public policy and science and strengthen the current law for regulating pesticides and their residues. Most important, any legislative package must assure overall safety of the food supply," Browner maintained.

The new policy is expected to affect only a small proportion of the approximately 300 emergency exemptions EPA allows each year. In cases where emergency uses have been denied or revoked because of the Delaney clause, EPA will make efforts to reduce the resulting hardships on growers by expediting emergency requests for alternative products. Although there are alternative pesticide products for many of the pesticides affected by the new policy, some growers may find themselves without suitable alternatives to meet emergency needs.

Under the new policy, EPA generally will not grant emergency exemptions, will overturn all crisis exemptions granted by states or other federal agencies, and will revoke any emergency exemption currently in force for a pesticide if it is likely, based on best available data, the pesticide would meet the Delaney clause's "induce cancer in animals" standard and under non-emergency conditions would require a tolerance (maximum allowable residue level) for processed foods. A pesticide use needs a processed food tolerance whenever the pesticide can concentrate in processed food or feed to a level higher than the level found in raw food. (A partial list of the pesticides and crops which will be affected is below.)

Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is authorized to permit the limited use of pesticides in emergency situations on crops for which such pesticides are not registered and for which appropriate raw or processed food tolerances are not established under FFDCA (most of the pesticides used under emergency conditions are products that are registered for use on other crops for which appropriate tolerances have been established).

Historically, when EPA determines that an emergency exemption is appropriate, the Agency evaluates the residue level in terms of protecting public health and then advises FDA of the expected residue level. FDA has generally exercised enforcement discretion and has not taken action against foods or animal feed containing residues within expected residue levels identified by EPA for an approved emergency use of a pesticide. For emergency exemptions which are revoked as a result of this policy, FDA plans to continue the current discretionary practice of allowing foods treated prior to revocation of the emergency exemption to remain in commerce.

EPA is adopting this policy before completing review of comments received in response to its Feb. 5 notice requesting comments on this issue and others affected by the court decision on the Delaney clause. The urgency of taking action now is prompted by the pending applications for the emergency use of certain pesticides which would be prohibited under the policy being announced. Ultimately, EPA will consider all comments received as it determines whether the policy being announced is appropriate.

In the recent *Les vs Reilly* decision, the court held that the Delaney clause in FFDCA barred the establishment of tolerances for pesticides in processed food for any pesticide that meets the "induce cancer in animals" standard, no matter how infinitesimal the risk. The court overturned EPA's

interpretation that the Delaney clause allows pesticide uses which pose a *de minimis* risk. Although that decision was handed down on July 8, 1992, because of appeals, it did not become effective until March 19, 1993.

The following emergency exemptions granted in fiscal year 1992 will be revoked:

PESTICIDE, CROP, STATE, AND EXPIRATION OF EXEMPTIONS

Cyromazine, potatoes, Florida, July 1, 1993.

Cyromazine, tomatoes, Florida, October 27, 1993.

Fosetyl-al, hops, Oregon, September 15, 1993.

Iprodione, apples, North Carolina, September 1, 1993.

Triadimefon, tomatoes, California, June 18, 1993.

The following emergency exemptions requests have been received and will be denied:

PESTICIDE, CROP, AND STATE

Acephate, tomatoes, South Carolina.

Bifenthrin, hops, Washington, Idaho, Oregon.

Bifenthrin, tomatoes, California.

Cyromazine, potatoes, Michigan.

Bromoxynil, rice, Mississippi, Arkansas.

Fosetyl-al, grapes, Michigan, Pennsylvania.

Fosetyl-al, hops, Idaho.

Iprodione, apples, Tennessee.

Pendamethalin, mint, Montana, South Dakota, Oregon.

Permethrin, rice, Texas.

NORTH CAROLINA STATE UNIVERSITY, COLLEGE OF AGRICULTURE AND LIFE SCIENCES,
Raleigh, NC, May 18, 1993.

Hon. CHARLES TAYLOR,
House of Representatives,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE TAYLOR: Alternaria blotch, caused by the fungus *Alternaria mali*, was first reported in NC in the mid-1980's and has continued to increase in severity and distribution within the state. Since its discovery in NC, it has subsequently been reported from South Carolina, Virginia, Tennessee and Georgia. The disease has been considered a major problem in the Far East (Japan, China, and Korea) since the late 1950's.

In 1988, with the help of a graduate student, I began a series of studies in North Carolina to investigate the biology and epidemiology of the disease. The immediate objectives were to determine the extent of the problem in NC and develop an effective control program. We documented a significant increase in the disease from 1989 to 1991 in Henderson Co. as well as other apple growing regions of NC (see Appendix 1). We also found that strains of the cultivar Red Delicious were most severely affected. Fungicide trials were conducted in 1989 and 1990 at the Central Crops Research Station, Clayton, NC. None of the fungicides registered for use on apples controlled the disease. Iprodione (Rovral) was the only fungicide that provided satisfactory control.

In 1991, a study was initiated at the McKay orchard in Henderson Co. to document the effect of the disease on yield and quality. In 1992, we (T. Sutton, J.F. Walgenbach, and C. R. Unrath) received funding from the USDA-CSRS IPM competitive grants program to expand these studies and further clarify the relationship of the disease to arthropod pests. (Observations had suggested that the disease was more severe when the European red mite was present.)

These studies at the McKay orchard in 1991 and 1992 revealed that there was a significant reduction in yield and quality in seriously affected orchards (see Appendix 2). For example in 1991 there was a 55% reduction and in 1992 a 49% reduction in yield between plots treated with iprodione and those not treated. Furthermore there was a significant reduction in fruit quality; fruit from non-treated blocks had significantly lower soluble solids and consequently were noticeably bitter.

Based on the results obtained in our studies on Alternaria control and those from the McKay orchard, in 1991 we applied to EPA for a Section 18 Specific Exemption for the use of Rovral for the 1992 growing season and were granted this exemption. In 1992 I also participated in an IR-4 program to obtain the necessary residues to obtain a Section 3 registration for Rovral on apples. It is my understanding that the fruit samples from these trials will be analyzed soon.

Potential economic losses were estimated as part of the Section 18 application. After consulting with county agents, we estimated that Alternaria blotch was a severe problem on approximately 2000 acres, a moderate problem on 1500 acres and a minor problem on 2500 acres of Red Delicious. These estimates were provided to EPA as part of the Section 18 application for use of Rovral for the 1993 growing season (see Appendix 3). Based on a state-wide yield estimate of 600 bu/acre we estimated that the net return to growers with light, moderate and severe Alternaria blotch would be (in $/acre) 1002, 888, −147. If the 1993 growing season is conducive to disease development (as it was in 1992) this would result in a loss of revenue of approximately 2.5 million dollars to North Carolina apple growers.

Some questions have also be raised in regard to the long-term effects of the disease on orchard health and tree survival. At this time I have no data to indicate that there will be any effect of the disease on tree mortality. However, data from other fruit crops (e.g., tart cherries) has shown that severe defoliation can predispose them to winter injury and subsequent tree mortality. There is, however, a large reduction in return bloom the next growing season. In 1992, in plots that did not receive Rovral sprays in 1991 there was a 70% reduction in return bloom. The effect was not as dramatic this year because the disease was not as severe in 1992 and there was a light crop load.

I feel as though Alternaria blotch is a perfect example of the use of a Section 18. Alternaria blotch is a new disease, it results in significant crop losses, and there are no registered alternatives. Furthermore the approach we have taken to develop management strategies for the disease are consistent with and embody Integrated Pest Management principals. The rules we have developed for the use of Rovral are designed to utilize it as little as possible while still achieving an acceptable level of control. For example, we recommend to growers not to make an application until 65% of the leaves have spots on them. Consequently in dry years or in orchards with a moderate problem no applications may be needed and even in severely affected orchards the number of applications may be reduced. Also, as part of the IPM project previously mentioned, we are investigating non chemical means for reducing the orchard inoculum level and the subsequent need for fungicide sprays.

In summary I do not feel as though cancellation of the Section 18 was justified because:

1. Significant economic losses are likely in 1993 if weather conditions are conducive for disease development. Defoliation in 1993 could lead to a significant reduction in return bloom and a reduced crop in 1994. Long-term effects on tree survival are unknown at this time.

2. EPA has not classified iprodione as a carcinogen.

3. Rovral is registered for use on many food crops.

4. The Section 18 for apples does not permit the use of Rovral within 30 days of harvest; it is permitted for use up to and including the day of harvest on many crops.

5. EPA has no data that shows that iprodione concentrates in processing; data were extrapolated from other studies.

6. Most Rovral use will be on Red Delicious. Red Delicious is primarily a fresh fruit cultivar; consequently only a small proportion of the crop (the culls) is likely to go to juice or other uses. Fruit used for juice or processing will be blended with other cultivars; consequently residues are likely to be diluted as opposed to concentrated.

7. Cancellation of the Section 18 will likely lead to the use of more pesticides in affected orchards. Growers will have to abandon IPM thresholds for mite control and will have to maintain their populations at low levels with miticides to help minimize defoliation.

Please let me know if I can supply any additional information.

Sincerely,

TURNER B. SUTTON,
Professor of Plant Pathology.

NORTH CAROLINA STATE UNIVERSITY, COLLEGE OF AGRICULTURE AND LIFE SCIENCES,
Fletcher, NC, May 18, 1993.

Congressman CHARLES TAYLOR,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN TAYLOR: I am writing to support the use of (Iprodione) Rovral® by North Carolina apple growers in 1993. I have worked in Horticultural Apple Research in North Carolina for 25 years. I have never seen as swift and complete a devastation of an apple orchard as one hit by Alternaria and left uncontrolled. There are 15,000+ acres of apples in N.C., forty percent or 6,000 acres are 'Red Delicious' or have 'Red Delicious' parentage and are "at risk" of being attacked by Alternaria.

For the past two years I have been part of the N.C. Apple Research team evaluating Alternaria's impact and control. When Alternaria strikes, leaves drop off apple trees by August 1, most fruit drop before normal harvest date, those remaining are stunted and taste like paste, and effected trees fail to initiate bloom for the next season and therefore have no fruit production for the following year.

Without Rovral® use, effected trees could be totally and irreversibly damaged and permanently out of commercial production in three years.

I urge you to implore the EPA and FDA to reconsider its ban on Rovral® use on apples in N.C. It seems highly inconsistent to allow "General label" Rovral® use on "day of harvest" of peaches and as a postharvest dip on several other crops and yet ban its Section 18 use on apples.

If I can be of further assistance I can be reached at 704-684-3562.

Sincerely,

C.R. UNRATH,
Professor of Horticulture and Research Pomologist.

STATE OF NORTH CAROLINA,
DEPARTMENT OF AGRICULTURE,
Raleigh, NC, June 21, 1993.

Ms. CAROL M. BROWNER,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR MS. BROWNER: On March 26, 1993, the EPA approved a specific exemption to the North Carolina Department of Agriculture for the use of iprodione on apples to control Alternaria mali. On May 7, 1993, the EPA revoked this exemption because of a policy change between EPA and FDA adopted after the *Les vs. Reilly* decision of the U.S. Court of Appeals, Ninth Circuit. This policy change was included in the revocation letter from Doug Campt. Director, OPP.

Enclosed is an amendment to the original exemption petition. Additional data are now available that show iprodione does not concentrate in juice. Only the variety Red Delicious is affected by this disease. This variety of apple is either sold fresh or processed into juice. No applesauce is produced from this variety. The pomace is usually used as animal feed and is normally fed wet to livestock, according to local sources.

Based on new data supplied by Rhone-Poulenc dated June 17, 1993, it would appear that the residues of iprodione do not concentrate in processing through and including wet pomace (Exhibit I). We have enclosed correspondence from several apple processors and pomace users indicating that the pomace is not dried, but is fed wet at a moisture content of 60%–80% (Exhibit II). Additionally, a statement is enclosed from the Apple Processors Association which states essentially that its members do not dry pomace (Exhibit III). The revised enforcement program statement is enclosed (Exhibit IV).

The revised use season is June 28–August 15, 1993. This product is extremely important to a total IPM approach to control Alternaria mali. There are no other fungicides available to growers for control of this disease. When the economic threshold is reached, damage can be severe and extensive, and may lead to eventual death of infected trees, as well as cause bankruptcy of our growers.

We urgently request that you review the additional data and consider granting the exemption. If you have any questions, please do not hesitate to contact Mr. John L. Smith, Pesticide Administrator, at 919/733-3556.

Cordially,

JAMES A. GRAHAM,
Commissioner.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 28, 1993.

Hon. CAROL BROWNER,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR MS. BROWNER: We are writing to request your assistance in expediting a recent application for an amended FIFRA Section 18 specific exemption submitted by the North Carolina Department of Agriculture. The specific exemption application is for the use of iprodione, marketed under the name Rovral, on the red delicious apples in our state.

As you are undoubtedly aware, Rovral has been approved for use on a variety of produce. It is labeled for use on peaches and can be safely used up to harvest. In addition, Rovral can be used as a postharvest dip for cherries, plums, peaches, and nectarines and as a foliar applied fungicide for many vegetables. It was used by the apple growers in North Carolina during 1992 to combat the spread of Alternaria blotch, a fungal disease, under specific exemption approved by the EPA. In fact, the EPA had already approved the used of Rovral on the apples in our state for this growing season.

The revocation of the Rovral specific exemption on May 7 alarmed us as well as the apple growers in our state. The impact of Alternaria blotch on the North Carolina apple industry could be devastating. Trees that are affected by Alternaria blotch during the year exhibit varying degrees of premature defoliation. This results in apples not sizing adequately and the tree's inability to supply the carbohydrates needed for the development of compounds responsible for sweetness and flavor.

At a meeting held Friday, June 11, EPA officials met with representatives from the North Carolina Department of Agriculture, the North Carolina Apple Growers' Association, and Rhone-Poulenc. At the meeting, it was made clear that an amended specific exemption would not be granted unless data was provided that showed Rovral did not concentrate in processed foods.

We would like to see a determination made as quickly as possible on this specific exemption application. The growers need to be able to apply this material immediately in order for it to be effective for this season.

We appreciate your assistance with this request and look forward to hearing from you soon.

Sincerely,

Jesse Helms, Charles H. Taylor, Howard Coble, Lauch Faircloth, Cass Ballenger, Alex McMillan.

Mr. HELMS. I thank the Chair and I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair. I will make my remarks also very brief.

Mr. President, I rise to speak in behalf of the nomination of Dr. Philip Lee. I do not know Dr. Lee well, but I do know his very long and distinguished record in the health care field.

Mr. President, after I met with Dr. Lee in my office, I cannot say that we agree on every single issue, but what I can say is that as we move to what I think is a real critical time in the history of our country—that sounds like a cliche. I see Senator ROCKEFELLER on the floor with me. And I think he will probably agree it is not a cliche. We really are at a point right now in the history of the United States of America where health care has emerged as a central issue and many, many Senators hopefully on both sides of the aisle and many representatives on both sides of the aisle are committed to major health care reform.

Therefore, I think we need people in public service who have the experience, who have the background and who have really the kind of distinguished record that Dr. Lee has.

As I look at his background from 100 articles to all sorts of honors and awards—I will just tick off a few: The President's Award, Association for Health Services Research; Kaiser senior fellow, Center for Advanced Study in Behavioral Sciences; Certificate of Honor, San Francisco Board of Supervisors; Secretary's Special Citation, Department of Health, Education, and Welfare; Superior Honor Award, Agency for International Development.

It goes on and on. Dr. Lee was here when we really had I think our last major, major debate on health care, major reform in 1965 when we adopted Medicaid and Medicare. This is a man who brings a tremendous amount of experience, a wealth of knowledge, and once again I think a real commitment to public service. I believe that what I would want to emphasize is that commitment to public service. I think Dr. Lee's work in health and human services is going to make enormous contributions to the United States of America. I think we need someone of his caliber in this position, and above and beyond all of the credentialism, MD, 100 articles written, so on and so forth, I would put public service at the very top.

I think we are talking about a person of tremendous integrity, we are talking about a person who has a real commitment to good public policy in health care and can make a positive difference in the lifestyle of people. He is exactly the person we need for this job. He comes along at a critical time in the history of the country, and I hope that he will receive unanimous support from the Democrats and Republicans alike.

I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized, Mr. ROCKEFELLER.

Mr. ROCKEFELLER. Mr. President, I rise in extremely strong support of Phil Lee to be Assistant Secretary of Health And Human Services. As PAUL WELLSTONE said, we are about to go to the most difficult thing we have done in this Congress, which is the reform of our health care system. And I think I can say without fear of factual contradiction that there is nobody in the Federal Government when he is confirmed who will know more about health care, its history, its details, its perspective that Dr. Phil Lee.

I would want to say that even if it were not true because I feel so strongly about it, but I can say it, and I do say it because it is true.

I am personally greatly indebted to him because he has helped me a great deal over the years and I am actually very proud to say that he was somebody who was a very close friend of my father, who no longer lives. But they worked on a variety of subjects together.

If there is anybody who has done their tour of duty on behalf of public service in this country, it would be Dr. Phil Lee. Nobody has done more for the

health care system than Dr. Lee. If there were a Purple Heart for health care service in public service, he would be wearing it or several of them.

As PAUL WELLSTONE indicated, he was here during 1965 and 1969. Also at that time he was the very first Assistant Secretary of Health and Scientific Affairs in what was then HEW.

So in a sense he is coming back to the same position that he held and held for the first time which is an interesting subject in itself.

At that time of course they were passing and putting into practice Medicare and Medicaid which were considered very difficult battles, a 10-year battle, but I also say it is a very easy thing compared to what it is we are heading into.

Phil Lee really developed the modern public health service. Public health has always been the stepchild and wrongly so of health care in this country. there was an enormous outbreak of TB and all kinds of the things at the beginning of this century. There was no public health service. There was no public health. It was not taught in medical schools. Indeed if one goes to medical schools today public health students are still on the bottom of the ladder. Phil Lee knows public health, knows it intimately.

I am very happy to say that my grandfather back in 1915 started the first public health at Johns Hopkins University. There simply was none. In 1915, none whatsoever.

Among Dr. Lee's variety of accomplishments is one which should show us how long it has been, or rather how short it has been since he was last with us 25 years ago. He was one of the people back in 1965 when he was at HEW who was actually doing the work of desegregating our hospitals in this country. Phil Lee has been through about everything that this country has to offer with respect to health care. And he has no peer.

He served up until very recently as chairman of the Physician Payment Review Commission, which is called PHYSPRC, one of those wonderful words in health care that drives people listening to it away rapidly. But the Physician Payment Review Commission is something created by Congress in 1986 for us to advise us. And he led it. Congress has benefited enormously by his work.

I personally am enormously grateful for the work that he did when Senator DAVE DURENBERGER from Minnesota and I were doing the physician pay reform. The bill in 1989 which was the whole intricate matter of the reimbursement of physicians under Medicare, and because Medicare is such a huge financial behemoth, whatever you do in Medicare is going to happen in the private system generally within a couple of years. So the question is: How do you do more for primary care so as to encourage cognitive medical care as opposed to specialized medical care, not to denigrate it but simply to say he is a fighter for primary care. I am glad of that.

So I look upon him as a friend, as a very, very dear friend, as a colleague. And I would say again that it is amazing to me that he comes back to public service. I think he is 68 years old. He loves the San Francisco Bay Area. That is his home. That is where his roots are. At the age of 68 he gets a call from the U.S. Government headed by a fellow by the name of Bill Clinton who says come back and serve again exactly in the position he held 25 years ago when the position was first founded. He answers to the call.

He is a quintessential public person. He is the best we have on health care, and not unimportantly, beyond that, he is an absolutely wonderful human being.

I vigorously support his nomination. I thank the Chair.

SENATOR MURRAY IS WELCOMED BACK

Mr. ROCKEFELLER. Mr. President, I note with a sense of joy and respect, appreciation, affection, and just really real happiness that the Senator from the State of Washington [Mrs. MURRAY] is back with us on the floor waiting for me to finish my remarks so she can speak.

I am very, very happy to see her.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Chair in his capacity as a Senator from North Dakota welcomes back to the Chamber the Senator from Washington.

I recognize her.

Mrs. MURRAY. Thank you, Mr. President. It is a delight to be back here on the floor with my colleagues. Let me take a minute to thank all of you who sent me the get-well cards and well wishes over the last week and a half. You did your job. I am back.

Let me also thank all of my staff and all of the staff here for the great job they did for me and for their support.

Thanks to the hospital and staff at Georgetown University. They did an excellent job. They gave me an inside view of the other side of health care. So I will be ready for that health care debate that is coming.

And also to my family back home in Washington. We discovered how far away 2,800 miles really is. To my mom, I am taking care of myself, I promise, I am not working too hard. It is a delight to be back.

Mr. President, I ask unanimous consent to be allowed to speak in morning business for approximately 15 minutes.

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

PRESIDENT CLINTON'S NORTHWEST FOREST PLAN

Mrs. MURRAY. Mr. President, for the past 5 years the citizens of my home State of Washington have endured a battle over the management of our Pacific Northwest forests. These incredible natural resources provide jobs and a way of life for thousands of people in timber communities. They also provide the fundamental quality of life in a region so many have chosen to raise their own families in.

For the last 5 years the battle has raged here in this Washington—the other Washington—over balancing our resources between the need for jobs and the need for sustainable development. It has been portrayed by many as jobs vesus owls, or people versus nature. Such simplistic analogies do not reflect the complexity of the challenge before us.

This challenge focuses on the stewardship of our natural resources to be sure. But the solution has never been all-or-nothing as some might suggest. The essential challenge has always been about defining a solution that sustains the environment, the economy and our quality of life in the Northwest. The truth we are seeing today is that we can craft a solution that provides for responsible stewardship and certain, sustainable timber yields. And while this inevitably will involve change, we are now able to tell families in timber towns what the future holds and get to the business of providing a strong, family wage economy for the future.

This is a very important day. We have a President who is doing things. We have a President who has taken this bitter debate beyond the status quo, where battle lines have been drawn too deep for too long. We have a President who has presented us with a solution that, while not loved by many, is scientifically credible, legally defensible, and will provide jobs for the future. Once and for all, we have moved off the same spot we have been on for too long.

The challenge is partly met. The fact remains we must move on. We must look to the future, to the opportunities provided by this day's announcements. So let me talk for a moment about what this plan could do for the people of the Northwest.

We would have an ecosystem management plan covering the western half of the Cascade Range that will, if implemented, ensure the viability of species throughout this range for the long term. These include the spotted owl, marbled murrelet, salmon, and hundreds of other living things in the old growth forest ecosystem. This would effectively remove the Federal courts from making forest policy.

We would have a sustainable level of timber harvesting throughout the region for at least the next 10 years. This would finally enable towns, banks, businesses, and local governments to plan with certainty for the future.

We would have adaptive management areas throughout the region. These

areas range from 50,000 to 400,000 acres and would empower local communities to design forest management plans tailored to meet the specific needs of various geographic areas.

We would have a policy that says the Fish and Wildlife Service will work with State and private land managers to put habitat conservation plans in place on non-Federal lands, allowing harvest restrictions imposed to protect the spotted owl to be relaxed. This would be a powerful incentive for State and private foresters to become part of the needed solution.

We would have an economic diversification package totaling some $3.1 billion a year for 3 years. The existence of this package says to people in the Northwest: If Government changes policy, Government will assume responsibility for helping people adjust.

It would make it easy for small businesses to get loans, offer education opportunities, provide major investments in the forest landscape, and provide planning and technical assistance to communities. By administration estimates, this package would create up to 33,000 new jobs in the region.

This is tough medicine for the Pacific Northwest. There is no doubt that all of us wish that the harvest levels would be higher. But the best science we have says that the environment is under great stress, and that we need to rethink things for now. From any perspective, this plan has shortcomings, but I submit there is a lot in it that I like.

It would be very easy to promise the world to our constituents, to tell them life will not change, but that would not be telling the truth, and the people in our timber towns know that.

My heart aches for the timber families who were given promises of administrations throughout the 1980's that they could cut trees forever. Doing that again would be no different than the promises my generation has heard over and over again: You can have it all and it will cost you nothing.

At some point, reality strikes and we realize that leaders in the past gave away too much and left us the bills to pay.

Mr. President, the people in our timber towns are tired of political promises that cannot be kept. It is time for change. It is time to make tough decisions and redefine our forest resources policies to reflect the realities of sustainable development and environmental health. We must empower communities with the promise of the future and not the past. That is what this President's package hopes to do. Whether this plan becomes the new regional guide or not, it is an important step toward moving our State and our region beyond the conflict of the past.

Let me say this: The forest products economy is not going away if we do our jobs right. Under this plan, total regional timber harvests will remain above 10 billion board feet among all ownerships. We can have sawmills, and we can have pulp and paper mills. We can have logging and yarders and loaders. We can also have a healthy ecosystem with abundant wildlife and clean water. We can have a vibrant secondary wood products industry that maximizes the value of our natural resources.

My promise to the people of Washington State is to work hard to pass the economic component of the President's Northwest forest package. This will provide economic, labor, and community assistance over the next 5 years, provide new jobs in value-added industries, rebuild our stream beds, watersheds, and logging roads.

These are jobs that will provide futures for our families and food for their tables. As we all know, this is a tough fiscal climate. The resources identified by the President are within existing spending caps and do not change our deficit targets. But it will not be easy; we will need every vote on the Committee on Appropriations and on the Senate floor. But if Members believe in scientifically sound land management practices, and in equipping our towns to compete in the economies of the future, then they will support this effort to demonstrate that we can resolve our most difficult conflict.

To the naysayers, I say, read the message of the last election: We can no longer have it all. It is time for all of us to set aside the differences of the past, shoulder our responsibilities, and work together to rebuild our timber communities. Only through shared sacrifice and mutual support can we move beyond this conflict.

Mr. President, I look forward to working with the President and the other Members of Congress to achieve these goals.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). Does any Senator seek recognition?

Mrs. MURRAY. 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.

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

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

NOMINATION OF PHILIP LEE TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES

The Senate continued with the consideration of the nomination.

Mrs. FEINSTEIN. Mr. President, I come to the floor because I understand that the nomination of Dr. Philip Lee has raised some concerns. And, Mr. President, I suspect that there is nobody in this Senate that knows Phil Lee as well as I do. I had the privilege of appointing him to the health commission while I was mayor of San Francisco. I had the privilege of making him the president of the health commission while I was mayor of San Francisco. I had the privilege of working with him for 5 years to solve budget problems, operational problems, technical and professional problems, in what is a very large health system in the city and county of San Francisco.

We ran a 1,100-bed geriatric care facility, a major trauma hospital, a whole series of pubic and mental health centers, a whole alcohol and drug abuse program.

I always found Phil Lee to be a man of the highest integrity and the greatest expertise. He comes from an old medical family in California, a distinguished family. And I am very proud to be here to say that I think he is one of the finest appointments made by the Clinton administration, and he will serve with distinction as Assistant Secretary of Health and Human Services.

It is rare that one is able to entice someone who is senior in his profession, and who has reached the apex of his profession, to come back to Washington. Phil Lee has served as chancellor of the University of California campus at San Francisco, the great Medical Center of San Francisco, again, with distinction. He has served as the head of medical institutes, again, with distinction. I believe very deeply that he will serve with distinction and merit as an Assistant Secretary in the Department of Health and Human Services.

So I am pleased to come here to put in a few personal words for him, as someone who knows his wife, who sat with him where he attends a Methodist Church in San Francisco, who worked with him as a colleague, and who has had a commissioner-mayor relationship with him, quite successfully, over a number of years.

I yield the floor.

Mr. DURENBERGER. Mr. President, I rise today to recognize the accomplishments of Dr. Philip R. Lee and to support his nomination for the position of Assistant Secretary for Health at HHS.

I have known Phil Lee for many years, primarily in his role as the director of the Institute for Health Policy Studies at the School of Medicine at the University of California in San Francisco, and also in the capacity as chair of the Physician Payment Review Commission.

He has demonstrated distinguished leadership in both roles. He built the Institute for Health Policy Studies into a fine, well-respected research institution that has made, and continues to make, significant contributions to

knowledge in the area of health services.

As the chair of PPRC since 1986, he brought stature, credibility, and good will to the difficult enterprise of regulating physicians' fees under the Medicare Program. Under his guidance, PPRC produced excellent analyses in support of its recommendations. As a member of the Finance Committee, and as one of the authors of the Resource Based Relative Value Scale [RBRV's] approach implemented by Phil and other Commissioners, I personally express gratitude for his dedicated leadership and commitment.

The Department of Health and Human Resources is indeed fortunate to have attracted a man of Phil's talents to the agency. HHS has a very full plate in the years ahead. Along with Congress, the administration will be undertaking health reform in the next few years. While I am sure we will not always agree on all issues, I know Dr. Lee will always deal fairly and openly during the course of the debate.

I look forward to the opportunity of working with Phil Lee and his staff on critical issues relating to the health of this Nation. I heartily endorse his nomination and cast my vote with enthusiasm.

Mrs. KASSEBAUM. Mr. President, I rise to discuss the confirmation of Dr. Philip R. Lee to be the Assistant Secretary of Health at the Department of Health and Human Services [HHS]. Dr. Lee's nomination was reported favorably and without objection by the Committee on Labor and Human Resources on June 16.

Mr. President, the portfolio of Assistant Secretary for Health at HHS is one of the Federal Government's most challenging. It includes supervision of such important and diverse programs as the National Institutes of Health [NIH], the Centers for Disease Control and Prevention, the Food and Drug Administration, the Health Resources and Services Administration, the Indian Health Service, and the Agency for Health Care Policy and Research.

In this particular administration, the Assistant Secretary for Health also has a prominent role to play in the development of national health care reform initiatives—and ultimately, perhaps, an even bigger role in implementation of such reform.

There is perhaps no person with greater depth of experience for this challenging position than Dr. Phil Lee. A physician by training, Dr. Lee has been prominent in the field of public health and health policy for most of the last three decades. In fact, the position for which he is now nominated is one he also held for 4 years during the Johnson administration.

I do not claim to endorse all that Dr. Lee has said, written, or accomplished in his long career. In fact, some of his views—especially in the area of health care cost containment—are ones with which I disagree. I do, however, endorse Dr. Lee's reassuring breadth of experience and the depth of respect he enjoys in the academic and public health communities.

The author or coauthor of 13 books and well over 100 book chapters and articles, Dr. Lee is also the founder and longtime director of the highly respected Institute for Health Policy Studies at the University of California, San Francisco. Dr. Lee is also the most recent chairman of the Physician Payment Review Commission [PPRC], a position he has held since 1986.

Throughout his career, Dr. Lee has pursued a particular interest in the health care needs of America's elderly. During the 1960's, as an adviser to President Johnson, Dr. Lee was active in development of Medicare. Later, as chairman of the PPRC in the late 1980's, Dr. Lee played a prominent role in bringing about passage and implementation of comprehensive Medicare physician payment reform.

Over the years, Dr. Lee has also served as chancellor of the University of California at San Francisco, as a professor of medicine, and as a practicing physician. His publications display an impressive breadth of experience and expertise on issues as varied as long-term care, health care cost containment, AIDS, pharmaceutical, and medical education.

Mr. President, it is clear from his interviews with the Labor Committee that Dr. Lee possesses a detailed and sophisticated understanding of HHS, its programs, and personnel. His goals for improvement and reform at the Department are ambitious. One I find especially pleasing is the creation of an institutional liaison to improve cooperation between the Health Care Financing Administration and the Public Health Service. Also encouraging is Dr. Lee's desire to revitalize NIH research and his commitment to preventive health care.

Mr. President, Phil Lee has a long and distinguished record in public health, extensive Government experience, and a strong reputation among his peers and on the Hill. He is a steady hand for turbulent times, and I urge my colleagues to support his nomination.

Mr. ROCKEFELLER. Mr. President, I rise today in strong, enthusiastic support of Dr. Philip R. Lee for Assistant Secretary of Health. This remarkable individual brings extraordinary experience, knowledge, and commitment to this position. We should consider ourselves fortunate that someone with his abilities wants to return to public service. As someone who has gained immeasurably from his reservoir of knowledge, I am in his debt. In fact, my own association goes back to Dr. Lee's work with my father on population issues.

Dr. Lee has already done his tour in the battle for a better health care system. And if there were a Purple Heart for that service, he would have earned that and many more medals. In the years from 1965 to 1969, he served his country with distinction as the first Assistant Secretary of Health and Scientific Affairs in what was then the Department of Health, Education, and Welfare. Those were very different times during the Johnson administration, with Medicare and Medicaid having just been passed into law, when we thought there were no limits to what we could achieve in medicine.

Under Dr. Lee's leadership, the organization of the modern Public Health Service took shape. The neglected health care needs of both rural and urban populations were emphasized, and the community health center program was initiated in the Department. Dr. Lee's leadership also got efforts off the ground to train more primary care doctors and nurses. And as an indication of how far we have come in just 25 years, Dr. Lee actively worked to make sure that hospitals in this country would be desegregated.

Dr. Lee left the Government in 1969 to become chancellor of the University of California, San Francisco, and under his leadership, steps were taken which have led to that institution becoming one of the truly outstanding academic health centers in the United States. More recently he was the founding director of the Institute of Health Policy Studies at UCSF, and he has built that organization into a leading think tank for health policy. His accomplishments and extensive writings have earned him a national and international reputation in this field. He serves on numerous boards, including the Henry J. Kaiser Family Foundation. He has also worked with his local government as the first president of the Health Commission of the city and county of San Francisco.

Dr. Lee served the Congress and the people of the United States as chairman of the Physician Payment Review Commission, a position he has held since its creation by the Congress in 1986 as part of physician payment reform. With the staff assembled by Dr. Lee and the commissioners he has led, this Congress has benefited enormously from their work. We are grateful for his tremendous contributions to our efforts at physician payment reform. It was through this work that I, as a new chairman of the Senate's Subcommittee on Medicare and Long-term Care, sought Dr. Lee out as a counsel, as an adviser, and as a colleague.

And now we can see his extraordinary commitment in his willingness to accept this new challenge, to leave his beloved San Francisco Bay area and return to the cauldron of Washington and health care reform. At first it might seem odd that Dr. Lee would

even consider another stint as Assistant Secretary of Health. But he knows that history is giving him and all of us another chance—the best chance we may ever have to reform our battered health care system and turn it into something America can be proud of.

Mr. President, in our battle for health reform, we need a seasoned field commander like Dr. Phil Lee. It is heartening to see that his dedication remains strong and fired up. He seeks this opportunity to help steer us through the uncharted waters of the total transformation of our Nation's health care system. And in the position he has been nominated for, he will be able to help the Congress fulfill the job of health care reform that we have promised the country.

Anyone who has spoken with Dr. Lee about health care or who has seen him testify before a congressional committee—and I have had the opportunity to do both of these on numerous occasions—immediately will sense his passion and commitment to making health care both more available and more affordable for people in this country. One has to believe this comes from somewhere deep in his character, and knowing his family one gets a pretty good idea of its source.

Dr. Lee grew up in California, the son of the founder of the Palo Alto Medical Clinic, now one of the leading medical group practices in the United States. It would seem that Dr. Lee was born to a career in public health, for he can remember as a child accompanying his father on door-to-door health education efforts in communities in the San Francisco area. His remarkable family includes one brother who is a distinguished surgeon at Stanford and another brother who is the chairman of family medicine at the University of Southern California and who is a national leader in this field.

Mr. President, with the passage last week of the budget reconciliation bill we have moved one step closer to the task many of us have been eagerly waiting for: reforming our health care system. This will be the most complex, the most difficult legislative effort in the history of this body. As I anticipate this forthcoming challenge, I can think of no one I would rather see leading the health care effort in the Department of Health and Human Services than Phil Lee.

Mrs. BOXER. Mr. President, it is with great pride that I rise today in support of the nomination of Dr. Philip R. Lee for the position of Assistant Secretary of Health and Human Services.

For over 30 years Dr. Lee has been a leader in the health care field, both in the Nation and in the State of California. His distinguished record of service is lengthy and impressive, making him eminently qualified for the job he has been nominated to.

Dr. Lee was Assistant Secretary for Health and Scientific Affairs in the Department of Health, Education and Welfare from 1965–69, and chancellor of the University of California at San Francisco from 1969–72.

Since 1972, Dr. Lee has served as director of the Institute for Health Policy Studies at the University of California at San Francisco where his teaching and research endeavors have focused on physician payment, prescription drugs, reproductive health policy and AIDS-related issues. He is the author of over 100 articles in the health field, and the coauthor of numerous books.

Over the years, Dr. Lee has been a frequent and much sought after adviser to Federal, State, and local health policymakers. He was president of the Health Commission for the city and county of San Francisco from 1985–89, and since July 1986, has served as Chairman of the Physician Payment Review Commission established by the U.S. Congress.

Mr. President, I strongly support Dr. Lee's nomination and I urge my colleagues in the Senate to do the same. I am confident that with Dr. Lee's experience, knowledge, and commitment he will make an excellent Assistant Secretary of Health and Human Services.

Mr. BAUCUS. Mr. President, I rise in strong and enthusiastic support of Philip R. Lee, who has been nominated by President Clinton to serve as the Assistant Secretary for Health in the U.S. Department of Health and Human Services.

Dr. Lee is well known to many of us in the Senate for his years of work as Chair of the Physician Payment Review Commission. In that position, he has rendered distinguished public service by focusing the work of the Commission on issues of great public concern. Since 1986, Dr. Lee has led the PPRC on an ambitious agenda which included advising the Government on the implementation of the new Medicare fee schedule for physicians. Dr. Lee's recommendations helped the Government adjust the fee schedule so that it would pay physicians more fairly.

The Commission has also moved aggressively on the issue of how to increase the supply of primary care physicians. This is an area of great concern to those of us in frontier States such as Montana, where most of our counties face severe shortages of health care professionals. In reporting on this tough issue, Dr. Lee has considered options for changing the current physician-training system so as to reduce the emphasis on exotic specialties and sophisticated technologies. Dr. Lee has correctly stated that we need to refocus our attention on the basic health needs that are most likely to affect our citizens. Dr. Lee's broad vision at PPRC has also included work on national health care reform, controlling health care costs, measuring and improving the quality of care, and improving access to care.

In addition to his work at PPRC, Phil Lee has been professor of social medicine at the University of California, San Francisco, since 1972, where he has served as director of the Institute for Health Policy Studies. As a scholar, he is author of over 100 articles in the health care field and numerous books.

Dr. Lee's teaching and research have focused on physician payment, prescription drugs, reproductive health policy, and AIDS related issues. He has served on numerous advisory boards and groups, including the Health Commission for the city and county of San Francisco, the Population Advisory Council for the U.S. Congress, and the board of the Alan Guttmacher Institute.

It is no surprise that President Clinton finds Dr. Lee well qualified for the position of Assistant Secretary for Health because Dr. Lee served in that capacity from 1965 to 1969. During his previous tenure, Dr. Lee participated in the reorganization of the Public Health Service, and would again be placed in charge of that critical agency. The Assistant Secretary for Health is in charge of the Office of the Surgeon General, the Centers for Disease Control and Prevention, The Food and Drug Administration, the Health Resources and Services Administration, the Indian Health Service, and the National Institutes of Health, and other agencies. As the Nation's chief physician, he will have enormous breadth of responsibilities at a time when the United States has many critical health problems and the opportunity to implement major health care reform.

Philip Lee is uniquely qualified to take the position of Assistant Secretary for Health, and I urge my colleagues to support his nomination.

Mr. HATCH. Mr. President, I rise in support of the nomination of Dr. Philip Lee to serve as Assistant Secretary for Health at the Department of Health and Human Services.

Dr. Lee is eminently qualified to serve as the head of the Public Health Service agencies; I cannot imagine an individual more qualified to serve in this post.

There is no question about Dr. Lee's considerable background and abilities. There is no question that he will be a significant asset to the Department. In fact, the only question is why he would want to return to Government at this point in such a distinguished career.

I had the pleasure of meeting with Dr. Lee earlier this week and discussing with him the responsibilities that he would be undertaking. I was impressed by his depth of knowledge on a considerable range of health issues.

I look forward to working closely with Dr. Lee; his nomination will have

my full support. We can certainly benefit from his insight and experience.

The PRESIDING OFFICER. Is there further debate on the nomination of Philip Lee to be Assistant Secretary of Health and Human Services?

If not, the question occurs on the nomination.

The nomination was confirmed.

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

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the President be notified of the Senate's action in confirming the nomination of Dr. Philip R. Lee as an Assistant Secretary of Health and Human Services.

The PRESIDING OFFICER. Without objection it is so ordered.

LEGISLATIVE SESSION

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

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

The Chair recognizes the Senator from North Carolina [Mr. HELMS].

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it so ordered.

Does any Senator seek recognition?

Mr. GORTON addressed the Chair.

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

IMPLEMENTATION DATE OF THE CHINESE STUDENT PROTECTION ACT

Mr. GORTON. Mr. President, today is July 1, 3 days before we celebrate the anniversary of our Nation's independence. To most of us, July 1 is not a day of particular significance. But to 80,000 Chinese nationals residing in the United States, July 1, 1993, will be one of the most important days of their lives. Today the Immigration and Naturalization Service begins accepting and processing applications for permanent residency under the Chinese Student Protection Act, a bill that I introduced and saw signed into law during the 102d Congress.

These Chinese students and scholars are the legacy of the most brutal tragedy in China's struggle for self determination—the 1989 massacre in Tiananmen Square. As you and I did, they watched in horror as unarmed protestors for democracy were ruthlessly slaughtered. But to the Chinese students, the victims on television and on the front pages of the newspapers were not nameless victims, but friends, cousins, sisters, and brothers. And as they watched, the horror of these scenes was heightened by the knowledge that soon they would be forced to return to China.

There was some consolation for these students when President Bush issued an Executive order allowing the Chinese to remain in America until January 1, 1994. But knowing that the Executive order would inevitably expire, these Chinese students and scholars still lived under a gnawing cloud of fear.

Mr. President, July 1, 1993, is the day on which that cloud has been lifted.

Today is a day both of celebration and sadness, for the Chinese who can remain in the United States. The implementation of the Chinese Student Protection Act was contingent on the President not declaring the People's Republic of China safe for return. As of today, no such declaration has been issued. While the 80,000 Chinese students in the United States no longer need fear a dangerous forced return to their native land, it is still a day of sadness for their country.

Despite booming economic growth, despite international condemnation and now, despite the very real possibility that China will lose 80,000 of its best and brightest students, the People's Republic of China continues to compile an abominable record on human rights. Promises from the Government of the People's Republic of China to improve human rights remain unfulfilled and without credibility.

If the students elect to remain in the United States, we will be the better for it. They are superbly educated, motivated and ready to work for this Nation. They possess a keen understanding of the American dream. These students will not be taking jobs from Americans, they will be creating new jobs, spawning new industries and contributing to American society.

Ultimately, however, the purpose of the Chinese Student Protection Act was not so much for the students to stay but for them to be able to return to a China freed from its oppressive Communist regime. The Chinese Student Protection Act may still help ensure that the words and actions of the Chinese Government are more than a feather in the wind, and are instead, words which we they can count on.

If China is to move into the 21st century with the rest of the world, it will need the assistance of many of these young people.

Mr. President, the interim regulations for the Chinese Student Protection Act which go into effect today are, like most regulations, imperfect. Many of the students who qualify for protection under the act have dependents here or in China who do not qualify for the same protection. Further, the accounting mechanism which will allow as many as 80,000 Chinese nationals to adjust their status without significantly delaying the status of other immigrants who have been waiting has not been completely worked out. I have expressed my concerns to the Immigration and Naturalization Service in a letter last week and the INS has promised to work with Congress and Chinese students to produce an administrative solution to these problems.

Despite these remaining questions, today is a day of hope—hope for a new life of freedom in the United States for Chinese students who otherwise would have been eligible for deportation on January 1, hope that some day some of the students who choose to remain in the United States will be able to return to a prosperous and democratic China, and above all hope that such legislation will never again be necessary.

Today, Mr. President, let us celebrate the blessings of liberty and dreams of freedom embodied in the Chinese Student Protection Act; the same dreams which withstood the bloody tanks at Tiananmen Square, the dreams which inspire the world; the dream that still is America.

Mr. President, I note the presence of the President pro tempore on the floor, and I wonder if I might ask his indulgence for 3 additional minutes on a different subject.

Mr. BYRD. Go right ahead.

Mr. GORTON. Mr. President, I ask unanimous consent to proceed on a different subject in morning business.

The PRESIDING OFFICER. The Senator is recognized.

TELEVISION VIOLENCE

Mr. GORTON. Mr. President, yesterday, the distinguished Senator from Illinois [Mr. SIMON], together with network representatives, announced an industry agreement to adopt an advance parental advisory plan on television violence. Today, I applaud the efforts of Senator SIMON for his accomplishment. But this is only a first step. The industry must work to reduce the number of violent acts on television.

Over the past several years, I have joined with Senator SIMON and others in this Chamber to address the issue of violence on our television screens. Certainly television is not the only contributor to the increase of violence in

our society over the past 40 years, but it is one.

Today, television is found in 93 percent of American homes. In 1950, 15 percent of American homes had television sets. During this same time period, the homicide rate in America had grown from 7,942 to 21,860 murders per year.

According to the American Psychological Association there is compelling evidence for a correlation between "viewing violence and aggressive behavior."

Children—in spite of their parents' best efforts—spend an overwhelming amount of time watching TV. The National Coalition on Television Violence estimates that by the age of 18, the average young person in America has witnessed 200,000 acts of violence on television, including 40,000 murders.

In light of these statistics is it any wonder that violence is on the rise in this country? That parents are disgusted with programming options and simply turn off the set? If only that last statement were, in fact, true, but, of course, it is not true.

The television industry cannot parent the children of America. This Senator is not asking it to. But the television industry can give the parents of America information in which to make better decisions about the programs that their children will watch.

When families sit down to watch television in the evening, they should have the opportunity to know what is in store for the next half-hour or hour of viewing. According to the industry agreement, if a violence advisory is issued for the program, all "promotional material relating to that program, including press releases, on-air promotions and print advertising will include the advisory." In essence, parents will be given ample opportunity—from the newspaper to air-time—to choose another show for their families to watch.

This is a good first step. But more needs to be done. First, the cable industry must join with the broadcasters and adopt similar viewer notification standards. And most importantly, the industry, together with their Hollywood producers, must take it upon themselves to reduce the number of violent acts which appear on television. Because if it does not, I am convinced Congress will intervene. Nevertheless, this is a major fist step, for which Senator SIMON and the networks deserve our thanks and congratulations.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the President pro tempore [Mr. BYRD].

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

NEW U.S. PEACEKEEPING POLICY

Mr. BYRD. Mr. President, I am concerned about recent press reports indicating that administration officials are drafting a new and more activist policy for the United States in international peacekeeping. The desire to demonstrate a U.S. commitment to multilateral peacekeeping operations may be seen as an admirable sign of continued American leadership, but I am concerned that we not enter into such a role without fully understanding the conditions under which U.S. participation in international peacekeeping operations would occur. The proposed use of U.S. forces and military intelligence for the United Nations peacekeeping operations raises many troubling questions about new rules of engagement and the question of who, under the proposed policy, decides when and where U.S. forces are put into situations of possible hostilities.

A more activist policy, seeking to make peace—by force if necessary—in regions fractured by historical ethnic, religious, and cultural differences and seeking to guarantee the establishment or continuity of democratic governments at whatever cost sounds suspiciously as though the United States is still trying to play the role of the world's policeman—a supercop covered by a United Nations multilateral cloak.

Morton Halperin, in the latest issue of "Foreign Policy," writes that, "When a people attempts to hold free elections and establish a constitutional democracy, the United States and the international community should not only assist but should 'guarantee' the result." These measures to guarantee the establishment of democracy should be institutionalized in organizations like the United Nations, he adds, and the United States should "commit to using force to restore or establish constitutional democracy."

Mr. President, I kind of have problems squaring this with the U.S. Constitution, which I have from time to time and have had somewhat lately.

Neither the United States nor the United Nations is, or can be, the white knight that rides to the rescue of every damsel in distress. Difficult problems are proliferating at a phenomenal rate. The United States and the United Nations certainly have important roles to play in this volatile period. The United Nations has established 28 peacekeeping operations since 1948, half of those since 1988, and of that 14, 9 in 1991 and 1992 alone. But we should carefully consider the implications of a still more interventionist policy. How many more peacekeeping operations might be created, and at what cost and to whom? Will more U.N. interventions cause more conflicts to be settled, or will cynical parties claim to represent democracy in order to bring the United Nations in on their side?

The new policy, as it has been outlined in speeches by certain administration officials and in the press thus far, would expand the U.S. military's role in planning, training, and participating in U.N. peacekeeping forces. U.S. forces more often would be placed under U.N. command when conditions are acceptable to the Joint Chiefs of Staff. This is a significant departure from our earlier policy, which stipulated that the United States would contribute only those personnel and capabilities that offered unique contributions to the individual peacekeeping operation.

While that has been stretched to include large numbers of troops on occasion, due to our unique ability to rapidly deploy almost anywhere in the world, it has also limited the time our troops spend overseas to the time needed to cover the introduction of multilateral peacekeeping forces. In this new policy there exists the possibility that U.S. troops could expect long-term deployments overseas as part of extended U.N. presences.

Under the developing new policy, the United States would endorse peacekeeping operations, possibly involving U.S. troops and certainly involving U.S. funds, in cases of humanitarian needs arising from civil strife or natural disasters; threats to democratically elected governments; threats of local conflicts spilling over into neighboring regions; or where undefined threats to international security are identified. Using these guidelines today might mean that United States troops could be deployed to Bosnia, Armenia, Azerbaijan, Georgia, the Sudan, Liberia, and Cambodia, in addition to troops already engaged in peacekeeping and peacemaking operations in Somalia, Macedonia, and along the borders of Iraq.

These guidelines imply that U.N. forces might not play a peacekeeping role, but in the case of threats to democratically elected governments or threats to "international security," also a peacemaking or enforcement role. I am not at all sure that every attempt to hold free elections and establish a constitutional democracy should be "guaranteed" by the military forces of the United States through the United Nations and other international organizations. Nor does every humanitarian crisis need to be met by military forces. Such new rules of engagement should not be adopted without serious debate.

In order to manage and operate wide-ranging peacekeeping operations, the draft policy calls for enlarging the peacekeeping staff at the U.N. headquarters in New York, creating a 24-hour situation room, and establishing a common pool of military equipment for peacekeeping operations. The administration reportedly has agreed to establish an intelligence sharing agreement with the U.N. peacekeeping situation room.

The United States is installing a joint defense intelligence information

system in the current U.N. situation room this month to help it track global peacekeeping operations. The creation in the United Nations of a "permanent foundation for rapid 24-hour communication, intelligence, lift, recruitment, training, and the full spectrum of intra-theatre logistical support," to quote Madeleine Albright, the U.S. Ambassador to the United Nations, sounds to me like the establishment of a permanent U.N. army, manned by quotas of troops drafted from U.N. member states.

To fund U.N. peacekeeping efforts, the draft policy supports the creation of a central peacekeeping budget, as well as the establishment of a budget office to audit peacekeeping expenditures. While these efforts might serve to make budgeting more predictable and accountable, I would suggest that a central budget reduces the flexibility we currently enjoy to review specific proposed missions and determine or change what level of support we wish to provide and can afford to provide. It is too easy to abdicate that kind of scrutiny when hard decisions to reprogram funds away from some other essential function do not have to be made here at home.

The press reports do not indicate the size of the peacekeeping budget, how it is to be financed, or what will be the United States share. Details concerning the financing and upkeep of the military equipment are also not offered, though I would suggest that, like all military expenditures, such costs are likely to be quite considerable. This year alone, the United Nations will spend more than $3 billion on peacekeeping and human rights monitoring, with about a third of that money coming from Uncle Sam.

With calls for U.N. intervention increasing daily, and with peacekeeping operations becoming more complex and long-term, this amount will continue to grow exponentially, again with the United States footing 30 percent of the bill. We do not want to submit ourselves to some kind of supranational tax system in order to fund U.N. peacekeeping. The present inability of the United Nations to collect both funds and troops from all the donor nations to fulfill its commitments reveals a global lack of consensus on a more activist, interventionist U.N. peacekeeping policy that the United States should recognize.

Peacekeeping is difficult and expensive, as history has shown. And peacemaking is even more difficult and expensive. A traditional peacekeeping mission, the U.N. operation in Mozambique, charged with implementing a negotiated peace settlement, costs an estimated $330 million for 1 year. A more expanded peacemaking mission in Somalia, charged with establishing a secure environment for humanitarian relief and national reconstruction, is estimated to cost $1.5 billion for 1 year. A similar endeavor in Cambodia, concerned with establishing a democratically elected government and reconstructing a country, is estimated to cost $1.9 billion for a single year. These costs include reestablishing infrastructure and paying for equipment and troops to maintain peace.

These troops serving in U.N. operations, by the way, may be volunteered by their governments, but many are what might be termed U.N. mercenaries: They are paid for by the United Nations at the rate of $1,000 a month per troop. For these countries, these troops are not participating in order to establish a "principled international community," as Ambassador Albright termed it. They are in it for the money. And as demand for peacekeeping troops increases, costs for troops are also likely to rise.

I think that it is reasonable to ask the administration and the Joint Chiefs of Staff for detailed testimony on the policy prior to its adoption. This departure from our established policy could commit U.S. forces, intelligence-gathering apparatuses, equipment, and funding to United Nations operations that may not serve U.S. national interests. Most importantly, we want to ensure that whatever commitments we participate in through the United Nations, in so-called peacekeeping operations, that a prior consensus is arrived at with the Congress on the nature and scope of such commitments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska [Mr. STEVENS].

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

Mr. STEVENS. I am happy to yield to my friend.

Mr. BYRD. I thank my friend, the distinguished senior Senator from Alaska. I ask unanimous consent an article from the Washington Post entitled "U.S. Plans Wider Role in U.N. Peace Keeping" 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, June 17, 1993]

U.S. PLANS WIDER ROLE IN U.N. PEACE KEEPING

(By R. Jeffrey Smith and Julia Preston)

The Clinton administration is drafting a new set of criteria for U.S. involvement in U.N. peacekeeping operations that would provide for a much wider role for U.S. military personnel, according to senior defense and diplomatic officials.

Under the proposed criteria, the officials said, U.S. forces could help plan, train and participate in U.N. peacekeeping activities when justified by general U.S. interests, not just when the United States could make a unique military contribution.

The administration's plan also calls for a substantial beefing up of the peacekeeping staff at U.N. headquarters in New York. U.S. forces, in turn, would be more inclined to accept greater U.N. authority over the peacekeeping operations that involve them, the officials said.

The aim of the plan is partly to demonstrate a U.S. commitment to using military force in concert with other nations rather than unilaterally, an approach dubbed "assertive multilateralism" by Madeleine K. Albright, U.S. ambassador to the United Nations. It is also meant to strengthen the ability of the United Nations to conduct military operations successfully in strife-torn areas, the officials said.

The plan represents what one official termed an "evolutionary rather than revolutionary" shift from existing policy. Officials said one factor that has helped block a significant U.S. military role in such U.N. peacekeeping operations as Cambodia, Lebanon, Kashmir and Cyprus is a requirement that U.S. forces be able to make a unique military contribution.

Under the proposed criteria, articulated in classified drafts of a White House policy review document known as PRD-13, the United States could take part if such action would catalyze involvement by other nations or more generally advance U.S. interests, the officials said. The degree of involvement would be determined by such factors as the intensity of public support and the risk of any U.S. commitment becoming open-ended.

Officials said PRD-13 has not yet been presented to President Clinton, but general agreement has been reached on these points among senior officials at the State Department, Defense Department and Joint Chiefs of Staff. Albright outlined some of the proposed new features in a speech last Friday to the Council on Foreign Relations in New York, saying that the administration had decided "the time has come to commit the political, intellectual and financial capital that U.N. peace keeping and our security deserve."

The plan would constitute an official U.S. endorsement of many of the ambitious ideas suggested last year by U.N. Secretary General Boutros Boutros-Ghali in his report on the U.N.'s role in the post-Cold War era, entitled "Agenda for Peace." Although the U.S. plan has not yet been presented in detail to the U.N. leadership, top U.N. peacekeeping officials aware of the plan's general outline said in interviews they welcomed Washington's shift.

"There is a definite change of mood and [a] willingness from the United States to be partners," said Kofi Annan, U.N. undersecretary general for peace-keeping operations. "As U.N. operations become ever more complex and cumbersome to manage, U.S. participation becomes ever more important."

U.N. officials acknowledged they sorely need the kind of political and logistical boost the United States is offering. U.N. peace-keeping operations are growing exponentially, straining the infrastructure, experience and planning capabilities at U.N. headquarters. By the end of this month, the United Nations will have about 90,000 troops in 13 operations around the world. Yet the entire force depends upon a staff of 35 military advisers and about 40 civilians in New York.

"If I had to choose a single word to evoke the problems of U.N. peace keeping, it would be 'improvisation,'" Albright said. "A kind of programmed amateurism shows up across the board," including what she described as "the near total absence" of contingency planning, "hastily recruited, ill-equipped and often unprepared troops and civilian

staff," the absence of centralized military command and control and "the lack of a durable financial basis for starting and sustaining peace-keeping operations."

These and other problems have made U.S. military leaders reluctant to commit U.S. forces to peace-keeping operations, particularly under U.N. command, officials said.

The former head of U.N. forces in Sarajevo, Canadian Maj. Gen. Lewis MacKenzie, vividly described the insufficient staff problem last year. "Do not get into trouble as a commander in the field after 5 p.m. New York time, or Saturday and Sunday," he said. "There is no one to answer the phone."

Currently, only the three biggest operations—in Somalia, Cambodia and the former Yugoslav republics—have officers stationed in the U.N. situation room around the clock. The U.S. plan calls for a reorganization of the U.N. peace-keeping staff, including the creation with U.S. help of a military operations headquarters modeled after the Pentagon's 24-hour command center.

Administration officials also have agreed to work out arrangements for sharing some U.S. intelligence information with the staff of such a center, substantially bolstering its ability to run distant, complex military operations. Later this month, for example, the United States is to help install a joint defense intelligence information system (JDIIS) in the U.N. situation room to enhance its ability to handle such information.

"This is a very tricky business," said Canadian Brig. Gen. Maurice Baril, the top U.N. military adviser for peace keeping. "You can't expect an organization that is already overworked to come up all of a sudden with a perfect new system. But at the same time we have to develop from within the heart of the United Nations."

Officials said that in the course of the administration's review of its policy toward U.N. peace-keeping, U.S. military leaders have dropped their traditional insistence that U.S. forces be kept under U.S. command. The Joint Chiefs of Staff agreed to take a case-by-case approach and place U.S. troops under U.N. or allied command whenever they find the particular arrangements acceptable, officials said.

Recent models for the policy shift, the officials said, include the deployment of roughly 25,000 U.S. troops to Somalia and the planned deployment of 300 U.S. infantrymen to Macedonia to prevent the Balkans conflict from spreading there.

Part of the proposed policy directive also stipulates some of the conditions under which the United States would endorse, though not necessarily participate in, U.N. peace-keeping operations. These include: humanitarian needs such as those caused by civil strife or natural disasters; threats to democratically elected governments; a high risk that local strife could expand into regional conflict; and threats to international security.

Albright said that the United States intends to support U.N. efforts to create a central peace-keeping budget to pay for such operations, including an enlarged contingency fund and a ready pool of military equipment. She also said the administration favors the "creation of a cadre of highly qualified budget experts" to audit peace-keeping expenditures.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 1172 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico is recognized for up to 10 minutes.

ABOLISH THE FEDERAL INCOME TAX CODE

Mr. DOMENICI. Mr. President, today is the first day of July, and I am sure that most Americans are unaware that it is also the day that effectively their Federal income taxes have gone up. For you see, when we return from the upcoming Independence Day recess, the Senate and the House conferees on the budget reconciliation bill will complete their work. If they retain the Senate's effective date for higher tax rates, according to the majority, they will have made those taxes effectively retroactive to today, July 1.

Being absolutely correct, however, I should say that the higher tax rates, are really retroactive to January 1, 1993, 6 months ago. But the retroactive higher rates for 1993 are only half as big as the retroactive rate increase included in the House version. Using a blended rate mechanism the Finance Committee Democrats could claim that they are only raising the rates for half a year, beginning today. Corporations and businesses should know, however, that the full impact of their higher 35-percent will be made retroactive to January 1. Certain trusts for the support and maintenance of the mentally ill or disabled are similarly hit with a retroactive rate increase.

I oppose retroactive taxes, especially where they have a chance of impacting upon the success or failures of businesses, the success or failure of small businesses in particular.

I am sure that the month of July will be spent hammering out a conference agreement on the budget reconciliation bill. The conferees will focus on taxes: How much to raise—the House bill will raise nearly $33 billion more than the Senate-passed bill—what kind of energy tax, the House Btu tax or the Senate's gasoline tax. Debates will rage over how much expensing to allow small business. The House raises the threshold to $25,000, the Senate's version isn't as generous and sets the threshold at $20,500. Other issues include: What tax credits to extend and for how long. I have heard that debate before, and unless things are changed fundamentally, we will hear it all again.

The President talks of change. He stressed the need for the Congress to make changes. I have come to the floor today not to talk about the reconciliation conference and tax provisions that are in conference because there is no real change for the better there. I want to talk about dynamic, bold change, change that I believe would stop this endless counterproductive, incremental tinkering with the Federal Income Tax Code. The time has come to seriously discuss doing away with the Federal Income Tax Code as we now know it. Abolishing the current income Tax Code would be real change, and that would be real change. I believe the time has come to examine what effects the current Federal Income Tax Code has, not as just a revenue-raising machine, but as a fundamental instrument of good public policy.

Is our current Tax Code an impediment to savings and investment? I believe it is. And, therefore, it is an inhibitor of economic growth, competitiveness and real job creation I believe so, unequivocally, and especially so when compared with the tax codes of our competing countries in the world and how they treat their businesses, how they encourage savings and investment while we merrily roll along, encouraging consumption and discouraging savings and capital formation.

Over the last 2 years, my good friend, the distinguished senior Senator from Georgia [Mr. NUNN] and I and others have been engaged in a review of what fiscal policies would be best for the long-term growth and progress of our country, increasing our standards of living, improving the quality and quantity of jobs for our people. The conclusion of our Strengthening of America Commission is that without fundamental change in the income Tax Code of this country, there will be no dramatic change in our standard of living over time or in our ability to compete and, thus, create more jobs of a good quality at home.

When it came to the Federal income Tax Code, we have concluded in our evaluation—Senator NUNN and many who joined us in this evaluation—we have concluded that the Federal income Tax Code seriously distorts decisions to save and invest. The current Tax Code is in large part responsible, we believe, for the short-term, borrow now/pay later, consume as much as you can, which is part of the American economic problem of today.

This has not been solely a Dominici-Nunn conclusion. Senators like DANFORTH, PACKWOOD, BOREN, KERREY, and others have also come to similar conclusions or conclusions that move in that direction. We believe in varying degrees, of course, that something more than just raising or lowering the tax rates here and there, extending or deleting this or that tax credit will somehow change the fundamental fiscal and economic problems of this country.

The key point is, we do not save enough and, as a consequence, we do not invest enough in private business and private business cannot be competitive without investment.

Without savings and investment, the key to our private enterprise, market-oriented system, capital formation and the availability of capital in large quantities in a changing world where what you have invested in your business radically changes over short periods of time compared with the past, all of that means that capital formation suffers.

I am not so naive, Mr. President, as to believe that something so big as scrapping the Federal Income Tax Code and starting over with a new and better system of taxing income will be adopted any time soon. After all, we have had the current Federal income tax system for over 80 years, since the 16th amendment to the Constitution was ratified in 1913.

But the time has come to talk about real change in that Tax Code. In a series of speeches in the Senate and elsewhere over the next few months, I intend to talk about real change in our tax system and begin to educate the public and Members of the Congress about what that would mean.

The fundamental principles of taxation should be fairness, efficiency, simplicity and, yes, economic growth. On this latter point, I believe, as others do, that we should not penalize those who invest in the system. This has brought me to the idea, not entirely unique, of a saver-friendly Tax Code, one that taxes only consumption and exempts all savings and investments. After a certain threshold, wherein consumption is absolutely part of just maintaining a reasonable lifestyle, from that point, consumption will be taxed; savings and investment will not.

Let me be clear that I am talking about exempting all forms of savings from a progressive income tax. Some analysts, indeed, have explained the concept as a universal IRA account. But this is more than that. And it is not a value added, so-called VAT, tax which would require a new complicated collection and reporting system.

The principle I advance builds on the existing tax collecting system, and it could use a 1040 tax form without requiring a new tax collection system. The reform I have in mind would also significantly simplify the corporate income Tax Code and replace it with what is referred to as a business cash flow tax which allows expensing of business investments in equipment and other job creating, productivity enhancing investments.

Business would pay a tax on their annual cash flow defined as receipts from sales less its purchases from other businesses including new investments made during the year.

Over the last several months, my staff and Senator NUNN's staff have been working with various experts—the Congressional Budget Office, other Senators' staffs and many other interested citizens—to refine this new approach to Federal taxation. Those discussions are ongoing. But on the basis of what has transpired to date, I believe the outline of a proposal for real change is emerging. I believe a combination of a savings exempt income and business cash flow tax could be constructed that would raise the same amount of revenue that is now raised under the current income and corporate tax system and raise it in a way that maintains or improves upon current code progressivity.

In other words, it can be extremely progressive, but the reformed Code would be less complex, more efficient, and, most of all, it would stimulate economic growth, not deter it.

I have asked the Congressional Budget Office to give me some idea what a consumed income tax rate structure would look like, raising the same amount of revenues as now raised and allowing a family living allowance similar to the current law standard deduction, personal exemption and earned income tax credit.

Based on these criteria and allowing all savings and investments to be exempt from taxation, the preliminary CBO estimate suggests that we could enact three tax brackets with marginal consumed income tax rates of 18 percent for the first bracket, 28 percent for the second bracket and 32 percent for the third. If we were to include the current law mortgage interest deduction, the three rates would be slightly higher—20, 28, and 36.

More work is required and is currently in progress, but this should be some solace to those who think such a system would require huge tax rates on consumption. Not true.

Clearly, any additional deductions, exemptions or credits would necessitate higher rates, but in no event would this proposal substantially depart from the progressive framework of the rate structure under the current law.

Again, based on preliminary CBO estimates, a business cash flow tax applied to business on a broad base that excludes business investment and purchases would raise the same level of revenues in the current corporate tax system with a single rate of 8.2 percent. This was calculated to meet current employer, social insurance, trust fund obligations.

Think of the simplicity of such a new system. We would not be arguing about capital gains or establishing a preferential rate for them. Complicated, depreciation schedules, and alternative, minimum tax calculations would be wiped off our tax law books. We could get on with real change. I know a lot of work and education must take place before something as significant and as dramatic as this change in the Tax Code can come to pass. But speaking only for this Senator, I believe this type of real change is needed in our Tax Code. It is the type of change that I believe is essential for the long-term growth and progress of this country.

I believe the time has come not to continue down the path of tinkering around the edges, raising and lowering tax rates here and there, adding or subtracting to what people can invest and not pay taxes on. I believe a saver-friendly Tax Code, a consumed-income Tax Code, would be more simple, more fair, and, most of all, is most apt to permit America to grow and prosper in the international competitive arena of today.

Mr. President, I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Connecticut is recognized.

EFFECTS OF VIOLENCE ON OUR CHILDREN

Mr. DODD. Mr. President, I rise this afternoon to speak once again about the pervasiveness of violence in our culture and its effects on our Nation's children. The past 10 days in our Nation's Capital have been among the bloodiest in this city's history. Many across this city have felt moved to speak out in outrage at these incidents of violence, and, today, Mr. President, I wish to add my voice to those crying out against the horror of the times in which we are living, not only here, in the Capital City of our country, but also, I might add, all across this country in our cities, our suburban areas, and rural communities as well.

The image of a sniper shattering the innocence of a lazy summer afternoon at a neighborhood District of Columbia swimming pool has, indeed, captured our attention—at least I pray to God it has captured our attention. Beyond the six children who were physically wounded, the emotional trauma for these children at a pool that day will have lasting effects.

We all know now that children threatened by dangerous environments experience emotional trauma as well—anxiety, difficulty concentrating, nightmares, all of which will interfere, I suspect, with their daily lives and their ability to learn as they struggle through life. Sometimes these children also develop a sense of such great hopelessness about their future, Mr. President, that they come to believe they will not even live to see adulthood. This sense of hopelessness too often is compounded by a lack of opportunity for education, career training, and finally, jobs. Too many of our children in our cities come to feel that they literally have no future.

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Mr. President, I have been in this Chamber to tell the story of other children across this country who have joined gangs and engaged in criminal behavior, feeling that they have nothing at stake in our society, in our country. I have said in the past—and I will repeat here—I do not do it just to recite another list or litany of statistics and figures, but to try to put faces and names on these children and these neighborhoods and these communities. Maybe, just maybe, by utilizing the forum that is available to me as a Senator, I can ignite a spark of deeper interest and concern, and we can come up with some answers to the crippling problems that face our Nation.

So when we see a 22-year-old who allegedly sprayed with bullets a swimming pool filled with playing children, I think it likely we are seeing yet another youth with nothing to lose, lacking any empathy for others.

As Dorothy Gilliam, the Washington Post columnist, put it:

> Obviously, life is so bad for some people that they can only imagine awful things to do.

Mr. President, perhaps it is necessary to spend some time thinking not just about the victims, which is tremendously important, but also about a young person—a young person who can think of nothing better to do than to terrorize, potentially murder and, in fact, wound a group of frolicking children in a swimming pool.

Horrific as it seems, humans do not act in a vacuum. Sometimes it is hard to tie together the connections. But there are usually causes underlying even the most appalling of human behavior.

Prophetically, perhaps, last week, at about the time this latest round of shocking violence began in the District of Columbia, the National Research Council was releasing a long-term study of adolescent risks. Mr. President, I urge my colleagues to examine this report.

I ask unanimous consent that a statement of the panel chairman, Prof. Joel F. Handler, be entered in the RECORD in its entirety at the end of my statement.

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

(See exhibit 1.)

Mr. DODD. Aptly entitled "Losing Generations," this report by a panel of experts examined the society in which America's youth are being reared. He concludes—which probably will not come as a great shock to many people—that the single most important factor putting youth at risk is the incredible—the incredible—explosion of poverty over the past two decades in our society.

During that time, real incomes of young families declined by almost a third in the United States. By 1991, nearly 1 in 4 families headed by young adults between 25 and 34—the age group most likely to be rearing children—had incomes below the poverty line. For young black families, the figure is 46 percent—of those families, in the age group 25 to 34—46 percent were living below the poverty line. One in four American children, 25 percent, now live with only one parent. And poverty rates for single-parent homes are six times those of two-parent homes.

Let me stop for a minute.

I do not believe that because you are raised by a single parent or that you are poor, you have a right to spray a swimming pool with bullets. I do not want to confuse this issue. Just because you are poor does not give you a right to engage in dreadful human behavior. But there is a pattern here that is setting in—a connection and a linkage. If you want to solve these problems, it is not just enough to apprehend the individual and subject them to the criminal justice system and assume somehow that is going to solve it.

At some point, we in this country have to come to the collective conclusion that you have to prevent this from happening, or at least minimize the possibility. When you have people being raised under these tremendously difficult conditions, there is just a far greater likelihood that you are going to end up with the results we are seeing.

During the economic expansion of the eighties, both the proportion and the total numbers of families living in poverty continued to increase. Our social support systems failed. The National Research Council panel concluded that social systems failed to provide resources, support, and opportunity for young people and young families to prepare adequately for adulthood.

Therefore, Mr. President, I think we must remember that without adequate education, job training, and early childhood development, any new wave of job opportunities and prosperity are simply going to pass right over the heads of a staggering number of people in our society and leave massive numbers of children growing up in poverty with no hope for their future.

Mr. President, I believe that you have to invest in young people and in young families as the report concludes, by providing adequate housing, by financial assistance, jobs—and I will say this again. I do not believe there is any better social program that any social scientist ever imagined, ever created, ever envisioned that even came close to being as good as a decent-paying, salaried job that allowed people to have the economic empowerment and independence that they need.

Educational opportunities obviously play a critical role in achieving those good wages and salaries. Job training is critically important, as well as assistance with school-to-work transition efforts.

We also need adequate health education and treatment, particularly to address the risks of substance abuse and sexually transmitted diseases, physical or sexual abuse, and teen pregnancy. Our country's teen pregnancy rates are as much as six times higher than those of many European nations—for white teens, as well as for minority youth, I might add—six times higher than some of our major world competitors.

The panel further urged that we dramatically improve our child welfare system, which specifically fails to protect abused adolescents, who often are a low priority for workers whose caseloads are laden with confirmed cases of abused younger children.

Finally, Mr. President, the panel reported that the criminal justice system has completely failed to rehabilitate young offenders. In fact, I would go further. If you end up in the criminal justice system as a young offender, there is a far greater likelihood you are going to come out a lot worse than when you went in. That much, you can almost guarantee; our criminal justice system will produce a worse, a hardened, or a more hardened individual than the one we put into the system.

Obviously, we have to redirect our efforts from emphasis on incarceration and punishment, which certainly ought to be a part of this. But we need to reemphasize, if we can, rehabilitation and treatment so that these young kids come out of that system, at least, with some hope that they will not ever go back into that system again.

None of these findings should really come as a surprise, as I said a moment ago, for we know what we must do. We know what works. And certainly, Mr. President, what has not been working for the past two decades, we also know.

I am very hopeful that with President Clinton's team—people like Lee Brown, whom I had the privilege of being with this morning as he was sworn in as our new drug czar, and who, I think, is going to do a terrific job in that position; Janet Reno, the Attorney General of the United States; Richard Riley, the Secretary of Education; and Donna Shalala, the Secretary of Health and Human Services, I think at least we have the possibility, with this kind of a team and a deep commitment to these issues, that we will be able to achieve some of the accomplishments that this distinguished panel has suggested.

Recently, Mr. President, I introduced, with bipartisan support, the administration's Safe Schools Act, to help schools maintain safety and teach children nonviolent means for resolving conflicts. In addition, I have introduced a bill to create partnerships between police departments and child mental health services to begin collaboration around community policing

efforts with an eye toward prevention of violence. It will take much more from all of us to stem this tide of violence in our country.

I was encouraged to learn that the Nation's four major broadcast networks and the motion picture industry yesterday agreed to provide a warning to parents that would precede TV programs that contain excessive violence. That is long overdue. No longer can we be debating whether or not there is some nexus between the torrent of violence that is on TV screens and the behavior of children in our streets. Hopefully, these warnings to parents will begin at least to help temper some of that.

I might point out that the toys that children can buy in our stores, the ones that are geared in some ways to promote violence between people are very popular with kids but, nonetheless, take sort of an antiseptic view of violence. Even simple things, like cartoons—where people can be hurt, dropped on their heads, and all sorts of things—never show the effects of violent behavior—there, we need some sort of tempering, or an understanding of what occurs in these programs and how it can have an effect on young people.

Many studies have shown the connection, as I said, between street violence and violence on our TV screens. While I welcome this development, I remain concern about the lack of nonviolent programs for our children to watch and nonviolent creative toys and games that our children can use to serve their educational needs.

Mr. President, our children are confronted with violence everywhere—on television; at home; at the local swimming pool, as we now know, painfully, in this city; and even at school. It remains to be seen whether or not all of us private and public citizens can act quickly enough and powerfully enough to address this threat to the very future of our Nation's young people.

My fellow colleagues, I do not think we can wait any longer. We have to begin putting aside partisan differences and make this the priority that it ought to be. We should be talking about improving our educational system and about improving family structures. To allow the contamination of violence to continue makes it impossible, in my view, to achieve these other laudable goals.

Mr. President, I take the floor again here today, as I have almost every week over the past month or so, to highlight this particular issue and hope, again, that others may do likewise so that we educate one another on the importance of this issue and try to come up with some intelligent, thoughtful answers, as we try to deal with the scourge in our streets.

I yield the floor.

EXHIBIT 1

OPENING STATEMENT OF JOEL F. HANDLER, J.D.

LOSING GENERATIONS: ADOLESCENTS IN HIGH-RISK SETTINGS

Good morning. Large and increasing numbers of American young people are at risk. These young people are growing up in environments that restrict their chances of becoming successful and productive adults. This is both a personal tragedy and a national tragedy.

Most research has concentrated largely on why individuals engage in high-risk behavior. As we worked, it became apparent that the enormous power of settings in shaping adolescent lives had been given too little attention. It also became clear that the critical settings of adolescent life had deteriorated sharply over the last two decades. It is these settings that are the focus of our report.

Adolescents depend on families, neighborhoods, schools, and health systems. All of these institutions are now under severe stress. As the fault lines widen, more and more young people are falling into the cracks. Institutions and systems initially designed to help high-risk youth, such as juvenile justice and child welfare, have instead become sources of risk.

The social forces that are straining these institutions are many and complex, but they are all influenced by the relentless decline in income of families with young children. Family income is the single most important determinant of the settings in which children spend their formative years. Over the past two decades, the real incomes of young families have declined by almost a third. In 1991, almost one-quarter of the families headed by a young adult had incomes below the poverty line.

Growing up in or near poverty exacts a heavy toll on children and adolescents. Adolescents from low-income families are more likely to have physical and mental health problems, to exhibit delinquent behavior, to show low academic achievement, and to drop out of school. They are less likely than their higher income contemporaries to get jobs. The numbers of poor adolescents who are completely unprepared for and alienated from the world of work has grown alarmingly. Without a stable connection to the workforce, either through one's own efforts or as part of a family, one remains outside mainstream society.

One-quarter of American children now live with only one parent, and poverty rates are almost six times higher for single-parent families than for two-parent families. Studies also suggest that children of single parents are more likely to engage in high—risk behavior such as drug and alcohol use and unprotected sex, to drop out of school, and to commit suicide. Children born to adolescent mothers face the highest risk of failing to become successful adults.

Poor children are likely to grow up in socially disorganized, racially segregated neighborhoods, with a high risk of becoming victims of drug-related violence, perpetrators of such violence, or both. These children are likely to go to schools that have fewer resources than those in more affluent neighborhoods. Although public schools have traditionally been viewed as the institutions through which poor children can rise above their socioeconomic roots, in recent years schools in poor neighborhoods have not been able to fulfill that role. The many problems that poor students bring to the doorsteps have, in most instances, overwhelmed the resources and best efforts of the schools. And unlike many industrialized countries, the United States does not provide an institutional bridge to help adolescents who are not college-bound make the transition from school to work.

How can we strengthen the institutions adolescents depend on and reduce the risks young people face?

Although it is quite true that these issues need more study, some of the problems are so acute and their effects so destructive that to delay action would needlessly endanger the future of more children. Our report includes an agenda for further research and describes directions for change in the 1990s and beyond.

First, policy-makers should keep in mind that a rising economic tide will not necessarily lift most poor families out of poverty. Both the proportion and total of families living in poverty increased during the long period of economic expansion in the 1980s. Targeted intervention will be needed to enhance skills, provide entry-level job opportunities, and improve support services such as child care. Income-transfer programs will also need to be improved to ensure that families have an adequate standard of living, safe housing, and access to essential services such as health care. In designing those programs and policy responses, care should be taken to encourage rather than punish the formation and maintenance of two-parent households.

Second, the crumbling infrastructure of inner-city neighborhoods must be dealt with. Affordable housing is urgently needed. The issue of school funding must be confronted. And residential segregation must be addressed by all levels of government through incentive programs and the vigorous enforcement of fair-housing laws and other civil rights laws and regulations.

Third, young people must have access to services that respond to the major threats to adolescent health—illicit drug use, cigarette and alcohol use, violence, teen-age pregnancy, and emotional distress. But service programs will not be effective if they target just one particular high-risk behavior such as drug use; they need to take a holistic approach to adolescents' life circumstances.

In addition, although rigorous research of services programs is rare and often inconclusive, most experienced practitioners agree on the importance of a sustained relationship with caring adults.

Fourth, even a service response is inadequate to the single most important proximate threat to the lives of inner-city youth: the proliferation of firearms. The issue of guns requires urgent national attention.

Finally, we must remember that less than one-quarter of young people leaving high school will complete a four-year college degree. There must be improved mechanisms to assist the three-quarters who do not attend or complete college to prepare for and find entry-level jobs with a future.

One cannot emphasize too strongly the harmful effects of discrimination. A single act of discrimination—be it the denial of a job opportunity or the denial of housing in a safe neighborhood—can have a powerful effect on an adolescent's life opportunities. Cumulatively, acts of discrimination create large socially and economically disenfranchised groups and blight the developmental opportunities of many American youths. Essential to the success of these efforts is strong enforcement of laws against racial discrimination.

The Pulitzer Prize-winning author James Ages wrote that "in every child who is born,

under no matter what circumstances and of no matter what parents, the potentiality of the human race is born again." Our panel believes that more must be done to change the toxic settings that are limiting this potential.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I congratulate the Senator from Connecticut on his eloquent comments on violence in society. I want him to know before he leaves the floor that I absolutely support his comments and look forward to working with him on these issues. We are surrounded by violence, and we are also surrounded by essentially the debasement of people in our society, the debasement of women and children. When one looks at the soap operas in the afternoon, or even some of the prime time TV shows, they border on soft porn.

If essentially television and the movies are going to be those that transmit the history of our society and be the electronic troubadours of the old, then we have to get a new message. I think we are all appalled by what we see on TV and in our own communities. The senseless shootings of little boys and girls swimming at a local pool, because of some gang dispute, I think is repugnant.

This is not Bosnia nor El Salvador nor Somalia. This is the United States of America. I think we have to do something about the war lords that are running the streets of America and frightening and intimidating innocent people who go to work and try to raise their kids and try to pursue American citizenship. I compliment the Senator.

THE MERCHANT MARINES

Ms. MIKULSKI. Mr. President, I believe that this Congress, the 103d Congress, was elected to do something about our economy. I remember during the spirited debates of the last election; the phrase was: "It's the economy, stupid."

Well, I agree that it is the economy, and I think we should not be stupid about it. I think we should be smart about it. We need to be able to talk about how we generate jobs today and jobs tomorrow. I have been one of the leading advocates of generating jobs in the high technology area and working with the Clinton administration in this area.

Mr. President, I am absolutely appalled by this administration's approach to a traditional industry; namely, the merchant marine industry of the United States of America. I am writing today to the President of the United States to express my deep outrage and my dismay at the reports that the two largest American flag shipping companies have decided to remove a number of their vessels from the U.S. flag.

Mr. President, what does that mean in plain English? It means that the merchant marines that fly the flag of the United States of America, staffed by people who are loyal to the United States of America, are American citizens, will no longer have an American merchant marine.

I happen to believe this is an economic security issue, and I happen to believe that it is a national security issue. Our national security depends upon a very strong U.S. flag fleet. During World War II, it was the men of the merchant marine going on Liberty ships across the cruel waters of the North Atlantic, with the Japanese submarine-laden waters of the South Pacific, carrying the kinds of supplies needed so that we could win the war in the Pacific and in Europe and save Western civilization and save this planet. President Roosevelt called our merchant marine then the "heroes in dungarees" for their courage and their valiant service during the Second World War.

Most recently, whether it has been in Korea, Vietnam, and now most recently in Desert Storm, one of the most important backups that our American military had was the merchant marine.

In lessons learned, our hero, General Schwarzkopf talked about how important the merchant marine was—the American merchant marine—to be able to sustain our troops with needed supplies. And had we gone into an escalated ground war in the desert, we would have been even more dependent on those supplies.

Well, now, we have an administration that says that we will no longer back the merchant marine. I am shocked at this, as a Democrat. I am absolutely shocked about, in a new world order, which has become a new world of disorder, that we can have confidence in foreign ships, flying a foreign flag, manned with foreign crews, that are going to carry the grain that we sell around the world, the cargo that we sell around the world, and in the event of an international emergency, the backup to our troops.

In the event of another international incident, where the world will dial the United States of America a 911 call, we will have American cargo going to support American troops and to protect American lives flying under the Marshall Islands flag. I have no disrespect to the people of the Marshall Islands, but what happened to the American flag? Are we not going to back up American troops with an American merchant marine? And when we sell this cargo around the world with wheat deals for the Russians or feeding the hungry in Somalia, it is going to be subsidized wheat, bankrolled by loan guarantees from the United States of America, but sailing under a foreign flag.

I cannot believe this. When I traced this down, it comes from the Economic Security Council at the White House. I was for having an Economic Security Council, because I thought it would blend with the national security issues, because our real national security rests on a strong economy.

I tell you, I was not elected to the U.S. Senate last November to see the U.S. merchant marine scuttled by wonks and green eyeshade types at the White House or Pentagon. I believe our national security depends upon moving a maritime revitalization bill in this session of the Congress to keep our U.S.-flag fleet sailing. We need leadership from the White House on this vital national security issue.

I am informed also that the Pentagon has given advice to two major shipping companies to reflag those ships with the Marshall Islands. The crews on these ships will come from all over the world.

I appreciate our treaty agreements with our friends in foreign countries but, quite frankly, I lack the confidence that foreign nationals will have the same commitment to place their lives on the line, if necessary, the way our American merchant marine has. We have always had an American merchant marine to back up the American U.S. Marine Corps.

Right now, I know that we have moved slowly and deliberately on the review of maritime policy. I hope now that the administration will move quickly now to review that policy so that we do not dismantle the U.S.-flag fleet.

This is the Fourth of July. We are declaring, once again, our commitment to the declaration of our own independence. We are the land of the free and the home of the brave. Our flag means something. The flag that will fly over Fort McHenry in Baltimore, where the "National Anthem" was written, means something. The flag means something. I will tell you, when we send our cargo around the world, to take down the American flag, I believe, will be a national disgrace and will be an economic horror.

I yield the floor and look forward to working on this most crucial economic policy.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as if in morning business, if we are not already in morning business.

The PRESIDING OFFICER. The Senate is in morning business.

JUDGE RICHEY'S DECISION REGARDING NAFTA

Mr. GRASSLEY. Mr. President, I want to comment on the issue of whether NAFTA is subject to the Administrative Procedure Act and whether or not the President can submit

NAFTA to the Congress before there is an environmental impact statement.

Judge Richey of the United States District Court for the District of Columbia handed down an opinion yesterday that held so far the North American Free-Trade Agreement—that it cannot be ratified until an environmental impact statement has been completed.

This decision in the lawsuit by Ralph Nader, Friends of the Earth, and by the Sierra Club, is an example of the worst kind of judicial activism, where groups who cannot achieve their out-of-the-mainstream policy goals in the political arena—like here in the Senate and the House—go out and find imperialistic Federal judges willing to make law from the bench; having Federal judges become legislators in a sense, legislators that cannot be voted out of office because they have lifetime appointments.

The reason why we make law in a legislative body is because if we make bad law and we do so regularly, we can be voted out of office. But there is no check like that on a member of the Federal bench like Judge Richey. His decision is just plain bad law and is bad public policy.

To reach the result urged by the NAFTA opponents, Judge Richey first had to conclude that the President's signing of NAFTA constitutes "final agency action"—and that is a legal term—under the Administrative Procedure Act. To say that the President's negotiation and signing of a treaty with two foreign countries, in this case Canada and Mexico, is somehow the same as a decision of the Interior Department regarding management of public lands—and you can choose any examples you want to; you might choose the U.S. Department of Agriculture making a regulatory decision on pesticide use—to equate the President's negotiation of a treaty and presenting it to the Congress with something like the Agriculture Department making a pesticide decision, is really stretching the imagination, Mr. President.

The Administrative Procedure Act does not apply to the President, and his exercise of constitutional authority in treaty negotiation is not the equivalent of agency rulemaking.

The court's decision in this case is not a routine application of the Administrative Procedure Act to an agency. It is a judicial interference with a President's power to conduct foreign policy, and violates constitutional principles of separation of powers.

The court's decision reaches beyond the powers conferred upon the court by article III of the Constitution. It does so by dealing with generalized political grievances that do not constitute, as the Constitution requires, a case or controversy within the jurisdiction of the Federal courts. The Constitution requires parties before the Federal court to show standing by establishing an injury-in-fact—a concrete and particularized, actual or imminent invasion of a legally protected interest—for a party to get to the courts.

The injuries cited by Judge Richey as the basis for his finding of standing in this case are really pretty speculative. They are hypothetical injuries that members of the plaintiff environmental groups might suffer if NAFTA is ratified:

Possible changes in domestic environmental regulation to conform to NAFTA are cited;

Postulated environmental effects of American and Mexican firms' postratification conduct;

And theoretical environmental consequences of changes in price and market conditions that might occur after ratification.

These so-called injuries, or what might happen under certain circumstances, are little more than generalized policy concerns and are disputes that belong in congressional hearing rooms right here on the Hill, rather than in Federal court rooms in the District of Columbia, or anyplace around the country for that matter.

Finally, Judge Richey had to conclude that the National Environmental Policy Act requires an environmental impact statement to be prepared prior to ratification of NAFTA. To reach this conclusion Judge Richey deems the President's signing of a treaty as the legal equivalent of an agency proposing legislation. This too seems to be a stretch of the law.

Hopefully the D.C. Circuit Court will quickly hear and quickly decide the administration's appeal in this case. And President Clinton is doing the right thing by appealing this—not only the right thing from the standpoint of protecting Presidential prerogatives, but also the right thing in terms of good, sound foreign policy. And we ought to think more about NAFTA being involved with foreign policy than just with the economic issues that we are always talking about. So I applaud the President for that appeal, and I hope it will be decided very quickly.

The D.C. circuit has already thrown out one anti-NAFTA lawsuit by Ralph Nader and his allies. We should expect that they will dismiss this lawsuit as well. Dismissal is required under a reading of two major Supreme Court cases of the last two terms, Lujan versus Defenders of Wildlife, and Lujan versus National Wildlife Federation, which held that very similar lawsuits must be dismissed for lack of standing.

This case raises serious questions about the court's subject matter jurisdiction and the doctrine of separation of powers, as well as the standing issue that I have discussed. It is hard to imagine that the D.C. Circuit or the Supreme Court would let this decision stand.

President Clinton should be very confident that the decision will be vacated by the court of appeals, and that NAFTA will ultimately be ratified and be good for the economy and the environment of the United States, Canada and Mexico. But he should learn from the decision of the district court the consequences of too much judicial activism, or the consequences of any judicial activism that goes beyond the mere constitutional responsibility of the interpretation of law. When judges, as Judge Richey has, let their courtrooms become political forums for the airing of every single-issue interest group's public policy grievance, and when unaccountable judges make law from the bench, our Democratic processes are undermined, and bad public policy is usually the result.

I urge President Clinton to recall yesterday's decision as he begins the process of filling the more than 100 vacancies in the Federal district court. For this decision shows the consequences of judges making decisions based on the inclinations of a big heart instead of upon the wording of the statute.

Fortunately, the past two administrations have appointed adherents of judicial restraint who know the proper bounds of their power. I am confident that the Court of Appeals will reverse Judge Richey's activist decision, and I look forward to a prompt debate on the merits of NAFTA within the proper arena; and that proper arena happens to be this body and the other body, which are the political forums of our society, to make these decisions.

I yield the floor.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. GRASSLEY. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 1:39 p.m., recessed subject to the call of the Chair.

The Senate reassembled at 1:41 p.m., when called to order by the Presiding Officer [Mr. MATHEWS].

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

COMMENDING THE CAREER OF SENATOR METZENBAUM

Mr. JOHNSTON. Mr. President, I rise to commend the career of our colleague, Senator METZENBAUM of Ohio, who just announced that he will be retiring at the end of this term.

Mr. President, the Senator from Ohio [Mr. METZENBAUM] and I have served together throughout his entire 18 years in the Senate. For most of those years, he served as a member of the Energy

Committee. Indeed, as a member of the Energy Committee, we dealt with some of the most important issues that faced our Nation, including the big energy wars that took place in the late 1970's, particularly the Natural Gas Policy Act.

Occasionally, the Senator from Ohio and I were on the same side of issues. When we were, I found him to be a great ally and one who made it much easier to win the day. More frequently, we were on opposite sides of the issue, including natural gas, many of the energy issues, and a host of other issues.

But, Mr. President, I must say that the Senator from Ohio has been, was, and continues to be a close and warm friend. In all of those great legislative arguments, there was never the slightest contrary word or feeling between us. I think that is one of the hallmarks of his service, that he is such a warm and wonderful friend to have, as he has been to many Members of this body.

But, Mr. President, I think the most notable thing about the Senator from Ohio is his stand on principle. The Senator from Ohio is not one who looks at the polls in the morning and decides what to do in the afternoon. His stand on issues comes from a very deep-seated feeling of conscience and conviction, and he follows that as a compass hand pointing steadily in the direction of those convictions regardless of the political consequences.

I think he is the real exception to the rule, in that he often runs counter, or has run counter, to the immediate feelings of the people of his State, but throughout his entire career, they have steadfastly returned him to this body because they know that this is a man of principle and of conviction.

Mr. President, I have also found in the Senator from Ohio one of the keenest intellects that this body has ever had, one of the most diligent workers, one of the most energetic participants in debate and in putting bills and issues together. He is creative. He can figure a way to put an amendment in to make it most appealing and best to accomplish what he seeks to accomplish.

Mr. President, it is fair to say that this will be a lesser body in strength, in integrity, in intellect and in the warm bonds of friendship when the Senator from Ohio departs the U.S. Senate. He will be greatly missed.

For my part, Mr. President, I will miss dear friends, he and his wonderful wife Shirley. I know he will remain active in public affairs. I hope he will continue to grace this body and this city with his presence so that we may continue to seek his counsel, advice, and participation in public affairs, and enjoy his friendship, as well as that of his wonderful wife Shirley. He will be greatly missed.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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, I ask following my remarks we stand in recess subject to the call of the Chair.

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

MIDWEST FLOODS

Mr. DOLE. Mr. President, the thoughts and prayers of my colleagues should, in part, be with the beleaguered residents of the Midwest—particularly those whose homes, businesses, and farms have suffered severe damage due to the worst flooding to strike the area in 30 years.

For weeks, the upper Midwest has been inundated with record rainfall, resulting in widespread floods and the prospect of an extended period of time needed for recovery.

Even before the most recent rains, this area experienced precipitation far above normal. Last fall's harvest was interrupted and even prevented in many areas due to excessive rainfall. Spring plantings were made prohibitive due to wet fields. Finally, crops which escaped the worst last fall and this spring have been lost in the most recent storms. Unfortunately, short-term forecasts hold no hope of quick relief.

So, Mr. President, a tragedy is gripping the area. Governors have requested disaster declarations for 11 counties in Minnesota, 16 counties in South Dakota, 25 in Iowa, and 30 in Wisconsin—and these numbers are expected to climb.

We will need to turn our attention—and our offer of assistance—to those in need. The losses will certainly be in the hundreds of millions of dollars—if not higher—especially in light of the commerce which has been interrupted on the Mississippi River.

In response to this disaster and in preparation for providing the assistance which will be needed, Secretary of Agriculture Mike Espy traveled to four affected States earlier this week. I had wanted to congratulate the Secretary for this most appropriate show of compassion, concern and intention to use the resources available to the Federal Government to help the citizens of this area.

Unfortunately, the Secretary's trip was marred by partisan politics. It appears only political supporters of the administration were invited to participate, and at least one Republican Member of the House of Representatives—in whose district the Secretary staged an event—was explicitly not invited. Partisanship has no place in disasters. Floods do not spare on account of political affiliation, they do not pass over the homes, the farms, or the businesses of one political group and devastate those of others. I had expected a more responsible and caring response from the Secretary and hope he will review his actions of this week and vow to not repeat this mistake in the future.

I also understand he visited a county in Iowa, the home of Iowa Senator GRASSLEY. Senator GRASSLEY was not invited, nor was Senator DURENBERGER, nor was Senator PRESSLER.

In the meantime, I look forward to working with my colleagues from these affected States on both sides of the aisle to assist those who have suffered a great deal at the hands of these storms.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 1:53 p.m., recessed subject to the call of the Chair.

The Senate reassembled at 2:05 p.m., when called to order by the Presiding Officer [Mr. MATHEWS].

Mr. HELMS addressed the Chair.

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

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, I feel that the Senate should note with some shame, or at least embarrassment, that today is the 50th anniversary of an event that was intended to put the American taxpayers asleep.

It worked. The taxpayers went to sleep.

Fifty years ago today, July 1, 1943, was the day that the Federal Government began sticking its bureaucratic hands into the pockets of the taxpayers. That was the day that the so-called pay-as-you-go Federal income tax began, stealthily, taking money from the taxpayers without their even thinking about it.

Note, please, that the first five letters of the word "stealthily," which I just used, the first five letters are s-t-e-a-l—steal.

In any case, Mr. President, until Congress got around to enacting an income taxing power for the Federal Government that would pass constitutional muster, the taxes collected by the Federal Government were minimal. By 1895, Congress had enacted and was imposing an income tax, but the Supreme Court looked at that one and declared that it was unconstitutional on the grounds that the tax was not apportioned among the States in a proportional manner.

Then Congress got busy a little later on and approved a constitutional amendment, the 16th amendment to the Constitution, and sold the American people a bill of goods with the false assurance over and over again in this Chamber that this new income tax would never, ever claim anything like 10 percent of any taxpayer's income. In fact, there was a fist fight in this Chamber when one of the Senators advocating the 16th amendment was angered by the suggestion of another Senator that the Federal income tax might one day seize as much as 10 percent of a person's income.

So, Mr. President, the American people were lulled to sleep, much like the frog placed in a pot of water and then placed on a red-hot burner. To begin with, the frog was so comfortable in that warm water that he never knew what hit him. He was fast asleep.

Mr. President, for substantially more than a year—I think it is about 16 or 17 months—I have been making a daily report on the irresponsibility of the Congress of the United States with respect to the Federal debt burden dumped on the backs of the American people.

Some Members of Congress, to this day, constantly pretend and proclaim and declare that it was President Reagan or President Bush or both who ran up this incredible Federal debt when, in fact, Mr. President, anybody even remotely familiar with the U.S. Constitution knows that no President, Democrat or Republican, liberal or conservative, can spend even a dime of the taxpayers' money that has not first been authorized and then appropriated by—you got it—the Congress of the United States.

So, Mr. President, my report for today is as follows: As of the close of business this past Tuesday, June 29, the Federal debt stood at $4,309,613,793,364.13. You might try writing those figures down. It looks like a freight train going by.

This means that, on a per capita basis, every man, woman, and child in America owes a share of this Federal debt, and that share amounts to $16,778.13 as his or her share of that debt.

Mr. President, I thank you very much. I yield the floor 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. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE ENERGY STAR PROGRAM

Mr. BAUCUS. Mr. President, on several occasions over the past few weeks I have spoken about the need to combine our economic and environmental goals. Today, I will speak about a great example of how this can be achieved.

This example is EPA's Energy Star Program. The Energy Star Program is a partnership effort with the computer industry to promote the development and use of energy efficient computers, printers, and monitors.

It might seem that the computers on our desks are not the biggest users of energy. But the majority of time a computer is turned on, it is not being used. And more than a third of computers are left running over nights and weekends. When added together, computer systems alone already account for 5 percent of all commercial energy used and could reach 10 percent by the year 2000.

Working with over 100 voluntary participants in the program, EPA has encouraged the introduction of computer systems that will power down when they are not in use.

This simple feature will cut the energy consumed by computers 50 to 75 percent. With 30 to 35 million computer systems in use, this program could save enough electricity each year to power the States of Maine, New Hampshire, and Vermont, and will save ratepayers nearly $2 billion.

These energy savings translate into environmental benefits as well. Within 10 years, the use of Energy Star computers will reduce carbon dioxide, the primary greenhouse gas, by 20 million tons—the equivalent of 5 million automobiles. Sulfur oxides and nitrogen oxides, which cause acid rain, will be reduced by more than 200,000 tons.

After only 1 year, the computer industry, in partnership with EPA, has responded to the Energy Star challenge by developing computer systems that run on as little as 18 watts of power—less than the average lightbulb.

How can this kind of innovation help the economy? In addition to the billions of dollars that will be saved through the use of these computers, a new competitive market has been created.

Not too many computer buyers have ever focused on energy use when making a purchase. But now, thanks to Energy Star, energy consumption will be a factor in every computer market. Especially in other countries—where power costs much more than in the United States—low energy computers could have a major advantage.

And the Federal Government can lead the way in building markets for these innovative computer systems. On Earth Day, President Clinton signed an Executive order that requires the Federal Government—the world's largest buyer of computer equipment—to buy equipment that meets the Energy Star requirements.

Not only will this accelerate the trend toward energy efficiency, it is a good business decision for the Government. The energy savings for the Government alone will save the taxpayers $40 million annually.

Mr. President, the Energy Star Program is an excellent example of why I am a strong supporter of environmental technology. This program shows how Government and industry can work together to develop innovations which will help the economy and promote a healthy environment.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. D'AMATO. 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. D'AMATO. Mr. President, I ask unanimous consent that I might be permitted to proceed as in morning business for up to 15 minutes.

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

WELFARE REFORM

Mr. D'AMATO. Mr. President, when President Clinton was campaigning for office, one of his promises was to bring about reform of the welfare system, to change it. It had great resonance with people. He called for workfare, not welfare.

Well, I am disappointed. I am saddened to say that we had an opportunity to make a very meaningful step in terms of encouraging able-bodied recipients to get off of the dole and to have each State be required to have a plan for able-bodied recipients who did not have dependent children to report to a public service job.

Once again, President Clinton has broken one of his promises to the American people.

Indeed, instead of attempting to support this program, his administration campaigned against it. Secretary Shalala, head of Health and Human Services, wrote a strong letter in opposition. Indeed, she said that this was legislation the administration strongly opposes for all of the above reasons, and she went into numerous reasons.

The promises that were made, workfare, not welfare, were forgotten. Had the President wanted this amendment, which would have required able-bodied welfare recipients without dependent children to work for their benefits, to pass, it would have. It would have. Instead, it was voted down in conference on almost a straight party-line vote.

Bill Clinton told the people that he wanted to change the welfare system as we know it. He said he was committed to workfare. I tried to help the President keep his promise by offering

this welfare amendment, which would have required workfare. But not only did the President choose not to keep his commitment, but, indeed, the Secretary of Health and Human Services opposed it and sent this letter to the chairman of the Appropriations Committee.

Mr. President, the American people want workfare, not welfare.

I am going to suggest that as to this legislation—which I have submitted and which this body accepted after vigorous debate with over 60-some-odd votes voting against the tabling of this amendment—that I am going to continue to attach this amendment on every piece of legislation that I can.

I am determined to see to it that there is a vote in the House of Representatives as well, and there would have been had the conferees not, along almost entirely party lines, knocked it out.

The American people have a right to have meaningful welfare reform. I think they will remember that President Clinton has not kept his commitment. This is not a commitment that should be studied to death. This is not a program that we have to wait for forever. If we cannot say that able-bodied recipients who do not have children should not be required to report for some public service job, then something is terribly wrong with our thinking. If we do not think we have a responsibility to bring this about, then something is wrong.

For the administration to oppose it on a series of technical grounds, not based on merit, is simply wrong.

We believe in the principle of workfare. Or are we saying that maybe it is because it might be embarrassing that we really are not for workfare as opposed to welfare? It is about time that we stood up for what is right and stop making a mockery of what is taking place at this time when we say we are for one thing but for technical reasons say, no, we have to study it. We have to put it off; we will wait until next year.

Once again I am saddened to say that I am disappointed—and I think the American people will be—that President Clinton has broken one of the primary commitments that he made during the campaign, and that was workfare, not welfare. I believe that we should keep that commitment to the people. I think we have a basic responsibility to do so. I am going to continue to press that issue.

I yield the floor.

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

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

The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 1193 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SIMPSON] is recognized.

Mr. SIMPSON. I thank the Chair.

(The remarks of Mr. SIMPSON pertaining to the introduction of S. 1196 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

SOCIAL SECURITY BENEFIT OBLIGATIONS

Mr. SIMPSON. Mr. President, I wish to take a moment to speak on Social Security. Everybody seems to talk about that, but we seem to get, again, so hooked up in emotion and an inability to seemingly even make any change at all in the system without gaining the ire of every known senior group or other group dependent upon frightening the American people as to the future of Social Security.

So let me just say this, and hopefully it will create some debate. I know that it will. The relationship of the Social Security trust fund to the rest of the Federal budget is once again gaining the public's attention. A root cause of this issue is the public misperception that the surplus Social Security taxes are somehow directly deposited and saved in a special Social Security trust fund.

Contrary to popular belief, Social Security taxes, like all other Government revenues, are deposited in the U.S. Treasury, not into a separate Social Security trust fund. These Social Security taxes, along with the many other forms of tax revenues which the Government collects, then become part of the Government's operating cash flow.

Thus, while the concept of the trust fund and the dedicated receipts appears to indicate there might be separate pots, pots of money, the Federal Government really honestly does operate as one single financial entity. Revenues from any of the trust fund programs are not handled separately, invested separately, or managed separately.

In addition, Social Security payments are not recycled. Instead, they are replaced in the Treasury by a constant stream of FICA tax revenues. So long as the FICA tax system keeps pace with the benefits payment program—that is the Federal Insurance Compensation Act—the system will remain self-financing or pay-as-you-go.

However, in the year 2030, when the retired population is more than double what it is today, Social Security benefit obligations will start to exceed all FICA payroll tax receipts. There is not any question about it. For example, in 1988, there were 25.7 million persons over age 65. By the year 2000, it is expected there will be around 35 million persons over age 65, and 60 million over 65 by the year 2030.

The increasing numbers of elderly, caused primarily by the retirement of the baby boomers, would not ordinarily in itself be any problem. However, because of the continuing low birth rate of this country, there will not be enough workers to eventually pay the full benefits for the baby boom generation.

Therefore, in the future, there will be fewer workers to pay into the fund for each Social Security recipient at the time. It is just logical. Unless the benefit increases are slowed, the Social Security costs will exceed and drain off all the system's reserves around the year 2030 or 2040—2030 to 2035, and by 2040, unless something is done, it will be in dramatic drawdown and gone.

It is important to note that today's Social Security surplus exists because of one reason. The surplus does not exist because of what seniors are putting into it. It exists because of what today's workers are putting into it, and those in the past decade have put into it. They have been paying a significantly higher payroll tax than was ever, ever paid or anticipated to be paid by most of today's Social Security beneficiaries.

Hear these figures. They are unrefutable. Everyone is entitled to their own emotions but nobody is entitled to their own facts. From 1937, when Social Security was first imposed, up until the year 1949, the payroll tax was 1 percent, and it only applied to the first $3,000 of an individual's income during that period of time.

In 1983, however, when the financial status of the trust funds deteriorated to the point where all cash reserves were exhausted and $17.5 billion had to be borrowed to finance the benefit payments, Congress enacted legislation that required a series of major increases in the payroll tax.

We owe Senator PAT MOYNIHAN a debt of gratitude. He was part of that blue ribbon commission. There were many on both sides of the aisle, a superb group.

But these increases brought the maximum tax to its current level of $3,226 in 1993. Quite a swing from 1 percent of $3,000—that is $30 a year—to $3,226 in the year 1993. And because of this legislation that we passed, younger generations of American workers have been paying a much higher payroll tax over the past 10 years. This is why today we have a Social Security surplus, no other reason, coming from the younger workers.

The current surplus did not result from the payroll taxes that were paid by the current retirees but in fact is currently being subsidized by today's generation of workers. It certainly, in my mind, is not fair to ask the younger generations to bear the entire burden of deficit reduction in addition to the funding of the Social Security program. We must all fairly share in this effort.

This is why I do not support the notion of taking Social Security ever off the table when Congress looks for ways to reduce Federal spending.

If we continue in the direction we are heading, by the year 2010—2010, 17 years away—60 percent of the entire budget of the United States of America will be going toward people 60 years of age or over, regardless of their net worth or their income. That is outrageous.

The problem is that unless the Treasury is operated with a balanced budget by that time, it will not have the funds on hand to pay the notes, the IOU's in the trust fund. To restore the solvency, the Federal Government will then have to either increase its income—that is, raise taxes we call that—cut its spending—you see how easy it is to do that—or do some combination of both in order to produce the necessary surplus cash to pay off these Social Security obligations. Money will have to be raised by the future generation of workers if the budget is not balanced before those Social Security reserves are needed.

We must change the Social Security System now and in some way if we want our future generation to get anything at all out of the system. I am not advocating reductions called cuts in Social Security benefits. I have never seen anybody around here ever step up and put a cut on a Social Security benefit, and I never have. I have talked about cost-of-living allowances. That is a different matter. So I do not advocate cuts in existing benefits.

However, I think we must consider the possibility that future increases or cost-of-living adjustments might be withheld from those persons who are well-off and have already received their full return many times over on what they paid into the system.

I do not want to take away benefits from people who are counting on Social Security for their retirement funds. I am not interested in taking money from wretched, hapless people. That is not my nature. But we need to cut through the rhetoric—we have a better word for that in Wyoming—behind the COLA's and begin to get serious about reducing benefits for those persons who are exceptionally wealthy and who do not need to have their income subsidized by this Federal Government. They may be earning, $60,000, $70,000, $80,000 in retirement and still be receiving all the benefits of Social Security even though—I always love this one at the town meeting. I have told you these stories.

The fellow got up in the back. I said I will take one more question from the gentleman in the back—the gray-haired gentleman in the back, I believe I said. This fellow leaped up. He said "I would rather have my hair turn gray than turned lose"—which is a shocking thing to hear from a constituent when you are less than hirsute.

So I say, "So you put in it from the beginning, did you?"

They say "You bet. And I want it all out."

I say, "Well, let us look at what you put in because for the first 8 years you never put in over 30 bucks a year. Then for the next 18 years you never put in more than 174 bucks a year. Get that—174 bucks a year. Then they finally ding you hard. They hit you 300 bucks a year. Then they finally ding you for 500 bucks a year. And, finally, 800 bucks a year. Then, finally, really put it in your ear, making you pay $1,500 a year, or $1,800 a year, and you are sitting here today drawing $720 a month and giving me lectures. And you have a net worth of $500,000 or 1 million bucks and giving me lectures."

I said it is tough to listen to that. It ought to be a lot tougher to listen to if you are 30 years old because when I was a freshman at the University of Wyoming in 1950, there were 16 people paying into the Social Security System and 1 person taking out, and today there are 3.2 people paying into the system and 1 taking out. In 20 years there will be 2 people paying into the system and 1 taking it out.

How long do you think that 35-year-old guy that is going to put in $12,500 and another put in $12,500 to take care of one person taking out $25,000? You talk about generational warfare. "You ain't seen nothing yet," in the words of a former President.

I have no desire to push low-income elderly persons below the poverty line. Forget that one. Who is talking about that? Every time you bring up these issues, here they come out of the woodwork—the AARP, the National Committee for the Preservation of Social Security still slugging along with notch babies. I have a special notch for them because they put in the very least. They put in peanuts. Then we took them through the cost-of-living index and they were getting 8-, 10-, 12-, 14-percent indexing on Social Security in the seventies. They remember that but they seem to forget it when they get galvanized by their leaders.

So I am perfectly willing to take this measure. It is not fun. But I have a grandchild now. I would like to see her doing something with regard to what we think of as an income supplement system. And that is all Social Security was. It was never a pension plan. It was on income supplement by a generous Government and an extraordinary President called Franklin Delano Roosevelt and it worked. It worked until we got to a position where we, as politicians, never could say no to these groups. If you do, they will take care of you the next election cycle. I can assure you of that.

So I am not advocating that the low income should live on less. I am not advocating a cut. I am saying freezing COLA's is something to consider. I am saying limiting COLA's. I am saying means test people if you are going to use the Federal Government as your bank, file a net worth statement at the window just like you do at the bank.

The study shows that freezing COLA's has the least impact on higher-income individuals. This is the group we should be targeting with a COLA freeze. An alternate means of raising revenue for deficit reduction is to increase the amount of Social Security subject to taxation. That alternative would actually raise more revenues from higher-income beneficiaries than freezing or reducing Social Security COLA's. Currently, Social Security beneficiaries pay taxes, of course, on 50 percent of the Social Security benefit if their adjusted gross income is over $25,000 for individuals and $32,000 for couples. We have raised that already in the budget process.

Under President Clinton's budget plan, Social Security beneficiaries would pay taxes on 85 percent of their Social Security benefits if their income is over $25,000. This alternative would actually impose an indirect means test and would be an equitable way of raising revenues, and I will support the President.

Congress, finally, is not stealing from the poor souls on Social Security. We are not raiding the Social Security System. That is absolute balderdash. What is happening is the current beneficiaries are raiding the Social Security benefits, regardless of their net worth or their income. That is basically wrong. In addition, they are assuring that future generations of workers, your kids and mine, and your grandchildren, will be given the short shrift. That is the type of plundering, the only type of plundering, that is going on. That is the type that we need to get rid of.

We need to balance the budget. We need to cut the entitlement programs. We need to start using the words, instead of entitlements, using the words Social Security, Medicare, Medicaid, Federal retirement, railroad retirement, and other understandable terms instead of entitlements. Take a look at some of the system. Take a look at railroad retirements, the only system on the face of the Earth where the bargaining is done between management and labor and the Federal Government pays the bill. But you do not dare bring that up. There are a lot of things that are going to have to be brought up as

we get into the serious issues of budget and the more serious issues as to how we fund a health care system which is sucking the craw out of America to the tune of 900 billion bucks a year this year.

I commend the First Lady for her activities in that and look forward to working with her, with Senator JOHN CHAFEE, and others who intend to spend a great deal of time on that.

But the only honest way, real way to accomplish any of this is to reduce spending and to increase savings and to begin means testing these programs that are being severely abused.

Thank you.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TESTIMONY OF DR. THOMAS W. PAYZANT

Mr. WELLSTONE. Mr. President, just a few words. I just returned from a Labor and Human Resources Committee hearing today where Dr. Thomas Payzant testified. Dr. Payzant is, I hope, soon to be Assistant Secretary for Elementary and Secondary Education.

Mr. President, there were two comments that Dr. Payzant made that I think are really worthy of note. There were many actually. But I just would like to say on the floor of the Senate that I believe Dr. Payzant is going to provide vitally important leadership for this country in the area of education. His testimony was quite moving. He talked about his mother having been involved in education. His dad passed away when, I believe, he was a first grader. He talked about coming up in a family where education was very important.

He talked about the importance of not contextualizing what happens to children in school as opposed to what happens to them when they go home from school. He talked about the relationship between race and gender and poverty and children in our country today in education. He talked about the need to provide teachers with support to build higher morale. And he talked about what he has done as superintendent of schools in San Diego. And we had Congressmen, both Democratic and Republican, who came there and testified in his behalf.

The other point I want to make, since we really did not have a chance to get into all of the substantive discussion that you would want to get into on many, many of the issues that are going to be so important in his leadership, is he talked forthrightly about his role as superintendent of schools in San Diego with unanimous school board approval of a policy of nondiscrimination by race and gender but also including sexual orientation.

And in responding to the question of whether or not he advocated special rights for any group, he had really a wonderfully eloquent response. In the committee, he said, "No, that has never been my position, except that I think every child is special."

So what he was saying was: Every child is special to me. Therefore, I do not want to see any discrimination against any child in any school in any community in the United States of America.

I was very, very impressed with his testimony. I really believe that he will be an outstanding leader in education and an outstanding Assistant Secretary. I look forward to when the Senate will confirm him.

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

The PRESIDING OFFICER. The Senator from Minnesota suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. 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. HARKIN. Mr. President, I ask unanimous consent to proceed as in morning business.

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

TURNING DISASTER TO PARTISAN POLITICS

Mr. HARKIN. Mr. President, yesterday I had the very unpleasant task of accompanying Secretary Espy and Governor Branstad—the Governor of my State—and others on a tour of some of the flooded areas in my State of Iowa. This heavy rainfall and flooding, and the damage that is being forced upon the State of Iowa is the worst we have had in many, many years. In fact we have had more rain in the last 8 months in Iowa than we have had in that period at any time over 121 years. And the rain is not stopping, it is continuing to come down. We are facing losses of an extreme magnitude in my home State.

I know the present occupant of the chair, the Senator from Minnesota, was also with the Secretary yesterday visiting the devastation in his home State, as were Senators and others from Wisconsin and South Dakota.

The Secretary visited all four States yesterday to get a firsthand look at the damages from these storms and from the unceasing rains we have had in the upper Midwest.

It is not a pretty sight. That is what Secretary Espy said, "It is not a pretty sight." We have a lot of people, farmers, small business people, homeowners—and now with the Mississippi River flooding out of its banks, with the tributaries flooding—many people are suffering great losses. Farmers who have planted corn only to see it not growing or only barely growing. Normally the corn in Iowa is about waist high, maybe higher at this time. Most of the corn in Iowa now is less than a foot tall.

Soybeans, if they were even able to get them planted, have hardly even emerged. Of those that are up, many are only about an inch high. Usually the soybeans are pretty well established by this time of the year.

We have estimated nearly a million and a half acres of soybeans either unplanted or requiring to be replanted in Iowa; and nearly 400,000 acres of corn in Iowa that was not planted. This is a loss of just devastating proportions, first of all to the individual farmers, but second to the entire State of Iowa. And, I might say, to the whole upper Midwest: Minnesota, South Dakota, and Wisconsin included.

So I was very pleased and happy when I learned that the Secretary was making a quick trip to get a firsthand look at the devastation in those four States. Like so many others, I had to rearrange my schedule but I wanted to be there to make sure that the Secretary did get a good firsthand look at what was happening in my home State.

I hate to say this, but now partisan politics has entered in this very serious situation that we have with the heavy rainfall and flooding that is occurring in the upper Midwest. The minority leader was on the Senate floor a few minutes ago, accusing the Clinton administration of excluding Republican Members of Congress from a tour of the flooding and weather disaster in Iowa and the surrounding States. He said the event was marred by partisan politics. He said that it appeared that only the political supporters of the administration were invited to attend.

Unfortunately the minority leader is flooding us with misinformation that needs to be corrected and I am here to correct that. I think it is deeply regrettable, deeply regrettable, that the minority leader would seek to politicize the terrible disaster in Iowa and Minnesota, South Dakota, Wisconsin, which is costing people their homes, their farms and their livelihoods. For the minority leader to accuse Secretary Espy of politicizing this event is outrageous. The administration informed every Member of the congressional delegations from Iowa, Minnesota, South Dakota, and Wisconsin that Secretary Espy would be touring the affected areas in their States. They did not send out formal invitations, at least I did not get a formal invitation.

I was notified. And when people in my State are in trouble I do not stand on formalities. Quite frankly, the minority leader simply has his facts wrong.

He mentioned that Senator DURENBERGER was not invited but Senator DURENBERGER, I am informed, flew back on the plane with Secretary Espy to Washington. And others were on the plane with him. So obviously the minority leader's facts are wrong.

He said it appeared that only political supporters of the President were invited. Well, that might come as great news to my Republican Governor, Gov. Terry Branstad, because when we landed at the Waterloo Airport we were met and greeted by the Republican Governor of Iowa, Governor Branstad.

As for Senator GRASSLEY, my colleague from Iowa, his staff was present as was staff of other Republican Members from the Iowa delegation. I might also point out that when we toured the farms in Iowa there were a lot of Republicans there. The former House leader, Delwyn Stromer, who was appointed by President Bush to be the head of the GSA in Kansas City—he was there. I have known him for years. He did a good job as the head of the GSA in Kansas City. He was there. So I do not know what the minority leader is talking about. And in Minnesota, as I understand from the present occupant of the chair, Gov. Arne Carlson, the Republican Governor of Minnesota, greeted the Secretary of Agriculture there; and that the Republican Agriculture Commissioner of Minnesota was there when the Secretary was in Minnesota.

So Senator DOLE simply has his facts wrong. The minority leader's facts are about as accurate today as they were when he was attacking the President's budget recently. As Secretary Espy said in Iowa yesterday, "Mother nature does not choose between Republicans and Democrats." The last thing on anybody's mind during yesterday's visit was partisan politics.

We visited a couple of farms in Iowa in Butler County. I haven't the foggiest idea as to whether they were Republicans, Democrats or anything else. I never checked. I still do not know and I do not care. These farmers are hurting, their families are hurting, and they need help.

Senator DOLE should be less worried about the Iowa Presidential caucuses in 1996 and more concerned about the tragedy that is taking place in Iowa today. Unfounded political charges will not buy farmers or homeowners or small business owners one dime's worth of help. It can only delay assistance if we inject this kind of partisan politics into it.

The President today announced he will be seeking special disaster assistance for those affected by the heavy rains flooding. We need to act promptly to make certain help comes quickly. Injecting partisan politics into it can only serve to slow down the help that is so urgently needed, and that would be a shame.

The President, I would say again, that President Clinton said he will ask Congress for money to assist Midwest farmers whose crops have been destroyed by the damaging weather and flooding. I look forward to working with the minority leader and to working with other Senators here, Republicans and Democrats—I do not care who—in making certain that the President's proposal for assistance is enacted as quickly as possible with the strongest bipartisan support.

It is sad that partisan politics were injected into this by the minority leader. I hope, after he reviews the facts of this case, perhaps the record might be corrected and we can put this behind us, we can work together as representatives of farmers from the great States of Kansas and Iowa and other Midwestern States to make sure we get the President's proposal through here and we get the help out to the farmers. That is what is needed, not partisan politics.

I yield the floor.

MYRA ELLEN JENKINS

Mr. BINGAMAN. Mr. President, last week New Mexico lost one of its dearest treasures, its most valuable resources. Myra Ellen Jenkins, a former historian of our State, died after a brief illness at the age of 76.

I do not overstate the case to say that she was a treasure. She knew more about New Mexico's history than anyone, and had the remarkable facility for putting events into context and context into understandable language.

She was a great friend to me, and indeed to all who had an interest in our heritage and a desire to preserve the records of the past, however they were found. A true daughter of the West, she will be deeply missed. There is comfort in the knowledge that future generations will benefit from her love of history, her labors in its recording and her interest in the truth. It was, after all, those future generations she had in mind in all she did.

HONORING LUIS D. REDONDO

Mr. DECONCINI. Mr. President, on June 18, 1993, the city of South Tucson honored Vice Mayor Luis D. Redondo for distinguished community service given in appreciation for his many years of loyalty and dedication to our community.

Luis has lived in South Tucson for over 44 years, 14 of which have been devoted to public service. In those years, he has strived to foster opportunity and progress for the residents of this square-mile city. In addition to serving on the South Tucson City Council, Luis remained an active member of the Tucson-Pima County Historical Commission. He has been recognized for outstanding community service as a recipient of the Arizona League of Cities and Towns 10-Year Local Elected Official Distinguished Service Award and the South Tucson Certificate of Merit.

I would ask that my colleagues join me in congratulating Luis Redondo on this well-deserved recognition and thanking him for his outstanding commitment to the people in our community and his many years of hard work. I wish him the best of luck.

HONORING JOHN GARCIA

Mr. DECONCINI. Mr. President, on June 18, 1993, the city of South Tucson celebrated 20 years of public service for Councilman John Garcia—a fitting tribute to an individual who has dedicated so much of his life to helping others in this square-mile city.

John began his career in public service as a member of the board of directors of the House of Neighborly Service and as a member of the Model Cities Health, Education, and Housing Task Forces. South Tucson elected him to the city council in 1973 where he has championed the worthwhile causes of helping our children and senior citizens and advancing community and economic development.

John has also been active in a number of civic organizations including the League of United Latin American Citizens [LULAC], National Association of Latino Elected and Appointed Officials [NALEO] and the American Red Cross. His awards of recognition include the Pima County Community Service Award, the Arizona League of Cities and Towns 10-Year and 15-Year Local Elected Official Distinguished Service Awards and the South Tucson Certificate of Merit.

I would like my colleagues to join me in thanking John Garcia for his outstanding commitment to people, his hard work and, most importantly, serving as a role model for future generations in our community. I wish him the best of luck.

AMERICA'S HOMELESS CRISIS

Mr. PRESSLER. Mr. President, on any given night in America, an estimated 600,000 Americans are homeless. They beg from us on the streets, live in our abandoned buildings, and sleep on our park benches. Homelessness is often viewed as an urban problem. However, it affects all 50 States, including rural States like South Dakota. Homelessness is a national problem.

It is projected that during a given year, over 2 million people will have spent at least 1 night out on the

streets. Although it is difficult to accurately estimate the homeless population, it is known to be rising nationally. According to the National Conference of Mayors, the number of requests for emergency food rose 18 percent over the past 12 months, while requests for emergency shelter rose 14 percent.

Who are the homeless? Who are these people who have met with such misfortune? No longer are they the single men and the Vietnam veterans portrayed by the media in the early 1980's. Increasingly, our Nation's homeless are children.

Single mothers with children and orphaned children are the fastest growing segments of the homeless population. Every night at least 61,000 to as many as 100,000 children in our Nation sleep in homeless shelters, parks, abandoned buildings, and cars.

Mr. President, my colleagues and I see examples of the homeless crisis every day. In the National Capital area, there are a projected 10,000 homeless Americans. We see them around the Capitol Building, at Union Station, and on our way to work.

Americans react to the homeless crisis in a multitude of ways. A number of concerned citizens volunteer in homeless shelters and soup kitchens. Others feel a sense of guilt or pity and make donations to those who beg on the streets. Others treat the homeless as if they are a social disease—ignoring and criticizing them.

Widespread apathy affects more and more Americans as they grow accustomed to the poverty around them. A New York Times/CBS News poll recently found that 55 percent of those responding thought that people had become so accustomed to the homeless they no longer are upset by them. No longer do they hear the cry of the beggar or get upset over the sight of the impoverished man, woman, or child sitting on a sidewalk and sleeping next to a plastic bag crammed full of all their worldly belongings.

Mr. President, my home State of South Dakota is not immune to the homeless crisis. Just over 1 percent of South Dakota's population, 8,616 people, is homeless. Of that figure, a projected 2,970 are children. Although South Dakota's homeless population is not as immense as that of larger, urban States, it is still a serious matter. I am proud of the many South Dakota citizens who are seeking ways to address and, in turn, reduce our State's homeless problem.

Native Americans comprise the largest segment of South Dakota's homeless population; 56 percent of the adult population and 57 percent of the child population are Native American. Sadly, a large number live on reservations that are home to three of the poorest counties in the Nation.

The plight of the homeless reaches beyond South Dakota's Indian reservations. Our State's homeless population is increasing, particularly in our State's larger cities. My colleagues may recall that last year I reported to the Senate that Sioux Falls, our largest city, was named to the best place to live in America in the September 1992 issue of Money magazine. One less fortunate effect of that fame is that the city has since attracted many unemployed and destitute people from out of State, which in turn has increased our State's homeless population.

Mr. President, the issue of homelessness deserves greater national attention. Congress and the administration should work to alleviate the plight of the homeless. We need social programs that can be flexibly administered so that States can determine the best way of meeting the needs of their homeless population. Moreover, we need to develop programs that can reduce long-term welfare dependency.

A multitude of programs provide food and shelter for those who need assistance. It is often suggested that a work requirement for welfare assistance would help build the self-esteem and independence of those receiving welfare. Indeed, programs that make the homeless feel like contributing members of society may be more beneficial to them in the long run than programs based upon simple handouts.

Efforts to alleviate the homeless crisis also should include programs to treat substance abuse and mental illness. With over 33 percent of the Nation's homeless afflicted by a drug or alcohol addiction and 25 percent suffering from a mental illness, rehabilitation programs are essential. These Americans need more than food in their stomachs and a roof over their heads. They also need education, counseling, and rehabilitation.

A solution to the homeless crisis is not beyond reach; however, conquering this problem is contingent upon combined public and private efforts. Further, we should work to develop creative and flexible programs that do not overlook those Americans who are not yet homeless but are on the brink of becoming so.

By trying to increase understanding of the problem of homelessness and its possible solutions, every American can contribute to a better life for the homeless and to a safer, more wholesome society for all. We can make a difference in the lives of others by reaching out to those who have difficulty reaching back. Federal, State, and local government, as well as private initiatives to assist the homeless population can alleviate the plight of the Nation's homeless.

TOO LITTLE, TOO LATE: THE FAA RESPONSE TO AIRCRAFT ACCIDENTS

Mr. PRESSLER. Mr. President, over the last 2 months, I have raised many questions regarding aviation safety. Specifically, I have questioned the commitment of the Federal Aviation Administration [FAA]—our Nation's premier air safety agency—to the traveling public. In my opinion, the FAA's attitude toward safety is sloppy. The agency's piecemeal approach to implementing safety regulations is not the way our top Federal air safety agency should operate.

The April 19 small aircraft accident near Dubuque, IA, that claimed the lives of eight distinguished South Dakotans, including Gov. George Mickelson, could have been prevented if the FAA had acted on prior recommendations of the National Transportation Safety Board [NTSB]. This was not the case. The FAA waited until a fatal accident to act. I believe that a "better safe than sorry" approach by the FAA would be preferable to ensure that lives are not needlessly lost in preventable aircraft accidents.

Mr. President, a series of articles detailing the events that led up to the April 19 crash and the issuance of safety regulations afterward recently appeared in South Dakota's Rapid City Journal newspaper. The actions taken, or lack of actions taken, by the FAA and the manner in which the agency handled this aircraft accident demonstrate the ineffectiveness of the FAA. I ask unanimous consent that these articles be printed in the RECORD at the conclusion of my remarks.

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

[From the Rapid City (SD) Journal, June 20, 1993]

FAA, NTSB DISAGREE IN 1 OF 5 CASES—MU-2B PROP GOT SECOND PRIORITY

(By Bob Mercer)

PIERRE.—When the Federal Aviation Administration refused for months to order propeller inspections on Mitsubishi MU-2B airplanes, the decision was tragic but not unusual.

Federal records show the FAA hasn't complied with National Transportation Safety Board recommendations roughly one-fifth of the time in the 25 years since Congress created the NTSB as a special, independent agency to investigate accidents and problems in the transportation industry.

But in the MU-2B case, the NTSB also may have signaled, through the rating it gave its recommendation, that it didn't consider the inspections to be urgent.

The FAA decided to order inspections only after the April 19 fatal crash of a state-owned plane. Killed were all eight South Dakotans aboard, including Gov. George S. Mickelson.

The NTSB had first recommended the inspections last Aug. 13 after investigating a 1991 incident in which an MU-2B cargo plane lost a prop blade. NTSB chairman Carl Vogt repeated the recommendations again in letters to the FAA on Jan. 6 and March 4 this year.

But Thomas Richards, the FAA's administrator at the time, had told NTSB on Jan. 4 that the special inspections were unnecessary.

Nine days after the South Dakota plane lost a prop blade and crashed, the FAA's new administrators finally ordered inspections on 136 MU-2B-60 models. When those inspections turned up another cracked prop hub, the FAA broadened the inspections to include 118 other MU-2B aircraft.

"It happens from time to time," Barry Sweedler, director for the NTSB Office of Safety Recommendations in Washington, D.C., said about the MU-2B case. "We would have preferred it be done sooner."

The disagreement was hardly uncommon. The NTSB has made 2,845 safety recommendations to the FAA in the past quarter-century. Of those, the two agencies have agreed on 82.5 percent.

NTSB recommendations come in three rankings; urgent, priority or long-term. The MU-2B recommendations carried a priority rating, one step below urgent.

History suggests that an urgent rating on the MU-2B recommendations might have led to faster FAA action. When NTSB recommendations carry an urgent rating, the FAA and NTSB reach agreement about 90 percent of the time, Sweedler said.

The reason the MU-2B recommendations carried only a priority rating from NTSB was similar to one of the reasons FAA thought the inspections weren't necessary, according to federal documents and interviews. Before the South Dakota plane's crash, the one known problem was the Utica, N.Y., incident.

"That was the only case that we could document. If we had documented more than one case, we might have considered a higher recommendation," Sweedler said.

One result of the MU-2B case may be a change in NTSB operating procedure. Members of Congress suggested at recent hearings that NTSB notify plane owners when safety recommendations are first made to the FAA.

That way, while the agencies correspond and negotiate, plane owners could be aware their aircraft might need special attention—and a repeat of the South Dakota tragedy might be avoided.

"We're looking at that," Sweedler said. "The staff testified that it was certainly something that was reasonable."

[From the Rapid City (SD) Journal, June 12, 1993]

TRAGIC LESSON: SAFETY FIRST, BUREAUCRACY LAST

(By Larry Pressler)

It is said that it sometimes takes a tragedy to bring people together. As we know, tragedy brought us together. On April 19, 1993, near Dubuque, Iowa, eight well-respected South Dakotans lost their lives in what appears to have been a preventable accident.

We can learn from this tragedy. We have learned already. We have learned that the National Transportation Safety Board (NTSB) repeatedly urged Federal Aviation Administration (FAA) action based on an NTSB investigation of a prior, non-fatal incident over Utica, N.Y. The aircraft involved was the same type of aircraft that crashed in Iowa. As recently as March of this year, the NTSB urged an examination of similar aircraft in order to prevent what its chairman called "a catastrophic accident." Yet, the FAA did not act.

We also have learned that in far too many cases, the "tombstone effect" pressures the FAA to take action. In other words, it seems that it takes a fatal accident to make the FAA act. That certainly appears to be the case with the Iowa crash. In fact, FAA officials admitted to me that it took the Iowa crash not the NTSB recommendations, to ground similar aircraft.

We may not be able to prevent all aircraft accidents. However, we must ensure that our resources are used fully and effectively to prevent the preventable. That is not occurring today. How can the government best use its agencies and resources to ensure safety through prevention, rather than reaction?

What can we learn from current law about the relationship between the FAA and NTSB? At present, the law clearly places ultimate responsibility for aviation safety enforcement on the shoulders of the FAA. The NTSB can only recommend enforcement methods. However, NTSB recommendations to the FAA come primarily after the fact—after there has been anything from a minor incident to a tragic accident. The law clearly states that the FAA's duty is to "prevent the occurrence or recurrence of accidents." By any reasonable interpretation, this would mean the FAA should diligently avail itself of all its available resources to "prevent the occurrence or recurrence of accidents."

If one applies that law to the Iowa accident, the evidence is clear. The NTSB fulfilled its mission to the letter of the law. Based on its investigation of the Utica incident, the NTSB notified the FAA of what it concluded was an unsafe condition—the condition of the propeller assemblies used on the aircraft. The NTSB made it clear that unless action was taken to correct this condition, there could be catastrophic consequences.

What happened in the FAA? By any reasonable measure, it seems the FAA should have issued an airworthiness directive to correct the unsafe condition identified by the NTSB. That's what the law requires. Yet, the only thing we know for certain is the FAA did not take the action necessary to fix the unsafe condition until eight lives were needlessly lost.

This is not the only case where the FAA waited to act. In 1992, USAir's Flight 405 fell from the sky, plunging into icy waters near New York's LaGuardia airport. This plane was the 10th DC-9 to crash due to de-icing problems. By 1985, three other such aircraft already had crashed from similar reasons. At that time, federal safety officials claimed that "a hazard exists * * * certain types of planes are more sensitive to accumulations of ice too small for pilots to spot." But the government did nothing as other ice-sensitive planes fell from the sky. Then in 1992, after the USAir crash at LaGuardia added 27 people to the deadly toll of bureaucratic delay, the FAA decided to act. If the problem had been around for almost a decade, why was the FAA so slow to act before the USAir accident, but so quick to act afterward?

What can we do now? We can learn more about the relationship between the FAA and the NTSB. We can ask experts if we are utilizing these two agencies in a manner that best enforces small aircraft safety. More must be done to investigate these issues fully. That is why I introduced legislation to create a temporary blue-ribbon commission. This commission would have six months to study the FAA and NTSB relationship, and make recommendations to Congress on how to utilize government resources to enforce effectively small aircraft safety.

Some have suggested that my legislation would lead to more regulations, exorbitant costs for small aircraft owners and general aviators, of even a merger of the FAA and NTSB. It dosen't do any of those things. It simply calls on a body of experts to identify problems and suggest solutions. My bill does not propose specific solutions. This is not an effort to win praise—it is an effort to improve the federal safety bureaucracy

The Iowa crash could have been prevented. How many preventable tragedies will it take to prompt this Congress to seek answers? For the sake of those who travel in small aircraft, I hope we won't have to wait for new tragedies. Let's stop reacting to accidents and start preventing them.

[From the Rapid City (SD) Journal, June 20, 1993]

FAA, NTSB SPAR OVER MU-2B

(EDITOR'S NOTE:—Here are a timetable and summary of exchanges and events involving problems with propeller hubs on Mitsubishi MU-2B aircraft. Despite earlier warnings, inspections weren't ordered until after the crash that killed Gov. George S. Mickelson and seven other South Dakotans on April 19.)

Sept. 27, 1991: A Canadian-registered Mitsubishi MU-2B-60 aircraft loses a propeller blade from its right engine while climbing at 19,000 feet. The pilots feel strong vibration, then hear a loud bang. Despite difficulty controlling the plane, they manage to safely land at the Utica, N.Y. airport.

One of the prop's four blades had broken off, damaged another blade and torn a 12-inch hole in the plane's fuselage. The vibration caused twisting and wrinkling of the plane's wings and a partial separation of the engine's nacelle from the engine truss mounts.

Aug. 13, 1992: After investigating the accident, the National Transportation Safety Board issues three safety recommendations to the Federal Aviation Administration, which regulates aircraft.

The NTSB tells the FAA that scratch marks were found in the separated prop hub arm and in the three other hub arms on the prop assembly. The NTSB says the scratches likely occurred during manufacturing and contributed to fatigue cracking that led to the blade's separation.

The NTSB recommendations call for the FAA to develop with the manufacturer, Hartzell Propeller Inc. of Piqua, Ohio, an inspection technique for Hartzell's model HC-B4 propellers and issue an airworthiness directive requiring inspections. Second, the NTSB recommends that the FAA determine whether further periodic inspections should be done. Third, the NTSB recommends that the FAA determine whether similar Hartzell model HC-B3 and HC-B5 propellers should be inspected for cracking in the hub areas.

The NTSB gives all three recommendations a priority rating. Priority is middle on a scale of three. Urgent is highest. Long-term is lowest.

Oct. 26, 1992: FAA administrator Thomas Richards responds to the NTSB recommendations. "The (FAA) is reviewing the service history of the Hartzell Propeller hubs to determine the magnitude of the problem. The FAA also is reviewing the service manuals to determine what, if any, changes need to be made," Richards says.

Jan. 6, 1993: NTSB chairman Carl Vogt responds to the FAA's Oct. 26, letter. "Regardless of whether the service history of the HC-B4 hubs contains other examples of cracking or fractures similar to the Utica accident, the Safety Board believes that a once-through-the-fleet inspection of the subject hubs is necessary," Vogt says.

The NTSB classifies the FAA's response to the three safety recommendations as unacceptable.

January, 1993: NTSB chairman Vogt receives a Jan. 4 letter from FAA further responding to NTSB's safety recommendations.

In the letter, FAA administrator Richards says FAA agreed with the intent of NTSB's recommendations but didn't believe that FAA needed to issue airworthiness directives ordering inspections on either the HC–B4 or similar HC–B3 and HC–B5 props.

"The FAA completed its review of the service history of the Hartzell Propeller steel hub designs," Richards says. "To date, the one failure described by the Safety Board is the only known failure of a Hartzell steel hub design.

"The FAA and Hartzell Propeller have independently reviewed their own service difficulty records to determine if cracks in the hub had been found during magnetic particle inspections. No reports of cracks in this area had been found.

"The Safety Board indicates that over 28,000 HC–B3 and HC–B5 steel hub propellers are in service. These propeller designs have accumulated millions of safe flight hours. The Hartzell HC–B4 design has also accumulated a significant service history with one reported failure of the steel hub arm," he continued.

Richards notes Hartzell already required a magnetic particle inspection be conducted on the steel hub designs when the propeller is overhauled every 3,000 hours of service.

"Based on the service history and the fact that current procedures require inspections at 3,000-hour service intervals, the FAA does not believe that an airworthiness directive is necessary at this time," Richards concludes.

March 4, 1993: NTSB chairman Vogt responds to FAA acting administrator Joseph Del Balzo concerning FAA's Jan. 4 letter. Vogt says the process for the magnetic particle inspections was inappropriate because it wouldn't normally detect a crack starting on the inside of the hub arms. That was the cause in the Utica accident.

Vogt says NTSB still believes that some other method, such as ultrasonic inspection, needs to be done on the HC–B4 propeller hub.

"Separation of a blade from a Hartzell HC–B4 propeller on another airplane could result in a catastrophic accident," Vogt says.

April 18, 1993: Eight South Dakotans, including Gov. George S. Mickelson, are killed instantly when a state government-owned Mitsubishi MU–2B–60 plane crashes into a silo near Dubuque, Iowa. The NTSB investigation later determines the plane lost a blade from its left propeller. Tests show cracking from the inside similar to the Utica incident.

April 28, 1993: FAA issues an airworthiness directive ordering propeller inspections on MU–2B–60 planes. The order affects 136 aircraft.

June 11, 1993: FAA discloses the inspections find a crack in one more hub assembly.

Consequently, FAA issues a second directive and expands the inspections to include Mitsubishi MU–2B models 26A, 36A and 40. The order affects 118 planes.

"It is necessary to inspect these additional MU–2B series aircraft as soon as possible," the order says.

RECOGNITION OF LEATRICE "CHICK" BIG CROW 1993 JEFFERSON AWARD RECIPIENT

Mr. PRESSLER. Mr. President, I rise today to offer my congratulations to an outstanding individual from my home State who has overcome adversity and personal sorrow to open a creation center on the Pine Ridge Indian Reservation.

On June 16, 1993, I was honored to present the 1993 Jefferson Award to Leatrice "Chick" Big Crow of Pine Ridge, SD. She has been instrumental in organizing a teen center that has become the first Boys and Girls Club on the Pine Ridge Indian Reservation, home of the Oglala Sioux Tribe.

The teen center, named for Big Crow's daughter, SuAnne Big Crow, is located within the boundaries of Shannon County, the poorest in the Nation. A basketball star, as well as a straight "A" student, SuAnne was mourned by many throughout South Dakota when she was killed in a car accident a little over a year ago.

Mr. President, many times the media story ends right here. However, this was not the case for Leatrice, who prefers to be called "Chick." This tragedy sparked a volunteer movement that led to the development of the teen center. The efforts of the volunteers in this small, rural community received attention throughout the year.

The story of the Big Crow family continues in my State. I ask unanimous consent that an article from the Rapid City Journal of June 18, 1993, be included in the RECORD at the conclusion of my remarks.

Since 1972, individuals like "Chick" have been honored with Jefferson Awards. Former Senator Robert Taft, Jr., and former First Lady Jacqueline Kennedy Onassis are considered the founders of the award.

Mr. President, I know that others in my home State are diligently performing volunteer services within their communities. I commend them all.

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

[From the Rapid City Journal, June 18, 1993]

SUANNE BIG CROW'S MOM GETS AWARD

(By Journal Staff and AP)

WASHINGTON.—A Pine Ridge, S.D., woman and the late tennis star Arthur Ashe were honored with a 1993 Jefferson Award on Thursday.

They were among 11 people chosen for Jefferson Awards by the American Institute for Public Service for their contributions to society, the organization said in a statement.

Leatrice "Chic" Big Crow of Pine Ridge was honored for helping organize what became the first Boys and Girls Club on the Pine Ridge Indian Reservation.

The teen center in Pine Ridge Village was named for Big Crow's daughter, SuAnne Big Crow, who was killed in a car accident on Feb. 9, 1992.

SuAnne Big Crow was a basketball star and straight-A student at Pine Ridge High School. She was 17 when she died.

Leatrice Big Crow led a volunteer effort to turn an old plastic-doll factory into a recreation center for kids.

When the center was dedicated last August, Leatrice Big Crow said, "I've made up my mind it's going to be a positive place where kids will learn to do things for themselves."

Arthur Ashe was cited for his efforts to fight oppression in foreign nations and racial discrimination in his own country.

Ashe, who died in February of AIDS-related complications, was honored for "the greatest public service benefiting the disadvantaged."

As an activist, Ashe protested against apartheid in South Africa, military oppression in Haiti and the biases black U.S. athletes encountered in professional sports.

In the final months of his life, Ashe was arrested in a White House demonstration against sending Haitian refugees back to their homeland.

Also receiving awards were former U.S. trade representative Carla Hills; James Burke, who led a $1 billion campaign against drug abuse through his Partnership for a Drug-Free America; and Mary Taylor, a nurse and Red Cross relief worker who aids famine victims in Somalia.

Other honorees were Ella M. Jones of Sacramento, Calif.; the Rev. Hershel C. Smith of Houston; Christy Todd of Phoenix, Ariz.; Dr. James Withers of Pittsburgh; Melinda Kummer of Gaithersburg, Md.; and Brian Mulhollen of Jacksonville, Ore.

The Jefferson Awards were founded in 1972 by former Robert Taft Jr. and former first lady Jacqueline Kennedy Onassis to honor those who perform public service.

FOREIGN RELATIONS AUTHORIZATION BILL

Mr. PRESSLER. Mr. President, recently the Senate Foreign Relations Subcommittee on Narcotics, Terrorism, and International Operations held a markup of the Foreign Relations authorization bill. I expect that this bill will be considered by the full Senate later this summer.

As ranking member of the subcommittee, I made some preliminary remarks at the hearing concerning this legislation. I ask unanimous consent that these remarks and comments about three amendments I offered at the markup be printed in the RECORD.

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

Thank you, Mr. Chairman. Let me begin today by offering you my congratulations and thanks. Under your stewardship, our subcommittee has been able to accomplish a feat that many don't see around here all that often.

The legislation before us today is a bipartisan bill. It is the product of constructive, continuous bi-partisan interplay and exchange. At this stage of the legislative process, this bill reaches farther than most in striving for good management principles and sound fiscal policies at the State Department, the United States Information Agency and the international organizations to which the United States contributes. This bill truly was a team effort. I hope this bi-partisanship and cooperation will continue during full Committee and floor consideration of the bill.

Can this legislation be improved further? Certainly. First and foremost, additional spending reductions can and must be achieved. The political and fiscal reality is obvious: The State Department and the USIA—like all federal agencies—must do more with less—less personnel, less resources, and less money. The foreign policy and military arsenal constructed to wage and win a Cold War is no longer needed.

We're seeing the tough decisions being made on the military side of the coin. Force reductions are underway. This past weekend, the grim reality of base closures and realignments cast a shadow over communities from San Diego to Staten Island. These are painful, but necessary steps. The ultimate goal for America's armed forces is simple: to be a mean and lean military force.

Tough choices need to be made at Foggy Bottom. Our foreign policy force should strive to be lean as well. Mr. Chairman, I plan to work closely with both you, the Chairman and the Ranking Member of the full committee to fashion a package of major spending reductions in the overall funding authorities provided in this bill. I know you share in this side of the aisle's desire to achieve sound fiscal policies during these times of austere budget realities.

I am confident we can work together to fashion a new, streamlined State Department. Why? The proof is in the bill before us today, one which, I am proud to say, contains numerous provisions I've initiated that would improve the State Department's management practices. Specifically, the bill:

Creates a capital investment fund so that the State Department will be able to invest in cutting edge information technology;

Provides incentives for greater savings in the office of property management through flexible use of lease purchase agreements;

Focuses the State Department's efforts on countering acts of international terrorism;

Establishes an employee referral system for State Department officials who may be displaced from their jobs; and

Encourages the advancement of women and minorities through the distinguished ranks of the Foreign Service.

The specific programs I just mentioned are only a portion of the bi-partisan provisions included in this bill.

We worked together to achieve sound management reforms. We also worked together to control the growth of State Department spending. Let me name a few of these controls: For the first time we cap personnel growth at the Department. We encourage early retirement in cases where it is appropriate. We hold the Foreign Service officers to the same standards on performance pay as their counterparts in the civil service.

Yes, we have differences of opinion on different ways we could save more in this bill. The greatest differences involve the organization of the State Department. First, in order to create the leanest State Department possible, Congress should allow the Secretary of State the flexibility needed to make organizational decisions. That's just common sense. Faced with fewer resources, the Secretary of State needs to redesign our foreign policy engine so that it can do more with less. Even Secretary Christopher agrees. However, this bill does just the opposite. It retains statutorily-created assistant secretaryships and actually increases the number of senior officials at the Department. At an appropriate time, I plan to offer, as an amendment to this bill, the bulk of the Administration's original re-organization proposal presented by the Secretary himself. I am willing to give Secretary Christopher the flexibility he needs. I hope all on this committee will afford him that opportunity as well.

Secondly, I have concerns regarding the inclusion of language calling for the establishment of an international criminal court. I realize it is not yet in this bill. However, permit me to look ahead: Mr. Chairman, I understand you will be offering such language on Senator Dodd's behalf. I know it is early, but let me offer these three points now with the hope you will reconsider offering this amendment:

First, Senator Dodd's resolution has already passed this committee—albeit prematurely—as a stand-alone bill. An issue of this import, deserves to be considered separately.

Second, at the time the committee took action on this legislation, the Administration did not yet even have a formal position on this issue. To this date, the administration's formal position remains uncertain.

Third, the establishment of an international criminal court raises a number of serious questions for the minority members of this committee. The bill as it stands now is a bipartisan bill. There is genuine enthusiasm that with this bill we can demonstrate to our constituents that both sides can work together constructively. All of us know there are strong divisions in this committee regarding the international criminal court. Adding this provision to the bill may jeopardize early and expeditious floor consideration of the entire bill.

Mr. Chairman, I wish to express my thanks for the time you and this subcommittee have spent to address the need for United Nations reform and accountability. As I indicated to the Chairman during those hearings, I am dedicated to implementing true reform at the United Nations. In an effort to achieve this goal, I will offer a number of amendments today to encourage solid, hands-on management and sound fiscal policies at the United Nations. Next year, alone, the United Nations' peacekeeping budget promises to balloon to almost a half billion dollars. With roles and functions stretched throughout the global arena, the United Nations must operate under the same rigorous standards of excellence in management as we hold for our domestic agencies. I am hopeful the Chairman and the other members of this committee will support these amendments.

Finally, Mr. Chairman, I am glad to see this legislation attempts to address the need for greater administration and accountability of our exchange programs. Included in the bill is language that:

Pushes for the identification of the plethora of exchange programs currently funded by our government; and

Directs consolidation and administrative reform where warranted.

Though necessary, I must admit it is somewhat embarrassing that we must call for an accounting of the myriad exchange programs offered by government departments and agencies. Undoubtedly, these programs are well intended. Some are extremely valuable. I am a strong supporter of the Fulbright program, the Claude and Mildred Pepper Scholarship program, and several others. However, this may be a case of our good intentions getting the edge over fiscal good sense. It seems with every bill, our good intentions are shown through the creation of yet another exchange program. I understand this bill is no exception. There are several new exchange programs in this legislation. Again, I'm sure the intent is honorable. Yet, I must admit that before we hand out dollars for new exchange programs, we should get a handle on what programs are currently out there receiving tax dollars.

And while we're finding out what exchange programs we have, it may also be time we take a look at what these programs do. There seems to be an impression among many that some exchange programs do not fulfill their missions. Exchange programs should mean an exchange of ideas, and not just at an academic level. For many years, I have believed that the best foreign aid that the United States has to offer is an American who can show others how to make ideas work for them. American common sense, American ingenuity is more valuable today to a struggling Russian entrepreneur than the abstract theories of Adam Smith.

In reviewing these exchange programs, I have noticed a distinct absence of resources being devoted to programs that focus on practical experience-oriented exchanges. Our exchange programs need to recognize there are basically two kinds of smarts—school smarts and street smarts. Mr. Chairman, I hope to work with you between now and the full committee mark-up to craft language that will devote more resources towards those exchanges that emphasize practicality. My understanding is that the non-academic exchanges instituted under the Freedom Support Act have been very well received in Russia.

I am pleased that the full committee will have an opportunity to review the Administration's language on the consolidation of international broadcasting. I appreciate the Chairman's decision not to move forward on the consideration of this consolidation until we gain a better understanding of the Administration's proposals.

Mr. Chairman, as you know, this is the first year I have served as ranking member on this subcommittee. It has been a worthwhile, and educational experience for me. Again, I thank you and your staff for your cooperation and support on issues that are important to myself and other Republican members.

Mr. Chairman, as promised at our recent Subcommittee hearing on U.N. operations and management, I am offering three amendments to this authorization bill. These amendments are designed to promote a strong, efficient, and fiscally well-managed United Nations organization.

For years now, U.N. reform has been at the top of my agenda. Having served twice as a Congressional Delegate to the U.N., I am all too familiar with the rampant waste, abuse, and out-right fraud that have been characteristic of U.N. management. I am tired of hearing U.N. officials give lip service to reform while continuing to let fraudulent activities go unpunished. What can a frustrated U.S. Senator do?

The human and material resources of the U.N. are being stretched to the limit. I have witnessed abusive practices first-hand. It seems to me that fraud at the U.N. has become the rule—not the exception. When will the U.N. finally take corrective actions? If mismanagement continues, the efficiency and effectiveness of the U.N. will be further undermined.

It is no secret the United States pays the lion's share of the U.N. budget. With all of the resources the United States provides, our nation deserves to play a leading role in the management of those resources. Why should the United States foot such a high percentage of U.N. bills without assurances that our money is not being spent fraudulently? This is a question we in Congress can answer, since it seems that U.N. personnel and administrators are failing to address it.

I recently introduced three pieces of legislation that, directly and indirectly, can answer many of our concerns and lead to permanent changes in U.N. management—changes that would ensure reform becomes a top priority at the U.N. Today, I will offer modified versions of those bills in the form of amendments.

The first amendment is designed to achieve greater accountability for American taxpayer dollars for U.N. activities. It would require the President to provide Congress with a cost assessment of U.S. participation in any international peace operation or any vote by the U.N. Security Council involving the use of U.S. troops at least 15 days before any obligation of funds. U.S. participation in peace operations means the use of force consistent with actions under Article 42 of the U.N. Charter or the U.N. Participation Act of 1945.

The second amendment would require the President to notify Congress at least 15 days before U.S. troops, assistance, or facilities are made available to the U.N. under Article 43 of the U.N. Charter. If an emergency exists, the President is exempt from this report requirement. As my colleagues know, I have expressed concern regarding our military involvement in Somalia. I supported the humanitarian effort, but I was opposed to the United States assuming the lion's share of the cost. With U.N. resources overextended around the globe, increased pressure may be brought on the United States to commit troops to U.N.-sponsored activities. If that is the case, we in Congress need to know what the cost implications will be.

The third amendment is a first step toward the heart of U.N. reform. The United States has been the most vocal advocate of tough U.N. reforms. It is time the United States matched words with deeds. This amendment would do just that.

It would require the President, through the U.S. Permanent Representative to the U.N., to propose that the U.N. Secretary-General form an advisory committee to create a U.N. mechanism to conduct budgetary audits, to recommend policies for efficient and effective U.N. management, to investigate and detect budgetary waste, fraud, and abuse; and to provide a means for the Secretary-General to take corrective action. The advisory committee should be comprised of the permanent members of the U.N. Security Council, with a chair appointed by the U.N. Secretary-General. Not later than October 1, 1994, the President shall report to Congress on the establishment of the Advisory Committee and its activities.

I need to stress, however, that this last amendment is not as strong as I believe it could and should be. This amendment I am offering today has been "watered down" considerably from the original concept I envisioned—the withholding of U.S. voluntary U.N. contributions until a permanent U.N. Inspector General with autonomy and authority is established. Let this mark-up serve as a notice that I plan to strengthen this amendment at a later point in the legislative process.

The U.N. must continue to reform as the new world order dynamically evolves. To succeed in the face of limited resources, budgetary and bureaucratic reforms within the U.N. are necessary. Continued U.S. influence and pressure will be necessary to make the U.N. productive, efficient, and successful.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

A REAL CHALLENGE FOR RURAL AMERICA

Mr. WELLSTONE. Mr. President, I want to take a few minutes—I know the Senator from New Hampshire wants to speak—but I would just like to build on the remarks that, Mr. President, you made about the trip out to the Midwest with Secretary of Agriculture Mike Espy.

I did not hear the remarks of the minority leader, so I do not know exactly what he said. I did hear your summary. I thought you did an admirable job of responding to the whole question of whether or not this was partisan politics. Let me just observe the observable. That is what I can do. I can just tell you about the part of the trip I was on.

No 1.—and the Secretary of Agriculture made this very clear—when you are talking about over 700,000 acres that are not going to be planted this year in Minnesota, much less, as you were describing what has gone on with the corn and soybeans, the damage, the economic pain and hardship, almost—I would have to call it—despair right now in the countryside, it does not have anything in the world to do with the Democratic Party or the Republican Party, period.

No. 2, when the Secretary came out to Southwest Minnesota and visited farms, he was greeted by Gov. Arne Carlson—he traveled with two Senators: one Democrat, myself, and one Republican, Senator DURENBERGER, also with Congressman DAVE MINGE from the Second Congressional District, the district hardest hit, a Democrat.

Third of all, when he spoke, I do not think anybody who was there—and I do not know about Iowa—but when we drove up Minnesota to visit farms, there was just a long line of cars and trucks. And I said to the Secretary of Agriculture—maybe this is the best way for me to respond to the minority leader and try to tell him I think he is profoundly wrong on this question. There was a long line of cars and trucks. I turned to the Secretary of Agriculture Espy and I said, "This makes me nervous." He kind of looked at me. I said, "The reason I am nervous is because the people would not be out here except for the fact they are really hurting and they want us to come through for them. They really hope we are going to be able to provide them with assistance."

I know for a fact those farmers were not all Democrats. I know they were not all Republicans. I think it is probably a pretty healthy bet a pretty significant part of them were Independent.

My hope is that all of us together, Democrats and Republicans alike, will get behind a good relief program for the farmers. It is so tragic what has happened to them, and it is so important that we respond. On this occasion, on this moment of real pain, and real challenge for rural America, it is just important that we come through for the farmers.

Mr. President, I yield the floor.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

OUR POLICY TOWARD VIETNAM

Mr. SMITH. Mr. President, I rise today to talk about a decision that President Clinton is on the verge of making concerning our policy toward Vietnam.

Rumors are flying inside the beltway and certainly in Hanoi, Vietnam, that President Clinton is soon going to reward the Socialist Republic of Vietnam for their work in accounting for missing and captured servicemen from the war, when the facts show that only one American—only one American—has been accounted for as a result of Vietnamese actions in the last 6 months. One American has been accounted for as a result of Vietnamese actions in the last 6 months. That is not progress, Mr. President.

This reward will involve U.S. support for allowing Vietnam's debt to international financial institutions to be paid off by France and Japan, thereby making the Socialist Republic of Vietnam eligible for millions of American tax dollars in the months and years ahead.

I have closely followed President Clinton's comments concerning the POW-MIA issue, both before and after his election. Most recently on April 23, 1993, he stated at a White House news conference that he would be much more influenced by the families who have suffered for the past 20 years waiting for answers from Hanoi than by commercial interests.

Let me just quote a couple of lines from that press conference. The President said on April 23, 1993:

> I confess to being much more heavily influenced by the families of the people whose lives were lost there or whose lives remain in question than by the commercial interest and the other things which seem so compelling in this moment. I just am very influenced by how the families feel.

I agree with the President's statement.

I understand the pressures, the business pressures, the commercial interest pressures, the international pressures that are being placed on the administration, as they were placed on the Bush administration. I understand that. And the President knows that. I have spoken to him personally about this matter, and I know he is genuinely concerned about it. And I would just say that this is not the time at this moment to make that decision.

All over the country today, families have issued press releases begging the President—and that is a sad word to use, "begging"; they should not have to do that, but they are—because they want the President to honor the commitment that he made to them.

For instance, today, the League of Families stated in a press release issued by the league President, Ann Griffiths—I will quote from this:

The National League of Families is strongly opposed to any move by the Clinton administration to lift restrictions on IMF loans to Vietnam. The league's executive director, Ann Mills Griffiths, stated, "Lifting the ban on IMF loans would reward Vietnam's longstanding policy of withholding POW/MIA records and remains, while giving up our most important leverage to get real results. It would even strike against U.S. business, while giving foreign companies, particularly Japanese and French, added advantage by helping finance Vietnam's ability to support foreign investment. It would seriously undercut American interests."

Mr. President, I ask unanimous consent that the league statement of July 1, 1993, be printed in the RECORD.

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

POW/MIA FAMILIES OPPOSE IMF LENDING TO VIETNAM

The National League of Families is strongly opposed to any move by the Clinton Administration to lift restrictions on IMF loans to Vietnam. The League's Executive Director, Ann Mills Griffiths, stated, "Lifting the ban on IMF loans would reward Vietnam's long-standing policy of withholding POW/MIA records and remains, while giving up our most important leverage to get real results. It would even strike against U.S. business, while giving foreign companies, particularly Japanese and French, added advantage by helping finance Vietnam's ability to support foreign investment. It would seriously undercut American interests."

Noting that the POW/MIA families and many current and former U.S. Government officials recognize the political motivation of labeling increased activities as progress, Mrs. Griffiths stated, "Despite claims of some in Congress and the bureaucracy, we can count. Only one American has been accounted for this entire year from US/Vietnam efforts. Given Vietnam's ability to easily account for many Americans, such results cannot be labeled as real cooperation."

Citing President Clinton's repeated commitments to place POW/MIA concerns at the core of U.S. policy with Vietnam, Mrs. Griffiths stated, "We recognize that some may have misled the President, but we hope that he will see through the distortions and be steadfast in honoring his pledges."

Formed in 1970, the National League of Families is the only national organization comprised solely of family members (over 3,850) of Americans still missing from the Vietnam War.

Mr. SMITH. I hope that the President will listen to the families in our Nation's largest veterans group, the American Legion, who are gravely concerned about the President's commitment now to this issue. And I also hope we will thoroughly examine the recently uncovered Russian document which on its face—on its face—indicates that North Vietnam in 1972 was withholding many more POW's than it eventually released.

Now, I know that the Vietnamese have denied that, and we are investigating that. But the point is that document, as we speak, is still being investigated. And the contents of that document are being investigated. It is a very, very serious matter of information and discrepancy in terms of 591 POW's having been returned in 1973, and yet this document indicates they held over 1,200.

This is a very serious matter. It is in the words of the Vietnamese as translated by the Russians. So if the content of that document is accurate, this is a very, very dramatic development and must be answered. This question must be answered at least before we would even consider moving on to the IMF loan issue.

I am ready to tell the Vietnamese in the next few days, where I intend to visit. I am leaving on July 5 for Vietnam. I will be there for a week. I have a detailed analysis of the report on this document. I intend to sit down with the Vietnamese and discuss this matter, and I want to say to the Vietnamese leadership and to the Vietnamese people—they have been very cooperative with me in the setting up of this trip, and I look forward to discussing these matters with them, and they know that the answers to these questions must come before any serious effort could ever be made to move toward the IMF loans or normalization.

I can tell you now that Vietnam's explanation for this document to date is not adequate. And to proceed any further with our relations at this time in the absence of a full explanation would be, in my opinion—in my opinion—a betrayal of the men who did not come home, that we expected to come home, and their families and their comrades who did make it home.

Mr. President, it is time for some world leadership, and I would suggest that when the President arrives in Tokyo next week for the G-7 summit, he clearly explain to our allies why the United States must have further progress in the accounting of its POW's and MIA's before we approve Vietnam's standing with the world community. I know that the Japanese and the French are saying to us we have to move on; we have to get on with business; there is a lot of business to be done in Vietnam.

The only business we ought to be doing at this time is the business of accounting for our men. After we do that, we can do all the business in the world. The Vietnamese know that and understand that. I have told them that, and so have many others who have gone there. I think that is the right thing to do.

Mr. President, I wrote a letter to the President on June 9, and in that letter to President Clinton, I said:

DEAR MR. PRESIDENT: Our policy toward Vietnam must be based on facts that clearly demonstrate Vietnam's current knowledgeability of the POW/MIA issue and its historic manipulation of the issue to achieve its political objectives. As the former vice chairman of the Select Committee on POW/MIA Affairs, I am convinced that Vietnam's Ministry of Defense and Ministry of Interior could unilaterally account for several hundred Americans missing and captured in both Vietnam and Laos if they were directed to do so by the Vietnamese Politburo in Hanoi. Moreover, the recently uncovered report by General Quang in the Russian archives is but one more document which conclusively outlines the policy of Vietnam to withhold and conceal information on POW/MIA's for perceived negotiating advantage.

Mr. President, I ask unanimous consent that a copy of that letter be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, June 9, 1993.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing you as a follow-up to our discussion last night at the Congressional Picnic which you hosted where we briefly discussed Vietnam and the POW/MIA issue.

Mr. President, our policy toward Vietnam must be based on facts that clearly demonstrate Vietnam's current knowledgeability on the POW/MIA issue and its historic manipulation of the issue to achieve its political objectives. As the former Vice Chairman of the Select Committee on POW/MIA Affairs, I am convinced that Vietnam's Ministry of Defense and Ministry of Interior could unilaterally account for several hundred Americans missing and captured in both Vietnam and Laos if they were directed to do so by the Vietnamese Politburo in Hanoi. Moreover, the recently-uncovered report by General Quang in the Russian archives is but one more document which conclusively outlines the policy of Vietnam to withhold and conceal information on POW/MIAs for perceived negotiating advantage.

Vietnam needs to know that U.S. policy will remain firmly against IMF consideration for Hanoi until they make the political decision to provide a real accounting (ie: return of living Americans, unilateral return of remains, or convincing evidence as to why neither is possible). I believe the withholding of IMF consideration and maintaining the embargo is the most effective way to convince Vietnam to make the political decision to provide the United States with the long over-due accounting.

Mr. President, I urge you not to be deceived by those who claim "enormous progress" is now being made. For the families of our POWs and MIAs, unfulfilled Vietnamese pledges and the sporadic turn-over of archival documents and films which do not equate to or account for those still missing will not be accepted as a substitute for results which Hanoi is still capable of providing.

Moreover, I urge you not to forget our unaccounted-for men, what they believed in, what they fought for, what they stood for, and what we, as Americans, owe them, their families, and all who serve in our Armed Forces today. Nothing should take precedence over this solemn commitment, and nothing should relieve Vietnam of the solemn obligation it undertook 20 years ago and is still capable of fulfilling today. Regardless of our views on the war in Southeast Asia, we all agreed then that Vietnam was to account for our captured and missing men as fully as possible.

For the sake of the families and our missing men, I hope we can agree now that the passage of time and mistaken perceptions of recent activity in Vietnam should not cause the United States to remove its most effective leverage in convincing Hanoi to provide the fullest possible accounting of our POWs and MIAs.

Mr. President, the question is not whether Vietnam appears to be cooperating as fully as possible in carrying out joint field investigations or archival research with U.S. teams on POW/MIA issues. And the question should not be whether the United States will lose its influence in the region if it does not move quickly in its relations with Vietnam. The question is whether or not Vietnam has provided us the fullest possible accounting for those captured and missing men that they could rapidly account for unilaterally. Again, nothing should take precedence over this central question, and we should not let the appearance of cooperation be a substitute for results which account for American personnel and bring peace of mind to their families.

I am pleased that you have asked me to meet with you to discuss this issue further, and I hope such a meeting can take place prior to any decision by your Administration concerning IMF loans or possible lifting of the embargo with Vietnam.

Sincerely,

BOB SMITH,
U.S. Senator.

Mr. SMITH. The letter in response by the President dated June 28 to me:

DEAR SENATOR SMITH: Thank you for your recent letters about POW's and MIA's in Vietnam.

I appreciate your commitment to this issue. Let me assure you that any change in U.S.-Vietnam relations depends on visible progress toward the fullest possible accounting of Americans missing in Vietnam. This is among our highest national priorities and one to which I am personally committed.

We are currently analyzing the Quang document, he goes on to say.

I ask unanimous consent that that letter also be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, June 28, 1993.

Hon. BOB SMITH,
U.S. Senate, Washington, DC.

DEAR SENATOR SMITH: Thank you for your recent letters about POW's and MIA's in Vietnam.

I appreciate your commitment to this important issue. Let me assure you that any change in U.S.-Vietnam relations depends on visible progress toward the fullest possible accounting of Americans missing in Vietnam. This is among our highest national priorities and one to which I am personally committed.

We are currently analyzing all available information relating to the Quang document and will continue to press for additional material from the Russian, Chinese and Vietnamese governments.

As you know, Vietnam's access to loans from the IMF and other international financial institutions was not raised formally at the recent semi-annual meeting of the IMF and the World Bank. As we continue to examine our relationship with Vietnam in the days ahead, however, accounting for our POW/MIA's will remain our primary objective.

The families of American men and women who did not come home from Vietnam have already waited too long to learn the fate of their loved ones. I am resolved to continue to strive to provide the answers necessary to resolve this painful unknown in their lives.

I appreciate your deep commitment to and work in accounting for our POW/MIA's and look forward to continuing our discussions.

Sincerely,

BILL CLINTON.

Mr. SMITH. In reference to the President's response, which I appreciated and which I agreed with, we have not made significant progress in the last few months. One accounting is not enough.

I have a copy of a dissenting view by Orson Swindle, former POW. This is a copy from the Center for National Policy, "A New Look At U.S.-Vietnam Relations," report of a Center for National Policy study group, chaired by Ed Muskie. The members were William Bell, Jack Copeland, Virginia Foote, Patricia McDonald, Robert Murray, Mark Salter, Maureen S. Steinbruner, Orson Swindle, and Thomas Vallely. It was dated June of 1993. And Swindle, in a dissenting view, really hits the nail on the head.

I ask unanimous consent, Mr. President, that this document also be printed in the RECORD at the conclusion of the remarks.

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

(See exhibit 1.)

Mr. SMITH. Mr. President, I wish to make a couple of remarks on the dissenting view by Swindle. In background, he says that:

Vietnam is undergoing startling changes today that suggest brighter possibilities for a better way of life for the Vietnamese people, as well as an acceptance of this poor country in the world community. Despite the enormous burden of a Communist regime that still detains political dissidents for extended periods without trial and sentences those convicted of "crimes" (criticizing the State) to lengthy jail terms, a more liberal society is seemingly evolving.

He goes on to discuss that in some detail.

Vietnam's eventual acceptance into the world community, as well as its economic progress and, to some extent, its national security and regional stability, appear to hinge upon its relationship with the United States. The long-imposed United-States-led economic and financial embargo on the country has made economic progress difficult * * *.

The release of thousands of South Vietnamese detained in "reeducation camps" for lengthy periods after 1975 has finally taken place. Secondly, Vietnam has met the conditions associated with its withdrawal from Cambodia and the recently held free elections in Cambodia. The last remaining obstacle—

And there has been progress with the Vietnamese on the other issues, but the last remaining obstacle, as Swindle says—

at this point along the road to normalization is Vietnam's providing assistance to the United States in quickly achieving the fullest possible accounting of the fate of Americans missing in action and repatriating remains when available.

Mr. President, the document speaks for itself, and it is entered as part of the RECORD.

I conclude by saying we all have had a long history of the war. It was unpopular when it was fought. Lord knows, the dissension that took place during the war. This one issue still divides us. There is no reason why the Vietnamese cannot comply unilaterally with the information they are providing.

They have been very cooperative with me on this pending trip. I am looking forward to meeting with them to discuss the Quang document and the Garwood prisoner sightings and the other things that we have set up on the agenda. They have been very cooperative in the preliminary work on that. I hope the President could withhold any decision on this matter until after I return from that trip, when I think we will have more significant information. This is not the time when we have only had one accounting in the past 6 months. This is not the time to grant the IMF loans.

I yield the floor.

EXHIBIT 1

[Center for National Policy, June 1993]

A NEW LOOK AT U.S.-VIETNAM RELATIONS

(Report of a Center for National Policy Study Group—Edmund S. Muskie, Chair, William Bell, Jack Copeland, Virginia Foote, Patricia McDonald, Robert Murray, Mark Salter, Maureen S. Steinbruner, Orson Swindle, Thomas Vallely)

A DISSENTING VIEW

(By Orson Swindle)

BACKGROUND

Vietnam is undergoing startling changes today that suggest brighter possibilities for a better way of life for the Vietnamese people as well as an acceptance of this poor country in the world community. Despite the enormous burden of a communist regime that still detains political dissidents for extended periods without trial and sentences those convicted of "crimes" (criticizing the state) to lengthy jail terms, a more liberal society is seemingly evolving. Finally recognizing the hopelessness of communist dogma, economics and central control as well as having no acceptable alternative, the government is allowing the people to act individually, motivated by their own desires rather than those of the state. This is seemingly evidenced by growing entrepreneurship reflected in large numbers of very small businesses. Just a few years ago, Vietnam was importing rice under the communist central control model of production. Today, with individuals farming for their own reward, Vietnam is reportedly exporting rice in record quantities. Communism is dying in Vietnam . . . not as rapidly as we have witnessed in Europe and the former Soviet Union, but it inevitably will die. The big question is whether the old guard leadership will allow it to die more quickly for the good of the people.

Vietnam's eventual acceptance into the world community as well as its economic progress and, to some extent, its national security and regional stability appear to hinge

significantly upon its relationship with the United States. The long-imposed United States-led economic and financial embargo on the country has made economic progress difficult. The continuing absence of diplomatic relations with the United States no doubt is a negative for Vietnam's credibility. The United States' willingness to lift these restrictions in recent years has depended upon Vietnam satisfying three basic conditions outlined in what is known today as the "road map" (toward normalization of relations between our two countries). These conditions, rose out of our war with North Vietnam and the Vietnamese invasion of Cambodia. Two of the conditions have been met. The release of the thousands of South Vietnamese detained in "re-education camps" for lengthy periods after 1975 has finally taken place. Secondly, Vietnam has met the conditions associated with its withdrawal from Cambodia and the recently held free elections in Cambodia. The last remaining obstacle at this point along the road to normalization is Vietnam's providing assistance to the United States in quickly achieving the fullest possible accounting of the fate of Americans missing in action and repatriating remains when available.

THE ROAD MAP TO NORMALIZATION . . . THE POW/MIA ISSUE

Phases I and II of the road map place particular emphasis on resolving quickly and fully the fate of the Americans, especially the "last known live" cases, and repatriating readily available remains. This emphasis is clearly implied in language and spirit.

Vietnam has clearly not satisfied this condition! Anyone who is objective and knowledgeable of the past 20 years of efforts at resolving the POW/MIA issue must acknowledge the continuous pattern, by the Vietnamese leaders, of what seems a cruel, inhumane charade of denial, rhetoric, reluctantly-revealed revelations, withholding of information and remains that were available, etc. The embargo by the United States remains in place today solely because of the communist leaders of Vietnam and their policies.

We know that, as in the past, the Vietnamese continue to hold back information. As obstacles and obstinacy on the part of the United States appear or heighten in the face of Vietnamese denials of any additional information, there seems a consistent pattern of Vietnamese "cooperation," or coming up with new findings of information or remains (some, obviously, preserved for a long time). During the CNP delegation's April visit, Deputy Foreign Minister Le Mai addressed this pattern of denial and revelation by saying Vietnam was not lying in its denial. He explained how one department of the government did not know another department had certain additional information. Given the dominating importance of this issue, one must ask "How stupid do they think we are?"

WHY LIFT THE EMBARGO AND NORMALIZE RELATIONS

For certain there are economic reasons to lift the embargo that are potentially beneficial to the United States. A population of over 70 million people represents an enormous market, and Vietnam essentially needs everything. Of obvious economic and strategic interest are the potential oil reserves of the South China Sea in Vietnam's territorial waters, rights to which in some cases are contested by several countries including China.

Regional security is certainly an important United States' consideration in light of historical territorial disputes and recent growth in China as a world power, not only militarily but economically. Unlike the past, Vietnam has no close diplomatic ties today capable of being the balancing force in its relationship with China.

It is likely that improved relationships between us and he Vietnamese and our involvement in economic development there can contribute to a better life for the Vietnamese people. Our business presence in Vietnam, employing Vietnamese in our firms or in joint venture efforts, will have a positive influence on the human rights practices there. There is little likelihood of our presence doing much of anything to resolve the POW/MIA issue.

These are all good reasons for normalizing relations; however, they pale in significance to our obligations to fallen Americans and their families. The POW/MIA issue must remain our primary focus. This focus on these few Americans rather than other American interests may offend some who would argue that our involvement today in Vietnam means jobs and profits for other Americans. Some who opposed U.S. involvement in Vietnam are likely ready to move forward in diplomatic relations with Vietnam; some would advocate unilateral steps. Others, disregarding the obvious, say that the Vietnamese have done their best to meet our demands on the POW/MIA issue, specifically, the road map.

The Vietnamese leaders with whom the CNP delegation met in April stated with considerable eagerness and bluntness that they want and need assistance from the United States beginning with the lifting of the embargo, removal of restrictions on IMF participation, and eventually, establishing full diplomatic relations. Rest assured, Vietnam needs us far more than we need Vietnam. We annually face the decision of lifting the embargo, a frustrating and emotional exercise as we seek to resolve the POW/MIA issue. We are frustrated by the Vietnamese leaders' practice (or tactic) of denying knowledge or availability of information and remains when in fact they did and do exist. They repeatedly claim to be doing their best, or deny having information, then in a painfully slow manner, they reveal bits and pieces of information and remains of missing Americans.

Those wishing to normalize relations because it seems the normal thing to do; those wishing to participate in economic gain in Vietnam markets and oil; and those who see vindication of their anti-war views through normalization and getting closer to Vietnam are all frustrated by delaying normalization. Time creeps slowly by for them . . . *and for the families of the MIAs*. Ah, time, there's the rub. Relative to our way of thinking, time is meaningless to the Vietnamese. They have an amazing strength in their patience and capacity to sustain pain and inconvenience. They plan on waiting until their enemy quits out of frustration with the stalemate. France, the United States, Paris Peace Talks, POW/MIAs . . . the efforts all have similar characteristics.[1]

As interrogator in the Hanoi Hilton once told me, "I think the war will end soon . . . not this year or next year or the year after, but soon." An interesting, but brutal perspective for an American.

WHAT DO WE DO?

We have at least three fundamental choices as a country dealing with the Vietnamese:

1. Continue the status quo . . . nicely or even sternly demanding POW/MIA resolution, maintaining the embargo and denying diplomatic normalization. Annually, we will agonize over the decision to continue the embargo. The results of continuing this approach will likely be much as it has been for the last 20 years. Certainly, the POW/MIA issue will not go away. We will learn little more as time goes on. Most assuredly, the Vietnamese know how to wait it out.

2. Capitulate on the embargo and normalization issues. Vietnam will get what it wants . . . credibility, U.S. investment, enhanced foreign investment due to American presence, some measure of countervailing power structure vis a vis China, etc. Most of the controversy (or at least the business and political interest pressures) will dissipate for our political leadership. A furor on the part of the MIA families and others demanding we hold a hard line on Vietnam will erupt and slowly (but not quietly) subside to a lower but steady level for the unforeseeable future.

In addition, the President's credibility with the military will be further eroded. Most likely, further resolution of the MIA issue will become virtually impossible. However, it would not be surprising if the Vietnamese, after the capitulation, made some extraordinary "recent" discovery of much information, remains, etc. and release it . . . of course, "as a gesture of good will to the American people."

There might be a lessening of constraints on the people of Vietnam as more become employees of U.S. firms. U.S. oil interests will eagerly dive into the South China Sea.

Lastly, we will have abandoned our fallen servicemen and their families, and tragically, we will have sold our national soul.

3. Tell the Vietnamese we're through talking, it is up to them! This is obviously the most dramatic and risky approach in a sense. If the 27 May 1993, Washington Post quotes of Senator Kerry are correct, he suggests a similar approach. This approach would convey the message that normalization and lifting the embargo simply are no longer important to us, and that we believe the communist leadership is not serious and remains insincere regardless of what it says; that they alone control the information we seek; they continue to employ their cruel and inhumane strategy of the past; and that we now accept that we will never learn a great deal more about the POW/MIAs. Therefore, we now move Vietnam to the "back burner of irrelevance" on our list of national priorities.

If they wish to pursue normalization, let us know of their desires with totally conclusive actions on the POW/MIA issue. Simply come clean! No more words, promises, negotiations, etc. We should emphasize that we do not seek recriminations, just resolution.

Coupled with this approach, the President should announce complete removal of the Joint Resolution Task Force team and, for certain, an end to any payments made to Vietnam associated with our presence and our efforts there. In other words, we have

[1] We have a terrible record negotiating with the Vietnamese. We sent our "best" to the table, and from a novice's point of view, it appears we have been fleeced every step along the way. We almost naively tend to believe them, or we are simply not tough enough. In reality, the Vietnamese record for being sincere leaves much to be desired. The leadership is pure communist. Yesterday, today, and tomorrow . . . nothing has or is likely to really change in their intellect. Why do we believe them? True to the communist strategy, all actions and deals they make are to benefit *their cause*, not those of the opponent.

had it, and we are totally removing ourselves from the discussion.

The downside of this approach is an understandable, grave concern among some of the MIA families and the prospect of the Vietnamese stubbornly (and they are capable of it) accepting this position. If this occurred, it could end for the foreseeable future any further progress on the MIA issue.

The upside potentially comes from really shaking things up and establishing a new level of discussions and seriousness. I strongly believe acceptance of this approach by the MIA families would have to be sought. The argument for this approach is simply the recognition that it appears nothing short of this will ever produce any dramatic changes to the slow progress of the past.

CONCLUSIONS

As more and more formerly classified Russian and United States documents become available (note recent revelations), the emotions and suspicions characteristic of this issue will increase. As flawed as was the Stephen Morris-discovered Russian documentation of Vietnamese claims, is it possible that there really was another system of POWs? If there was, is it possible that the real reason Vietnam persists in grudgingly doling out information on the POW/MIAs is that it has really been lying and did keep, and possibly even murdered, captured Americans? A horrifying thought. A deed or deeds already done. No place to hide, so deny, deny, deny.

In addition, the urgency that some, in Vietnam and among those here involved in this process seem to place on normalization of relations is alarming. Are more disturbing revelations about to unfold that would further jeopardize lifting the embargo and normalization?

RECOMMENDATIONS

1. President Clinton should meet with families of MIAs to discuss option 3 above. If the families accept this risky strategy, the United States should immediately, and with minimum words, contact or fanfare, notify Hanoi that we are through talking. The embargo and sanctions remain in effect with no future plans to reconsider our position unless Vietnam ends our concerns about the POW/MIA issue. Our method of message delivery should reflect an absolute relegation of Vietnam to a position of insignificance in our list of national priorities.

2. The United States should not lift the embargo in September unless the Vietnamese essentially resolve the POW/MIA issue. Recognizing that 100% is not a real possibility, should the Vietnamese suddenly respond in a significant manner, lifting of the embargo should be a decision subject to discussions with the MIA families.

3. The United States should not approve the IMF access actions being considered for a mid-June decision.

Final victory by the forces of free people and democracy will be won in Vietnam with the fall of communism there. Communism will die eventually because in Vietnam, as elsewhere in the world, it is a failure. American presence in Vietnam will speed up that process as individual human rights are liberalized, free access to economic opportunity and knowledge are increased, and as the people of Vietnam have more freedom to make personal decisions and choices. I, personally, wish to see this happen very soon. Lifting the embargo, getting Americans and other nationalities into Vietnam, improving the living standards of Vietnam's fine people, and Vietnam truly joining the world community are goals for which we should strive . . . but, not before we fulfill our obligations to our fallen countrymen and their families.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I want to thank the Senator from New Hampshire for his work in this area for a long, long time and for his reference to the press release issued today by the National League of Families of American Prisoners and Missing in Southeast Asia.

I notice that different colleagues have different views on this issue. But I happen to share the view expressed by the Senator from New Hampshire.

NO BRIDGE LOANS FOR VIETNAM

Mr. DOLE. Mr. President, on July 12, the Executive Board of the International Monetary Fund [IMF] is scheduled to vote on roughly $140 million in bridge loans that will allow the Communist government in Vietnam to clean up its arrearages to the IMF.

Should these loans go through, the practical effect would be to reestablish Vietnam as a member in good standing of the world community. Furthermore, this action would likely clear the way for billions of dollars in assistance from the World Bank, IMF, some Western governments, and other sources being provided to Vietnam for its infrastructure development.

According to news reports, President Clinton's senior advisers are urging approval of this bridge loan. The IMF loans can only be approved if the Clinton administration acquiesces or gives its active, open support. How can President Clinton go along with the economic and political rehabilitation of Vietnam at this time, under the existing circumstances? No doubt about it, this is not the right time to allow this bridge loan. It may be coming. It may be soon. But I am not certain that this is the time.

The reasons are many, but I will mention only a few of the most compelling. First of all our POW/MIA problem with Vietnam has existed for over 20 years and must be cleared up once and for all. Families have suffered for all this time, not knowing what the facts were about their sons, their husbands, their fathers, their brothers, or their nephews. Certainly, until we receive those answers from Vietnam, it's not time to discuss normalization or commercial relations with Vietnam at all. To do so would be a slap in the face to the thousands of family members that have waited at least 20 years for answers.

The U.S. Government has maintained for years that the answers lie in Hanoi. So, no bridge loans until we get answers and I do not mean a few that dribble out, like we seem to get whenever a congressional delegation goes to Hanoi.

I know the distinguished Senator from New Hampshire is headed for Vietnam. I know there are good opportunities there. I hope that they are forthcoming and that he brings back a lot of good information—answers to Carol Hrdlicka in Conway Springs, KS, as to what happened to her husband, Col. Dave Hrdlicka, who was shot down over Laos, May 18, 1965, and whose picture appeared in Pravda as well as Vietnamese newspapers in 1966. Answers to Mary Hall in Altonna, KS, as to what happened to her husband, T.Sgt. Willis R. Hall at Lima Site 85 overrun March 11, 1968. Answers to Jane Duke Gaylor in El Dorado, KS, as to what happened to her son, Charles Duke, a civilian technician missing from Pleiku, Vietnam, since May 30, 1970, and answers for all other families in Kansas and throughout the entire United States.

Can it truly be that difficult to provide answers 20 years after the war ended? The United States Government has been trying to get answers since February 1973, when Dr. Henry Kissinger, during his visit to Hanoi, presented numerous folders containing pictures and news articles of United States POW/MIA's that had appeared in Communist Newspapers in Vietnam, Laos, Russia, and other Communist countries. More recently, Gen. John Vessey has on numerous occasions presented the Vietnamese with his discrepancy list containing 135 names. No doubt about it, they clearly have answered to these cases, as it was their own pictures of our men that appeared in their newspapers and magazines. We must not reward Vietnam for their nonanswers with a $140 million bridge loan.

It appears to me that two countries that will benefit from the loan are Japan and France. That is why they are pushing it. Their companies are ready to do work on Vietnam's infrastructure as soon as money is available to pay for these projects. The United States is the largest contributor to the International Monetary Fund and we maintain a trade embargo on Vietnam that comes up for renewal in September. The approval of the bridge loan by the IMF will only help our business competitors, not our own companies. This is one more reason not to approve the loan.

What about Vietnam's record on human rights? It is pitiful. We must not waste our leverage without demanding democracy for 70 million Vietnamese people who have truly suffered for so many years. If the Communist Vietnamese want the benefit from hard-working American taxpayer's dollars, they must demonstrate that they understand and value this connection by respecting basic human rights and ending discrimination against their own citizens based on their past association with the United

States. Mr. President, according to Amnesty International and Asia Watch, Vietnam is one of the world's most oppressive regimes. In March of this year, the International Red Cross closed its office in Hanoi because its representatives were not permitted access to political prisoners.

In 1975, Communist North Vietnamese told the world as they marched into Saigon, that they were liberating Vietnam, but the facts are, that under the rule of the Communist North Vietnamese, Vietnam has become one of the most oppressed as well as one of the poorest countries in the world. Because of these deplorable conditions, more than 1 million Vietnamese have chosen to leave their country to escape the Communist rule. The Vietnamese people love their homeland, as they did not leave their country during the famine in 1945 which caused 1 million deaths from starvation, or during the 30 years of bitter warfare that followed.

No doubt about it, the Communists now have driven the Vietnamese people from their homeland, facing danger and death on the high seas and possible mistreatment in refugee camps. Most refugees would rather stay in the refugee camps under the most difficult conditions than to be repatriated to Vietnam. These glaring facts speak for themselves. We cannot reward such clear violations of basic human rights by allowing the loan to Vietnam. We owe it to the more than 58,000 Americans that fought and died for those rights.

We should deny Vietnam any aid, credit, or bridge loans for a minimum of another year to ensure that the establishment and growth of a democratic parliamentary process in Cambodia, free of assassination and sabotage aimed at non-Communist party members, can truly be established. It is vital for our interests that we make sure that the Communists are not just waiting for the roads and paths to dry out after the rainy season, so their oppressive war machines can once again roll. We cannot reward Vietnam's interference and likely aggression with a $140 million bridge loan.

I just believe that because of all of these facts, and because of 58,000 Americans who fought and died for those rights that we ought to be very careful and very cautious; and, let us not send any tax dollars to the IMF for bridge loans until we are certain, until men like the distinguished Senator from New Hampshire and others who have been working on this for a long time are satisfied that every possible effort has been made by the North Vietnamese Government to make an accounting of the American MIA's and POW's.

SECRETARY ESPY'S TRIP TO THE MIDWEST

Mr. DOLE. Mr. President, I am sorry I was not on the floor when the distinguished Senator from Iowa [Mr. HARKIN] was excoriating me for what I said earlier on which there appeared to be a partisan trip to the Midwest by Secretary Espy, the Secretary of Agriculture, and the fact that the Republicans were not invited to accompany Secretary Espy. I did make that statement. I stand by that statement.

I add to that statement a memorandum to John Maynor and Mary Dixon, of Secretary Espy's office, from Doug Caruso, State executive director, Wisconsin State ASCS office, in which he outlines the whole visit in Wisconsin and he outlines the plan. And, finally, after they made all the contacts, the final sentence is: "I have not had contact with Representative GUNDERSON's office, but this farm is in his district."

STEVE GUNDERSON's son happens to be a Republican. That is why they did not have any contact with his office even though his office was contacting the Secretary's office, and I think it is important that that be made a part of the record.

I think somebody—it may not have been Secretary Espy's fault because certainly disaster should not be partisan whether they happen in Republican administrations or Democratic administrations. And I think probably if you look back on it, there have been efforts by administrations of both parties to take advantage of someone's misery. It should not happen.

The Senator from Minnesota just said on the floor that it should be nonpartisan, bipartisan. We ought to be working together. What is bad for Minnesota, Iowa, Wisconsin today may be bad for some other State next week.

So I just suggest that this matter certainly will receive the serious bipartisan consideration it deserves from Members of Congress who represent rural America.

I regret that in this instance——

Mr. PRESSLER. Mr. President, will the Senator yield?

Mr. DOLE. I am happy to yield to the Senator from South Dakota. I also mention South Dakota. They are involved.

Mr. PRESSLER. Mr. President, they were in Sioux Falls yesterday. Not knowing an invitation was issued to me, the Air Force plane departed Washington, I understand, at 7:30 in the morning. And then when some controversy arose about this today, we were told that, if I wanted to ride back, I could. I was not out there, so it is kind of hard to do. I understand one Senator was out there on other business. But the Democrats got a free plane ride. I did not get one, but I would have taken it.

Mr. DOLE. More important, there were South Dakota farmers involved.

Mr. PRESSLER. Yes. This is very important. I was part of a bipartisan group that made three requests on this serious matter. I also offered an amendment on the floor that was defeated. We had bipartisan support for it. I am going to work on a bipartisan basis. In fact, today I wrote to the President, urging that both Republicans and Democrats in Congress work with Secretary Espy to achieve a legislative solution. I ask unanimous consent that this letter to President Clinton appear in the RECORD at the conclusion of my remarks.

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

U.S. SENATE,
Washington, DC, July 1, 1993.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Over the past several months, a number of Midwestern states have endured damaging rainfall and flooding conditions. In fact, some South Dakota farmers have not been able to harvest 1992 crops due to continual precipitation. U.S. Secretary of Agriculture Mike Espy recently toured parts of South Dakota, Minnesota and Iowa to view first hand the devastation facing hundreds of Midwestern farmers.

Mr. President, the livelihood of hundreds of farming and business communities along the Missouri and Mississippi Rivers is in jeopardy. Federal disaster assistance is needed desperately to alleviate suffering and ensure the survival of South Dakota farmers and small businesses.

I understand you have requested Secretary Espy to draft legislation to address the current agricultural crisis. I strongly urge you to have Secretary Espy meet with both Republican and Democratic leaders of Congress to formulate a bipartisan strategy to expedite passage of this disaster relief legislation. In the meantime, I believe a Presidential disaster declaration clearly is warranted. I urge you to make a disaster declaration for South Dakota, as well as other Midwestern States suffering from excessive rainfall and life-threatening flooding.

I plan to visit several South Dakota communities soon to survey the destruction and learn more about economic losses from farmers and small business owners. Further, I will be inspecting damage to the state's infrastructure. Should your schedule permit, I invite you to join me in touring rural South Dakota to assess damages and determine how the federal government can best provide assistance.

I look forward to your response.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

Mr. PRESSLER. Secretary Espy did visit various places. I understand our Governor did not receive a formal invitation, but he went. So I welcomed Secretary Espy's visit to South Dakota. I was not invited, but I would have gone had I been invited. I will be in South Dakota next week. I invited President Clinton to join me and see firsthand the devastation that has been brought to my State.

Mr. DOLE. Either party can look at the other party's performance. I am trying to recall if that happened in any of the Republican administrations. It may have. I know when the partisan juices start flowing, they may exclude

the other party. I do not think people are looking at whether we are R's or D's when their farm or home is under a watershed. They can care less about politics or politicians. They want assistance where it can be provided.

I hope that Secretary Espy—and I am not even going to call him because it was probably done at some lower level. I hope that we can at least, from this time forward, make certain that Senators like Senator PRESSLER, Senator GRASSLEY, Senator DURENBERGER, and others, and Members of Congress, in both parties are totally involved. It has to be nonpartisan and bipartisan.

I did not mean to upset the distinguished Senator from Iowa. I like Iowa. I go there a lot. I was there last Sunday. I know a lot of people there. I have to believe they can care less about the politics. They were pleased that Secretary Espy visited, but they probably wonder what happened to some of their Senators or House Members who were not there. They were not invited. That was the point I wanted to make.

Mr. President, I ask unanimous consent that Congressman GUNDERSON's letter be printed in the RECORD along with the memo.

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

HOUSE OF REPRESENTATIVES,
Washington, DC, June 29, 1993.

Hon. MIKE ESPY,
Secretary, Department of Agriculture, Washington, DC.

DEAR MR. SECRETARY: In advance of your touchdown tomorrow in Grant County, Wisconsin, please allow me to be the first to welcome you and thank you for your concern for the plight of Wisconsin farmers who are being impacted by the most severe flooding in our region in decades. My ultimate hope is that your visit will mean that action will be expedited to deliver federal agricultural assistance to our farmers and their families whose very livelihoods are now on the line.

As a former Member of Congress, however, I hope that you can understand my total frustration upon learning today that disasters are partisan affairs in this Administration. I submit for your review a copy of a memorandum which makes it very clear that the Congressman whose District you are visiting tomorrow was purposely excluded from this event. Rebuffs by your office to my subsequent requests to be included in your visit to my District and to received a full briefing on your trip have only served to reinforce the unmistakable message sent in this memorandum.

As the people's elected Representative of the Third Congressional District into which you are traveling on Wednesday, June 30, and, frankly, as a senior member of the House Agriculture Committee, I respectfully request an explanation from you, Mr. Secretary, as to why the general courtesies normally extended to a Member of Congress were not forthcoming in advance of this visit.

Best regards,

STEVE GUNDERSON,
Member of Congress.

DEPARTMENT OF AGRICULTURE, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE,
Madison, WI, June 29, 1993.

To: John Maynor; Mary Dixon, Secretary Espy's Office.

From: Doug Caruso, State Executive Director, Wisconsin State ASCS Office.

Re: 6/30/93 WI Farm Visit by Secretary Espy.

Farm: High Ridge Farms, Stan and Sally Fritz, 7817 Rosendale Road, Woodman, WI 53827, (608) 533-3587.

Location: Woodman Township, Grant County, Wisconsin, Approximately 15 miles due east of Prairie du Chien, WI and approximately 1 mile south of Wisconsin River.

Driving Directions to Crop Viewing Site: U.S. Hwy. 18 from the east or west to State Hwy. 133. North on Hwy 133 approx. 8.5 miles to County Trunk K. (Note: the damaged corn fields are at this intersection and media should assemble here.)

Driving Directions to Farm House/Bldgs: East on County Trunk K 1/2 miles to point where K turns south and gravel road straight. Follow gravel road 1.25 miles to farm house/bldgs., at top of hill.

The Plan: Chopper will land near buildings at 10:30 am where Espy and party will be greeted by Stan and Sally Fritz, WI Ag Secretary Alan Tracy representing Governor Thompson and State of Wisconsin, and small number of WI USDA officials—myself for ASCS, FmHA State Director Bryce Luchterhand, SCS State Conservationist Earl Cosby. The following may also be present at greeting: A neighboring farmer, WI Farmers Union President Dennis Rosen, WI NFO President Mike Dummer and possibly aides to US Senator's Russ Feingold and Herb Kohl. I have not had contact with Rep. Steve Gunderson's office, but this farm is in his district.

Fritz will point out winterkilled alfalfa areas that have now mostly been re-seeded but are not doing well and poor oat field. There are also conservation practices observable at this high point on farm.

Espy, accompanied by Fritz's and party, will travel 3 minutes in SCS vehicles to corn fields at junction of 133 and K to view damaged corn and meet press at approx. 10:40 am. Fritz describes problems to Espy en route.

Chopper will move to location near 133 & K at approximately 10:55.

The Farm;

1400 total acres, 700 tillable, 180 head of dairy cattle, 500-550 total head of livestock, 800 pigs from farrow to finish per year.

The Farm's Problems:

Most alfalfa lost due to winterkill, very poor oat crop due to cold and wet spring, Corn is low lands dying or dead due to excessive moisture and resulting unusually high watertable. Chopper departs at 11:00 am

Other: I will fax directions for chopper pilot shortly.

A list of media that have contracted WI ASCS thus far seeking details follows. I promised them someone would get back to them when finalized, I will be happy to handle this if so instructed; otherwise will rely on WDC to follow through.

Jim Massey, The Country Today—608-935-3018

Gretchen, AP—Milwaukee—1-800-242-9022

Jo Sandin, Milwaukee Journal—414-224-2243

Jan Sheppel, WI State Farmer—608-849-5920

Dean Dickel, Dubuque Telegraph Herald—319-588-5647

Dave Natzge, Agri-View—716-445-2214

Doug Wagen, WGLR Radio—1-800-236-7671

Rachel Bittner, WKTY Radio—608-788-9689

Mike Flaherty, WI State Journal—608-252-6154

State Desk, Milwaukee Sentinel—414-224-2151

Ms. MOSELEY-BRAUN. Mr. President, I first say that the minority leader's point is very well taken, that disasters are not partisan and, certainly, I think we can have the kind of bipartisan cooperation in response to the people's needs that would be appropriate. And to the extent that there was a snafu in this case, I am certain that your bringing it to the attention of the Secretary means it will not happen again.

SUPREME COURT'S DECISION IN THE CASE OF SHAW VERSUS RENO

Ms. MOSELEY-BRAUN. Mr. President, on Monday, in the case of Shaw versus Reno, a bare five-member majority of the Supreme Court issued an opinion that basically said the Court does not like bizarrely shaped congressional districts when race is used to help shape them. Frankly, the Court majority behaved much like Captain Renault in "Casablanca"; having just discovered gambling is going on at Rick's—or in this case, that State legislators actually consider race when setting up legislative district boundaries—the five Justice majority announced that they were shocked—I repeat, shocked—and will therefore put a stop to it when the districts are so bizarrely shaped that they appear on the editorial page of the Wall Street Journal.

Of course, just as Captain Renault knew that gambling had been going on forever at Rick's, the Court has always known that race, like ethnic background, income status, religion, and past political voting behavior, has always entered into redistricting decisions.

And the Court cannot legitimately be shocked to see bizarrely shaped legislative districts. After all, the practice of gerrymandering is as old as our Republic. Gerrymander is, in fact, named for a salamander-shaped district that was created by Gov. Eldridge Gerry of Massachusetts in 1812.

What the five-member majority did, therefore, was create an entirely new constitutional remedy because they just did not like the shape of the North Carolina congressional district in the case they had before them. They wanted to get rid of that crazy district, and they were not about to let a little thing like settled constitutional principles get in the way. A look at the facts and the law makes that clear.

Shaw involved the attempts of the North Carolina Legislature to comply with the Voting Rights Act of 1965.

Following the guidelines of the Bush administration's Department of Justice, the North Carolina Legislature

created two legislative districts in which African-Americans constituted a majority of the voters. White voters, who comprise 79 percent of North Carolina's voting population, retained a majority in the remaining 10 legislative districts. This plan enabled North Carolina to send its first two African-American representatives to Congress since Reconstruction.

Before Monday's decision in Shaw, the standard for evaluating equal protection claims involving redistricting was clear. Based on a long line of Supreme Court precedent, those challenging the districts were required to show both that the State, in drawing the lines, had a discriminatory purpose, and that the district, as drawn, had a discriminatory, harmful, effect on a political or racial group. Without the showing of discriminatory effect, redistricting plans would not be struck down even though race was admittedly used as a factor in drawing the district lines.

However, on Monday, a majority of the Supreme Court chose to ignore years of precedent and send North Carolina's 12th Congressional District back to the district court to determine whether that shape was created because of a compelling governmental interest. The majority opinion stated that the district, because of its bizarre and irrational boundaries, appeared to constitute a violation of the equal protection clause of the 14th amendment—no matter that no one was disadvantaged; and no matter that the shape of legislative districts alone had not before risen to the level of constitutional principle.

Mr. President, there is no question that the shape of the district challenged in the Shaw case, North Carolina's District 12, is bizarre. But bizarrely shaped districts are not uncommon. The 1980 redistricting in my own State of Illinois had a number of strangely shaped districts. And that same year, some creative mapmaking in the neighboring State of Indiana managed to put three Democratic incumbent Congressmen into the same district.

And there is no question that race was among the factors used to set its boundaries. Of course, so was political balance, incumbent protection, and a host of other factors. But does District 12 and the process used to create it, absent any evidence that anyone had their voting power diluted or otherwise interfered with, constitute a violation of equal protection? Based on any fair reading of the Constitution and the leading cases involved, there is only one answer to that question, "No."

Nowhere in the 14th amendment is there a requirement that legislative districts be neatly or compactly drawn. The Court majority does not cite even a single case to suggest otherwise.

What the cases do say is that district lines may violate the Constitution if someone is hurt—if their voting rights are diluted or if there voting power is otherwise injured. But in Shaw, there is no allegation of injury because, in fact, there was none. White residents of North Carolina's 12th District were not denied the right to register to vote, were not denied the right to cast their ballots. In short, they were in no way denied the right to participate in the political process. Justice White, in his dissent in the case, made the point clearly:

> * * * [T]he notion that North Carolina's plan, under which whites remain a voting majority in a disproportionate number of congressional districts, and pursuant to which the State has sent its first black representative since Reconstruction to the United States Congress, might have violated appellants' constitutional rights is both a fiction and a departure from settled equal protection principles.

Mr. President, the Court's opinion in Shaw is a clear example of a conservative majority doing what conservatives always used to accuse the Warren Court of doing—making law. The case was not decided because the plaintiffs had their voting rights impaired due to race-based redistricting decisions. It was decided on the basis of the fact that the Court majority thought the shape of the 12th District was absurd.

Justice O'Connor herself, in the majority opinion in Shaw, correctly states that "[T]his court never has held that race-conscious State decisionmaking is impermissible in all circumstances." This is especially true in the area of legislative redistricting. North Carolina made no attempt to hide the fact that race was a factor in drawing District 12. But as Justice Stevens so eloquently stated in his dissent in Shaw:

> If it is permissible to draw boundaries to provide adequate representation for rural voters, for union members, for Hasidic Jews, for Polish Americans, or for Republicans, it necessarily follows that it is permissible to do the same things for members of the very minority group whose history in the United States gave birth to the equal protection clause.

I want to conclude, Mr. President, by reminding everyone what is really at stake here. The issue is not the shape of the 12th District of North Carolina, nor is it whether race is a permissible factor to use when making redistricting decisions. Instead, the real issue is whether the Supreme Court should upset settled constitutional and statutory law to strike down a district that it does not like. It is just that simple.

I think the Supreme Court should leave redistricting issues to the elected branches of Government, and that it should intervene only when a real statutory or constitutional principle is involved. The Supreme Court went too far in this case because its decision was not based on any overriding constitutional principle, but only on five judges' sense of the esthetics of the 12th District.

The harm to the Constitution here was less the decision of the North Carolina redistricting than the overbreadth and invention of the Court majority in Shaw. The Court was entitled to determine whether the proposed North Carolina restricting plan complied with the Voting Rights Act and the Constitution. But once the plan did comply, the Court was not entitled to second-guess the restricting plan because it thinks that a differently shaped map would look better.

But that is what the Court did. It conducted a superficial review of a complicated issue. It made bad law from what should have been an easy case by taking the easy way out. And that is the real damage done by Shaw.

Justice White, in his dissent, expressed the hope that the impact of the Shaw decision would be limited. I share that hope. I hope it is not a harbinger of retrenchment to equality and civil rights as expressed in the Voting Rights Act.

The elected branches of Government may do many strange, bizarre things. But the Court should not step in merely because a state legislator and a Governor, or the Congress and the President, have acted, in the Court's view, unwisely—or even stupidly—but only when their actions actually violate the law or the Constitution.

I submit to you, Mr. President, that the Supreme Court overstepped and issued a bad decision.

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

VIETNAM

Mr. PRESSLER. Mr. President, I speak with some pain in politely disagreeing with the Republican leader and my good friend from New Hampshire, Senator SMITH.

I am very interested in Vietnam. I served two tours of duty there as an Army second lieutenant and first lieutenant. I have been very interested in that country and have visited it even after the war. Vietnam is just one country of an entire Pacific rim of countries that have enormous economic potential. In fact, I am going to visit Malaysia, Singapore, and Hong Kong this August.

I have maintained an interest in the Pacific rim since coming to the Senate in 1979. I was in Indonesia. I visited virtually every country in South Asia. I am very interested in that region of the world.

Until February of this year I maintained the same position as my friend from New Hampshire and the Republican leader. I too felt the Vietnamese had been very slow in providing a full accounting of POW/MIA's. I worked closely with the POW families. I remain very concerned about any POW's that might be missing or whose remains might be missing.

However, I have become convinced we could get those POW's back faster, if there are any, and I am also convinced we could get the entire POW/MIA issue settled faster if we had Americans there in Vietnam. We need to lift the trade embargo and normalize relations with Vietnam. You know, there is nothing like American businessmen and tourists living in a town to hear rumors about where someone is being held. If Americans were there on a regular basis, they could go find POW/MIA's if they exist.

It has been my belief that some organizations have exaggerated the possibility of POW's still being alive. But if I am wrong, we stand a better chance of finding those prisoners if we have Americans over there. If there was a consulate or diplomatic mission, some good-faith Vietnamese who knew of Americans being held there could report that valuable information.

Also, normalized relations would expand tourism in both countries. There is nothing like American tourists, especially some of my buddies who served in Vietnam, who could go around and gather information.

I really think that on the POW/MIA issue the logic has now shifted to whether we could find any remaining living Americans, which I doubt that there are, being held against their will. That being the case, we could find them easier if we had relationships there, if we had businessmen there, and if we had tourists there.

A second reason for my concern about Vietnam is that we would have more power to influence China's human rights problems as well as Vietnam's human rights problems if we had closer relations with Vietnam. I say this as a Vietnam veteran. So perhaps I feel confident to be able to say this. I do not have to prove my spurs, so to speak.

But right now China has her paws over Vietnam. China is not alone. Germany and Japan have businessmen there as well. The Vietnamese very much would rather have American business. Vietnam would rather have a strong relationship with the United States.

I believe Vietnam will inevitably emerge as another prosperous Asian tiger in the next 3 to 5 years. The potential for enormous economic growth is there. It is just a matter of time.

In the meantime, we now have China, Japan, Germany, and others investing millions in Vietnam. We are just letting them fill the vacuum there. We have the tigers, the Asian tigers. Other future Asian tigers are emerging. We have Malasia emerging. We have Indonesia emerging. From China to Indonesia, the world's economic growth center is the Pacific rim. For every one unit of trade that goes to Europe, we have four units of trade going to Asia.

So I feel strongly that I would rather have Americans be there to further trade ties in Vietnam. We should not let the French businessmen set up the standards and Japanese businessmen set up the standards. The Japanese will put their people in the village, who will live there to sell Japanese products. They will use Japanese manufacturing standards enabling them to sell the spare parts so they will be there for years once they are established.

Again on the issue of human rights, we could put much more pressure on China if we have a direct relationship with some of the small countries around China. We also can put as much pressure to improve human rights in Vietnam by moving toward closer relationships and diplomatic relations.

I believe I am the first Senator who advocates diplomatic relations with Vietnam. I know I have received some very blistering faxes from certain organizations in this country. I am sure I will receive more after today. However, relations with Vietnam is the way to go and the way to grow, and I say that as a Vietnam veteran. It is time to close a painful chapter and begin a promising future by having normal relations with Vietnam. It is time to work out the problems and take advantage of the trade relationship. It is time to work on human rights, to put China and Japan on notice that we intend to have a presence there, to stop giving up to the French and Japanese businessmen all the trade. Mr. President, it is time for American leadership. It is time to lift the trade embargo. It is time to life the diplomatic embargo. It is time to send a United States Ambassador to Vietnam.

I see my friend from Arizona is waiting to speak.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I rise to discuss the readiness of the U.S. Marine Corps. Before I do, I would like to mention that I paid attention to the Republican leader's statement regarding Vietnam, and I view his statements and opinions with great respect and admiration. It is on the rarest of occasions that there may be some disagreement. I do not think our disagreement is significant, but I would point out that I believe that President Clinton will act in what is in the best interest of the United States of America. He will make that decision receiving information from our military advisers, from our State Department advisers, from his National Security Adviser, including the men and women who have been in the field in Vietnam making heroic efforts to try to ascertain as to whether there are any Americans left alive and also recover the remains of those who died in that activity.

So, I would hope that and I know that Senator DOLE and all other Members will respect the decision even if they disagree when the President makes a very important foreign policy decision. I believe that it is in the interest of the United States of America for us to make progress.

GOING HOLLOW: THE RISKS TO THE READINESS OF THE U.S. MARINE CORPS

Mr. MCCAIN. Mr. President, in a previous speech, I warned my colleagues that we face a serious risk that we will create hollow forces during the next few years. That speech talked in general terms of problems that affect all of the services. Today, I would like to focus on a specific case: The U.S. Marine Corps.

I am basing my comments on material that the Commandant of the Marine Corps has provided to me in answers to letters I wrote each of the chiefs of the military services, asking for their personal response to a series of questions about the trends in military readiness.

THE RISK OF A HOLLOW MARINE CORPS

Even a brief summary of General Mundy's answers to my questions raises issues that every Member of Congress must consider before they attempt to cut readiness funds or use them for other purposes.

General Mundy warns us that:

The Marine Corps has not received the additional funds it needs to pay for current operations, expenses that must come out of readiness. It is underfunded by $101 million it needs to compensate for the readiness funds it had to use to pay for humanitarian and peace keeping operations in areas like Bangladesh and Somalia.

It is developing serious backlogs in funding the equipment it needs. The Marine Corps has current combat equipment backlogs that would cost $93 million to cure, and the cost of correcting these backlogs will rise to $165 million in FY 1994.

Marine Corps training is not properly funded. Combat training is underfunded by $7.8 million, and other reductions are taking place in advanced combat training and unit training.

The defense business operating fund [DBOF] is not working and this is hurting Marine Corps readiness. The Marine Corps has only received $115 million of the $230 million in DBOF fiscal year 1993 cash transfers needed to maintain proper readiness.

The Marine Corps has inadequate theater lift. It has reached a critical point in modernizing medium lift, as any member of Congress who has ever ridden in a CH-46 can testify.

The Marine Corps does not have adequate prepositioning. We have not reconstituted the maritime prepositioning force we used in Desert Storm, and we will not rebuild our munitions stocks for several years to come—even if Congress provides all of the money the Marine Corps has requested.

We are only funding Marine Corps real property maintenance at half the

rate the corps needs. We are funding it at $250 million per year, versus the $430 million we really need.

Marine Corps reserves are not receiving the readiness funds they need. We are underfunding the readiness of the Marine Corps Reserve by at least $21 million, and are not providing the reserve with proper training, mobilization, and special tours.

We need to raise Marine Corps strength to 177,000 to provide the three combat ready Marine expeditionary forces legislated by Congress, and to provide additional reserves. The end of the cold war has done nothing to reduce the requirements for the corps, but we would have to spend $45 million more a year to achieve this level of readiness.

The Marine Corps has inadequate munitions. It is only meeting its munitions requirements because it has cut these requirements from 60 days to 45 days in recent years, and imposing severe restrictions on the quality and realism of our combat training by limiting the amount of ammunition we use.

We are threatening unit cohesion. We are undermining the morale of the Marine Corps by:

First, keeping OPTEMPO's too high for deployed forces;

Second, increased turbulence;

Third, increased cross decking of Marines between deployed units;

Fourth, depriving personnel of career security and fair pay; and

Fifth, cutting retirement pay without hearings or warning.

We are overextending the length of Marine Corps tours of duty. The deployed times for the average Marine infantry battalion have risen from 43 percent of the year to 57 percent of the year as a result of undermanning and underfunding, and this compares with Navy OP TEMPOs where a sailor receives two days in port for every day deployed on commitments of 8 weeks or more.

New funding requirements cut combat readiness. The real purchasing power of Marine Corps O&M funding has dropped by 22 percent—$586 million in constant budget dollars—since fiscal year 1987, but the Marine Corps must now pay $100 million a year in new subsistence costs, $80 million in new environmental costs, and $15 million in new child care and family services.

THE STRATEGIC COST OF LETTING THE MARINE CORPS GO HOLLOW

These problems in Marine corps readiness are enough to tell us we are going hollow, but it is important to point out that we are going hollow at a time we have done nothing to reduce the demands we make on the Marine Corps.

During the past year, we reduced the manning of the Marine Corps by 9,000 more marines, and yet we increased the number of marines we deploy. We normally deploy about 22,000 marines overseas, away from their home bases and families. They deploy for six months to a year—responding to the most urgent mix of contingencies that emerge out of the 20 or more crises that have been going on in the world every day of every year since the end of World War II.

In the last 3 months, however, we have had 30,000 marines deployed outside the United States. Where we normally deploy about 22 percent of our marines overseas, the end of the cold war has raised this figure to 30 percent. In March, for example, nearly 9,000 marines were embarked in amphibious ships. Some 5,000 were off the coast of Bosnia and Herzegovina, where they remained afloat for nearly 10 months.

Some 2,000 marines were afloat off the coast of Somalia, while another 1,600 were heading home from duty in that country—dropping from a peak deployment of 11,000 6 months ago. Another 10,000 marines were withdrawing from an exercise in Korea to forward bases in the Pacific.

Since the end of the cold war, marines have deployed to Liberia, Mogadishu, Saudi Arabia, Bangladesh, the Philippines, and Northern Iraq. This year they have deployed to Guam, Somalia, Haiti and the Chuck islands, as well as to domestic locations like Los Angeles and south Florida.

If we faced a new crisis in Iraq, South Korea, or any of the other trouble spots in today's world, the marines would be the first to go, and they could not go with the readiness they deserve. The marines might tell still get by. They have shown for several centuries they can work around the readiness problems the Congress imposes on the corps, and they have often sacrificed before. At some point, however, the price would be dead marines. It is not accountants or politicians that pay the cost of hollow forces.

Mr. President, I intend to return to these problems when I discuss the letters and communications I have received from the Chief of Naval Operations and chiefs of other forces. These letters and information raise somewhat different issues but the same specter of going hollow.

GATT: FAST-TRACKING AMERICANS TO HIGHER PHARMACEUTICAL PRICES

Mr. PRYOR. Mr. President, yesterday, the U.S. Senate considered fast-track authority for the GATT Agreement. Unfortunately, in its present form, the GATT Agreement and any additional supplemental protection agreements to GATT may do nothing more than put the American public on the fast track for higher prescription medication prices. In particular, I am very concerned about current GATT-related trade activities that may ultimately reduce the ready availability of quality, lower-cost generic prescription medications once the brand name versions of these products go off patent.

In 1984, the U.S. Congress passed important legislation to assure the wider availability of generic drugs in the United States. This law, the Drug Price Competition and Patent Term Restoration Act of 1984, commonly known as Waxman-Hatch, allows generic versions of these drugs to come to market as soon as the patent expires. This law has helped make lower-cost generic drugs available to millions of Americans, and was supposed to save the health care system billions of dollars in drug costs.

In order for this policy to work, there is a special exemption in our laws which allows American-based generic drug manufacturers to obtain these patented drugs and test them before patent expiration in order to meet FDA requirements. Without this special exemption, the generic manufacturer would have to wait until the brand-name patent expired before it could obtain the product, test the product, and get it to market. The result of this was billions more paid by American consumers for monopoly-priced brand name prescription medications.

Because the brand name companies in this country will not sell generic manufacturers the raw materials to test and make the drugs, they have to look overseas for other suppliers. Therefore, the availability of these lower-cost generic medications in this country is directly related to our ability to import the raw materials from our European trading partners, notably Italy, Hungary, and other European countries.

The previous administration had been pressing our foreign trading partners to adopt strong intellectual property protection laws, including those for pharmaceuticals. However, officials in the administration did not make an equally strong pitch for these patent laws to contain the necessary exemption to allow companies in these countries to export pharmaceutical raw materials to the United States. As a result, stronger pharmaceutical patent protection in these countries may ultimately preclude these companies in these countries from doing what they have been doing all along: acting as suppliers for our American-based generic drug industry.

At this point, I have heard from several representatives of the generic drug industry that they are having an increasingly difficult time finding European countries from which they can obtain their raw materials. An enhanced effort on the part of this administration is needed to convince our trading partners to include this special exemption in foreign patent laws. Without this extra effort, these sources of supply may soon dry up completely, leaving the generic manufacturers and the American public holding the bag.

While the current GATT text does contain the option for countries to include this exemption in their patent laws, the United States must do a better job of assuring that these countries recognize the importance of including this exemption in their patent laws. It is one thing to have this option to include this exemption in the GATT; it is quite another to make this a priority for discussion with our trading partners. To date, we have not done that, and it needs to become a priority very quickly.

What will be the impact on the American consumer? Some estimates are that up to 3 to 5 years of additional de facto patent protection could be granted to brandname drugs if generic manufacturers are unable to obtain these materials. One recent estimate was that without this special exemption in the patent laws of our trading partners, it will cost our American citizens $45 billion in increased pharmaceutical costs for more expensive brandname products when generics could have been available.

This could not come at a more opportune time for the brandname pharmaceutical manufacturers in the United States. Over the next 5 years, it is estimated that over $20 billion worth of very expensive, monopoly priced brandname drugs will come off patent. They will, in effect, remain on patent if American generic companies cannot test and make the drugs available at a reduced cost.

Some of these drugs include Tagamet, an antiulcer drug, which has estimated sales in the United States of $640 million; Zantac, the No. 1 selling drug in the world, also used for ulcers, with sales of $1.5 billion in the United States; and Capoten, used to treat high blood pressure, with total sales of $600 million in the United States.

The bottom line is that the very fabric of the Waxman-Hatch law is being threatened right now, and the American public will pay the very expensive billion-dollar price tag. How are we going to hold down the cost of a universal prescription drug program under health care reform without the wide availability of generics? How will we be able to contain the cost of a potential Medicare prescription drug program without generic medications?

Mr. President, I call upon the United States Trade Representative's office to make this issue a priority in discussions with our European trading partners. This is not the first time that I have raised this issue, and it may not be the last. For the record, I would like to submit a letter on this topic that I sent to my good friend, Ambassador Mickey Kantor this past March. He is well aware of my interest and concern with this issue. I look forward to working with him to resolve this very critical health care and public policy issue in a timely and expeditious manner.

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

U.S. SENATE,
SPECIAL COMMITTEE ON AGING,
Washington, DC, March 9, 1993.

Hon. MICKEY KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR MICKEY: I am writing to ask that the Office of the United States Trade Representative (USTR) undertake an expeditious analysis of the impact of various international trade agreements on the pharmaceutical marketplace in the United States. In particular, I am concerned about certain provisions in NAFTA, the Dunkel text in Uruguay Round of GATT, and the European Community's recently-effective Supplemental Protection Certificates.

Certain provisions in these documents may needlessly increase pharmaceutical costs in this country by making it more difficult for lower-cost generic versions of brand-name pharmaceutical products to be marketed. In addition, these agreements may limit the ability of the United States government to adjust the term of protection for a pharmaceutical patent as a mechanism to contain drug costs. Under the guise of harmonization, these agreements could preclude the United States from reducing the term of a pharmaceutical patent if manufacturers increase drug prices excessively.

First, let me address the generic drug issue. The 1984 Drug Price Competition and Patent Term Restoration Act (also known as the Waxman-Hatch Act) was enacted to increase patent exclusivity in certain cases for innovative drug products while allowing for more timely approval of lower-cost generic versions of these drug products. One of the most important elements of that compromise was the development of a special provision [35 U.S.C. 271(e)(1)], which provides an explicit exemption from patent infringement for "uses reasonably related to the development and submission of information under a Federal law which regulates . . . drugs."

The above exemption from patent infringement allows generic companies to import necessary quantities of pharmaceutical ingredients, conduct required clinical tests, submit applications for FDA review, and receive tentative marketing approval for generic versions of the drug during the patent term of the innovator drug. As a result of this exemption, the generic versions of the product can be ready for marketing as soon as the U.S. patent expires on the innovator drug product.

Without this exemption in United States patent law, these preparatory activities would have to take place after patent expiration. This would ultimately result in the delayed availability of lower-cost generic versions of the drug for a period of two to six years, and increase prescription medication costs for millions of Americans.

The pharmaceutical ingredients required for preparation and testing of generic versions of the drug are rarely made available to U.S. generic pharmaceutical manufacturers by U.S. pharmaceutical sources. Therefore, they are often obtained from European and other international pharmaceutical manufacturers. Because of this, the patent laws of European countries have a direct impact on the ability of the U.S. generic drug industry to obtain these active ingredients and conduct the testing required for approval in this country.

Without a specific provision like U.S.C. 271(e) in foreign patent laws, European and other international pharmaceutical manufacturers may be prohibited from supplying these ingredients to United States generic companies as long as the product is still under patent in that country. If this is the case, generic manufacturers would not be able to begin required development and testing until after the patent on the drug expires in the foreign country.

As a consequence, U.S. consumers, federal health care programs, and the health care system in general will be forced to pay monopoly prices for brand-name pharmaceuticals for longer periods of time beyond patent expiration. This could also create a serious problem for millions of older Americans who rely on generic drugs to reduce their medication costs.

The USTR in the previous Administration had been seeking the enactment of strong foreign intellectual property laws, but apparently did not make foreign governments aware of the U.S. policy for prompt post-patent generic approvals. The USTR in this Administration needs to strongly advise our trading partners of the need for a special exemption in foreign patent laws. Without this specific exception, there may be significant delay in the approval of generic drugs in this country.

On the second issue, I am concerned that these international trade agreements may tie our hands in using the pharmaceutical patent as the mechanism to contain drug costs. It is my understanding that the USTR in the previous Administration exerted significant pressure on the Canadian government to abandon their system of compulsory pharmaceutical patent licensing. This system has served the Canadian citizens extremely well in reducing launch prices for new drugs, and containing drug inflation. A recent study concluded that the dismantling of this compulsory licensing system may increase drug expenditures in Canada by $4 billion over the next 10 years. As a matter of policy, we should be sure that the NAFTA or GATT does not preclude the United States from reducing the period of the patent term as an option for containing drug prices.

For example, I understand that a bill which has now been enacted by the Canadian Parliament would increase the effective patent protection for a pharmaceutical product in Canada from a minimum of 7 years to a minimum of 20 years from the date of patent filing. In fact, the Dunkel text for the GATT states that all parties would adhere to a patent system, that provides a patent term of 20 years from the date of filing or 17 years from the date of the grant of the patent. While these agreements may or may not require the United States to change its current 17-year patent system, these agreements may in fact preclude the United States from shortening the pharmaceutical patent term if we chose to do so.

The health care system in the United States can ill-afford any additional patent protection being given to pharmaceutical manufacturers, over and beyond what the current law allows. The overwhelming evidence suggests that pharmaceutical manufacturers use the period of patent protection to sharply increase prices on drugs, far beyond the rate of general inflation Extending the period of patent protection would simply give the pharmaceutical industry an opportunity to monopoly price their products.

Therefore, I ask that the USTR's office determine the impact of any changes that the United States would have to make in our pharmaceutical patent laws under current provisions of NAFTA or the Dunkel text. I

also request that the USTR's office make a more concerted effort to insure that foreign patent laws contain language that would allow the United States to import pharmaceutical preparations that are still under patent in other countries for the purpose of required FDA pre-approval testing.

These issues are extremely serious matters which could have long-standing implications for pharmaceutical cost containment strategies in the United States. While the negotiations on these agreements have been underway for many years, it is important that the provisions in these agreements serve the best interests of the American public, and in this case, our health care system. It is for these reasons that I ask your expeditious review of this request, and I look forward to your response.

Sincerely,

DAVID PRYOR,
Chairman.

HOWARD METZENBAUM; A TRUE PUBLIC SERVANT RETIRES

Mr. DASCHLE. Mr. President, during one of his Senate campaigns, Senator METZENBAUM distributed baseballs with the slogan: "I'm a METZ fan." Since my first days in the U.S. Senate, I too, have been a "METZ fan."

Whether I have agreed or disagreed with him, I have always enjoyed watching Senator HOWARD METZENBAUM in his performance as a U.S. Senator, and he has always had my respect and admiration.

For 17 years, Senator METZENBAUM has graced this Chamber with his intelligence, his conscience, and his courage. For those 17 years, he fought tenaciously and passionately for the causes in which he believed, and woe unto those who stood in his way. The U.S. Senate knew no fury like a HOWARD METZENBAUM in the pursuit of a cause.

HOWARD'S strength in pursuit of his beliefs has earned him not just praise; it has often brought him fierce criticism as well. But HOWARD METZENBAUM has never wavered or bent.

Indeed, many of his fights on behalf of American consumers, American workers, the elderly and the young, and middle- and low-income Americans are well known. Some are legendary.

His fights against special interests, Government waste, and loopholes for the wealthy were always powerful and persuasive. Most were successful.

This man who worked his way through college by selling Fuller brushes had successful careers in business and in the practice of labor law. This would have been enough to satisfy most people, but not HOWARD METZENBAUM.

He was determined to have a successful career as a public servant. After some spirited tussles with a well-known astronaut, he made it to the U.S. Senate, and another remarkable career was underway.

Now, as he said when he announced his decision not to seek reelection, he wants to begin another phase of his life. The U.S. Senate and the American people lose an outstanding public servant with the retirement of HOWARD METZENBAUM from this Chamber. But, as he also said on announcing his retirement, he was taking this action because he wanted to spend more time with his wife Shirley, his daughters, and grandchildren.

Therefore, I can say that what is the Senate's loss is his family's gain, and that, once again, Senator METZENBAUM has taken a stand that I respect and admire. As always, I remain a "METZ fan."

RETIREMENT OF SENATOR HOWARD M. METZENBAUM

Mr. BRADLEY. Mr. President, I rise today to pay tribute to my esteemed colleague, Senator HOWARD METZENBAUM, as he announces his retirement from the U.S. Senate.

Mr. President, Senator METZENBAUM will be sorely missed in this body. Since 1974, he has been an institutional safeguard against waste, abuse, and the influence of special interests. He has done his best to keep the processes of the Senate honest, and because of his vigilance, has had a strong and positive influence on the way the Senate conducts its business. It will be terribly difficult to replace him.

As Senator METZENBAUM himself has said, he has won his share of battles and fought his share of lost causes. But even in these losses, Mr. President, this body and the country often gained. His tireless efforts on behalf of the disempowered and the disenfranchised have made an enormous difference, not only to these groups, but to the social fabric of America.

Senator METZENBAUM has always fought for working families. In his role as chair of the Subcommittee on Labor of the Labor and Human Resources Committee, he has championed many bills to ensure that all workers receive the fair and equitable treatment they deserve. Whether it was union members on strike, families devastated by a plant closing, or whistleblowers trying to do the right thing, I think it's safe to say that they all felt a little better knowing that HOWARD METZENBAUM was fighting for their rights in the Senate.

Senator METZENBAUM has been a champion of civil rights since he came to this body. And he has consistently been at the forefront of the battle to protect the rights of women to make their own reproductive choices. No matter how hard the struggle was, or how pitched the battles got, you could always be sure that HOWARD would be out front leading the charge.

It was also Senator METZENBAUM who fought to keep taxpayers in this country from paying too heavy a price for the savings and loan bailout. In fact, Mr. President, the taxpayers of this country have been well served in countless ways by having Senator METZENBAUM serving them in this body.

In closing, Mr. President, let me just say that I know that Senator METZENBAUM made the right choice for himself and his family. But I despair for the Senate and the country when he leaves this body. The role he plays in this body is a crucial one; he will be sorely missed.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER (Mr. CONRAD). The majority leader.

SUPPLEMENTAL APPROPRIATIONS ACT—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I submit a report of the committee of conference on H.R. 2118 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2118) making supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of June 30, 1993.)

Mr. MITCHELL. Mr. President, I ask unanimous consent that the conference report on H.R. 2118, the supplemental appropriations bill, be agreed to; that the motion to reconsider be laid upon the table; and that any statements thereon appear at the appropriate place in the RECORD as though read.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The conference report was agreed to.

Mr. BYRD. Mr. President, this conference agreement represents a fair compromise between the bills passed by each House. The conference report as reported contains domestic discretionary items totaling a net increase in budget authority of $302,992,538 and, as a consequence of rescissions and transfers more than offsetting new spending, outlay savings of $40,647,000.

For mandatory items, the conference agreement includes $515 million, of which $475 million provides supplemental funds for veterans' compensation and pension payments. In addition, $30 million is provided for vaccine injury compensation program and $10 million is for a payment to the Social Security trust fund.

In discretionary items within the jurisdiction of the Defense Subcommittee, which the Senate had insisted also

be offset, the conference agreement provides that 75 percent or all but $326,076,000 in budget authority will be offset.

Mr. President, the conference agreement includes several items that the President has requested as part of his program to stimulate the economy. This agreement includes a total of $220 million for the Summer Youth Employment Program. The conferees also included $6 million for the Community Services Employment for Older Americans Program. The conference agreement also includes $341 million for the Pell grant shortfall.

Another item that was very important to both bodies is the Small Business Administration 7(a) loan guarantee program. The conference agreement reflects the Senate total of $175 million additional for this program. This appropriation will provide for a loan guarantee program level of $3,199,269,000 for the balance of the fiscal year. This important loan guarantee program has been without the ability to approve loans since late April of this year because the existing authority had been exhausted. These much needed funds will allow small businesses to continue to grow and create jobs to further the economic recovery.

Another item that was not a matter of conference because it was included in both the House and Senate bills, but is nevertheless an important element of this package is the appropriations for the Judiciary. The bill includes $5.5 million in fees for jurors and $55 million for defender services to indigent defendants.

Mr. President, the conference agreement also contains $150 million for competitive discretionary grants to hire additional sworn police officers. The Senate bill contained $200 million and also allowed 25 percent of the funds to be used for local community policing programs. The competitive grants provided for by the conferees will be made to those communities, regardless of size or locality, most in need of law enforcement personnel.

The conference agreement contains $45 million for Amtrak, including $25 million for capital improvements. These capital funds will avoid further furloughs at rail car maintenance and overhaul facilities, as well as, be used to purchase additional rolling stock.

In the agriculture area the agreement includes several important items, including $35.5 million appropriation for rural water and sewer loans, which will permit a loan level increase of $250 million. It also includes $35 million for grants to rural areas for water and waste disposal projects.

Finally, Mr. President, the conferees have included provisions in both the agriculture chapter and the VA–HUD chapter on disaster assistance that were contained in the Senate passed bill. These measures provided transfers for the unmet needs of the victims of Hurricanes Andrew and Iniki. Language was also included in the agriculture section that will provide for more recent agricultural disasters in various parts of the United States.

Mr. President, in the defense chapter $750 million is included for the costs of Operation Restore Hope in Somalia; $100 million is for the costs of Operations Southern Watch and Provide Comfort in Iraq; $295 million for the medical care program for military personnel and their families; $71 million to repair flood damage at Marine Corps installations in California; $10 million to establish the National Security Education Trust Fund; and $23 million to continue humanitarian assistance efforts aiding the Kurdish refugees in northern Iraq, as provided in the Senate version of the bill.

In the summer of 1991 the United States undertook a relief effort, Operation Provide Comfort, which has saved the lives of thousands of panic-stricken and starving Kurdish refugees who had been driven from their homes into the Turkish mountains by the brutal attacks of Saddam Hussein's forces. These additional funds are needed to establish a food, fuel, clothing, and medical program sufficient to carry that population into the winter of 1993.

Mr. President, to partially offset the appropriation of $1,299,583,000 in budget authority in the Defense Subcommittee's chapter the conferees have agreed to rescissions totaling $973,507,000 in defense items for a net $326,076,000 appropriation that is not offset.

Mr. President, before concluding my remarks on this conference report I want to thank the members of the Appropriations Committee, on both sides of the aisle, for their cooperation and support in reaching this agreement. Each member worked hard and had to give some to reach this conclusion.

I also want to acknowledge our colleagues in the other body, led to conference for the first time as chairman by Representative NATCHER. Chairman NATCHER has served in the House for nearly 40 years and earlier this week cast his 18,000 roll call vote in that body. He and his colleagues represented their position well and helped us to achieve a real compromise that fairly represents the positions of both Houses, and meets the needs of the country.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, I rise in support of the pending conference report to accompany H.R. 2118, the fiscal year 1993 supplemental appropriations bill. I hope the Senate will expedite passage of this bill.

It has been months since the Congress began considering fiscal year 1993 supplemental bills. It has been a long process, and I commend the distinguished Appropriations Committee chairman for his commitment to complete a bill that meets necessary supplemental requirements, and remains within the overall caps on discretionary spending for defense, international affairs, and domestic programs for fiscal year 1993.

This bill contains many important items, but there are three I would briefly like to address.

First, I thank the conferees for approving the substance of an amendment I cosponsored with Senator BUMPERS, the chairman of the Senate Small Business Committee, to provide the Small Business Administration with an additional $175 million in funding for loan guarantees.

Based upon the latest estimates, this will provide approximately $3.2 billion in loans for the remainder of the current fiscal year.

The loan program has been out of funds since the end of April, and the appropriation will allow SBA to process applications filed since that time and meet the increased demand for SBA loans.

The small business community is the most dynamic part of our economy, and it is vital that we provide the resources necessary for this job creation program.

Based upon estimates provided to the Small Business Committee by Price Waterhouse, this supplemental funding could lead to an increase of between 1,400 and 1,500 jobs over the next 4 years in the State of New Mexico alone.

I would also like to thank the conferees, and especially Chairman BYRD, Chairman HARKIN, and their capable staffs for assisting me and several of my colleagues with an amendment to provide an additional $6 million to the Public Health Service agencies to combat the mysterious respiratory illness that has suddenly affected the Four Corners area of the Southwest.

My colleagues have heard of this mysterious illness that begins with flu-like symptoms, but becomes an acute respiratory illness that can kill within a matter of hours.

To date, this illness has stricken 38 people in the Four Corners area in New Mexico, Arizona, Utah, and Colorado. There have been 21 known deaths from this disease, a terrible tragedy that needs quick action.

There has been a tremendous degree of cooperation and coordination among the Federal agencies, the State of New Mexico, and the Navajo Tribe, which has allowed an aggressive response to this mystery illness.

It is my hope that the additional $6 million approved in the bill will expedite the determination of the cause of this disease, how to treat it, and how to prevent further cases.

I greatly appreciate the cooperation of the committee in this matter, and I am pleased to note that these funds

will assist the Centers for Disease Control, the Indian Health Service, the affected States, and the Navajo Nation combat this serious disease.

Finally, I would like to thank the Appropriations Committees and the Authorizing Committees of both the Senate and the House for their assistance in the adoption of my amendment to extend for 1 year the time available to the National Park Service to acquire additional tracts of land associated with the Petroglyphs National Monument near Albuquerque, NM.

I especially want to thank my colleagues in the House, Congressman SKEEN and Congressman SCHIFF, and their staffs, for their assistance in achieving final approval of this amendment.

Mr. President, I urge the adoption of the conference report.

FOUR CORNERS MYSTERY DISEASE—HANTAVIRUS ASSOCIATION WITH ADULT RESPIRATORY DISTRESS SYNDROME [HAARDS]

Mr. DOMENICI. Mr. President, I would like to thank the conferees for accepting my amendment to provide sufficient resources in the amount of $6 million to the Centers for Disease Control, the Indian Health Service of the Public Health Service, the Navajo Tribe, and the State of New Mexico Health Department. The cooperation they have shown in identifying what has come to be known as HAARDS—hantavirus association with adult respiratory distress syndrome—is nothing less than spectacular. The lessons learned in identifying the Legionnaires disease were well applied to HAARDS.

I am also grateful to the Senate cosponsors of my amendment, Senators MCCAIN, BINGAMAN, DECONCINI, CAMPBELL, and INOUYE. Their support was unwavering and essential to Senate passage. My colleagues should also be aware that these funds will be provided until spent in order to maximize their usefulness as more information becomes known about treatment and prevention of HAARDS.

For those who are still worried about travel to the Four Corners area, I would once again affirm the safety of such a decision. This disease is not contagious and close contact with the deer mouse seems to be a necessary precondition to exposure to HAARDS. I would again affirm that this disease is not a Navajo disease. It strikes in an apparent random and more than half of the deaths are among non-Navajos. The initial identification with the Navajo Tribe is due to the geography of the disease rather than association with Navajo people.

Because of the numerous Navajo deaths and public association of HAARDS with the Navajo area, President Peterson Zah of the Navajo Nation came to Washington, DC to seek necessary assistance for the continuing medical and scientific campaign against the Four Corners mystery disease. He personally asked me to help the Navajo Nation meet their emergency costs incurred in their response to this deadly disease. As a result of that meeting, I decided to sponsor an amendment to the supplemental appropriations bill to add $6 million to cover the current and projected costs of this public health emergency. This amendment will meet the current and projected costs of the key investigators and medical personnel of the Centers for Disease Control, the Indian Health Service, State health departments, and the Navajo Nation.

As of today, there are 21 known deaths and 38 suspected cases of HAARDS in the Four Corners area. The four primary States affected are New Mexico, Arizona, Colorado, and Utah. Indians, Anglos, and one Hispanic have been stricken, seemingly at random.

Often the victims are young. Their lungs fill with fluids and the bloodstream is deprived of oxygen. Death can and has occurred in a matter of hours due to respiratory failure. Symptoms are flu-like muscle aches, fevers, and coughs. Severe respiratory distress follows quickly.

Joseph McDade who identified the deadly Legionnaire's disease of 1976, Legionella mcdadeii (the bacterium was named in his honor), is on the case in New Mexico. There are a total of 16 investigators from the Centers for Disease Control in Atlanta and other cities now stationed in New Mexico.

McDade says there are an estimated 50,000 cases a year of unexplained adult respiratory distress syndrome in the United States. Whatever is causing the Four Corners illnesses could also be responsible for similar respiratory illnesses.

The most likely causal agent is a hantavirus. This virus is spread to people in Asia through inhalation of infected rodents' urine, droppings or saliva. One problem now unanswered is how one person in a household could contract the disease while others breathing the same air do not.

The actual hantavirus has now been found in the tissue of two victims. An antibody to the hantavirus has been found in several victims' bodies.

The hantavirus has also been found in the deer mouse in the Four Corners area. The deer mouse is a common field mouse that is one of about seven species of mice in the Four Corners area.

The CDC is performing polymerase chain reaction tests in hopes of finding the genetic fingerprints to hantavirus in the victims

The connection between the presence of the hantavirus in the deer mouse and the random infections has yet to be definitely established. The scientific and medical researchers have reduced a lot of fear and anxiety by announcing their preliminary findings about the hantavirus.

The known hantaviruses cause kidney complications in humans. There is no known hantavirus that causes lung problems—this could be the first. Dr. Norton Kalishman, chief medical officer for the New Mexico Department of Health has stressed the "smoking gun" evidence of the presence of antibodies to the hantavirus. The particular antibodies are highly selective lock-and-key molecules that are associated with three known hantaviruses. Six victims have tested positive for the presence of the hantavirus antibodies.

Ribavirin, a controlled antiviral medicine, is now available in the Four Corners area. It is known to be effective in reducing the mortality rate for patients who receive the drug within a few days of becoming infected.

In a recent development, Dr. Shyh-Ching-Lo, a molecular biologist at the Armed Forces Institute of Pathology is now analyzing tissue samples from victims of the Four Corners disease for the presence of a virus-like bacterium called mycoplasma. Six U.S. military personnel were killed by mycoplasma fermentans—a very similar respiratory disease syndrome.

The search for a definite cause is not over. A lot of excellent medical and scientific research is ongoing. Public information campaigns are being run. Rodent field tests are being conducted. Tissue samples are being analyzed. A hot line for public inquiries has been established in the Four Corners area.

The cooperation between Navajo Indian medicine men, the Indian Health Service, the New Mexico Department of Health, and the Center for Disease Control has been terrific. It was several months before this much progress was made in identifying the bacterium in the Legionnaire's disease situation.

SUPPLEMENTAL FUNDS TO MEET NECESSARY COSTS

Health and Human Services Secretary Shalala has estimated that the costs for the current outbreak of acute respiratory failure will total $6 million. This estimate is based on current and projected expenses for meeting the demands of the several agencies and departments cooperating to positively identify and treat victims of the Four Corners mystery disease.

These funds are necessary to carry out the provisions of section 319(a) of the Public Health Service Act with respect to the current public health situation. No one yet knows the full costs of this disease, but we are confident that $6 million will be sufficient to carry all Federal, tribal, and State efforts through at least the end of the current fiscal year. These funds will remain available until expended.

This $6 million allocation, according to our latest estimates, will be distributed as follows:

[In millions of dollars]

Centers for Disease Control and Prevention:	
Federal activities	2.6

State activities	1.0
Subtotal	3.6
Indian Health Service:	
Federal activities	1.3
Tribal costs	1.1
Subtotal	2.4
Total HHS	6.0

These amounts shall be available for any activity authorized under the Public Health Service Act in order to respond to the recent outbreak and any future outbreaks of this acute respiratory illness.

Specific activities to be conducted are: The continuation of epidemic investigations and studies; local, State, and National surveillance; identification and characterization of the causative agent or agents; development of recommendations for clinical management of persons infected with this disease; development and application of diagnostic tests; evaluation of the rodent reservoir; development of control and prevention strategies; public and professional education; and direct and contract costs of the Indian Health Service, including costs incurred by the Navajo Nation.

Mr. President, I urge my colleagues to support the fiscal year 1993 supplemental appropriations bill now before the Senate.

Mr. LOTT. Mr. President, for the most part, I am supportive of this conference report on the supplemental appropriations bill. The spending in this bill has been reduced significantly from its original level and much of it is paid for. I do find one particular change the conference committee made very alarming and inappropriate.

By way of background, the original House bill included funding for a new demonstration program, Youth Fair Chance. This program was authorized by title IV of the Jobs Training Partnership Act—Public Law 102-367—passed last September. The Senate made a conscious decision not to fund this program; however, funding for it was reinstated behind the closed doors of conference. In addition to providing funding for the program, the Conference Committee went one step further by making a substantive change to the authorizing legislation. This is not good governing.

Under the original authorization, this new program would only be available for youths from age 14 to 21. The conference committee added language to extend the eligibility to people from age 21 to 30, as well.

I have a difficult time calling 30-year-olds youths. In my opinion, and by almost every standard, youth ends at age 18. A twenty-five year old, who for purposes of this new program is a youth eligible for benefits, is hardly a teenager. Our Constitution allows 25-year-olds to be elected to the U.S. House of Representatives; surely, the framers of this great document did not plan for youths to serve as Members of Congress. Eighteen-year-olds are allowed to vote and fight for their country; yet, under this program they could still be considered youths for 12 more years.

The President has played fast and loose with his budget numbers and the terms he uses to describe things. For instance, taxes have been called contributions and user fees have been deemed spending cuts. Perhaps, now it will be youth for adults. The President promised to reinvent government during his campaign; maybe he really meant to redefine it.

If this program is supposed to be targeted for youth, rather than adults, then it should be so. We simply can't afford to do otherwise.

Furthermore, I am very concerned by the precedent this change sets and the process by which it was adopted. This increase in the eligibility age did not pass the Congress in the authorizing legislation last year; it has not been the subject of hearings; and it has not even been voted on by either the appropriations or the authorizing committees. This is legislation on an Appropriations bill which violates the rules of this Congress.

Moreover, it is my understanding that this violation of congressional rules, customs, and procedures basically resulted from a deal cut to ensure votes for the reconciliation bill. That is a slippery slope to start down, particularly at this point in the process.

While it would be difficult for me or any Senator to change this conference report at this point in the process, I do want the RECORD to reflect my opposition to this increase in the eligibility age for the Youth Fair Chance Program and the method by which it was made. I yield the floor.

Mr. COCHRAN. Mr. President, we will consider the supplemental appropriations conference report later this afternoon when the House completes action. There are important provisions in that Supplemental Appropriations bill which will benefit farmers who have suffered disaster-related losses earlier this year and also will give new authorities to the Secretary of Agriculture to make available benefits for quality losses that were sustained during earlier crop years.

I am very happy we were able to reach an agreement with the House on language that clarifies these benefits and makes available previously appropriated funds for losses that have been sustained this year.

In March I introduced legislation in the Senate that would provide benefits specifically to those farmers in our State of Mississippi who were not able to have crops such as blueberries and peaches covered by crop insurance. These crops were hard hit by freezes in that part of the year. At about the same time in Arizona there were floods, and in other States there have been other weather-related disasters that have adversely affected agriculture in our country.

That is why these provisions in the supplemental appropriations bill will be so helpful. While it will not fully compensate everybody, it will provide some benefit that will assist those involved in agriculture. Through the working of our committee and through cooperation with our House counterparts, we were able to resolve differences between the two bills and include these provisions in the conference report which we will adopt later today.

In the same bill there are funds provided for the Department of Defense for expenses that have been incurred in Somalia, in our monitoring of the no-fly zone in Iraq, and in other efforts that have protected our national security interests and secured our position as the world's leader in military affairs.

In fact, we had hoped to include some additional funds to provide assistance because of a shortfall in the Base Closure Commission account. These are funds that were needed earlier, but now because of a shortfall in appropriations, we need additional funding in the Department of Defense account.

I regret that we were not able to get approval of the Conference Committee for some of those needs. They are very real needs that will have to be made up in the next appropriations cycle in the bill to provide funding for the Department for fiscal year 1994.

As we debated that issue in committee, it occurred to me that Senators would be interested in an article written by our good friend, Frank J. Sullivan, formerly the Staff Director of the Senate Appropriations Committee, on the subject of "People and Equipment, Wear and Tear," the deficit problem and defense spending cuts. This article was published in the Washington Post on Monday, June 21.

Mr. President, he offers a very compelling argument that we too often reach into Defense Department funds to allocate and provide financial assistance to programs and activities that really should be funded in other ways. Rather than taking money from defense and spending it on other things, we should recognize that there are some legitimate items at the Department of Defense that need not only the attention of this Congress, but also the funds that we are denying them in our rush to reduce the size of the military, and cut back defense spending.

In a related hearing today in our Governmental Affairs Committee, we examined problems in the defense finance management area. During this

hearing, it occurred to me that we need to provide some additional support to Department of Defense efforts to better control the accounting process and other financial matters of the Department of Defense.

Some progress has been made, particularly under the recent leadership of Sean O'Keefe who was at the Office of the Secretary of Defense and then later acting as Secretary of the Navy. But that momentum seems to have been lost. We need to assert a new sense of dedication and commitment in the Congress to ensure that we do a better job of financial management at the Department of Defense.

Frank Sullivan's article, I think, is instructive and should be must reading for all Senators. I ask unanimous consent, Mr. President, that a copy of Mr. Sullivan's article from the Washington Post 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, June 21, 1993]

(By Frank J. Sullivan)

PEOPLE AND EQUIPMENT, WEAR AND TEAR

In recent years, defense spending has been cut about 30 percent in real terms, and more real cuts of 5 percent to 10 percent per year can be forecast through 1997. Some 1.2 million defense related jobs have already been cut, with another million or so more planned. No tanks, only three warships and 92 combat aircraft are budgeted for procurement next year—far below replacement needs. Military formations—divisions, ships, air squadrons—are being rapidly reduced. Military bases are being closed in record numbers, and defense industry layoffs and cutbacks continue apace.

A major dismantling of the Cold War American military establishment is well underway. It is time to stop and take a look at what will be left and whether it is adequate for future needs.

There are several compelling reasons to declare a temporary moratorium on further cutbacks in American military spending.

We should keep enough of the right stuff to help ensure America's role as superpower in a very unsettled world. Such order and stability as resulted from the alliances created by the U.S.-Soviet confrontation have not been replaced by a new kind of order, and the list of trouble spots is long—Iraq, Bosnia, North Korea, Somalia and Guatemala, to name a few. The troubles run the gamut from nuclear weapons to humanitarian relief. While U.S. forces may not be used in most cases, military power is one aspect of American world leadership and helps create other nonmilitary options.

We have not reduced the calls on our military forces to help out around the world. Iraq, Somalia and the Adriatic (Bosnia) all have required significant and rapid commitments of U.S. military personnel and equipment that endure for months and even years. With shrinking numbers, those that are left must operate at higher tempo—putting more wear and tear on people and equipment. The recent warnings on recruiting and readiness may mean we are beginning to use up the force.

We do not have a consensus on a military strategy for the future. That means we don't have firm criteria for setting new priorities within a smaller defense budget. Both the threat and the overseas land bases to support our forces have changed. The types and proportions of military capabilities that were needed to face massive Soviet tank formations along the inter German border from highly developed bases deep in Europe are different from those needed for ill-defined, smaller actions in unpredictable and poorly developed locations supported largely from the sea. If we continue to cut using Cold War priorities, we may cut the things we need most for the future and keep the things that we need least.

We cannot solve the deficit problem with further defense cuts. The deficit is forecast to grow to more than $350 billion within five years, while total defense spending declines to $250 billion. A temporary hiatus in future defense cuts would have only a marginal impact on the deficit. We should not risk major damage to American security and leadership in the name of minor changes to the bleak deficit picture.

More and more of the declining defense budget is being siphoned off for things other than military capability. Aid to the former Soviet Union, converting defense industry to civilian use, environmental cleanup, health care, base closure costs and a growing variety of civilian programs are all being funded out of the defense budget to the tune of billions. There are estimates that a growing 25 percent of the entire DOD budget is outside of the military departments, yet all the combat units are funded by the military departments. The elimination of the "walls" between defense and domestic spending this year by the Budget Enforcement Act of 1991 could accelerate the siphoning of defense funds for non-military purposes. We should impose tougher budget discipline to ensure against backdoor cuts of real American military capability.

Real savings in overhead and infrastructure are lagging behind cuts in forces. It takes more time to reorganize support functions, realign and close bases, release civilian and military personnel, and restructure industry than it does to stop operating ships, tanks, and aircraft. It will take several more years to fully translate the budget cuts of the last few years into savings of overhead and infrastructure. In the meantime, there is a likelihood that military capability will pay a disproportionate and unintended part of the bill. We should take time to ensure that proper support and overhead reductions are in fact being made before piling more cuts on military capability.

This is not to argue that there should be no future cuts in defense spending. It is to say that we should take a time out—freeze defense purchasing power for a year or so—until we clearly know where we stand and there is a consensus on where to go. American security, leadership and prestige depend on it.

Mr. STEVENS. Mr. President, the conference report before the Senate makes available urgently needed funds for several Government agencies, but most important in my mind for the Department of Defense.

One and one-third billion dollars in funds are appropriated to Defense in this bill to address costs that were not anticipated when the Congress passed the Defense appropriations bill in October. Specifically, funds are provided for Operation Restore Hope in Somalia, Operation Southern Watch in Iraq, to meet shortfalls in the CHAMPUS Medical Insurance Program and for disaster relief at Marine Corps bases in California.

Approximately 80 percent of these new appropriations are offset by rescissions of available Defense appropriations. Despite the fact that the Defense bill was more than $2 billion below its 602(b) allocated in outlays, we fulfilled Chairman BYRD's request to offset the maximum possible amount in the Defense chapter, despite the House bill containing no offsets for the urgent defense requirements.

One additional adjustment adopted in conference was to modify the level of transfer authority available to the Department of Defense. Despite the passage of this bill, the committees have pending the Department's omnibus reprogramming request, for $1.7 billion in 1993 alone. That request exceeds the general transfer authority provided for fiscal year 1993 of $1.5 billion. After a review of the items identified in that request, most fall in the category of personnel and operation and maintenance [O&M] needs. while the committee has not yet responded to the Department's request, this vehicle provided the only means to increase the available transfer authority to enable the Armed Services and Appropriations Committees to fully consider the Department's requirements.

Underpinning this increase in transfer authority is a letter received by the committee on June 24 from Deputy Secretary Perry. His letter identifies $2.533 billion in emergent 1993 must-pay O&M and personnel requirements. I ask unanimous consent that Deputy Secretary's letter be printed in the RECORD following my remarks. I joined Senator INOUYE in proposing this increase in transfer authority to the conference to meet these specified Defense readiness shortfalls, as outlined in the omnibus reprogramming request and in Deputy Secretary Perry's letter.

Mr. President, I wish to thank the chairman of the Defense Subcommittee, Senator INOUYE, for his consideration and assistance during our work on this bill. Our goal remains to provide Secretary Aspin and General Powell with the resources they need to maintain the readiness of U.S. forces, and an acceptable quality of life for our military personnel and their families.

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

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC, June 24, 1993.

Hon. DANIEL K. INOUYE,
Chairman, Subcommittee on Defense, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: With Senate passage of the FY 1993 supplemental bill, we in the Department of Defense now look forward to an expeditious and successful conference result.

In that regard, I want to stress that the supplemental covers only some of the FY

1993 funding requirements that have emerged in recent months. Attached is a list of those requirements, the first four being the major ones partially financed by the supplemental. As can be seen, many of these are related to the force reductions and new contingencies of this post-Cold War era, which could not have been predicted accurately. For example, more people than expected took advantage of separation incentives (VSI/SSB), as we have accelerated the manpower drawdown.

Failure to fund increased FY 1993 requirements will cause major and wholly avoidable damage to the readiness, quality, and morale of America's armed forces. The greatest burden will fall on O&M accounts, where shortfalls will mandate drastic cutbacks in training, flying hours, and other essentials for readiness. Starving O&M accounts is precisely what propelled the descent to a "hollow" force posture in the late 1970s. And budget shortfalls now would hit just when U.S. forces are especially vulnerable because of the steep defense reductions made over the past several years and the turmoil of our ongoing drawdown.

With respect to how the conference resolves the funding issue, the Department identified its preferred offsets in its earlier Somalia reprogramming request. Those sources reflect spending that we could forego with least likely damage to U.S. forces. The Administration supports the defense increases contained in both the House and Senate bills, which recognize the reality of our defense problems. Legislative action is urgently required to ease some of those problems. At the same time, the Administration recognizes the need to work toward offsetting as much of these costs as possible without doing damage to critical defense programs. We in the Administration look forward to working with the committees to address this funding issue.

America will continue to spend many billions of dollars less on defense than we envisioned just a few years ago. But we must draw down at a pace and in a manner that does not devastate America's armed forces.

The very operations that constitute much of our FY 1993 unfunded requirements are testimony to the reality that our nation will continue to need top quality military forces, even as the size of the force is reduced. Therefore, it remains critical that the Congress and Department of Defense work together to fund the requirements for preserving such forces.

I look forward to working with you and your colleagues to reach a conference result on the FY 1993 supplemental that meets our urgent requirements.

Sincerely,

WILLIAM J. PERRY.

Attachment.

The following table identifies the unbudgeted costs being incurred in fiscal year 1993 in the operating accounts:

Somalia	820
Southern Watch	183
Medical shortfall	295
Storm damage at Camp Pendleton/Bayonne, NJ	79
Other contingency operations	98
Military and civilian separation incentives	392
European drawdown/equipment repair	285
Unemployment compensation/health benefits	54
Depot level reparables and subsistence costs	153
Humanitarian assistance	31
Army transportation costs	77
POW/MIA expansion	11
Army and Navy inactivation and repair	103
Other emergent requirements	55
Total	2,533

Mr. INOUYE. Mr. President, I rise today to address matters under the jurisdiction of the Defense Subcommittee in the conference agreement on H.R. 2118, the fiscal year 1993 Supplemental Appropriations Act.

The conferees agreed to provide $1.299 billion for Defense programs. These funds are to cover costs of peacekeeping in Somalia and Southern Iraq, cleanup flood damage at military bases in southern California, provide additional Kurdish assistance, and cover a shortfall in Defense health program funding.

To offset these costs, the conferees agreed to rescind funds identified by the Defense Department to cover the costs of peacekeeping in Somalia as well as additional funds recommended by the Congress. The total rescissions included in the conference report are $973.5 million. My colleagues should understand that the Defense Department only offered $750 million in offsets. DOD did not provide offsets to pay for nearly $300 million in health care costs nor $100 million for Southern Watch operations. The conference agreement was unable to identify acceptable offsets for Defense health and for $26 million of Southern Watch costs. The committee considered increasing funds for international peacekeeping, but took no action on this issue.

In other matters, the conferees agreed to increase DOD transfer authority by $500 million. The DOD has identified a shortfall in critical readiness funds of $3.2 billion. Of this amount, the supplemental provides $1.2 billion. DOD will need to reprogram for the remaining $2 billion in additional costs. The increase in transfer authority will provide for a total of $2 billion in transfer authority to allow DOD to address its critical Defense readiness needs.

Mr. President, the conference agreement worked out is an acceptable compromise between the two bodies. It will solve some critical shortfalls in DOD today and provide sufficient flexibility for DOD to cover its additional costs. I recommend its adoption.

Mr. McCAIN. Mr. President, I wanted to once again state my strong support for the provisions of H.R. 2118, the fiscal year 1993 Supplemental Appropriations Act, that relate to the issue of indemnification for purchasers of closed military facilities from hazardous waste liability. This is a very important issue to me and I am pleased that Congress has acted to resolve this matter.

Previously, I spoke on this issue upon Senate passage of the Appropriations Act. At that time, I intended to include copies of correspondence between myself and Department of Defense on this issue and letters of support for this provision from the National Association of Counties, the National Association of Installation Developers and the National League of Cities. Inadvertently, these letters were not included in the CONGRESSIONAL RECORD. I ask that they be printed at this point in the CONGRESSIONAL RECORD.

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

U.S. SENATE,
Washington, DC, November 5, 1992.

Hon. RICHARD B. CHENEY,
Secretary of Defense, The Pentagon, Washington, DC.

DEAR DICK: As you know, I have been intensely interested in ensuring that receivers of closed base property are protected and indemnified against fines, actions or judgments arising from pollution caused by defense activities.

Both the Defense Appropriations bill (PL 102-396) and the Defense Reauthorization Act (PL 102-484) contain indemnification language. I would like to obtain confirmation from the Defense Department that (PL 102-484) will be the effective statute since it was enacted subsequent to the Appropriations bill.

It's important that the Department confirm the effective statute because PL 102-484 extends more significant protection to receivers of closed base property than the alternative.

Thanks for your attention to this matter. With warmest regards and deep appreciation, I remain

Sincerely,

JOHN MCCAIN,
U.S. Senator.

ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, February 3, 1993.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: This is in reply to your letter of November 5, 1992, to Secretary Cheney, requesting confirmation that the Department will apply those provisions of the 1993 Authorization Act, as opposed to those of the 1993 Appropriations Act, which require the Department to indemnify certain transferees of DoD real property.

We share your concern about the proper application of these two Acts, and assure you that the indemnification directed by the Authorization Act will be factored into the Department's program to transfer real property when installations are closed. The Appropriations Act provisions, however, will also have to be made part of the Department's real property disposal process because a transfer could trigger the provisions in both Acts.

While it is impossible to describe the precise operation of these provisions at this point, the Department intends to read each reasonably and, where possible, apply both to a proposed transaction. This approach is the only one available to the Department that not only gives full expression to Congressional enactments but also protects the Federal treasury against unanticipated risks.

Quite frankly, the Department did not support either Act, largely because of the dramatic impact both may have on the Department's liability. The Department does not

hesitate to shoulder its responsibility for cleaning up contamination. However, both Acts appear to go much further, perhaps effectively eliminating such legitimate limitations on the Department's liability as defenses under the Tort Claims Act and other defenses. This wholesale shift of all risks to the Department may, unfortunately, delay the transfer of base closure properties until the Department can adequately assess its risks with regard to those properties.

Sincerely,

DAVID J. BERTEAU,
Principal Deputy.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, May 13, 1993.

Hon. LES ASPIN,
Secretary of Defense, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: The potential environmental liabilities associated with property transfers and interim reuse of military installations scheduled for closures, continue to be an unresolved problem. States, local communities and other transferees are concerned that they may be held responsible for long-term environmental liabilities.

The FY 1993 Authorization Act (PL 102-484) resolved this problem through a provision that required DOD to indemnify transferees from environmental liabilities. The FY 1993 Appropriations Act (PL 102-396) included a similar but conflicting provision. Since PL 102-484, the Authorization Act, was signed last, we assumed the Department of Defense would follow the latter Act. Senator McCain wrote you a letter on this issue in November 1992.

Your Department answered in February 1993. You stated you were trying to comply with both Acts, knowing they were in conflict. You also stated that the Department was against the provisions in both Acts. Thus, the conflict actually favored provisions in both Acts. Thus, the conflict actually favored the Department's opposition to the provisions.

Now, it is approaching eight months, with little action on resolving the issue. The DOD could have chosen the latter Act, notified the Congress, and proceeded with the transfers. Instead the Department chose to slow the transfer process by reviewing all transfers at the Secretary of Defense level and exploring alternatives that avoid the intent of both provisions.

As we approach another season of budget and legislation activity, we request the DOD prepare recommended corrective language and present it to the responsible Committees. We favor legislation that would simply rescind the Appropriations provision. The first legislative vehicle could be the FY 1993 DOD Supplemental. If not, the next possibility will be the authorization bills. We urge you to prepare your input in a timely fashion.

Thanks for your attention to this matter.

Sincerely,

JOHN GLENN,
Chairman, Subcommittee on Military Readiness and Defense Infrastructure.

JOHN MCCAIN,
Ranking Minority Member, Subcommittee on Military Readiness and Defense Infrastructure.

NATIONAL ASSOCIATION
OF INSTALLATION DEVELOPERS,
Washington, DC.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: The National Association of Installation Developers represents nearly 150 community activities—such as the Williams Redevelopment Partnership—involved in the civilian reuse and conversion of former military bases.

Following the 1988 and 1991 base closures, the impacted local communities were assured that the closures would be handled with sensitivity by the military departments and that early civilian reuse and recovery would be encouraged by DoD. Within the next two weeks, another new round of closure candidates will be announced by the Base Closure & Realignment Commission.

As a result of the 1993 Defense Appropriations Bill, DoD has required that every interim use lease to communities be approved personally by the Deputy Secretary of Defense, thereby grinding to a halt the interim use of new civilian job potential at the bases scheduled for closure. DoD evidently does not object to the 1993 Defense Authorization Bill which imposed a similar environmental indemnification requirement on Defense. The difference in the two bills is that the Appropriations Bill language requires DoD to indemnity environmental damage caused by community lessees. Any such possible lessee damage should logically be a community responsibility.

The National Association of Installation Developers encouraged the enactment of the Defense Authorization Bill, and we were later surprised at the enactment of the more restrictive Appropriations Bill. At this point, NAID believes the national interest and the interest of the Defense impacted communities in attracting new civilian jobs would be served by eliminating the 1993 Appropriations Bill language entirely.

NAID therefore applauds your efforts to set aside the 1993 Appropriation Bill language at the earliest opportunity.

Sincerely,

WILLIAM LAUBERNDS,
President.

NATIONAL LEAGUE OF CITIES,
Washington, DC, June 16, 1993.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the National League of Cities and the 16,000 cities and towns across the nation we represent, we would like to express our support for your amendment protecting local governments from liability for environmental degradation caused by past Department of Defense activities.

If we are to make a successful transition to a peace time economy and accomplish effective demobilization of a significant portion of our defense establishment, it is essential for the indemnification provision in last year's defense reauthorization bill to be retained and expanded to cover all such converted facilities.

Thank you for your leadership on this critical issue. We urge the Senate to support your efforts.

Sincerely,

DONALD M. FRASER,
President, Mayor of Minneapolis.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, June 11, 1993.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of counties nationwide that are struggling to adjust to military base closures, the National Association of Counties (NACo) applauds your efforts to protect local governments and private citizens from liability for environmental harm caused by the Department of Defense (DOD).

When the first base closure law was passed by Congress in 1988, it was accompanied by a lot of rhetoric about how conversion to civilian uses would create new economic opportunities for defense-dependent communities. Five years later, however, the number of successful conversions can be counted on one hand, and most communities still do not have conversion plans in place.

One of the greatest obstacles confounding base reuse is the risk of liability if environmental contamination is found on the base after transfer. Under current law, the new owner or developer of the base can be sued for damages if someone is harmed by contamination found on the site after transfer. This risk has made lenders, developers and businesses unwilling to participate in base redevelopment, and has put a chill on the reuse plans of many communities affected by the base closure of 1988 and 1991. The same problem lies in wait for communities that will be affected by the 1993 and 1995 base closure rounds.

To alleviate this problem, Congress must indemnify states, local governments, and private citizens against environmental liability stemming from DOD activities on closed military bases. There is precedent for such a move in the 1991 Defense Appropriations bill which granted indemnification to the State of New Hampshire, its local jurisdictions, and private citizens, from all liability stemming from DOD activities at Pease Air Force Base. NACo is merely asking Congress to extend the Pease language to all closing military based.

NACo strongly supports your amendment to retain the indemnification provision that is in last year's defense reauthorization bill, thereby expanding the indemnification at Pease to all closing military installations, and delete the provision that was included in the defense appropriation bill. By guaranteeing that innocent parties could not be held liable for contamination caused by the Department of Defense, your amendment would open the doors to the long-hoped for investment, redevelopment, and economic growth in base closure communities.

We urge every member of the Senate to support your amendment, not only as a matter of equity, but as one of survival.

Again, thank you for your leadership on this important issue.

Sincerely,

LARRY NAAKE,
Executive Director.

Mr. MACK. Mr. President, we want to thank the chairman on behalf of the people of Florida for your help after Hurricane Andrew. His leadership has enabled Floridians to begin to rebuild their lives, by providing assistance for rebuilding their homes, schools, and hospitals. They have lights, running water and sewer systems that work. These small, everyday conveniences that we all take for granted are now again part of people's lives in south Florida.

Mr. GRAHAM. Mr. President, the damage that occurred in the hurricane zone is in the billions. It is certainly our intention that the federal dollars sent to south Florida are used predominately to assist people in the hurricane zone. I know the people of south Florida will use the money appropriated by this Congress to rebuild these devastated areas in the hurricane zone and

to return to their normal life styles. Again, Mr. President, we wanted to express our appreciation and thank the chairman for his help and support.

Mr. BYRD. The Senators are entirely welcome. They are correct that it is our intention to have the Federal appropriations be used to assist individuals located in the devastated area.

Mr. LAUTENBERG. Mr. President, I rise to support the supplemental appropriations bill for fiscal year 1993. I am particularly pleased that the conference agreement on this bill saves the taxpayers nearly $1 billion.

As a member of the Senate Appropriations Committee, I worked hard to eliminate $1.2 billion in deficit spending for the Pentagon that was originally included in this bill. The administration did not ask for those funds. The administration said it could pay outstanding bills within existing resources. I am pleased that most of the deficit spending that was originally included in this bill has been eliminated.

The American taxpayer can breathe a sigh of relief. Finally, there is some good news. We saved them nearly $1 billion.

According to the agreement we reached last night during the conference on this bill, $973.5 million in new spending that had been provided for the Pentagon will be completely offset by cuts in low priority programs. That's $973.5 million that otherwise would have been added right to the deficit. An additional $326 million in emergency funding is included to pay for military health care and enforcement of the Iraqi no-fly zone.

I would have liked to have saved the entire $1.2 billion. But I think that in saving $973.5 million, we have taken a big step forward in breaking the business as usual atmosphere around here.

Mr. President, in the version of this bill originally approved by the House of Representatives, $1.2 billion in new defense spending was provided to pay for Somalia, enforcing the no-fly zone in Iraq, military health care, and to repair flood damage. The new defense dollars were not requested by the administration, nor were they offset by reductions in funding from the Pentagon's existing budget like other domestic programs.

Rather than adding to the deficit to pay for the costs of the Somalia operation, the Pentagon identified $750 million worth of low-priority programs in its existing budget that it determined could be reprogrammed. Instead of paying for the costs of the Somalia operation by eliminating funding for those programs, however, the House of Representatives added $750 million in new money to the Pentagon budget. It added an additional $466 million in new spending to pay for the other programs.

Like the House version, the Senate version of this supplemental provided the Pentagon with $1.2 billion to pay its bills for the Somalia operation, enforcing the no-fly zone in Iraq, military health care, and to repair flood damage. However, by a vote of 95–0, the Senate voted to completely offset the funds by eliminating $1.2 billion out of the Pentagon's existing budget so the taxpayers would not have to spend an additional dime. The Senate provided $750 million to pay for Somalia. But we eliminated $750 million worth of other programs the Pentagon had indicated were not necessary. We provided funds to pay for enforcing the Iraqi no-fly zone, health care for the military, and flood damage. But we eliminated $200 million in military personnel funds that the Pentagon could not spend as well as $300 million in classified programs to offset those bills.

During Senate consideration of this bill, Senator BYRD and I introduced the amendment to completely offset the $1.2 billion along with Senators SASSER, HATFIELD, INOUYE, STEVENS, BROWN, EXON, KOHL, GRASSLEY, FEINGOLD, GREGG, BUMPERS, and WOFFORD. Our effort to eliminate the $1.2 billion in deficit spending was endorsed by the National Taxpayers Union and the Citizens Against Government Waste.

Our amendment put spending for the Defense Department on equal footing with spending for domestic discretionary programs. All domestic discretionary outlays in the Senate version of the bill were offset. Our amendment made that true for defense spending as well.

Mr. President, I am pleased with the fiscally responsible position we have taken in the final version of this bill. We've come a long way from throwing $1.2 billion at the deficit.

The American people are tired of Congress throwing their money away. We owed it to the American taxpayer to be fiscally responsible and not add to the deficit particularly when, in this instance at least, the Pentagon identified available funds to pay its bills. Congress must scrutinize every spending bill to get the deficit under control. The action we have taken in this bill to save the American taxpayers nearly $1 billion is a good start.

The American people have sent the Congress a message: cut before we spend, and choose priorities. I'm pleased that we have heeded that call and offset the lions share of the money in the bill by rescinding funds from the Pentagon's existing budget.

We've showed some restraint and demonstrated that we are capable of putting the American taxpayers credit card back in its wallet. We should do it more often.

PROVIDING FOR THE ADJOURNMENT OF THE HOUSE AND ADJOURNMENT OR RECESS OF THE SENATE

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 115, the adjournment resolution, now at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 115) providing for the adjournment of the House from the legislative day of Thursday, July 1, 1993 to Tuesday, July 13, 1993, and an adjournment or recess of the Senate from Thursday, July 1, 1993 or Friday, July 2, 1993 until Tuesday, July 13, 1993.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The concurrent resolution is considered and agreed to.

So the concurrent resolution (H. Con. Res. 115) was deemed agreed to, as follows:

H. CON. RES. 115

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, July 1, 1993, it stand adjourned until noon on Tuesday, July 13, 1993, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, July 1, 1993, or Friday, July 2, 1993, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until noon, or until such time as may be specified by the majority leader or his designee in the motion to recess or adjourn, on Tuesday, July 13, 1993, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the majority leader of the Senate, acting jointly after consultation with the minority leader of the House and the minority leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Mr. MITCHELL. I move to reconsider the vote by which the concurrent resolution was agreed to.

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

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, and Members of the Senate, there will be no further rollcall votes this evening. The Senate will not be in session tomorrow, as the Independence Day recess will commence at the close of business today.

The Senate will return to session on Tuesday, July 13. There will be a vote on that day, and I will announce later this evening at what time on that day the vote will occur.

So there will be no further votes until Tuesday, July 13. I will announce the precise time of that vote before the Senate concludes its business this evening.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

DISASTER IN THE MIDWEST

Mr. HARKIN. Mr. President, Secretary of Agriculture Mike Espy visited Iowa, Wisconsin, Minnesota, and South Dakota yesterday to see the disasters caused by excess rain and flooding, and met with the President earlier today. Because of President Clinton's great interest in this matter and because of the report that Secretary Espy made to him, the President decided today that he will visit Iowa himself.

This Sunday afternoon, President Clinton will be landing in Moline, IL, driving across the bridge, if it is still there—we hope it is still there—into Davenport to view the tremendous amount of flooding that has taken place in the Quad Cities area. From there he will go to the farm of Don and Elaine Schneckloth in Eldridge, IA, to see what the effects of the unceasing rains have been on our crops in Iowa.

I want to thank the President for his immediate response to the terrible tragedy that is unfolding in the Midwest, and for his great concern. The President announced earlier today he would be working with us to get some legislation prepared to respond to this tragedy in the Midwest.

If a hurricane were to hit, as Hurricane Andrew hit Florida, the devastation it wreaks, since it hits one time, is readily seen by people; they see the damage it has done and we respond as a great nation ought to respond. The tragedy unfolding in the Midwest is like a big hurricane only it did not hit in 1 day, it has hit over several months. We have had more rain in Iowa in the last 8 months than we have had in that period in any of the past 121 years.

So if we think about it in those terms, it is like Hurricane Andrew just hit the Midwest but it did not hit it in 1 day. It was over a 4- or 5-month period of time. Then you get some idea of the dimensions of the tragedy we are facing in Iowa and other States in the upper Midwest.

So I look forward to working with the administration to shape some legislation to make sure we get the kind of help and assistance that farmers, homeowners, and small business people need in Iowa, just the same as we did for the victims of Hurricane Andrew that hit Florida a year or so ago.

Mr. President, I do not mean to, or want to, in any way get in the last word on this issue of politics. I was hoping the final chapter would have been closed regarding the remarks earlier by the minority leader charging that this was a political trip by the Secretary of Agriculture. But I feel constrained to respond to a colloquy that took place here on floor between the minority leader and the senior Senator from South Dakota.

The senior Senator from South Dakota said that he was not invited on the trip. I think the people who are listening ought to pay attention to the choice of words: Invited. No one was invited, Mr. President. We were informed of where the Secretary would be and when he would be there, but not invited. I was not invited, but that did not bother me any. I did not think somebody had to hold my hand and tell me what I had to do and sort of lead me along.

When I contacted the Secretary's office today, the Secretary informed me that every Senator from the affected States and the Congressmen from those affected districts were informed and notified. I read it in the paper. The first time I heard about it, I read it in the paper. But I did not sit back and wait for the invitation. I had my staff call the Secretary on the phone to find out where they were going to be and when they were going to be there. I do know about this complaint about not being invited to go along.

Again, because of the cost consciousness of this administration, because this administration wants to cut Government spending to reduce the deficit, the Secretary of Agriculture and other Cabinet members are not flying around in big huge jets like they did under the Reagan administration and to heck with the cost.

The Secretary of Agriculture took out a very small jet and, as he informed me, there was not room on that plane for every Senator and Congressman from those affected areas. And yet, if you invited people, where do you draw the line? Do you just have Senators but no Congressman? Do you just have one from this State, none from another State?

So the fact that they were considerate enough of the taxpayers' dollars that they took a very small plane out rather than one of these big Air Force jets, I think, speaks a lot about the attitude of this administration in cutting the cost to the taxpayers.

So again, Mr. President, I was on the plane that went out to Iowa. I was not invited to be on the plane. In fact, I was going to take a commercial flight out, but I was on the Appropriations Committee locked in a conference committee until almost 9 o'clock Tuesday night. When I saw that I could not take the last commercial flight to Iowa, I had my staff get hold of the Secretary's office and told them, "I cannot be there unless I go out on your plane." They said, "OK, be at Andrews Air Force Base at 7:30, 7:45 to go out, but we probably will not have a seat for you to come back." I came back commercially.

I guess what I am saying, Mr. President, is I was not invited and no one had to hold my hand, but my farmers were hurting and I wanted to be there. I wanted to be there along with my Governor, who is a Republican, and others to show that this was bipartisan, nonpartisan and that we wanted to do everything we could to make sure we responded to the tragedy that was hitting those farmers.

I think it is a bit disingenuous for any Senator to take this floor and say somehow it was political because he was not invited to go along. The facts speak for themselves. I hope this puts an end to it. I hope we can put the injection of partisanship into this disaster behind us. Let us work together to respond to the tragedy that is unfolding in the upper Midwest.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

URGING SYRIAN WITHDRAWAL FROM LEBANON

Mr. RIEGLE. Mr. President, I am now going to call up my resolution with respect to Lebanon. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 111, Senate Concurrent Resolution 28, to express the sense of Congress regarding the Taif Agreement and urging Syrian withdrawal from Lebanon; that the concurrent resolution be agreed to; that the motion to reconsider be laid upon the table; that the preamble be agreed to; and that once action is concluded on the concurrent resolution that I be recognized for up to 10 minutes to speak regarding the concurrent resolution.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 28) expressing the sense of the Congress regarding the Taif Agreement and urging Syrian withdrawal from

Lebanon, and for other purposes was considered, and agreed to as follows:

S. CON. RES. 28

Whereas the Governments of Syria and Lebanon have participated in the Middle East peace process and progress has been made in negotiations;

Whereas Syria continues to exert undue influence upon the Government of Lebanon, maintaining between thirty-five thousand and forty thousand soldiers in Lebanon;

Whereas in Senate Concurrent Resolution 129 and House Concurrent Resolution 339 of the One Hundred Second Congress, Congress called upon Syria to withdraw its armed forces to the gateway of the Bekaa Valley by September 1992 in accordance with the Taif Agreement of 1989, as a prelude to complete withdrawal from Lebanon;

Whereas Syria has pledged publicly and privately to abide by the Taif Agreement;

Whereas the Taif Agreement requires that two years after specific Lebanese political conditions are reached, Syria and Lebanon are to decide on the redeployment of Syrian troops to the gateway of the Bekaa Valley, with actual redeployment occurring shortly thereafter;

Whereas Syria has not begun withdrawing its armed forces to the gateway of the Bekaa Valley despite the fact that more than two years have passed since Lebanon met the political conditions listed in the Taif Agreement;

Whereas Syria's pledge to uphold the Taif Agreement requires it to oppose any action which threatens Lebanese security, independence, or sovereignty;

Whereas there is evidence that armed groups continue to operate in Lebanon with the acquiescence of the Syrian Government;

Whereas the success of the Taif Agreement depends upon the withdrawal of Syrian armed forces to the gateway of the Bekaa Valley without further delay and the disarmament of all armed militias in Lebanon;

Whereas the Government of Syria is currently prohibited by law from receiving United States Government assistance;

Whereas in Senate Concurrent Resolution 129 and House Concurrent Resolution 339 of the One Hundred Second Congress, the Congress urged the Government of Lebanon to hold elections if they can be free and fair, conducted after Syrian withdrawal and without outside interference, and witnessed by international observers;

Whereas truly free and fair elections in Lebanon are not possible in areas of foreign military control;

Whereas the Lebanese elections of September 1992 were held before the withdrawal of foreign armed forces;

Whereas international observer units were not present to monitor the Lebanese elections;

Whereas according to the State Department, there were widespread reports of electoral irregularities; and

Whereas more than half of the Lebanese people refrained from participating in or boycotted the Lebanese elections: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) commends the Governments of Syria and Lebanon for their participation in the Middle East peace process and encourages their continued cooperation in efforts to reach a broad settlement of ongoing regional conflicts and disputes;

(2) expresses its support for the sovereignty, political independence, and territorial integrity of Lebanon;

(3) considers the Government of Syria in violation of the Taif Agreement because it had not decided, in coordination with the Government of Lebanon, to withdraw its armed forces to the gateway of the Bekaa Valley by September 1992, with actual withdrawal to that point following shortly thereafter;

(4) strongly urges Syria to withdraw its armed forces to the gateway of the Bekaa Valley without further delay;

(5) calls upon the Governments of Syria and Lebanon to immediately agree upon a firm timetable for the complete withdrawal of Syrian armed forces, including military, paramilitary, and security services, from Lebanon;

(6) calls upon the President to consider withholding any potential future United States assistance to the government of Syria, until Syria withdraws its armed forces to the gateway of the Bekaa Valley;

(7) urges the Secretary of the Treasury to consider directing the United States executive directors of all international financial institutions, such as the International Monetary Fund and the International Bank for Reconstruction and Development, to vote against all potential future loans or assistance to Syria until Syria withdraws its armed forces to the gateway of the Bekaa Valley;

(8) reaffirms the continued applicability of all prohibitions, restrictions, limitations, and directives that would otherwise apply to Syria;

(9) calls upon the Government of Syria to increase its cooperation with the Government of Lebanon in efforts to disarm nongovernmental armed groups and militias located in Lebanon, especially Hizbollah, in southern Lebanon;

(10) urges the President to consider methods of revitalizing the Taif Agreement and to encourage the negotiation of a firm, negotiated timetable for complete withdrawal of Syrian armed forces from Lebanon, in order to facilitate the restoration of Lebanon's sovereignty, political independence, and territorial integrity; and

(11) concurs with the Department of State that the results of the Lebanese elections do not reflect the full spectrum of the body politic of Lebanon.

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

I ask unanimous consent as well to list as cosponsors, additional cosponsors, Senators HEFLIN, DURENBERGER, LUGAR, and GRAHAM of Florida.

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

Mr. RIEGLE. Mr. President, let me further note at the outset that our cosponsor list includes the majority leader, Senator MITCHELL; the minority leader, Senator DOLE; the chairman of the Foreign Relations Committee, Senator PELL; the ranking Republican member, Senator HELMS; as well as Senator MOYNIHAN, Senator BROWN, Senator WALLOP, Senator LEVIN, Senator SHELBY, Senator DURENBERGER, Senator HEFLIN, Senator LUGAR, and Senator GRAHAM of Florida.

I express my appreciation to all those cosponsors.

Mr. President, let me now also indicate, as that list of cosponsors would suggest, that this matter has been cleared on the Republican side. I would now like to make a summary statement with regard to the resolution that we have just passed here.

Mr. President, while Lebanon may seem calm today much of that war-torn country is occupied by some 35,000 to 40,000 Syrian troops. Until these troops are removed Lebanon will never be able to fully assert its political independence or even safeguard its territorial integrity.

The Taif Agreement of 1989 which Syria is a party to, included a requirement that Syria decide how to withdraw troops from Lebanon by September 1992. Regrettably, that date is past and the Syrian decision on withdrawal has never occurred, and it is time to resolve this issue without further delay on the part of the Syrians.

Last month, I submitted this resolution calling upon Syria and Lebanon to agree upon a firm timetable for the complete withdrawal of Syrian Armed Forces from Lebanon.

Since September 1992, the State Department has consistently urged Syria to honor its pledge to abide by Taif and to begin the withdrawal of its troops. I applaud Secretary of State Warren Christopher for adopting this position, and I encourage him in the strongest terms to continue to press Syria to remove its armed forces. Nevertheless, more than 9 months have passed since Syria was to reach this decision on withdrawal. I believe the time has come for Congress to express its profound displeasure at Syria's failure to comply with Taif.

Finally, I would like to express my concern about elections which took place last September in Lebanon. With more than 35,000 Syrian occupiers in the country, Damascus was able to exercise a great deal of influence over the outcome of the Lebanese elections. According to the State Department "there were widespread credible reports of the Syrian Government's involvement and irregularities in the voting and counting of ballots."

As a result, the State Department concluded and this resolution concurs, that the results of the election do not reflect the full spectrum of the body politic of Lebanon.

Mr. President, while our own country has consistently supported the restoration of Lebanese democracy, it is time that the United States step up its commitment to that nation's sovereignty and political independence.

By passing this resolution today, I am very proud that the Senate is taking a stronger stand in expressing itself with a stronger statement in behalf of a free and democratic Lebanon.

At this point, I want to particularly express my gratitude to Senators MITCHELL, DOLE, MOYNIHAN, and BROWN for their efforts on a bipartisan basis in behalf of this resolution. Their cooperation and determination to put the

Senate on record in a bipartisan fashion regarding United States policy toward Lebanon greatly facilitated the submission and today's adoption of this resolution.

Mr. President, the situation on the ground in Lebanon may today seem calm and orderly, especially in light of the anarchy which terrorized that country during the 1970's and 1980's. This, however, is an incorrect impression. As I stand on the floor of the United States Senate today, much of Lebanon is occupied by between 35,000 and 40,000 Syrian troops. Until those troops are removed, Lebanon will never again be able to exert its political independence or safeguard its territorial integrity.

In September and October 1989, members of the Lebanese Parliament met in Taif, Saudi Arabia, to reconstruct their shattered nation. The Taif Agreement of 1989, which forms the basis of a reunited Lebanon, was designed, in part, to begin the process of removing Syrian troops from Lebanon. According to the State Department, Syria has pledged publicly and privately to abide by the Taif Agreement.

Under Taif, 2 years after certain political conditions were met in Lebanon, Syria would decide upon the withdrawal of its armed forces to the gateway of the Bekaa Valley, a specific location specified in that instrument. Those conditions—ratification of a national accord document, the election of a president of the republic, the formation of a national accord government, and the confirmation of political reforms in the constitution—were met in September 1990—starting the 2-year Taif clock ticking. The 2-year clock ran out in September 1992, but the Syrian decision on withdrawal never occurred.

Last month, I introduced a resolution (S. Con. Res. 28), which expresses the grave concern of the Senate concerning this matter. This resolution specifically states that the Congress considers the Government of Syria in violation of Taif because it has not decided, in coordination with the Government of Lebanon, to withdraw its armed forces to the gateway of the Bekaa Valley by September 1992, with actual withdrawal to that point following shortly thereafter. I am pleased to report that, today, the Senate Foreign Relations Committee unanimously voted to support the resolution and reported it to the full Senate for consideration.

Although Taif only addresses a pullback to the gateway of the Bekaa, the political independence and territorial integrity of Lebanon will only truly be revived when Syrian troops and tanks are completely removed from that country. This resolution calls upon the governments of Syria and Lebanon to immediately agree upon a firm timetable for the complete withdrawal of Syrian Armed Forces from Lebanon.

It is true that Syria is not the only nation with armed forces in Lebanon. Israel maintains about 1,500 troops within a small security zone abutting the Israeli border in southern Lebanon. This resolution, however, does not discuss the Israeli Armed Forces which, unlike the Syrian troops, are in a defensive position. Northern Israel is under a perpetual threat of terrorist attack by Hizbollah and other radical groups in southern Lebanon. Israel, furthermore, has no territorial claim on Lebanon and has pledged to remove its small military component once security in northern Israel is ensured. Northern Israeli security would clearly be promoted by the removal of Syrian forces and the disarmament of nongovernmental armed groups and militias in Lebanon. While I hope and trust that Israeli troops will withdraw from Lebanon when conditions permit, I believe that our focus must be on Syria which continues to dominate the Lebanese political process.

Since September 1992, the State Department has consistently urged Syria to honor its pledge to abide by Taif and to begin the withdrawal of its armed forces. I applaud Secretary of State Warren Christopher for adopting this position and encourage him to continue to press Syria to remove its troops. Nevertheless, more than 9 months have passed since Syria was to reach a decision on withdrawal of its armed forces to the gateway of the Bekaa. I believe that the time has come for Congress to express its profound displeasure at Syria's failure to comply the terms of Taif.

Because Syria is one of several nations guilty of sponsoring international terrorism and committing human rights violations, it may not receive direct United States assistance and United States directors of international financial institutions must vote against all loans or credits for Syria. It is not likely that Syria will be removed from those lists of nations any time soon. Still, if Syria eventually becomes eligible for United States aid, I believe that the United States must consider the status of Syrian troops in Lebanon before providing assistance to or voting for loans for Syria.

Finally, I would like to express my concern about the conduct and result of elections which took place last September in Lebanon. Truly free and fair elections in Lebanon are not possible in areas of foreign military control. With more than 35,000 Syrian troops occupying Lebanon and controlling many of the levers of governmental power, Damascus was able to influence the outcome of Lebanese elections. Furthermore, international observer units were not present to monitor the elections. Indeed, according to the State Department, "there were * * * widespread reports of [electoral] irregularities, which might have been obviated had there been foreign observers." The State Department also notes in its annual report on human rights:

> There were credible reports of the Syrian Government's involvement in the formation of candidacy ticket alliances, as well as widespread credible reports of irregularities in the voting and counting of ballots. The electoral rolls were themselves in many instances unreliable because of the destruction of records and the use of forged identification papers.

As a result, State concluded—and this resolution concurs—that the results of the elections "do not reflect the full spectrum of the body politic of Lebanon."

Mr. President, I am pleased that this country has consistently supported the restoration of Lebanese democracy. We must, nevertheless, step up our commitment to that nation's sovereignty and political independence. While I commend the participation of Syria and Lebanon in efforts to reach peace with Israel and I encourage their continued cooperation in this regard, I believe that Lebanon must not be lost in the diplomatic shuffle. By unanimously passing this resolution today, the Senate makes a strong statement in favor of a free and democratic Lebanon.

May I inquire of the Chair? With the unanimous consent earlier on the adoption of the resolution, and now the approval of that and, therefore, the adoption of the resolution, is there a need for this Senator to ask that the vote be reconsidered, or is that an appropriate step at this time?

The PRESIDING OFFICER. It was covered by the original consent agreement.

Mr. RIEGLE. I thank the Chair for that.

Mr. President, there may be other Senators as well that will be inserting statements at this point or at another appropriate point in the RECORD regarding their support of this resolution.

I again want to thank the Senate. I thank my colleagues who have been helpful on this. This is an important statement by the Senate. I hope the citizens of Lebanon take strength from this because we are standing with them in their effort to establish their own independence, again, in the full sense.

Mr. MITCHELL. Mr. President, I rise today in support of Senate Concurrent Resolution 28. This resolution is consistent in intent and spirit with Senate Concurrent Resolution 129, which I sponsored last year and which passed the Senate on this same day in 1992. In this sense, I regret that we are compelled to consider this resolution today, because it reflects continuing frustration over the lack of progress in efforts to further the sovereignty, independence, and territorial integrity of Lebanon.

Last year the Senate took several actions through Senate Concurrent Resolution 129:

It expressed continuing support for the Taif Agreement.

It called on Syria to withdraw its Armed Forces to the gateway of the Bekaa Valley by September 1992, as required under the Taif Agreement and as a prelude to a complete withdrawal from Lebanon.

It urged immediate consideration of possible alternatives to ensuring security in Beirut following the Syrian withdrawal, including the establishment of a United Nations or other multilateral presence in Beirut.

It urged the Government of Lebanon to hold elections if they could be free and fair, conducted after the Syrian withdrawal and without outside interference.

Regrettably, the situation in Lebanon has necessitated the consideration of the resolution before the Senate today. Syrian Forces have not withdrawn to the gateway of the Bekaa Valley as required by the Taif Agreement, let alone completely departed from Lebanon. Last year's Lebanese elections were consequently conducted in the midst of the Syrian presence, causing the United States State Department to conclude that the election results "do not reflect the full spectrum of the body politic in Lebanon."

Today, 1 year after the adoption of Senate Concurrent Resolution 129, we are compelled to address the situation in Lebanon again. This resolution expresses the Senate's desire that progress be made in the implementation of the Taif Agreement. It reflects the Senate's opposition to the continuing presence of Syrian Forces in Lebanon. And, most importantly, it supports the Lebanese people in their undiminishing effort to restore true sovereignty and democracy in their country. Specifically, this resolution:

Expresses support for the sovereignty, political independence and territorial integrity of Lebanon;

Acknowledges Syria's violation of the Taif Agreement because it did not withdraw its forces to the gateway of the Bekaa Valley by September 1992;

Urges Syria to withdraw its forces to the gateway of the Bekaa Valley without delay;

Calls on Syria and Lebanon to agree on a firm timetable for the complete withdrawal of all Syrian forces from Lebanon;

Calls on Syria to cooperate with Lebanon in disarming nongovernmental armed groups and militias in Lebanon, especially Hizbollah;

Calls on President Clinton to consider withholding any potential future United States assistance to Syria, and directing the United States directors of all international lending institutions to vote against loans to Syria, until it withdraws its forces to the gateway of the Bekaa Valley; and

Urges the President to consider methods of revitalizing the Taif Agreement and to encourage the negotiation of a firm timetable for complete withdrawal of Syrian forces from Lebanon.

As an original cosponsor, I would like to commend Senator RIEGLE for his leadership in sponsoring Senate Concurrent Resolution 28. I trust that it will encourage all parties involved to cooperate in the implementation of the Taif Agreement and to work for the restoration of a truly independent and sovereign Lebanon.

FACES OF THE HEALTH CARE CRISIS: THE COST OF PREEXISTING CONDITIONS FOR RETIREES

Mr. RIEGLE. Mr. President, I want to speak on the subject of the basis of the health care crisis and the cost of preexisting conditions, health conditions, faced by our retirees in the country.

I rise today to tell the story of Doris and Dean Darling, who are two retirees from St. Helen, MI, who have no health insurance. They are currently facing over $38,000 in hospital bills for Doris' recent hospitalization after a heart attack. Doris wrote a letter to me last April telling me their story.

She is 57 years old and her husband, Dean, is 63 years old. Both have retired because serious medical conditions have made it difficult for either of them to work. Dean retired in 1984 after a disabling heart attack, and Doris stopped working after she had a heart attack in December 1992.

Until Dean retired, the Darlings had health insurance through Dean's employer, a trucking company. But Dean's company does not provide health insurance for retirees.

Doris' employer did not provide insurance for employees or for retirees. Neither Dean nor Doris are eligible for Medicare until they turn 65. Like many retirees under age 65, Dean and Doris have fallen between the cracks and are uninsured.

They have approached several insurance companies about purchasing health insurance on their own. None of these companies would offer them a health insurance policy because of their preexisting medical conditions and the history of heart disease in their families.

These are precisely the kind of people that need health insurance and yet the insurance industry says no, we are not interested in providing coverage. Thus, they were uninsured last December when Doris had her heart attack.

She was initially taken to a nearby hospital in West Branch, MI. She was stabilized in the hospital for approximately 7 hours before being transferred to Northern Michigan Hospital in Petoskey for surgery. The bill for Doris' 7-hour hospital stay in the first hospital in West Branch was over $10,000.

Doris needed angioplasty surgery to clear out two clogged arteries. She had the surgeries performed in Petoskey on two different visits to the hospital. The bill for her two angioplasty surgeries totaled over $28,000.

Doris and Dean live on a fixed income of disability insurance through Dean's former employer and Social Security payments. They do not have the resources to pay for these large hospital bills. They have been slowly paying off the $28,000 bill from Northern Michigan Hospital, but it will take a very long time. The hospital in West Branch recently sued Doris for the $10,000 outstanding bill. Doris is trying to work out a payment plan with them.

Every American, regardless of their health status, deserves to have access to affordable health insurance, and no one should be denied. Doris and Dean should not be discriminated against by insurance companies because of their preexisting medical conditions.

These are precisely the kinds of cases where medical insurance is an absolute necessity, and the protection ought to be there, and it is profoundly in the national interest that we see that it be there.

Access to affordable insurance is particularly important to retirees who are not covered by their employers upon retirement and who do not qualify for Medicare. This population deserves access to affordable health insurance to provide them with the peace of mind they should have during retirement.

This has to be one of the central accomplishments of our health care reform package. Many of us met yesterday with First Lady Hillary Rodham Clinton to discuss the issue of our health care reform package, which includes exactly the kind of coverage needs of people in the situation of the Darlings that I have just described.

So let us move on this this year. It is very important that this be enacted. This is one couple that will be helped by the kinds of reforms that are needed and that are envisioned.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed for longer than a 10-minute stretch.

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

VIETNAM

Mr. KERRY. Mr. President, today, in the New York Times, there was a story about the possibility of the President of the United States making a decision with respect to the International Monetary Fund and Vietnam.

Yesterday, there was an exchange between Senator MCCAIN, the Senator from Arizona, and Senator SMITH of New Hampshire regarding Pvt. Bob Garwood, a former private of the U.S.

Marine Corps, who was captured in Vietnam in 1965, and who was returned to this country in 1979—the last American service person to come back alive from Vietnam.

I want to talk for a moment, if I may, on two aspects of the question of Vietnam. In the course of today, I gathered that the minority leader made some comments on the floor, and again the Senator from New Hampshire did, regarding the inadvisability of proceeding forward on IMF loans. I would like to speak very strongly in favor of the President of the United States making a decision to move forward on the IMF loans. I want to just take a moment to discuss some of the comments made in opposition to this and to try to put this issue in its proper perspective.

The folks who say "do not go forward," and who say, "Mr. President, you are going to break faith with the POW families," I believe are not in fact acting in the best interest of the POW families because if one were acting in the best interest of the POW families, one would want to get as much information from the Vietnamese as rapidly as possible. To not go forward at this point in time is to invite and accelerate the possibility that in fact Vietnam may decide they have been strung along long enough by the United States, and that they, in fact, would not cooperate further.

It is my personal belief that the President keeps greater faith with the families of this country by guaranteeing that our team on the ground in Vietnam can have access in Vietnam, by guaranteeing that we will continue to have archival research access, that we will continue to have oral history access by virtue of a two-way street, a cooperative process between Vietnam and ourselves.

Another argument made frequently by those who say "do not go forward," Mr. President, is that they say we are not getting results. They say Vietnam is not cooperating. Mr. President, I respectfully disagree. Let me describe the actual record of cooperation and results.

When I made the first of some seven trips to Vietnam in the course of the last 2 years, we had no permanent office in Hanoi or in Vietnam. We had no permanent American servicemen assigned to Vietnam on a permanent basis of searching for the remains or for answers to questions about POW's. We had no archival research. We had no oral histories or interviews of major personalities within their prison system or military. We had no access to the provinces of their country and their villages for their tradition houses and museums. At that time, we had not been in their military headquarters, or many of their base camps, or other military camps around the country. We had zero access to their prison system.

We had no live-sighting follow-up. We were receiving reports of live Americans in Vietnam. We did not have the capacity to go out into the countryside and check on the live-sighting reports. Countless activist group after countless activist group came to me, and others, and said, "The Vietnamese are hiding something. They will not let us go out into the countryside and follow up in order to determine whether or not there are in fact Americans alive." That was a legitimate issue, a legitimate question, as were all of the other issues we were raising.

Mr. President, where are we today, for those who say no results? After 18 years of waiting, within the span of about a year and a half, we have been in every single tradition house and museum in their country. We now have a full-time archive in Hanoi itself, where Americans and Vietnamese are working side-by-side over documents. How many documents? We received more than 18,000 artifacts, more than 2,000 photographs, and more than 3,500 documents. Some of those documents have in fact given us the answers of what happened to individual servicemen that we still had questions about. That is a result, a concrete result.

We have now a formal program of debriefing Vietnamese leaders of the war period. In fact, when I was there a month ago with Senator MCCAIN and with Congressman PETERSON, both of whom spent more than 6 years of their lives in a cell that was no larger than the distance from me to the desk in front of me and slightly behind me, and a little wider than two desks—6 years of their lives.

These two gentlemen both found that they were able to interview the very people who held them prisoner 6 years ago. We were able to publicly debrief, depose even a general named General Quang, the author of this document that has gained such circulation in recent months, and we were able to sit with him in public and grill him in public and ask him questions about the war, about where he was, about his rank, title, about things he did, meetings of the politburo, and so forth. That was an extraordinary meeting.

In addition to that, Congressman PETE PETERSON, one of those prisoners of war, was literally able to sit there and interrogate the man who 20 years ago interrogated him. That is an extraordinary turning of the tables. And for someone to assert that people are not cooperating—when they make available their very military leaders and others who I can assure you do not come very willingly to the table for that kind of grilling, it is a remarkable statement of cooperation.

In addition to that, we now have a permanent office in Hanoi. We have over 100 Americans once again working in Hanoi, working in the countryside of Vietnam, Vietnamese and Americans, side by side, working together to excavate sites, to interrogate people, to try to find clues about missing Americans.

In fact, some of our young soldiers in America, unknown to many people in the United States, are now climbing up jungled mountainsides, spending extraordinary weeks in the jungle, exposing themselves to malaria, walking in fine lines between red flags because to walk outside of those red flags might expose them to unexploded ordnance. That is what they are doing, at a cost of $100 million a year, $1.7 million per remains, in an effort to try to keep faith with our accountability process.

Mr. President, that is a result. Moreover, we now have looked at many of these documents we have received. Those documents are telling us things about airplanes that were shot down, people who were imprisoned, people who died in prison, the location of their burial sites. And, indeed, we have found the remains of American servicemen, and families have had their agony put to rest by virtue of learning that their loved one indeed did die. And those remains have been repatriated to this country.

There have been 519 remains repatriated to the Sil Hai, to the Hawaii laboratory. Have all of them been identified? The answer is no. In some cases, those remains are too small or too few to be able to permit identification. But you cannot blame the Vietnamese for the fact that the remains are not sufficient to identify, when they have returned what remains they were able to recoup.

Between August of last year and April of this year, some 25 more remains have been returned to this country; 19 of them came from the countryside, and were the result of the excavations that took place. And, indeed, six of them were unilaterally turned over by the Vietnamese. Not one of those remains showed evidence of warehousing. That means they were not hoarded somewhere in Hanoi and later returned to us.

Now, did the Vietnamese warehouse at one point in time? Yes, they did, Mr. President. They have admitted that. Did the Vietnamese not tell us everything they could have, at one point in time? Absolutely. They withheld information for a long period of time. Let us remember that for a long period of time, we were not talking to them. Between 1975 and 1979, we did not have anything to do with them. In 1979, when they invaded Cambodia to kick the Khmer Rouge out of Cambodia, an act we should have thanked them for, we turned around and slapped an embargo on them and that has been there ever since.

The fact is, in the last 2 years, we have made more progress on resolution of POW-MIA cases than in all the 18 years preceding. I have personally been into prisons in Vietnam that we have

not been into in 20 years. I have been allowed to go randomly through the prison, opening any cell door I choose to open, and asking the prisoner in that cell to come out. And, indeed, we interrogated that prisoner, not with one of their interpreters but with our interpreter, and discerned whether or not Americans were ever held there; if they knew of any Americans being held.

I would like to see any other country come to the United States and wander through the prisons of our country and just pull people out and ask them questions the way we did. I have personally been into the so-called Pentagon of Hanoi. I have been into the bomb shelter underneath it. I have walked through there. I have been with experts that looked for graffiti or signs that somehow there might have been an American there at some point in time. Indeed, we found no evidence to indicate that whatsoever.

Mr. President, in addition to that, on live sightings, a lot of people say there are live sightings, someone saw Americans. Let me speak to that. We had some 77 priority live sighting cases. We have been out now in the countryside, and I personally have flown in a helicopter over the delta, landed on mountains, and have gone into remote areas where there was a live sighting and interrogated villagers who came flocking to the helicopter, wondering what we were doing there. They had never seen Americans and thought we were Russians. We asked them about Americans, and indeed we never came up with one single piece of evidence that any of those live sighting reports were true. Our team in Vietnam in the last 2 years has not found evidence that one of these live sighting reports was true.

Does that mean one of them might not be true in the future? No, it does not. Does that mean there might not be some evidence there that might not be true? No, it does not. But I will tell you something. You are not going to find out unless the Vietnamese let you travel there. You are not going to find out unless the Vietnamese let you talk to their people. And if they start to get fed up with this process because we are not reciprocating, then you can end your process.

Now, Mr. President, we have looked at every single live sighting report. That is a priority, and I am told by the team in Vietnam that they have no active live sighting report in front of them.

But what else should we judge? Let me offer this.

On the most recent trip to Vietnam with Senator MCCAIN and Congressman PETERSON and others, we met with 11 out of the 14 allied Ambassadors who are in Vietnam. These are our allies. We met with the Ambassadors of Japan, France, Belgium, Sweden, Great Britain, Germany, and Australia. I mean, every one of these Ambassadors was asked: What do you think we ought to do in the region? And they said: Well, you know, if we are going to answer in our self-interest, we would say do not lift the embargo. But if you are going to act in your self-interest, you folks ought to get over here.

Then we asked them the question: What about POW's and MIA's? You have been here for 15 years? Have your Embassy personnel access to the countryside?

Answer: Yes; anywhere we want to go.

Question: In those 15 years, have you ever had a report of an American being held?

Answer: No.

Not one report has ever come into one of their Embassies of Americans being alive.

What about the nongovernmental organizations that are over there working for the last 15 years? Not one of them has had a report of an American being alive. We happened to have lunch with the Ambassador from Russia to Cambodia, in Cambodia, and totally be happenstance he dropped to me the information that in 1985, he had been the No. 2 person in the Russian Embassy in Hanoi.

I asked him: Mr. Ambassador, when you were there, did you ever have any information on American prisoners of war?

He said to me: No.

You know, that is interesting, because President Gorbachev, in response to a request from President Reagan, asked us to check with our then advisers whether there might be any Americans in Vietnam. So we sent a message out to 9,500 advisers throughout Vietnam, and I was amazed to learn there were 9,500 advisers from Russia in Vietnam.

He said: No; not one of them sent back any report whatsoever as to any American being in Vietnam.

What about results? General Vessey, who I think is an American hero and has done a remarkable job over the years of pressing this issue and helping us to move forward, General Vessey went through what we call the MIA lists, the 2,269 cases we started with a couple of years ago. He culled out of those cases the cases which most likely said to him someone might still have survived, in incidents where they might have been a prisoner; they might be alive.

They are called discrepancy cases, a case where we have a discrepancy between what we might be able to believe and what we know today. There were about 196 of them. He gave those cases to the Vietnamese and said, "These are America's priority cases. You must help us find answers about these cases."

Well, Mr. President, in the last year and a half, we have learned about the fate of more than 100 of those cases. The Vietnamese have gone with us into the countryside with teams. They have interrogated people. We have met witnesses. We have found evidence, and more than 100 of those individuals have now been determined to have died. It is what we call fate-determined.

Do we have the remains? No; in a few cases, but not in many. But we have been able, through our interagency task force, to decide to a certainty that these people died. We know they died at the time of their incident. We know where they died. We know how they died. That is a result. And families have been able to learn what happened to someone whom they loved as a consequence of that.

Does that mean the task is finished? No, it does not mean the task is finished. But it is evidence of a level of cooperative effort that has been able to move us down the road so that we can understand that we are, indeed, making progress.

Now, Mr. President, we also know that the Vietnamese gave us a list of people, in 1973, who died in captivity. Of the 29 that they said died in captivity in the northern part of Vietnam, they have returned to us all 29 remains. Of those who died in captivity in the southern part of the country, they have not returned all of their remains, but that was obviously, for those who know the country and the difficulties of the war, a much more difficult place to both survive and to maintain prisons. In fact, most of their prisons saw them sending people to the north.

Mr. President, for those veterans who say, "Well, they are still holding people alive and we want the people back who are alive," I have only this to say: We spent a year and a half. Last year, we put hundreds of people under oath. We have millions of documents that have been released to the public. We have the most open airing of this in history. And 12 U.S. Senators—Republican, Democrat, conservative, liberal, veteran, nonveteran—all signed a document saying there is no compelling evidence to suggest someone is alive today—no compelling evidence to suggest that. And yet some people say, "Get the people back who are alive."

Now, in addition to that, I might add, countless individuals, General Vessey, former Assistant Secretary of State Solomon, people privately, from Mr. Perot to others, myself, have talked with the Vietnamese on one occasion or another in the last 15–20 years and offered deals. I have personally walked in the garden with the Foreign Minister and said, "Look, there is a great deal of money to come Vietnam's way if you will return the live people."

And the answer is the same: "Senator, we would love to have the money, we would love to satisfy your demand for live people, but we just don't have anybody alive to return to you today."

Now someone will say to you, "Oh, Senator, don't believe them. They are lying to you."

OK. Suppose they are lying to me. How are you going to find out? How are you going to find out? Sit here for another 20 years at arm's distance, not talking to them, not getting into the countryside, not dealing with their people? I think that does a disservice to the families.

The best way to serve the interests of this Nation is to make sure that we are gathering all the information we can, traveling to every province that we can, and exhausting the possibilities of inquiry. And you cannot do that if it is a one-way street, Mr. President. And I urge the President of the United States to acknowledge that reality.

Make the worst assumptions. Assume they held 100 people for the last 15 years; assume they lied to them and lied to us; assume they worked them like slave labor; assume they then took them out and shot them; assume they are holding 20 of them today near the China border, how are you going to find out? Do you expect to sit there at a green table confronting them with all the cameras and say, "Where is the smoking gun document?" or "Just admit it and we will give you everything you want?"

They understand that is not going to happen and we understand that is not going to happen. It seems to me that this is a time for reality with respect to this issue.

Mr. President, I will quickly tell you, there are major national interests that we ought to be serving, which is why we ought to be moving forward.

Interest No. 1 is getting a full accounting, making sure that this process continues to move forward. And I believe the President of the United States will best serve the national interest, which is the interest of the families, the interest of keeping faith with our American soldiers, by guaranteeing that we have a process in place that can get us those answers. That is interest No. 1, and that will be served by moving forward.

Interest No. 2, Mr. President, is that there is a great risk of seeing that closed down or even slowed down as a result of our intransigence.

Now, some will say, "Well, tough. Let the Vietnamese have that."

But it is not just tough on the Vietnamese, it is tougher on the families, because the result of accepting that slowdown is that the families wait even longer before they get an answer, and I do not think that is fair.

Interest No. 3, Mr. President: The IMF is a very small giveaway compared to what still remains available to the United States in its arsenal of diplomacy. If they do not continue to cooperate, we can always stop loans, we can always join our allies to cast opprobrium on their unwillingness to cooperate. We have plenty of other levers, ranging from credits to outright loans to the business fees under the embargo to the most favored nation status, to a host of other things, ranging all the way up to normalization. And we should understand that.

Next national interest, big national interest: China.

We are so focused on the former Soviet Union and Eastern Europe that we are really not focused on the real power emerging in the world. It is China. China, which now has underwater cables running from the mainland over to the Spratly Islands that it is grabbing from Vietnam; the China that has enlarged its airport in the Spratly Islands; the China that is coming online with an aircraft carrier around the South Sea; the China that is not cooperating with us on proliferation; the China that abuses human rights far worse than the country of Vietnam.

We have major interests with respect to China, and I suggest it is long since time that we ought to be acting on those interests in the region, acting in our interest. There are 58,000 names on The Wall because they fought for democracy and pluralism in Vietnam. And people are on the other memorials of this country, ranging from Iwo Jima to World War I, because they fought in the Pacific understanding exactly what is at stake in that region.

We keep faith far more with those who fought with us, who are in Vietnam today, the former ARVN, the people who really loved us, and those people would be better served by the United States moving forward in the region.

Mr. President, I could even suggest that if we were to negotiate a new security arrangement in the region, you could not long from now see the United States sharing access with other countries in the deep water port of Cam Rahn Bay and indeed we would be far more strengthened in that region as a consequence of that policy.

In addition to that interest, Mr. President, there is the, I think, important economic interests, but those are last. They are last. And they pale beside the first interests of guaranteeing we get the accountability for our POW's.

Now, Mr. President, I must tell you that I was amazed to be in Vietnam with Senator MCCAIN and Congressman PETERSON, because there are no two people who better understand or have reason to be angry at the treatment Americans received in Vietnam.

Senator JOHN MCCAIN was tortured, had his arms broken again after he had them broken when he exited his airplane, lived in solitary confinement. His family never knew that he was going to come home at all. They did not know he was captured, for a long period of time. He refused to come home when he was offered early release as a public relations ploy, because he was not senior. And he would not go until the wounded and the senior had come back. That is the measure of his service. And this man says, in 1993, it is time to move forward.

Congressman PETERSON, likewise a prisoner for that period of time: It is time to move forward.

If these men can find it in their hearts to overcome the possibility of hatred and the possibility of vengeance, and to understand the real national interests of the country, then I will tell you, the rest of this country ought to be able to find it.

It never ceases to amaze me how some who never served in Vietnam, who never understood the pain of that period, are the first to stand up and suggest we ought to continue a policy that in fact will backfire against the very interests they assert we should continue it in.

Mr. President, I will close. There is more to say on that. But let me go to the issue of Mr. Robert Garwood.

Robert Garwood is a controversial and questionable figure in all of this. I know he is returning to Vietnam, and has every right to do that. Though I would correct the record. He was not invited specifically by the Vietnamese. There was a generic "anybody who wants to come back and look can come back and look." But the Vietnamese never turned to Robert Garwood and said, "Hey, come on back and look." They have accepted the concept of his coming back and visiting.

Bob Garwood disappeared in a Jeep in 1965 and he was captured, though there is some question about the circumstances of that. He then turned up again in prison camp a few months later, where he was always treated differently from the rest of the prisoners. He was always treated differently. He learned the language very rapidly. But he was convicted of striking another prisoner and of collaborating with the enemy through the testimony of other prisoners of war.

Other prisoners of war talked of what Bob Garwood did: Standing up in front of our troops with a megaphone and telling them to come on over to the Vietnamese side; carrying a gun against some of our people, though he asserts it was not loaded. Well, I am not sure our people knew that. He was always treated differently. In fact, he was a member of the Communist Party, a member and officer in their Army, and sought to become a member formally, in Hanoi, of the party.

I can go on at great length about Bob Garwood. I do not think everything that happened to Bob Garwood, when he returned, was as it should have been. But I do believe if you look at the record and deal with reality here you cannot help but conclude, not necessarily what the absolute truth is of

what Bob Garwood says, but you can sure as heck know that this is a man who is not credible. Nothing that he says today can shed light on this process.

Why do I say that? Because he has been all over the place; inconsistencies from day 1. There is no truth with Bob Garwood, although if there is I suggest it is in the facts that I have set forth.

In March 1979, when he first returned to the United States from Vietnam, Garwood was interviewed by Marine and Naval intelligence officers at the United States Medical Research Center in Great Lakes, IL, who were seeking information on possible American POW's still in Vietnam. The written intelligence debrief of that interview describes the unusual precautions taken during that debrief to protect Garwood's rights:

Based on the sensitivity of the particular case, both civilian and military counsels requested that the debrief be conducted under certain conditions. In order to insure the rights of PRC Garwood, counsels requested that the debriefer refrain from discussing specific issues or subjects which would place Garwood in specified areas and times, dates and places. Additionally, at the request of counsel, the session would be recorded and a copy provided to both parties.

In fact, Jack Garwood, Robert Garwood's father, was present during the debriefing, so the situation was not one in which Garwood was being secretly debriefed by Government investigators without having his own lawyer and his own father present. To the contrary, Garwood's rights in this matter were being scrupulously protected.

Concerning the substance of Garwood's statements in the debrief, the intelligence officers noted:

Only generalized casualty resolution information was received with no specific identifies furnished. Garwood, according to discussions with and hearsay by local Vietnamese opines that there may be secreted camp areas where persons may be detained. These areas could hold both Americans and other third state nationals. Specific camp locations were not provided but general areas were indicated on maps provided. Garwood states that he has not seen these areas.

Concerning the specific information Garwood provided the Navy concerning alleged Vietnamese detention camps of Americans maintained after homecoming, the intelligence officers noted:

During the period 1975 through 1977, Garwood had heard rumors that two or three detention camps for Americans were located in the northwestern and northeastern quadrant of [Vietnam]. These camps were located approximately 50 to 100 km from the [Vietnam/China] border. * * * He stated that the only personnel he has personally witnessed as detainees in [Vietnam] were Third Country Nationals.

Thus, the substance of Garwood's allegations were that he heard about the existence of camps. He did not see them. He never saw a live American POW after homecoming, only nationals of unspecified other countries. This is evident from the opening statements he made in the March 29, 1979, debriefing. At the very start of the debriefing, Garwood's own lawyer, a man named Demot Foley, asked the first question.

FOLEY: Pardon me, if I may, could I say that the first question is: Do you know of your own knowledge of any American now alive in Vietnam? Not what you heard from other people, but your own knowledge?

GARWOOD: No.

FOLEY: No. Do you, have you seen any living Americans in North Vietnam since the time that you were brought to North Vietnam from South Vietnam in 1969 or 1970?

GARWOOD: No.

FOLEY: OK. Have you any information that would or do you know of any reason for suspecting or believe that there might be any living Americans in North Vietnam?

GARWOOD: I do.

FOLEY: Can you in a general way describe what that basis is? In other words, why, what have you heard, and that sort of thing. * * *

GARWOOD: Especially after 1972 a lot of Americans, POWs who were supposed to be returned, it was common, it was common, I'm speaking, common knowledge among the Vietnamese population in general that within the prison, that there are still Americans in Vietnam who have not been returned * * * if there are any Americans, which I think in my own opinion, I think there are still Americans there. Because if there are any guards * * * there must be some kind of basis that these people would have [the] opinion that they express, that they feel, that there are still Americans in Vietnam.

SHANKLIN [the Marine captain who was debriefing Garwood]: OK. In the country, when you spoke among these people with the common knowledge, did any of them say that they themselves had seen Americans?

GARWOOD: No.

SHANKLIN: OK. So they had always heard it from somebody else?

GARWOOD: That's right. * * * All these people, they expressed to me that there was still * * * There is a camp, one or two camps they don't know how many camps there are, in about in or about the locations of these camps it can't be proven, they're only hearsay. They are guesses by the people themselves. This is guesses, been inquired to but the, ya know, these people don't know, it's a country. They don't know. But anyway, there are some areas in Vietnam that even the Vietnamese people in a radius of 50 kilometers are prohibited. Strictly prohibited. * * * People suspect, possibly it possibly exists that Americans are at these places.

FOLEY (Garwood's own lawyer): People suspect it.

GARWOOD: Yea. But, it's not been proven. They have never seen any.

In other words, at the outset of his first formal interview on this subject, Garwood is stating that he has no information other than what he has heard as rumor from Vietnamese, who are guessing that there are United States POW's held at areas which are military exclusion zones.

As the interview continued, the military intelligence debriefers tried repeatedly to determine whether Garwood had any specific information beyond the guess or rumor level. Garwood repeatedly stated that he did not. For example, there is the following exchange:

SHANKLIN (the military debriefer): This is the border between the SRV, Socialist Republic of Vietnam and China. Can you distinguish the names of these towns as to where those camps are located?

GARWOOD: Suspected, suspected, okay? * * * I myself do not know where these camps are located and anything that I know is only what I've heard. * * * Amongst the indigenous population. I have not witnessed, I have never been able to go to these camps, everything I know now, what I will be saying is what I've heard from the indigenous population.

The debriefers then asked Garwood whether he could identify what a POW camp might look like, based on the information he had received from the Vietnamese.

SHANKLIN: Can you, based on the rumors that you heard of the possible camps in the northwest part of North Vietnam, would you describe for me one of those camps?

GARWOOD: That's kind of hard because I don't think the people knew. They were just guessing.

The debriefers then asked Garwood whether he had heard rumors of any camps that had been established in the former South Vietnam, housing United States POW's.

GARWOOD: No. I never heard that. The camps but not American camps, only Vietnamese.

The debriefers then asked Garwood whether he knew of any camps where non-Americans were detained.

GARWOOD: I can eyewitness, eyewitness of foreign but not Vietnamese nationality, not Vietnamese citizenship, not American, but * * * they're in same camp I was for this reason I cannot disclose the names of these people.

SHANKLIN: Can you disclose the nationalities? Or would that compromise it?

GARWOOD: If I disclose nationality, it would also be dangerous.

This debriefing of Garwood terminated shortly afterward, at the request of Garwood's personal attorneys. But less than a week later, Garwood was again interviewed at Great Lakes Naval Hospital, in a rather gentle questioning by two Congressmen, Lester Wolff and BENJAMIN GILMAN.

As Congressman Wolff said at the outset of the interview:

We're here really only to ask for your help * * * there are a great number of families who still have no information on their next-of-kin * * * and that's the reason we're out here. We are not here today to make any determination as to what your own particular situation is.

As Congressman GILMAN said:

We hope you'll relax. We're here primarily to seek out as much information as we can on the MIA/POW issue, and that's what we are here for.

And as Congressman Wolff added before Garwood said a word:

We don't want to mislead he families who are still waiting word, or given them any false hopes. I think that's most important, because it would be tragic indeed if we gave people who have suffered all of these years false hopes that their people might be alive.

In response, Garwood said, in essence, that he believed Americans had

been held as an insurance policy to secure American aid, that this was generally believed by many people among the Vietnamese population. In addition, Garwood had while in Vietnam, he had had a conversation with a Vietnamese driver about a secret mission in which the driver had been told to deliver a truck in the dead of night from Haiphong Harbor to an isolated mountain area in Vietnam close to the Chinese border. According to Garwood, when the truck driver arrived with the truck, he took it to an area where there were armed guards. Based on the secrecy of the mission and the location of the delivery and the armed guards, either the driver, or Garwood—it is not clear from the interview—concluded that American POWs must have been held there.

In response to this rather vague evidence that Americans might be held, the Congressmen sought further detail from Garwood, who explained that lots of Vietnamese believed these camps existed in the north at the Chinese border. Garwood responded as follows:

No, it was never, they never saw a prison. I never heard anyone say they saw a prison actually. I think it was all guessing, it was all, you know like they knew, I don't know for some reason, instinct or something.

Later, Garwood specified that the only information he ever overhead while in Vietnam on this topic was "only gossip."

At this point, the interview stopped and Garwood went out for a walk with his lawyer. When he came back, he made statements that went somewhat beyond his earlier presentation concerning the possibility of American POW's having been held in Vietnamese prison camps after homecoming. He said that according to rumors, Americans had been brought from South Vietnam after Saigon fell and placed in a prison camp in North Vietnam, and that an American accused of being a CIA agent had escaped from the camp to Haiphong and was captured and executed. As Garwood stated:

The only one I really know about, he was accused of being a CIA agent, and he was supposed to be (inaudible). I didn't see him, but you know * * * from the guards.* * * They boasted about it, you know. And he escaped, somehow he escaped * * * he was able to escape to Haiphong * * * all the way to Haiphong before they captured him.* * * He was brought back and he was used as (inaudible).* * * Unfortunately, he was put before a firing squad.

After recounting this dramatic story, Garwood then stated:

You know it was hearsay, it was only hearsay, but that many were executed this way, especially anyone suspected of being CIA agents.

Garwood explained that he heard about the capture in 1976, after the purported CIA agent's alleged escape, and that "everyone knew about it," and he was shot in the later part of 1976, and that part was kept secret.

GARWOOD: They tried to keep it very secret but, you know the guards were too boastful, especially when they drink or something like that. And I knew the man, you know, he was gone already. This was the latter part, maybe November.

Congressman GILMAN then asked whether Garwood had ever heard the name of the alleged CIA agent who was executed by the Vietnamese following his dramatic escape.

GARWOOD: No. Only that he was American and that he was brought from the south, from Saigon after 1975.

Congressman Wolff questioned Garwood then as to whether he believed any Americans were left alive in Vietnam as of 1979. Garwood's answer: No.

Garwood was then questioned as to whether he had heard about prisoners being held in caves in Laos. He said he had heard about it from guards at the camp he was at. He then stated that he had no information about American prisoners being held in the last few years, but had "suspicions only." As Garwood told the Congressmen:

It was what you say the every day conversation. You know, friends who have friends who have friends who were talking about friends.

Shortly thereafter, the interview concluded.

At this point, Garwood had been given the full opportunity to describe any specific information he had. Instead of presenting any, he described, to use his words, "suspicions," "rumors," "hearsay," and "guessing," that Americans were being held by Vietnam.

I have suggested that in dealing with the POW issue, we need to deal with reality, not wishes, hopes, dreams, or fantasies. It is equally clear from those interviews, that with Robert Garwood, there is no evidence of live Americans having been held by Vietnam after the homecoming beyond what Garwood calls rumor, hearsay, suspicion, and guessing.

Now let's recapitulate where we are at this point. The 1979 congressional interview is relaxed. They call him Bobby. They go into great detail. They talk a lot about Vietnam for 2 hours and 15 minutes. There is not one mention that he saw U.S. POW's there. Not one mention that Garwood saw Americans after homecoming, anywhere.

It would have been easier for everyone if the story Robert Garwood told in 1979, after he came home, remained the same. But unfortunately, it did not. In late 1984, his story suddenly changed, and very substantially.

Garwood changed his story after activists who were convinced that POW's had been left behind provided him the information they had collected, the evidence they believed proved POW's had been left behind. He did so at a time when his own fortunes were very low, indeed. After his homecoming in 1979, Garwood was tried for collaborating with the enemy on the basis of the testimony of his own fellow POW's, testifying under oath. At trial, his fellow POW's had testified that he had lived separate, apart, and better than fellow prisoners, and held a gun on them. They testified that he had elected to stay in Vietnam, not been kept there against his will. In essence, they had torn apart the account he had provided upon his return.

By 1985, Garwood had been courtmartialed and stripped of rank and dignity. And the first real opportunity he had to rehabilitate himself came in 1985 when the POW activists called on him to provide the key evidence they needed to demonstrate that live American POW's had in fact been left behind. Until that time, Garwood had always said he never saw anyone left behind—could not tell where they were—only knew about rumors, suspicions, hearsay. Not even in secret did he tell his lawyers that he had such information personally.

Suddenly, in December 1984, this changes. Suddenly, in December 1984, Garwood says, oh by the way, I lied during those initial interviews. After meeting with the activists, he comes to Congress and says, that due to psychological and legal problems, he had been confused and fearful and had failed to tell the truth about information he had concerning live Americans held in captivity after 1975.

Even more dramatically, Garwood now stated in December 1984 that he had been told by the North Vietnamese before he left in 1979 that if he breathed a word about what he had seen, they would kill the remaining POW's, or possibly even track him down in the United States and kill him.

Where in the past he had repeatedly said he never saw American POW's, he now says that there were seven separate occasions when he encountered them after homecoming, beginning in October 1973, when he saw about 15 to 20 American POW's at a location in North Vietnam called Bat Bat.

In response to these new allegations, Garwood was called before Congress to testify. On June 27, 1985, he made numerous statements concerning his having witnessed Vietnam holding live Americans, totally contracting his prior statements to the contrary.

Garwood now testifies about seeing the Bat Bat United Stats POW's, whom he saw again in March 1975, planting vegetables on the banks of the Rock River. He testifies that in July 1975, at Gia Lam, he saw six American POW's unloading a truck at a ware. He testifies that in July 1977, at Yen Bay near Lake Thach Ba he saw about 30 to 32 Americans unloading off a train. To quote from Garwood's 1985 testimony:

Congressman DYMALLY: How did you know they were Americans?

GARWOOD: Sir, these were the people who were unloaded off the boxcar in the middle of

the night and their body language, American English, the way they were guarded, the clothes they were wearing, the total atmosphere they were prisoners and they were American, Sir; even the guards talking.

Garwood then testified that he saw an American with a bear in a room in Hanoi at 17 Ly Nam De Street in September 1977 who stuck his head out of a second floor window, and Garwood's guards told him that the American was one of many, but Garwood wouldn't be permitted to meet with them.

Garwood then testified that he saw 20 to 30 Americans in September 1977 on an island lake called Thach Ba in a prison camp, where Garwood was fixing a generator.

He then testified that in December 1978 at No. 3 Ba Duong Tranh Street he saw the same bearded American man he had previously seen in Hanoi 14 months earlier at 17 Ly Nam De Street.

At this point, Congressman BENJAMIN GILMAN—the same Congressman who had interviewed Garwood at the Great Lakes hospital 6 years earlier—asked him why he had given Congressman GILMAN a completely different account then. Garwood responded:

I was advised by my lawyers * * * they advised me to try to seek some kind of immunity so that there would not be anything turned around or whatever or some kinds of charges brought.

Thus, Garwood testified that it was his lawyers who specifically prevented him from telling the truth about live Americans left behind in Vietnam and held by the Vietnamese when he came back in 1979. However, a few minutes later, Garwood contradicted himself. He was asked when the first time was that he told anyone about the existence of live Americans in Vietnam. Garwood then said 1980 and 1981—after he had been debriefed—after the time when he had supposedly lied on the advice of counsel. Thus, the lawyers had apparently told him not to tell the truth about the live Americans left behind, despite the fact that he never told the lawyers he had any information about live Americans left behind. Garwood testified:

I had not advised my lawyers [regarding live Americans in Vietnam], Sir. My psychiatrists did.

Congressman LAGOMARSINO: You did not tell your lawyers at this point about any information? You psychiatrists did, is that correct?

GARWOOD: Yes, Sir.

Congressman LAGOMARSINO: Okay, So when did you first tell your lawyers about the information directly?

(Pause)

Garwood then changed his story. After a long pause, he says, actually, he had told his lawyers about the live Americans from the outset.

GARWOOD: I am not positive but I think in our initial talk when he became my lawyer. * * *

Congressman LAGOMARSINO: You gave information [to your lawyer] before you gave information to the psychiatrist then?

GARWOOD: Yes sir. To my knowledge there was nothing taped or written down or anything to that effect, no, Sir.

Thus, Garwood's final account is, he did tell his lawyer from the outset, but somehow, the lawyer and anyone else he told initially about the live Americans forgot to tape it or write it down.

At this point, the Congressmen asked Garwood if he would permit his psychiatrists or lawyers to release any notes they may have taken at the time when he first told them about the live Americans. Garwood said he couldn't do that because of the attorney-client and doctor-client privileges. At this point, Congressman Solarz asked if Garwood told Mr. Foley, his original attorney, about the live sightings, before December 1984. Garwood's response:

Not the sightings or details, sir. Only that I knew of the Americans. * * * Mr. Foley, he didn't want—to because he himself—he told me that he himself had a brother that was MIA.

Congressman SOLARZ: So he didn't want to know what you knew, that is what he said to you?

GARWOOD: That was his reasoning why he didn't want me to tell him.

Congressman SOLARZ: Was there any other attorney to whom you confided this information before you went public with it in December of 1984?

GARWOOD: In detail, Sir?

Congressman SOLARZ: Or at all? Any other attorney * * * to whom you mentioned that you had some knowledge of American POWs in Vietnam after 1973? (PAUSE) Or was it only Mr. Foley? (PAUSE)

GARWOOD: I cannot be sure, Sir. I am trying to recollect. I either told them or hinted * * * it was either hinting, or hinting to that effect, or directly. Again, they didn't want to get into that area.

Garwood testified that the first time he gave any information publicly about the American POW's he now said he had seen in Vietnam after the 1973 homecoming was to the Wall Street Journal 5½ years after he left Vietnam, because, as Garwood testified, "it was something within me that was crying out."

Needless to say, Garwood never produced any notes from any of his lawyers or psychiatrists or anyone else that showed he ever told anyone for the first 5½ years after he left Vietnam about the live sightings.

It is easy to imagine why Garwood might have suddenly changed his story. He had lost everything as a result of the discrepancies between his original account of his imprisonment and what his fellow POW's saw him do in Vietnam. It is easy to imagine that Garwood might have decided that this was a route to acceptance by at least a part of the community of those who served.

But let us leave imagination aside. Let us leave his contacts with the POW activist community aside. Let us reach no conclusion as to why Garwood's story changed. Let us simply note that in the course of his testimony, Garwood first claimed he hadn't told his lawyers, then decided he had done so, then said he had hinted, and finally failed to produce any documentary evidence that he had even done that.

In the years that have followed, not a single witness, not a single document, not a single fact has come to corroborate a single one of Robert Garwood's statements in late 1984 and since regarding his seven encounters with live American POW's after the homecoming, despite diligent efforts on the part of many people in the government, and outside of it.

Today, as Robert Garwood goes back to Vietnam, none of us should be surprised about his ability to show a delegation around Vietnam. He was there for 14 years, and free to travel. Clearly he can identify a few places and take camera crews there in 1993.

But for what purpose? Whatever scenario Robert Garwood acts out cannot possibly shed light on his man's silence from March 1979 to December 1984. It cannot possibly prove or disprove the statements he made under oath in 1985 to Congress that he saw live Americans there. All it can do is once again generate heat without light on the fate of the missing, by a man who has contradicted himself on every material point relating to their fate time and time again.

I cannot believe any U.S. marine under any circumstances would return to this country, who truly had been a POW, and he would not tell America there were Americans still over there. But Bob Garwood did not do that. No, he did not do that. He did not do that in 1979. He did not do it in 1980. He did not do it in 1981, 1982, 1983, 1984. But in 1985, after some POW activists got ahold of him, Congressman Billy Hendon and others—by God, Bob Garwood came forward and he had seen Americans in Vietnam. And now he is going back to Vietnam and he is going to walk down someplace and say this is where I saw them.

What does that mean? It is meaningless. They are not there today. There is no way to prove they were there a few years ago. But most important, this former U.S. marine never kept faith with the U.S. Marines or with his country and told people when he got back: "You better mount an expedition because there are Americans over there." He never said it; never said it.

You could read this interview and there is plenty of time where he goes into detail. He talks to people. He had all the time in the world, secretly, even. He could have said to somebody, "You know, I am really scared for my life and I am scared for their lives. So I have to tell you this in utter secrecy and I am going to tell you where they are or might be so they will not get killed and you could rescue them." He never said it. He never said it. But he was stripped of his rank for collaborating with the enemy.

Then he finds some friends, Mr. President. Bob Garwood, who is dishonored and disgraced, finds some friends in this country who want to believe people are there. And these are the people who embrace him. By God, all of a sudden he has a conversion, there are Americans over there and he wants America to believe today he knew it back then.

I do not buy that, Mr. President. He could have come in and testified before our committee, but Senator SMITH and his lawyers said, "He is too fragile. He cannot come and testify before your committee." So rather than have the spectacle of this guy brought up in front of the committee and break into tears and fall apart, we did not have him come. We just deposed him upstairs in Senate 407. And he told his story. But now he is big and strong enough and brave enough to go out and make movies and head over to Vietnam.

I suggest that anybody who examines this record will understand the absolute implausibility of any U.S. marine coming back to this country, having seen Americans, and not telling the Marine Corps—"Semper Fi." That is the Marine slogan.

In conclusion, regarding Mr. Garwood, I would say this, the marines are known, Mr. President, not only for not leaving their wounded behind, but not leaving their dead behind. It is unheard of to conceive of a marine leaving the living behind. So this man who claims he was a prisoner, who claims that somehow he could not tell because he feared for their lives, truly, I think, misleads this Nation. I think it is very sad. I think it is sad that some do not examine a little more closely the reality of his story.

I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar items 248, and 253 through 272, inclusive, and the following nominations reported today by the Armed Services Committee: Maj. Gen. Richard D. Hearney, to be Lt. Gen.; Lt. Gen. Robert B. Johnston, to be lieutenant general; and Maj. Gen. George R. Christmas, to be lieutenant general, and all nominations placed on the Secretary's desk in the Air Force and Army.

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.

The nominations considered and confirmed, en bloc, are as follows:

DEPARTMENT OF STATE

Daniel K. Tarullo, of Massachusetts, to be an Assistant Secretary of State.

DEPARTMENT OF DEFENSE

Frank G. Wisner, of the District of Columbia, to be Under Secretary of Defense for Policy.

Edwin Dorn, of Texas, to be an Assistant Secretary of Defense.

Chas. W. Freeman, of Rhode Island, to be an Assistant Secretary of Defense.

IN THE AIR FORCE

The following-named officer for appointment in the U.S. Air Force to the grade of major general under the provisions of title 10, United States Code, section 624:

To be major general

Brig. Gen. George K. Anderson, [redacted], Regular Air Force.

The following-named officers for appointment to the grade of major general under the provisions of title 10, United States Code, section 624:

To be major general

Brig. Gen. Joseph E. Hurd, [redacted], Regular Air Force.

Brig. Gen. Kenneth R. Israel, [redacted], Regular Air Force.

Brig. Gen. James E. McCarthy, [redacted], Regular Air Force.

Brig. Gen. Jimmey R. Morrell, [redacted], Regular Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions to title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Thomas A. Baker, [redacted], U.S. Air Force.

The following-named officer for appointment to the grade of General on the retired list pursuant to the provisions to title 10, United States Code, section 1370:

To be general

Gen. James B. Davis, [redacted] U.S. Air Force.

The following-named officer for appointment to the grade of Lieutenant General while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. John G. Lorber, [redacted], U.S. Air Force.

The following-named officer for reappointment to the grade of Lieutenant General while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. James L. Jamerso [redacted], U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions to title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Martin J. Ryan, J [redacted], U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions to title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Richard J. Trzaskom [redacted], U.S. Air Force.

The following officer for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of sections 593, 8218, 8373, and 8374, title 10, United States Code:

To be brigadier general

Col. Wilfred Hessert, [redacted] Air National Guard of the United States.

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Johnnie H. Corns, [redacted], U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. James D. Starling, [redacted], U.S. Army.

IN THE NAVY

The following-named captains in the line of the U.S. Navy for promotion to the permanent grade of rear admiral (lower half), pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

Unrestricted line officer

To be rear admiral (lower half)

Capt. William "V" Cross, II, [redacted], U.S. Navy.

Capt. Thomas Boulton Farg [redacted], U.S. Navy.

Capt. Wirt Ross Fladd, [redacted] U.S. Navy.

Capt. Dennis Vincent McGin [redacted], U.S. Navy.

Capt. Edward Moore, Jr [redacted] U.S. Navy.

Capt. Patricia Ann Tracey, [redacted], U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. Edward W. Clexton, Jr., U.S. Navy [redacted].

The following-named officer for reappointment to the grade of Vice Admiral while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Henry G. Chiles, Jr., U.S. Navy, [redacted].

The following-named officer for appointment to the grade of vice admiral while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. (Selectee) George W. Emery, U.S. Navy [redacted].

TENNESSEE VALLEY AUTHORITY

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 remainder of the term expiring May 18, 2002.

IN THE MARINE CORPS

Maj. Gen. Richard D. Hearney, to be lieutenant general;

Lt. Gen. Robert B. Johnston, to be lieutenant general; and

Maj. Gen. George R. Christmas, to be lieutenant general.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY

Air Force nominations beginning Laura Boone, and ending Theresa M Zolninger, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 16, 1993.

Air Force nominations beginning Alan R. Westrom, [redacted] and ending Charles T. Miller, [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1993.

Air Force nominations beginning Maj. Franklin C. Albright [redacted] and ending Maj. Melanie G. Freed, [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1993.

Air Force nominations beginning Maj. Jimmy L. Davis, Jr [redacted] and ending Maj. Paul E. Maguire, [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1993.

Air Force nominations beginning Maj. Thomas E. Allen [redacted] and ending Maj. Timothy B. Malan, [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1993.

Air Force nominations beginning Gerald S. Beilstein, and ending Rodney L. Winn, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1993.

Army nominations beginning Charles W. Absher, and ending Robert C. Zelazny, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 5, 1993.

Army nominations beginning Jeffery F. Addicott, and ending Dale N. Woodling, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 16, 1993.

Army nominations beginning John B. Alumbaugh, and ending Peter C. Zolper, which nominations were received by the Senate on May 14, 1993, and appeared in the CONGRESSIONAL RECORD of May 18, 1993.

Army nominations beginning Richert Auhoy, and ending Julian M. Mount, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1993.

Army nominations beginning Stephen L. Goff, and ending Donald E. Ricks, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1993.

Army nominations beginning James B. Cichanski, and ending Judy A. Walz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1993.

Army nominations beginning Joyce Arnold, and ending Bruce E. Takala, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1993.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to 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.)

MESSAGES FROM THE HOUSE

At 3:17 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2492. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1994, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution:

H. Con. Res. 115. Concurrent resolution providing for an adjournment of the House from the legislative day of Thursday, July 1, 1993 to Tuesday, July 13, 1993 and an adjournment or recess of the Senate from Thursday, July 1, 1993 or Friday, July 2, 1993 until Tuesday, July 13, 1993.

The message further announced that the Speaker had signed the following enrolled joint resolution:

S.J. Res. 88. Joint resolution to designate July 1, 1993, as "National NYSP Day".

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. BYRD].

At 5:50 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, in which it requests the concurrence of the Senate:

H.R. 2493. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes.

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 2118. An act making supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

H.R. 765. An act to resolve the status of certain lands relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36), and for other purposes.

H.R. 1876. An act to provide authority for the President to enter into trade agreements to conclude the Uruguay Round of the multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, to extend tariff proclamation authority to carry out such agreement, and to apply congressional "fast track" procedures to a bill implementing such agreements.

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2492. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1994, and for other purposes; to the Committee on Appropriations.

H.R. 2493. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes; to the Committee on Appropriations.

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-979. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report of public buildings service capital improvement program for fiscal year 1994 with lease prospectuses; to the Committee on Environment and Public Works.

EC-980. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report of a determination relative to a contract to Howard University; to the Committee on Environment and Public Works.

EC-981. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report of an amended alteration prospectus for the Social Security Administration's Program Service Centers; to the Committee on Environment and Public Works.

EC-982. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report on animal welfare enforcement for fiscal year 1992; to the Committee on Agriculture, Nutrition, and Forestry.

EC-983. A communication from the Acting Deputy Assistant Secretary of Defense (Requirements and Resources), Force Management and Personnel, Office of the Assistant Secretary of Defense, transmitting, pursuant to law, a report on the Military Retirement System as of September 30, 1992; to the Committee on Armed Services.

EC-984. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of an examination of the Army's financial statements for fiscal years 1991 and 1992; to the Committee on Armed Services.

EC-985. A communication from the Secretary of Transportation, transmitting a report on transportation security for calendar year 1992; to the Committee on Commerce, Science, and Transportation.

EC-986. A communication from the Secretary of Transportation, transmitting a report on collision avoidance systems for fiscal

year 1992; to the Committee on Commerce, Science, and Transportation.

EC–987. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on the total number of applications for conditional registration for fiscal year 1992; to the Committee on Agriculture, Nutrition, and Forestry.

EC–988. 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.

EC–989. A communication from the Assistant Secretary (Land and Minerals Management), Department of the Interior, transmitting, pursuant to law, the annual report on royalty management and delinquent account collection activities for Federal and Indian mineral leases in 1991 and 1992; to the Committee on Energy and Natural Resources.

EC–990. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on oil and gas leasing program for non-North Slope Federal lands in Alaska for fiscal year 1992; to the Committee on Energy and Natural Resources.

EC–991. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on coordination of Federal energy conservation factors and data for fiscal year 1992; to the Committee on Energy and Natural Resources.

EC–992. A communication from the President of the United States, transmitting a report relative to the U.S. Armed Forces in Somalia; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 298. A bill to amend title 35, United States Code, with respect to patents on certain processes (Rept. No. 103–82).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation To Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1993" (Rept. No. 103–83).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

H.R. 670. A bill to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes (Rept. No. 103–84).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

The following-named officers, under the provisions of title 10, United States Code, section 601, for assignment to a position of importance and responsibility as follows:

To be lieutenant general

Lt. Gen. Robert B. Johnston, [redacted], U.S. Marine Corps.

To be lieutenant general

Maj. Gen. Richard D. Hearney, [redacted], U.S. Marine Corps.

To be lieutenant general

Maj. Gen. George R. Christmas, [redacted], U.S. Marine Corps.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROTH (for himself, Mr. BIDEN, Mr. DORGAN, and Mr. MCCAIN):

S. 1189. A bill to establish the Professional Boxing Corporation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Mrs. FEINSTEIN, and Mr. HARKIN):

S. 1190. A bill to require the Secretary of Health and Human Services to establish an America Cares Program to provide for the establishment of demonstration projects for the provision of vouchers and cash contributions for goods and services for homeless individuals, to provide technical assistance and public information, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MACK (for himself, Mr. BROWN, Mr. DOMENICI, Mrs. HUTCHISON, Mr. GRAMM, Mr. GORTON, Mr. BENNETT, Mr. COVERDELL, Mr. NICKLES, Mr. FAIRCLOTH, Mr. KEMPTHORNE, Mr. MCCONNELL, Mr. COATS, Mr. BURNS, Mr. CRAIG, and Mr. SIMPSON):

S. 1191. A bill to provide a fair, nonpolitical process that will achieve $65,000,000,000 in budget outlay reductions each fiscal year until a balanced budget is reached; to the Committee on Governmental Affairs.

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 1192. A bill to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the city of Soldotna, Alaska, for airport purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CONRAD:

S. 1193. A bill to amend the Head Start Act to provide services for younger children and their parents, the Comprehensive Child Development Act to extend the authorization of appropriations and the National and Community Service Act of 1990 to provide educational awards for early childhood development teachers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DURENBERGER (for himself and Mr. WELLSTONE):

S. 1194. A bill to establish the Upper Mississippi River Environmental Education Center; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S. 1195. A bill to amend the Federal Water Pollution Control Act to further the protection of wetlands, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SIMPSON:

S. 1196. A bill to amend the Immigration and Nationality Act to increase criminal penalties for persons smuggling aliens into the United States; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. SIMPSON):

S. 1197. A bill to make miscellaneous and technical corrections to the Immigration and Nationality Act and related provisions of law; considered and passed.

By Mr. MITCHELL:

S. 1198. A bill to assess and protect the quality of the Nation's lakes, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MITCHELL (for himself and Mr. LAUTENBERG):

S. 1199. A bill to amend the Federal Water Pollution Control Act to provide for coastal protection, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOMENICI:

S. 1200. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to establish the National Quality Commitment Award with the objective of encouraging American universities to teach total quality management, to emphasize the importance of process manufacturing, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HEFLIN:

S. 1201. A bill to authorize the Secretary of Agriculture to provide cost share assistance to construct reservoir structures for the storage of water in rural areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 1202. A bill to amend chapter 153 of title 10, United States Code, to permit the Secretary of Defense to provide certain property and services of the Department of Defense to certain educational entities; to the Committee on Armed Services.

By Mr. HATFIELD:

S. 1203. A bill to establish a Center for Rare Disease Research in the National Institutes of Health, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MURKOWSKI:

S. 1204. A bill to increase economic benefits to the United States from the activities of cruise ships visiting Alaska; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY:

S. 1205. A bill to amend the Fluid Milk Promotion Act of 1990 to define fluid milk processors to exclude de minimis processors, and for other purposes; considered and passed.

By Mr. KERRY (for himself, Mr. KENNEDY, and Mr. DOLE):

S. 1206. A bill to redesignate the Federal building located at 380 Trapelo Road in Waltham, Massachusetts, as the "Frederick C. Murphy Federal Center"; to the Committee on Environment and Public Works.

By Mr. CAMPBELL:

S. 1207. A bill to amend the District of Columbia Stadium Act of 1957 to authorize the construction, maintenance, and operation of a new stadium in the District of Columbia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WOFFORD:

S. 1208. A bill to authorize the minting of coins to commemorate the historic buildings in which the Constitution of the United States was written; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KEMPTHORNE (for himself, Mr. HATCH, and Mr. CRAIG):

S. 1209. A bill to provide for a delay in the applicability of certain regulations to certain municipal solid waste landfills under the Solid Waste Disposal Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for himself, Mr. DURENBERGER, Mr. FEINGOLD, Mr.

GRASSLEY, Mr. KOHL, Mr. PRESSLER, Mr. WELLSTONE, and Mr. HARKIN):

S. 1210. A bill to amend the Agriculture Act of 1949 to require the Secretary of Agriculture to make prevented planting disaster payments for wheat, feed grains, upland cotton, and rice under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN:

S. 1211. A bill to extend the suspension of duties on certain glass fibers; to the Committee on Finance.

By Mrs. KASSEBAUM (for herself, Mr. COCHRAN, Mr. HATFIELD, Mr. STEVENS, and Mr. THURMOND):

S. 1212. A bill to amend the National and Community Service Act of 1990 to establish a Corporation for National Service and Community Volunteers, enhance opportunities for national service and volunteer programs to enhance effectiveness, to provide support for community volunteer opportunities, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BINGAMAN:

S.J. Res. 107. A joint resolution to designate the first Monday in October of each year as "Child Health Day"; to the Committee on the Judiciary.

By Mr. COATS:

S.J. Res. 108. A joint resolution approving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania; to the Committee on Finance.

By Mr. CAMPBELL (for himself, Mr. BOREN, Mr. BROWN, Mr. BURNS, Mr. DURENBERGER, and Mr. LEVIN):

S.J. Res. 109. A joint resolution relating to the City of Pueblo, Colorado; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself, Mrs. FEINSTEIN, Mr. DECONCINI, Mrs. MURRAY, Mr. HARKIN, Mr. JEFFORDS, and Mr. NICKLES):

S. Res. 128. A resolution expressing the sense of the Senate regarding the protection to be accorded United States copyright-based industries under agreements entered into pursuant to the Uruguay Round of trade negotiations; to the Committee on Finance.

By Mr. WOFFORD (for himself and Mr. PELL):

S. Res. 129. A resolution to designate both the month of August 1993 and the month of August 1994 as "National Slovak American Heritage Month"; to the Committee on the Judiciary.

By Mr. MITCHELL:

S. Res. 130. A resolution to amend paragraphs 2 and 3 of Rule XXV; considered and agreed to.

By Mr. DOLE:

S. Res. 131. A resolution to constitute the minority party's membership on certain of the standing committees for the 103d Congress, or until their successors are chosen; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH (for himself, Mr. BIDEN, Mr. DORGAN, and Mr. MCCAIN):

S. 1189. A bill to establish the Professional Boxing Corporation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

PROFESSIONAL BOXING CORPORATION ACT OF 1993

• Mr. ROTH. Mr. President, today I am introducing, on behalf of myself, Senator BIDEN, Senator MCCAIN, and Senator DORGAN, the Professional Boxing Corporation Act of 1993. This legislation is designed to improve a sport that for too long has been beset by problems and to protect a group of athletes who, as a result, have suffered for too long.

Make no mistake, boxing is unlike other sports—it does not have a league President or commissioner or any other authority enabling boxing to effectively regulate itself nor is it likely that, absent Federal legislation, such a body will ever be established. Professional boxing is currently governed by a patchwork system of local, State, and international groups with no unifying authority. For professional boxing in the United States, this legislation provides that unifying authority.

The need for this legislation was demonstrated clearly by the findings of the year-long investigation of professional boxing I directed as the ranking minority member of the Permanent Subcommittee on Investigations. Our investigation revealed huge gaps in boxing's current regulatory structure which result in widely varying rules and enforcement, as well as corruption and unfairness. As a result, it is the boxer who suffers with neither his health, safety, nor financial well-being protected.

This legislation establishes a nonprofit Government corporation called the Professional Boxing Corporation [PBC] which, except for an initial startup loan, will be completely self-funding. I want to emphasize that this legislation will cost the taxpayer nothing—the PBC will be financed by the boxing industry.

I also want to make clear that this legislation will not replace existing State boxing regulatory authorities. Rather, the PBC will work with the State boxing commissions to develop and enforce uniform minimum standards for all professional boxing matches in the United States.

The PBC will not micromanage professional boxing. For example, this legislation specifically prohibits the PBC from ranking boxers or promoting fights and the day-to-day regulation of the sport will be left to the State commissions. However, the PBC will maintain full oversight and investigative authority to ensure that these uniform standards are being enforced, to ensure that boxers' health and safety are protected and that corruption and unfairness are eliminated.

Boxing has provided opportunities for many young men and is enjoyed by many devoted fans. I believe this legislation represents the best opportunity for us to do what is long overdue and that is protect both the boxers and the fans by effectively reforming professional boxing.

This legislation marks the first time in the long history of efforts at boxing reform that both Republicans and Democrats in both the Senate and the House have joined together to introduce the same bill in both bodies.

Most professional boxers never reach the bigtime and never reap the benefits of the million dollar title fights and lucrative endorsement contracts. Yet they train day after day, in gyms throughout this country, chasing a dream. We owe it to these young men to establish a boxing regulatory system that works as hard outside the ring to protect them as they work inside the ring. I urge my colleagues to join with me in passing this bill to protect the individual boxers and improve the credibility of the sport as a whole. Mr. President, I ask unanimous consent that the text of this bill and a section-by-section analysis be printed in the RECORD.

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

S. 1189

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 "Professional Boxing Corporation Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) professional boxing is beset with wide-ranging problems which are beyond the scope of the current system of State regulation to protect against;

(2) the rules governing professional boxing and the enforcement of such rules varies widely among States;

(3) boxing, unlike other professional sports, does not have an entity by which the sport can be successfully regulated, nor is there a prospect of meaningful self-regulation;

(4) the problems currently facing professional boxing can be characterized as exploitation of boxers, conflicts of interest, questionable judging, and corruption, including organized crime influence; and

(5) such problems endanger the health, safety and welfare of boxers and undermine the sport's credibility with the public.

SEC. 3. PURPOSE.

The purpose of this Act is to establish a national organization which shall work with State boxing authorities to establish and enforce uniform rules and regulations for professional boxing in order to protect the health and safety of boxers and to ensure fairness in the sport.

SEC. 4. DEFINITIONS.

For purposes of this Act the term—

(1) "Board" means the Professional Boxing Advisory Board established under section 7;

(2) "boxing match" means a professional boxing match, or any part thereof, which is held within the United States and does not include an amateur boxing match;

(3) "Corporation" means the Professional Boxing Corporation established under section 5;

(4) "Executive Director" means the Executive Director of the Corporation;

(5) "Fund" means the Professional Boxing Corporation Trust Fund established under section 13;

(6) "promoter" means any person or business organization licensed under this Act to hold, give, or otherwise conduct any boxing match, program, or exhibition;

(7) "sanctioning organization" means any entity that authorizes or sanctions a championship boxing match;

(8) "Secretary" means the Secretary of the Treasury;

(9) "State" means any State of the United States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States; and

(10) "State boxing authority" means a State agency with authority to regulate professional boxing.

SEC. 5. ESTABLISHMENT OF PROFESSIONAL BOXING CORPORATION.

There is established the Professional Boxing Corporation which shall be a Government corporation as defined under section 103 of title 5, United States Code. The Corporation shall maintain its principal office in Washington, District of Columbia.

SEC. 6. EXECUTIVE DIRECTOR OF THE CORPORATION.

(a) EXECUTIVE DIRECTOR.—The Corporation shall be administered by an Executive Director who shall be appointed by the President by and with the advice and consent of the Senate.

(b) EXECUTIVE SCHEDULE LEVEL III POSITION.—Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Executive Director of the Professional Boxing Corporation.".

SEC. 7. PROFESSIONAL BOXING ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established a Professional Boxing Advisory Board. The members of the Board shall be appointed by the Executive Director. The Board shall consist of 7 members, of whom—

(1) three shall be acting State athletic or boxing commissioners;

(2) one shall be a physician certified in neurosurgery;

(3) one shall be a representative of the United States Amateur Boxing Association; and

(4) two shall be persons with an interest in and knowledge of the sport of boxing.

(b) QUALIFICATIONS.—(1) Each member of the Board shall be a citizen of the United States and shall not, during service as a member of the Board, be engaged as a professional boxer, boxing promoter, agent, fight manager, matchmaker, referee, judge, or in any other capacity in the conduct of the business of professional boxing or have any pecuniary interest in the earnings of any boxer or the proceeds or outcome of any boxing match.

(2) Each member of the Board shall be an individual who, by reason of such individual's business, professional, or other background, training, experience, or activities outside the business of professional boxing and its related activities, has a broad understanding of the relationship between professional boxing, both as a sport and as a business, and the public interest.

(c) CHAIRMAN.—The Executive Director shall appoint one of the members to serve as Chairman of the Board.

(d) PURPOSE AND FUNCTION.—The Board shall make recommendations to the Corporation to most effectively and efficiently carry out the provisions of this Act.

(e) UNANIMOUS VOTE OF DISAPPROVAL.—(1) If the Board by unanimous vote adopts a resolution of disapproval of any action or pending action of the Executive Director, the Executive Director shall—

(A) stay such action for a period of 30 days beginning on the date of the adoption of such resolution; or

(B) in the case of a pending action, refrain from taking such action for a period of 30 days beginning on the date of the adoption of such resolution.

(2) If the Executive Director determines to take or resume such action after the adoption of a resolution of disapproval, the Executive Director shall report to the Board before the end of the 30-day period referred to under paragraph (1) on—

(A) such determination; and

(B) the reasons for making such determination.

(3) Notwithstanding the provisions of paragraph (1), the Executive Director may take the action disapproved by resolution during the 30-day period referred to under paragraph (1) if the Board by unanimous vote rescinds such resolution of disapproval during such 30-day period.

(f) INITIAL APPOINTMENTS.—Initial appointments under subsection (a) shall be made within 60 days after the effective date of this Act.

(g) TERMS.—Members of the Board shall be appointed to 5-year terms.

(h) COMPENSATION OF MEMBERS.—Each member of the Board who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. All members of the Board who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(i) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(j) STAFF AND SERVICES.—The Corporation shall provide all necessary staff and support services for the Board.

(k) SUCCESSORS.—If any member of the Board is unable to serve a full term of office or becomes unqualified to serve in such position, a new member shall be appointed to serve the remainder of such term of office in the same manner in which the original appointment was made.

(l) QUORUM.—Four members of the Board shall constitute a quorum.

(m) INITIAL MEETING.—The initial meeting of the Board shall be held within 90 days after the effective date of this Act.

SEC. 8. FUNCTIONS OF THE CORPORATION.

(a) PROTECTION OF GENERAL INTERESTS OF BOXERS.—The primary function of the Corporation shall be to protect the health, safety, and general interests of boxers consistent with the provisions of this Act.

(b) ESTABLISHMENT OF NATIONAL REGISTRY AND LICENSING.—(1) The Corporation shall provide a unified national computer source for the collection, storage, and retrieval of information, which may include—

(A) a list of professional boxers;

(B) the medical records, won-loss records, size, weight, and business associates of such boxers; and

(C) information pertinent to the sport of boxing on boxing promoters, boxing matchmakers, boxing managers, trainers, cut men, referees, boxing judges, physicians, and any other personnel determined by the Corporation to have a professional role in boxing.

(2)(A) The Corporation shall issue a license, either through State boxing authorities or through the manner determined most appropriate by the Corporation, on an annual renewable basis, to each boxer, boxing judge, referee, or other person serving in a professional role in a boxing match as determined by the Corporation who meets Corporation minimum standards, and shall issue for licensed boxers an accurate record of their medical history, biographical information, and won-loss boxing record.

(B) During the 2-year period beginning on the effective date of this Act, each boxer, boxing judge, referee, or other person serving in a professional role in a boxing match who is subject to licensing under subparagraph (A) and holds a valid license issued by a State before the effective date of this Act shall be deemed to meet Corporation minimum standards for purposes of subparagraph (A).

(3) The Corporation may require and issue a special event license to each boxer, boxing promoter, sanctioning organization, boxing manager or other person regulated under this Act who participates in a major boxing match. The Corporation shall promulgate regulations defining a major boxing match for purposes of this paragraph.

(4) The Corporation shall issue a certificate of registration, either through State boxing authorities or through the manner determined most appropriate by the Corporation, at least every 3 years, to each boxing promoter, boxing matchmaker, sanctioning organization, boxing manager, trainer, physician, cut man, and other person determined by the Corporation to have a professional role in boxing, who meets Corporation minimum standards.

(c) LICENSE AND REGISTRATION FEES.—

(1) The Corporation may set and charge licensing and registration fees for all persons regulated under this Act. Fees paid by promoters may be derived from gross receipts from boxing matches. Such fees may be collected through State boxing authorities or through the manner determined most appropriate by the Corporation. All such fees shall be deposited in the General Treasury of the United States.

(2) The Corporation may set, charge, and adjust varying fees under paragraph (1) based on classifications of persons, functions, and events regulated under this Act.

(3) In setting and charging fees under paragraph (1), the Corporation shall ensure that to the greatest extent practicable—

(A) club boxing shall not be adversely effected; and

(B)(i) sanctioning organizations and promoters shall pay the largest portion of all such fees collected under such paragraph; and

(ii) boxers shall pay as small a portion of all such fees as is possible.

(d) ADDITIONAL FUNCTIONS.—In addition to the functions described under subsections (a), (b), and (c), the Corporation shall—

(1) prescribe regulations requiring a copy of any contract for a boxing match to be

filed with the Corporation or with a State boxing authority at a time before such match and in a manner determined appropriate by the Corporation;

(2) prescribe regulations of the sport of professional boxing to ensure the safety of participants;

(3) establish minimum standards and procedures for physical and mental examinations to be given boxers;

(4) establish minimum standards for the availability of medical services at professional boxing matches;

(5)(A) encourage a life, accident, and health insurance fund for professional boxers and other members of the professional boxing community; and

(B) submit a report to the Congress on the feasibility of establishing a pension system for professional boxing participants;

(6) research and establish minimum standards for the manufacturing and use of boxing equipment;

(7) conduct discussions and enter into agreements with foreign boxing entities on methods for applying minimum health and safety standards to foreign boxing events and foreign boxers, trainers, cut men, referees, judges, ringside physicians, and other professional boxing personnel;

(8) review State boxing authority regulations for professional boxing and provide assistance to such authorities in meeting the Corporation minimum standards and requirements;

(9) prescribe regulations for establishing standards for the making of contracts, agreements, arrangements, and understandings relating to professional boxing;

(10) review the role of sanctioning organizations in professional boxing and prescribe regulations relating to sanctioning organizations consistent with this Act; and

(11) prescribe regulations prohibiting conflicts of interest relating to boxing matches.

(e) CONSULTATION WITH STATE BOXING AUTHORITIES.—The Corporation shall consult with State boxing authorities—

(1) before prescribing any regulation or establishing any standard under the provisions of this section; and

(2) no less than once each year regarding matters relating to professional boxing.

(f) SUSPENSION AND REVOCATION OF LICENSE OR REGISTRATION.—(1) The Corporation may, after appropriate notice and opportunity for a hearing, suspend or revoke any license or registration made under this Act if the Corporation finds—

(A) such suspension or revocation is in the public interest, including the protection of health and safety; or

(B) there is reasonable grounds for belief that standards prescribed by the Corporation under this section are not being met, or that bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, or intimidation have been used in connection with such licensing or registration.

(2) Any suspension of a license or registration under this section shall be for a period of not less than 6 months unless—

(A) such suspension results from a person's medical condition; and

(B) such person is medically certified to participate in a boxing match before the end of such 6-month period.

(g) PROHIBITORY ORDERS.—(1) The Corporation may, after appropriate notice and opportunity for hearing, by order prohibit the holding of any proposed boxing match if it finds such prohibition is in the public interest and that—

(A) any contract, arrangement, or agreement with respect to such match does not comply with the regulations of the Corporation;

(B) such match, or any participant in such match, is not licensed or registered as provided under this Act;

(C) there is reasonable grounds for belief that such match may be affected by bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, intimidation or violence; or

(D) the health and safety of any participant is placed at undue risk by such proposed match.

(2)(A) At or after the time that notice of any proceeding under paragraph (1) is sent or ordered by the Corporation to be published, regardless of whether or not any person to be affected by such proceeding has received such notice, the Corporation may by order without notice or hearing summarily prohibit the holding of the boxing match in question pending final disposition of the proceeding by the Corporation, or for such shorter period as the Corporation considers appropriate. The Corporation shall issue such an order without notice or hearing if in its judgment such action is in the public interest (including the protection of the health and safety of a boxer) and necessary to carry out the purposes of this Act.

(B) No liability shall attach to any person by virtue of a summary order issued under this subsection unless such person has actual notice thereof.

(h) INVESTIGATIONS AND INJUNCTIONS.—(1) The Corporation may, in its discretion, make such investigations as it considers necessary to determine whether any person has violated or is about to violate any provision of this Act or any rule or regulation thereunder, and may require or permit any person to file with it a statement in writing, under oath or otherwise as the Corporation shall determine, as to all the facts and circumstances concerning the matter to be investigated. The Corporation may, in its discretion, publish information concerning any such violations, and investigate any facts, conditions, practices, or matters which it may determine necessary or proper to aid in the enforcement of the provisions of this Act, in the prescribing of rules and regulations under this Act, or in securing information to serve as a basis for recommending further legislation concerning the matters to which this Act relates.

(2) For the purpose of any such investigation, or any other proceeding under this Act, any officer designated by the Corporation is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the Corporation considers relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States or any State at any designated place of hearing.

(3) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Corporation may file an action in any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, to enforce the attendance and testimony of witnesses and the production of books, papers, correspondence, memorandums, and other records. Such court may issue an order requiring such person to appear before the Corporation to produce records, if so ordered, or to give testimony concerning the matter under investigation or in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district in which such person is an inhabitant or in which such person may be found. Any person who, without just cause, fails or refuses to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memorandums, and other records, if in the power of such person so to do, in obedience to the subpoena of the Corporation, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for a term of not more than 1 year, or both.

(4) No person shall be excused from attending and testifying or from producing books, papers, contracts, agreements, and other records and documents before the Corporation, or in obedience to the subpoena of the Corporation, or in any cause or proceeding instituted by the Corporation, on the ground that the testimony or evidence, documentary or otherwise, required of such person may tend to incriminate such person or subject such person to a penalty or forfeiture. No individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which such individual is compelled, after having claimed a privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(5) If the Corporation determines that any person is engaged or about to engage in any acts or practices which constitute or shall constitute a violation of any provision of this Act, or of any rule or regulation thereunder, it may bring an action in the appropriate district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond.

(6) Upon application of the Corporation the district courts of the United States, the United States District Court for the District of Columbia, and the United States courts of any territory or other place subject to the jurisdiction of the United States, shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this Act or any order of the Corporation.

(i) INTERVENTION IN CIVIL ACTIONS.—The Corporation shall be permitted an intervention of right as provided under rule 24(a) of the Federal Rules of Civil Procedure in any civil action filed in a United States district court on behalf of the public interest in any case relating to professional boxing. The Corporation may file a brief in any action filed in a court of the United States on behalf of the public interest in any case relating to professional boxing.

(j) HEARINGS BY CORPORATION.—Hearings may be public and may be held before any officer of the Corporation and appropriate records thereof shall be kept.

SEC. 9. SUBMISSION AND APPROVAL OF STATE BOXING PLAN TO CORPORATION.

(a) IN GENERAL.—Beginning on the date occurring 18 months after the date of the enactment of this Act, a State regulating professional boxing shall submit to the Corporation a State boxing plan that meets the requirements of subsection (b).

(b) STATE BOXING PLAN REQUIREMENTS.—A State boxing plan meets the requirements of this subsection if such plan—

(1) establishes or maintains a State agency for the purpose of regulating professional boxing in such State in compliance with the minimum standards established by the Corporation; and

(2) establishes a registration procedure consistent with the provisions of section 8 by which such State agency requires that—

(A) each individual and organization involved in professional boxing in such State be registered with such State agency in accordance with the minimum Federal boxing standards; and

(B) each individual and organization referred to in subparagraph (A) pay a registration fee to the Corporation in an amount determined by the Corporation pursuant to section 8(b) for the purpose of funding the Corporation.

(c) APPROVAL AND DISAPPROVAL OF STATE BOXING PLAN.—No later than 60 days after the date on which a State submits a State boxing plan pursuant to subsection (a), the Corporation shall—

(1) approve such plan if the plan meets the requirements of subsection (b); or

(2) disapprove the plan and notify the State of the reasons therefore.

(d) WITHDRAWAL OF APPROVAL.—The Corporation shall withdraw its approval of any State boxing plan if the Corporation determines that such plan, or the administration of such plan, no longer meets the requirements of subsection (b).

(e) PROHIBITION OF CERTAIN PROFESSIONAL BOXING MATCHES.—Beginning 3 years after the date of the enactment of this Act, no boxing match shall be held in a State—

(1) which does not have in effect a State boxing plan approved by the Corporation under subsection (c);

(2) which has in effect a State boxing plan approved by the Corporation under subsection (c), if the Corporation determines that there exist reasonable grounds for belief that the minimum boxing standards established under section 8 are not being met in connection with such match; or

(3) which has a State boxing plan approval withdrawn under subsection (d).

SEC. 10. POWERS OF THE CORPORATION.

(a) IN GENERAL.—The Corporation may—

(1) serve as the coordinating body for all efforts in the United States to establish and maintain uniform minimum health and safety standards for professional boxing;

(2) appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Corporation, and shall appoint such officers and employees in accordance with the civil service laws and fix such compensation in accordance with the provisions of title 5, United States Code;

(3) enter into contracts for temporary and intermittent services to carry out any function of the Corporation;

(4) publish a newspaper, magazine, or other publication consistent with corporate purposes; and

(5) take any necessary and proper action to accomplish the purposes of this Act consistent with the provisions of this Act.

(b) PROHIBITIONS.—The Corporation may not—

(1) promote boxing events or rank professional boxers; or

(2) provide technical assistance to, or authorize the use of the name of the Corporation by, States which do not comply with requirements of the Corporation.

(c) USE OF NAME.—The Corporation shall have the exclusive right to use the name "Professional Boxing Corporation" and the acronyms "P.B.C." and "PBC", and any person who, without the permission of the Corporation, uses such name or any other exclusive name, trademark, emblem, symbol, or insignia of the Corporation for the purpose of inducing the sale of any goods or services, or to promote any exhibition, performance, or sporting event, shall be subject to suit in a civil action by the Corporation for the remedies provided in the Act of July 5, 1946 (60 Stat. 427; 15 U.S.C. 1051 et seq., popularly known as the Trademark Act of 1946).

SEC. 11. NONINTERFERENCE WITH STATE BOXING AUTHORITIES.

(a) NONINTERFERENCE.—Nothing in this Act shall prohibit any agency established by or pursuant to the law of any State or political subdivision of any State from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or boxing matches to the extent not inconsistent with the provisions of this Act.

(b) MINIMUM STANDARDS.—Nothing in this Act shall prohibit any State boxing authority from enforcing State standards or requirements which exceed the minimum standards or requirements promulgated by regulation of the Corporation.

SEC. 12. ASSISTANCE FROM OTHER AGENCIES.

(a) IN GENERAL.—(1) Notwithstanding section 552a of title 5, United States Code, or any other provision of law, the Corporation may secure directly from any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality any information, suggestions, estimates, and statistics which shall assist the Corporation in carrying out the purposes of this Act, and each such department, agency, bureau, board, commission, office, independent establishment, or instrumentality shall furnish such information, suggestions, estimates, and statistics directly to the Corporation, upon request made by the Executive Director.

(2) Any information, including suggestions, estimates, and statistics, secured by the Corporation which, but for paragraph (1) of this subsection, could not be secured by the Corporation by reason of section 552a of title 5, United States Code, or any other provision of law shall be treated by the Corporation as confidential information.

(3) Except as provided in paragraph (4) of this subsection, no officer or employee of the Corporation may disclose to any person other than an officer or employee of the Corporation any information referred to in paragraph (2) of this subsection. Nothing in this subsection shall be construed to authorize the Corporation to withhold information from the Congress.

(4)(A) Any information referred to in paragraph (2) of this subsection may be disclosed in accordance with the prior written consent of the person with respect to whom such information is maintained, but only to such extent, under such circumstances, and for such other purposes as may be allowed under regulations which shall be prescribed by the Corporation.

(B) Whether or not the person, with respect to whom any information referred to in paragraph (2) of this subsection is maintained, gives consent, such information may be disclosed if authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefore. In assessing good cause the court shall weigh the public interest and the need for disclosure against any prejudice to the person together with the effective administration and enforcement of the provisions of this Act. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any information is necessary, shall impose appropriate safeguards against unauthorized disclosure.

(5)(A) Whoever violates any provision of this subsection may be assessed a civil penalty of not to exceed $1,000 for each violation. Such penalty shall be assessed by the court in a civil action brought by the Attorney General of the United States.

(B) The Corporation shall refer to the Attorney General the name of any person it has reasonable cause to believe has violated any provision of this subsection.

(b) DETAILS.—Any employee of any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality may be detailed to the Corporation, upon the request of the Executive Director, on a reimbursable or nonreimbursable basis, with the consent of the appropriate authority having jurisdiction over such employee. While so detailed, such employee shall continue to receive the compensation provided pursuant to law for the regular employment of such employee and shall retain, without interruption, the rights and privileges of such employment.

SEC. 13. PROFESSIONAL BOXING CORPORATION TRUST FUND.

(a) ESTABLISHMENT.—There is established the Professional Boxing Corporation Trust Fund in the Treasury of the United States, consisting of such amounts as are transferred to the Fund under subsection (b) of this section and any interest earned on investment of amounts in the Fund under subsection (e)(2) of this section.

(b) TRANSFER OF AMOUNTS EQUIVALENT TO CERTAIN FEES.—(1) The Secretary shall transfer to the Fund an amount equal to the sum of the fees received in the Treasury under section 8 after the effective date of this Act.

(2) The amounts required to be transferred to the Fund under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary. Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c) EXPENDITURE FROM FUND.—Amounts in the Fund shall be available, as provided in appropriation Acts, only for purposes of making expenditures to carry out the purposes of this Act.

(d) AUTHORITY TO BORROW.—(1) There are authorized to be appropriated to the Fund, as repayable advances, such sums as may be necessary to carry out the purposes of the Fund.

(2)(A) Advances made to the Fund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the Fund.

(B) No advance shall be made to the Fund after the date occurring 5 years after the effective date of this Act, and all advances to such Fund shall be repaid on or before such date.

(C) Interest on advances made to the Fund shall be at a rate determined by the Secretary (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding and shall be compounded annually.

(e) INVESTMENT OF FUND.—(1) It shall be the duty of the Secretary to invest such portion of the Fund as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired—

(A) on original issue at the issue price, or

(B) by purchase of outstanding obligations at the market price.

The purposes for which obligations of the United States may be issued under chapter 31 of title 31, of the United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt; except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(2) Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(3) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(f) OBLIGATIONS FROM FUND.—The Corporation is authorized to obligate such sums as are available in the Fund (including any amounts not obligated in previous fiscal years) for—

(1) the functions of the Corporation under section 8; and

(2) properly allocable administrative costs of the Federal Government for the activities related to such functions.

(g) REPORT TO CONGRESS.—It shall be the duty of the Secretary to hold the Fund, and (after consultation with the Corporation) to report to the Congress each year on the financial condition and the results of the operations of the Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year. Such report shall be printed as both a House and Senate document of the session of the Congress to which the report is made.

SEC. 14. AUDIT AND REPORT.

(a) AUDIT.—The Comptroller General shall conduct an annual audit of the finances of the Corporation, to be completed in time for inclusion in the report required by subsection (b).

(b) REPORT.—The Corporation shall submit a report to the Congress within 1 year after the effective date of this Act and annually thereafter. Such report shall detail the activities of the Corporation for the preceding year and shall include—

(1) a description of the State boxing authority in each State; and

(2) the results of the audit required under subsection (a).

(c) PUBLIC REPORT.—The Corporation shall annually issue a report made available to the public on the progress made at Federal and State levels in the reform of professional boxing and commenting on issues of continuing concern to the Corporation.

SEC. 15. PETITION TO REPEAL BEFORE EFFECTIVE DATE.

(a) PETITION TO CONGRESS.—During the 1-year period preceding the effective date of this Act, a majority of the State boxing authorities from all States may submit a petition as described under subsection (b) to the Senate Governmental Affairs Committee and the House of Representatives Government Operations Committee. Such committees shall take all necessary actions to respond to such petition before the effective date of this Act.

(b) CONTENTS.—The petition submitted under subsection (a) shall include—

(1) a statement with supporting evidence that the provisions of this Act are unnecessary because the State authorities have established an organization to effectively carry out the purposes of this Act; and

(2) a request for the Congress to enact legislation to delay the effective date of this Act or repeal this Act.

SEC. 16. INFORMAL RULEMAKING.

To the greatest extent practicable, the Corporation shall conduct all rulemaking under the provisions of section 553 of title 5, United States Code.

SEC. 17. TERMINATION OF CORPORATION.

The Corporation shall terminate effective on the date occurring 7 years after the date of the enactment of this Act.

SEC. 18. EFFECTIVE DATE.

The provisions of this Act and the amendments made by this Act (except for section 15 which shall take effect on the date of enactment) shall be effective on and after 1 year after the date of the enactment of this Act.

PROFESSIONAL BOXING CORPORATION ACT OF 1993—SECTION-BY-SECTION ANALYSIS

SEC. 1. SHORT TITLE

The Act may be cited as the Professional Boxing Corporation Act of 1993.

SEC. 2. FINDINGS

This section sets forth findings that highlight the scope of the problems which professional boxing is currently facing and, accordingly, the need to establish the Professional Boxing Corporation (PBC). These problems can generally be characterized as exploitation of boxers, conflicts of interest, questionable judging, and corruption, including the influence of organized crime. These problems endanger the health, safety and welfare of boxers and undermine the sport's public credibility and are beyond the scope of the current system of State regulation to prevent for the reasons the findings explain.

SEC. 3. PURPOSE

While the purpose of the Act is self-explanatory, it should be emphasized that the PBC, while being a federal entity, is intended to work with the existing State boxing authorities to establish and enforce uniform professional boxing standards and not to supplant existing State agencies.

SEC. 4. DEFINITIONS

The Act is only intended to cover professional boxing and does not include amateur boxing matches. "Promoter" is defined to cover all individuals and entities connected with organizing and conducting a professional boxing match.

SEC. 5. ESTABLISHMENT OF PROFESSIONAL BOXING CORPORATION

The Professional Boxing Corporation (PBC) is established as a Government corporation. It is to be self-funding and financed out of operating revenues, rather than through tax dollars (except for an initial infusion of start-up capital which will be loaned to the PBC by the Treasury and subsequently repaid—see Section 13).

SEC. 6. EXECUTIVE DIRECTOR OF THE CORPORATION

The PBC will be headed by a strong Executive Director—a "professional boxing czar"—to be appointed by the President and confirmed by the Senate. Establishing a single chief executive is intended to minimize bureaucracy and maximize accountability.

SEC. 7. PROFESSIONAL BOXING ADVISORY BOARD

This section establishes a seven-member Professional Boxing Advisory Board, appointed by the Executive Director, to consult with and make recommendations to the PBC. Board membership must include three acting State boxing administrators, a neurosurgeon and a representative of the U.S. Amateur Boxing Association (since many amateurs go on to become professional boxers). Members of the Board are prohibited from engaging in any professional boxing business during their tenure.

Subsection (e) authorizes the Board, by unanimous vote, to stay any action of the Executive Director for a period of 30 days by adopting a resolution of disapproval. At the conclusion of the 30-day period, the Executive Director may take or resume such action but must report to the Board regarding the reasons for the final determination.

Board members would be paid on a per diem basis. Staffing and support services would be provided by the PBC.

SEC. 8. FUNCTIONS OF THE CORPORATION

The PBC is empowered to establish and enforce uniform minimum standards governing all professional boxing matches held in the U.S. The PBC may do so by working through the State boxing authorities to issue licenses and certificates of registration for all participants in all professional boxing matches held in the U.S., ensuring that these individuals comply with the PBC's standards. (The licensing provision also authorizes the PBC to issue a special event license to participants in a major boxing match.) The licensing requirement would be renewable annually and would apply to direct participants including boxers, judges and referees. All other participants, e.g., promoters, matchmakers, sanctioning organizations, managers, et al., would be issued certificates of registration, renewable every three years. Subsection (c) grants the PBC the authority to impose license and registration fees, which shall not adversely affect club boxing. The largest portion of these fees shall be paid by the sanctioning organizations and promoters, with the smallest portion paid by the boxers, to the extent practicable.

Another significant function of the PBC would be the establishment of a central computer professional boxing database to collect, store, retrieve and disseminate information, including a list of professional boxers and their medical records and won-loss

records and relevant information on other individuals involved in professional boxing including referees, judges, promoters and managers.

Subsection (d) of this section sets forth additional functions of the PBC. These include:

Prescribing regulations to establish minimum standards for professional boxing matches in the U.S. regarding health and safety (including physical and mental examinations; the presence of qualified medical personnel at ringside; and standards for boxing equipment);

Assisting State boxing authorities to ensure State compliance with PBC standards;

Prescribing regulations prohibiting conflicts of interest and establishing uniform standards for boxing contracts, including requiring contracts be filed with the PBC or with a State boxing authority for review prior to a bout; and

Reviewing the role of and prescribing regulations regarding sanctioning organizations in professionals boxing.

Subsection (e) requires the PBC to consult with State boxing authorities prior to prescribing any regulations or establishing any standards under this section and at least annually on a general basis.

Subsections (f) and (g) would provide the PBC with the authority to withdraw the licenses and registrations of individuals who fail to comply with Corporation's regulations, as well as to prohibit any boxing matches which are in violation of the PBC's regulations (while affording appropriate due process protection). Grounds for withdrawal or prohibition would include protection of the health and safety of the boxer and where there is a reasonable belief that bribery, collusion, racketeering, extortion or other unlawful activity is involved.

Subsection (h) provides the PBC with the authority to conduct investigations it deems necessary to ensure that its regulations are being enforced, including the authority to subpoena witnesses and documents and to obtain injunctive relief.

Subsection (i) grants the PBC with the authority to intervene as a matter of right in any civil action filed in a United States district court on behalf of the public interest in any case relating to professional boxing. This subsection also authorizes the Corporation to file a brief in any action filed in a court of the United States on behalf of the public interest in any case relating to professional boxing.

SEC. 9. SUBMISSION AND APPROVAL OF STATE BOXING PLAN TO CORPORATION

This section provides that, beginning 18 months following the enactment of this legislation, a State regulating professional boxing shall submit to the PBC for its approval a State boxing plan that conforms with the requirements established in subsection (b). These requirement include: establishing a State agency to regulate professional boxing in compliance with the PBC's minimum standards; and establishing registration procedures that are consistent with the provisions of section 8.

Subsection (c) requires the PBC to determine within 60 days whether such a plan is approved.

Subsection (d) authorizes the PBC to withdraw its approval of any State boxing plan that no longer meets the requirements of subsection (b).

Subsection (e) prohibits professional boxing matches, beginning three years following the enactment date of this legislation, in any State which does not have in effect a PBC-approved State boxing plan or in which the State is not complying with the PBC's minimum standards or in which the PBC has withdrawn its approval of a State boxing plan.

SEC. 10. POWERS OF THE CORPORATION

This section provides the PBC with the general authority to carry out the functions of the Corporation, including the contracting of outside personnel to conduct certain functions such as medical or scientific research.

The PBC is not intended to micromanage professional boxing. Therefore, subsection (b) of this section specifically prohibits the Corporation from promoting boxing matches or from ranking professional boxers. This subsection also prohibits the PBC from providing assistance to State which do not comply with the minimum standards established by the Corporation.

Subsection (c) gives the PBC exclusive rights to its name, acronym and any other emblem or trademark of the Corporation.

SEC. 11. NONINTERFERENCE WITH STATE BOXING AUTHORITIES

This section makes clear that States are free to continue to regulate professional boxing to the extent those regulations are not inconsistent with the provisions of this Act.

Standards established by the PBC are to be minimum standards for professional boxing. The states are free to promulgate regulations which exceed the PBC's standards.

SEC. 12. ASSISTANCE FROM OTHER AGENCIES

This section would generally permit the PBC to seek and obtain the assistance of other Federal agencies in the course of conducting its operations.

SEC. 13. PROFESSIONAL BOXING CORPORATION TRUST FUND

This section would establish a PBC Trust Fund at the Department of the Treasury and is based on the language used to establish many similar trust funds for Federal entities currently in operation. Subsection (d) authorizes the PBC to borrow from the Treasury the necessary start-up capital as "repayable advances", to be repaid with interest. After five years (from the effective date of the Act), no additional advances would be permitted and all previous advances must be repaid. All PBC revenue would be deposited in this Trust Fund, which would be managed by the Treasury and the Secretary would report annually to Congress on the condition and operations of the Trust Fund.

SEC. 14. AUDIT AND REPORT

The Act would require the PBC to submit an annual report to Congress describing the State boxing authorities in each state and the results of an annual required audit conducted by the Comptroller General.

Subsection (c) requires the PBC to issue an annual public report addressing progress made at the Federal and State levels in the reform of professional boxing and commenting on issues of continuing concern to the Corporation.

SEC. 15. PETITION TO REPEAL BEFORE EFFECTIVE DATE

This provision would permit a majority of the State boxing authorities from all States to submit a petition, with supporting evidence, to the Senate Governmental Affairs and House Government Operations Committees, respectively, showing that the PBC is unnecessary because the State boxing authorities have established an organization capable of effectively carrying out the purposes of this Act, and therefore requesting Congress to either delay the effective date of or repeal this Act. This provision is intended to allow the opportunity for the creation of a non-federal entity to address the problems which would otherwise be addressed by this Act. The establishment of such an entity would be long overdue; professional boxing's inability to regulate itself is the genesis for this Act.

SEC. 16. INFORMAL RULEMAKING

This section provides that, to the extent possible, the PBC will conduct all rulemaking pursuant to the informal rulemaking procedures of the Administrative Procedures Act.

SEC. 17. TERMINATION OF CORPORATION

This is a "sunset" provision under which the PBC will terminate seven years following the date of enactment unless Congress determines a continuing need exists and extends the PBC's authorization.

SEC. 18. EFFECTIVE DATE

The effective date shall be one year after the date of enactment.●

By Mr. BINGAMAN (for himself, Mrs. FEINSTEIN, and Mr. HARKIN):

S. 1190. A bill to require the Secretary of Health and Human Services to establish an America Cares Program to provide for the establishment of demonstration projects for the provision of vouchers and cash contributions for goods and services for homeless individuals, to provide technical assistance and public information, and for other purposes; to the Committee on Labor and Human Resources.

AMERICA CARES ACT

● Mr. BINGAMAN. Mr. President, I rise today to introduce legislation to enable communities across the Nation to create programs to enhance private giving to the homeless.

This legislation, called America Cares, is based on the positive experience of Berkeley Cares, a partnership of businesses, homeless service providers, and concerned citizens that joined together to try to address the issue of panhandling by the homeless in Berkeley's business areas. After much discussion, this group decided to try the idea of providing vouchers to sell to citizens, who could then give these vouchers to the homeless. These vouchers would be redeemable for food, toiletries, and other goods and services, but could not be redeemed for alcohol or tobacco.

The program has been a tremendous success. First, it has provided help to the homeless. Ordinary people now know they can help the homeless with the assurance that any donation they make through vouchers will not be used for drugs or alcohol. There is no doubt that the vouchers have assisted in helping turn lives around by providing access to food and other basic necessities. For some homeless individuals, this program has been the first step on the way back to self-reliance.

Second, the Berkeley Cares model gives ordinary citizens a way to help homeless people that they can feel great about. I think all of us have had

the experience of being approached by someone begging for money. On the one hand, we want to give, to help this person. On the other hand, we have the sinking feeling that the money we give will not end up helping. This fear that the panhandler will only use the money for alcohol or drugs holds us back. So sometimes we refuse to give, and then castigate ourselves for not being generous. But other times we give anyway, and we castigate ourselves for being taken for suckers.

The voucher program gives ordinary citizens a chance to help the homeless directly and feel good about their giving and their concern. They can be assured that every voucher they pay for and hand to someone who is homeless can only be redeemed for food and other goods and services that will in reality help them—help them to maintain their physical health and self-esteem.

Third, the program has also helped the business community. Some of the aggressive panhandlers in Berkeley simply moved on, moved away, when it became apparent that a sizable number of people would give them vouchers that could not be used for drugs or alcohol. Many others used the vouchers for goods and services in local businesses, which in turn could be redeemed for cash by the merchants. Thus, new customers for businesses have been created, in a sense, by the vouchers. Early fears that homeless people redeeming vouchers in a store would scare off other customers proved to be groundless. In fact, participating businesses have found that many customers patronize business establishments who sell and redeem vouchers, in a show of appreciation for their involvement in Berkeley Cares.

Finally, and perhaps most importantly, the Berkeley Cares Program has helped educate the community about the issues of the homeless. By helping individuals help others, it has "primed the pump" for bringing the community's voluntary talents and resources to bear on solving the problems faced by the homeless. General awareness in the Berkeley community has increased as people have begun to see themselves as part of the solution to these problems.

As this awareness has increased, homeless service providers have seen increased support, in part through a separate contribution aspect of the Berkeley Cares Program. Communication between service providers, citizens, and the business community has also increased.

I think this Berkeley Cares experience can benefit other communities. Indeed, other cities are already attempting to set up programs. In Albuquerque, NM, for example, there is some interest in creating a program in at least one neighborhood shopping area.

My legislation helps new programs get started. It provides competitive grants of up to $60,000 to at least 60 local organizations to start programs like Berkeley Cares. Each program will provide a 25-percent match to qualify for the grant. The 60 programs created by this legislation will be demonstration programs in the widest sense of the word. In selecting the programs, the Secretary of Health and Human Services will look for diverse ideas regarding where the vouchers are sold, and what goods and services they are redeemable for. In addition, the Secretary will examine possibilities for providing contributions for homeless service providers. At the end of the year, the Secretary will look at the results of these diverse programs, and distribute those results to new organizations that are considering what might work in their communities.

My approach is cost-effective. The very small amount of money required to seed these new programs will, if these programs work, direct much more private money that is now made available to help meet the needs of homeless people. The key to America Cares is that it unleashes the great good will and generosity of the ordinary citizens and businesses in demonstration communities. It proposes a way for ordinary citizens and business to help the homeless and feel a great pride about their generosity. It will accomplish the direction of substantially more private resources to meet the needs of the homeless.

But it is also important to stress that programs created through America Cares are no substitute for addressing the root causes of homelessness. We as a nation cannot turn our back on the need to ensure adequate affordable housing, job training, and health care. Without each of these elements in place, it is likely that homelessness will remain with us. America Cares, however, can be a cost effective way in which the Federal Government can help local communities alleviate some of the pain of those who are homeless, and help mobilize communities across the Nation to fight the root causes of homelessness.

I ask unanimous consent that the text of the America Cares legislation be printed in the RECORD.

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

S. 1190

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 "America Cares Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) up to 5,000,000 Americans are homeless;

(2) homeless Americans lack access to basic goods and services;

(3) many Americans who are not homeless would like to help the homeless meet their basic needs;

(4) cash contributions, in response to one-to-one requests on the street, are not always the most effective way to assist homeless persons in obtaining food, clothing, and services;

(5) the Federal Government should facilitate the desire of private persons to help the homeless;

(6) a successful model program, Berkeley Cares, permits private persons and organizations to purchase vouchers for homeless individuals for redemption for goods and services at participating businesses and to make contributions to Berkeley Cares to purchase vouchers for distribution by homeless service providers; and

(7) such a program is viable on a National level.

SEC. 3. PURPOSE.

It is the purpose of this Act—

(1) to establish the America Cares Program;

(2) to coordinate public goodwill with the needs of homeless individuals in a constructive manner;

(3) to assist homeless individuals to gain access to basic goods and services;

(4) to encourage increased citizen understanding of homelessness; and

(5) to increase public support of homeless service programs.

SEC. 4. DEFINITIONS.

For the purposes of this Act:

(1) ELIGIBLE NONPROFIT ORGANIZATION.—The term "eligible nonprofit organization" means a local nonprofit entity—

(A) that is established or seeking establishment (subject to approval) as an exempt organization as described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(B) that desires to establish a program in a local area to—

(i) provide—

(I) vouchers to homeless individuals; or

(II) cash contributions to participating homeless service providers to purchase vouchers to provide to homeless individuals; and

(ii) conduct an educational program concerning homelessness.

(2) HOMELESS INDIVIDUAL.—The term "homeless individual" has the same meaning given the term under section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302).

(3) HOMELESS SERVICE PROVIDERS.—The term "homeless service providers" means nonprofit entities that provide services to homeless individuals.

(4) PARTICIPATING RETAIL ESTABLISHMENT.—The term "participating retail establishment" means any retail establishment that is approved by an eligible nonprofit organization grantee under section 5(b)(11) to accept vouchers for the payment of goods or services.

(5) PARTICIPATING HOMELESS SERVICE PROVIDERS.—The term "participating homeless service providers" means nonprofit entities that—

(A) provide services to homeless individuals; and

(B) are approved by an eligible nonprofit organization grantee under section 5(b)(12)—

(i) to receive cash contributions—

(I) to purchase vouchers to provide to homeless individuals; or

(II) to use for the provision of services to homeless individuals;

(ii) to receive vouchers provided under section 5(a)(10) to provide to homeless individuals; or

(iii) to accept and redeem vouchers from homeless individuals for the payment of services.

(6) PROGRAM.—The term "Program" means the America Cares Program established under section 5(a).

(7) RETAIL ESTABLISHMENT.—The term "retail establishment" means any retail establishment offering goods or services for sale.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Health and Human Services.

(9) STATE.—The term "state" means each of the several States of the United States and the District of Columbia.

SEC. 5. AMERICA CARES PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in accordance with this Act, shall establish and carry out a program to benefit homeless individuals in America, to be known as the America Cares Program.

(b) DEMONSTRATION GRANTS.—

(1) IN GENERAL.—In carrying out the Program established under subsection (a), the Secretary shall award grants to not less than 60 eligible nonprofit organizations to carry out demonstration projects to—

(A) provide—

(i) vouchers to homeless individuals under the program requirements in paragraph (7)(A); or

(ii) provide vouchers to homeless individuals under the program requirements in paragraph (7)(A) and cash contributions to participating homeless service providers under the program requirements in paragraph (7)(B); and

(B) conduct an educational outreach program within the community at large on homelessness and the voucher program.

(2) SPECIAL RULE.—In awarding grants under paragraph (1), the Secretary shall award grants to eligible nonprofit organizations that have the highest likelihood of carrying out the purposes of this Act.

(3) USE OF GRANT.—Grants awarded for the establishment of demonstration projects under paragraph (1) shall be used to cover the startup costs for such projects.

(4) AMOUNT AND MATCHING REQUIREMENT.—

(A) AMOUNT.—A grant awarded under this section shall be for an amount that is not in excess of $60,000.

(B) MATCHING REQUIREMENT.—

(i) IN GENERAL.—The Secretary may not make a grant to an eligible nonprofit organization under this Act unless such organization agrees to make available non-Federal contributions by private or local government sources toward the cost of carrying out the program established with amounts received under the grant in an amount equal to at least 25 percent of the amount of funds provided under the grant.

(ii) IN-KIND CONTRIBUTIONS.—The non-Federal share of payments under paragraph (1) may be in-kind, including staff services.

(5) DISTRIBUTION AND ALLOCATIONS.—

(A) GENERAL DISTRIBUTION.—The Secretary shall award grants under paragraph (1) through a method that ensures that such awards are distributed to demonstration projects that collectively establish—

(i) diverse program requirements with respect to the categories for which vouchers may be redeemed under paragraph (7)(A)(ii); and

(ii) diverse program requirements with respect to the methods through which vouchers may be distributed under paragraph (7)(A)(iv).

(B) ALLOCATIONS FOR PROJECTS IN A STATE.—The Secretary shall ensure that not less one grant shall be awarded under paragraph (1) in each State and the District of Columbia to an eligible nonprofit organization that submits an application under paragraph (8) to receive financial assistance to carry out any demonstration project described in paragraph (1) in such State and the District of Columbia.

(6) DURATION.—A grant awarded under this section shall not exceed 1 year.

(7) PROGRAM REQUIREMENTS.—

(A) VOUCHERS FOR HOMELESS INDIVIDUALS.—The Secretary may not award a grant under this section to an eligible nonprofit organization that desires to provide vouchers to homeless individuals unless such organization agrees to the following:

(i) Create vouchers to provide to homeless individuals under paragraph (9)(A).

(ii) Permit vouchers to be redeemed for at least one or more of the following categories of goods and services:

(I) Food and personal hygiene items.

(II) Food, personal hygiene items, stamps, or other consumer goods (except alcohol, tobacco, or pornography), and bus fare.

(III) Any goods and services (including services provided by participating homeless providers) except alcohol, tobacco, or pornography.

(iii) Prohibit the use of vouchers for gambling or gambling related purposes.

(iv) Distribute vouchers to homeless individuals through one or more of the following methods:

(I) Sell vouchers directly to retail establishments that agree to sell such vouchers to persons who desire to give such vouchers to homeless individuals. The eligible nonprofit organization shall require such retail establishments to make payment for such vouchers on the date of delivery or not later than 30 days from the date of the sale of a voucher to a person.

(II) Sell vouchers directly to local retail establishments and public entities, including the United States Post Office and the Social Security Administration, that agree to sell such vouchers to persons described in subclause (I). The eligible nonprofit organization shall require such retail establishments and public entities to make payment to such organization for such vouchers as required by subclause (I).

(v) Approve applications submitted under paragraph (11) or (12) by retail establishments or participating homeless service providers that desire to accept and redeem vouchers under the Program.

(B) CASH CONTRIBUTIONS FOR PARTICIPATING HOMELESS SERVICE PROVIDERS.—The Secretary may not award a grant under this section to an eligible nonprofit organization that desires to provide cash contributions given by the public to participating homeless service providers unless such organization agrees to—

(i) allow one or more of the entities described in subparagraph (A)(iv)—

(I) to accept such cash contributions; and

(II) not later than 45 days from the receipt of such cash contributions, to transfer such cash contributions to such organization to be equitably distributed to participating homeless service providers; and

(ii) approve applications submitted under paragraph (12) by homeless service providers that desire to be provided cash contributions under the Program.

(8) APPLICATION.—

(A) IN GENERAL.—To be eligible to receive a grant under this section, an eligible nonprofit organization shall prepare and submit to the Secretary an application in such form, at such time, and in accordance with such procedures as the Secretary shall establish.

(B) ASSURANCES.—Each application submitted under subparagraph (A) shall provide assurances that an eligible nonprofit organization will meet the applicable program requirements under paragraph (7).

(9) CREATION, DISTRIBUTION, PURCHASE AND USE OF VOUCHERS.—

(A) CREATION AND DISTRIBUTION.—An eligible nonprofit organization grantee that carries out a demonstration project under this section shall create the vouchers that are to be provided to homeless individuals through the demonstration project. Such grantee shall make such vouchers available for sale to the public in accordance with the program requirements under paragraph (7)(A)(iv). Vouchers shall be simple in design and shall include only such words or illustrations as are required to explain the purpose of the vouchers and define the denomination of the vouchers. The name of any public official shall not appear on the vouchers.

(B) PURCHASE.—A person may purchase a voucher distributed under subparagraph (A) and may give such voucher to a homeless individual or to a participating homeless service provider to provide to homeless individuals.

(C) USE BY HOMELESS INDIVIDUALS.—

(i) IN GENERAL.—An eligible nonprofit organization shall permit, in accordance with the program requirements under subparagraph (A)(ii) of paragraph (7), the appropriate retail use of vouchers by homeless individuals, subject to the limitations under such subparagraph.

(ii) PRICES.—Nothing in this Act shall be construed as authorizing the Secretary to specify the prices at which goods or services may be sold by participating retail establishments or participating homeless service providers, except that the participating retail establishments or participating homeless service providers may neither charge a higher price for goods or services purchased with vouchers nor charge a fee for accepting vouchers.

(iii) CASH VALUE.—

(I) IN GENERAL.— Subject to subclause (III), vouchers shall not be redeemable for cash and shall have no cash value.

(II) CHANGE FOR PURCHASES WITH VOUCHERS.—A homeless individual using a voucher or vouchers to purchase a good or service shall not receive cash as change if the amount of a purchase is less than the value of the voucher or vouchers.

(III) CHANGE FOR PURCHASES WITH VOUCHERS AND CASH.—A homeless individual using a voucher and cash, or vouchers and cash, to purchase a good or service shall not receive cash as change from the purchase, except that such change may be received if the amount of the cash used exceeds the amount of such voucher or vouchers.

(10) ELIGIBILITY FOR RECEIPT OF VOUCHERS.—Persons purchasing vouchers may provide the vouchers to homeless individuals, or to participating homeless service providers to provide to homeless individuals, on a discretionary basis.

(11) PARTICIPATING RETAIL ESTABLISHMENTS.—

(A) APPLICATIONS.—Regulations issued pursuant to this Act shall provide for the submission of applications to eligible nonprofit organization grantees by retail establishments that desire to accept and redeem vouchers under the Program.

(B) APPROVAL.—In considering an application submitted under subparagraph (A), the

eligible nonprofit organization grantee shall consider—

(i) the nature and extent of the business conducted by the applicant and the extent to which the applicant can provide goods and services;

(ii) the business integrity and reputation of the applicant; and

(iii) any other factors the Secretary may prescribe by regulation.

(C) CERTIFICATE OF APPROVAL.—On approval of an applicant under this paragraph, the eligible nonprofit organization grantee shall issue the applicant a nontransferable certificate of approval.

(12) PARTICIPATING HOMELESS SERVICE PROVIDERS.—

(A) APPLICATIONS.—Regulations issued pursuant to this Act shall provide for the submission of applications to eligible nonprofit organization grantees by homeless service providers that desire—

(i) to receive cash contributions

(I) to purchase vouchers to be provided to homeless individuals; or

(II) to be used for the provision of services to homeless individuals;

(ii) to receive vouchers provided by persons described in paragraph (10) to be provided to homeless individuals; or

(iii) to accept and redeem vouchers from homeless individuals for the payment of services.

(B) APPROVAL.—In considering an application submitted under subparagraph (A), the eligible nonprofit organization grantee shall consider any factors the Secretary may prescribe by regulation.

(C) CERTIFICATE OF APPROVAL.—On approval of an applicant under this paragraph, the eligible nonprofit organization grantee shall issue the applicant a nontransferable certificate of approval.

(13) REDEMPTION OF VOUCHERS.—Regulations issued pursuant to this Act shall provide for the redemption of vouchers accepted by participating retail establishments or participating homeless service providers.

(c) TECHNICAL ASSISTANCE AND PUBLIC AWARENESS.—

(1) ASSISTANCE.—The Secretary is authorized to enter into contracts with entities that carry out programs that are—

(A) in existence on the date on which the Secretary and the entity enter into the contract;

(B) similar to the demonstration projects described in subsection (b)(1); and

(C) able to provide support and follow up assistance to grantees from such grantees' startup phase through such grantees' final reporting under section 6(b),

to provide technical assistance to eligible nonprofit organizations to assist such organizations in carrying out the purposes of this Act.

(2) AWARENESS.—The Secretary shall inform the public of the location of local demonstration projects that are established by an eligible nonprofit organization grantee under this Act.

(d) REGULATIONS.—The Secretary shall issue such regulations consistent with this Act as the Secretary considers necessary or appropriate for the effective and efficient administration of the Program.

(e) FINES AGAINST UNAUTHORIZED THIRD PARTIES THAT ACCEPT VOUCHERS.—The Secretary may impose a fine against any person not approved by an eligible nonprofit organization grantee to accept vouchers and who violates any provision of this Act, including violations concerning the acceptance of vouchers. The amount of any such fine shall be established by the Secretary and may be assessed and collected in accordance with regulations issued under this Act separately, or in combination, with any fiscal claim established by the Secretary. The Attorney General may institute judicial action in any court of competent jurisdiction against the person to collect the fine.

SEC. 6. REPORTS.

(a) CONGRESSIONAL.—Not later than 1 year after the establishment of the Program, the Secretary shall prepare and submit to Congress a report evaluating the Program. Such report shall include the following:

(1) The number of participating retail establishments, listed according to the type of goods or services provided.

(2) The number of vouchers sold and redeemed, broken down by geographic area.

(3)(A) A determination of the eligible nonprofit organization grantees that are successful in carrying out demonstration projects under this Act.

(B) With respect to each such eligible nonprofit organization grantee that is determined to be successful under subparagraph (A), a description of—

(i) the categories of goods and services for which the grantee permits vouchers to be redeemed under section 5(b)(7)(A)(ii); and

(ii) the methods used by the grantee to distribute vouchers under subparagraph (A)(iv) of section 5(b)(7).

(C) A recommendation on the categories described in subparagraph (B)(i) and the methods described in subparagraph (B)(ii) that would be optimal for use by an entity to carry out a voucher program.

(4) A description of the impact of the Program on other programs designed to meet the needs of homeless individuals, including the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77) and amendments made by such Act.

(5) A description of the demographic impact of the Program on homeless individuals in America.

(b) SECRETARY.—Not later than 1 year after the receipt of a grant award under section 5(b)(1) to carry out a demonstration project under this Act, an eligible nonprofit organization shall prepare and submit to the Secretary a report evaluating the demonstration project, as described under section 5(b)(1). Such report shall include a description of how such organization will continue to carry out its program to provide vouchers for homeless individuals or homeless individuals and participating homeless service providers.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal year 1994 and each of the subsequent fiscal years.●

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 1192. A bill to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the city of Soldotna, AK, for airport purposes; to the Committee on Commerce, Science, and Transportation.

THE SOLDOTNA AIRPORT IMPROVEMENT ACT OF 1993

Mr. STEVENS. Mr. President, with 375 million acres of land, with more and higher mountains than all of our sister States combined, and with our communities separated by hundreds and even thousands of miles, Alaska has always had a difficult time maintaining its fragile transportation infrastructure.

Our State is more than two times the size of Texas, yet we have only 12,000 miles of roads. In the decades after World War II the rest of our country benefited from the completion of the Interstate Highway System. Alaska, however, has had to remain uniquely dependent on air transportation.

Many do not realize that more than 70 percent of our communities can be reached only by air. There aren't even any roads into our State capital, Juneau.

Because Alaskans can get to so many destinations only by air, it is no wonder they are deeply concerned about aviation issues.

Today, I want to discuss a problem which has arisen for one of our communities.

In 1964, the Department of the Interior granted a patent to the city of Soldotna, AK, for more than 400 acres of land to be used for an airport. Over the last 30 years, Soldotna has used that land to construct a 5,000-foot paved runway, an excellent airport lighting system, and ample parking space for general aviation and cargo aircraft and air taxis.

The fine quality of the facilities of Soldotna Airport is well known. It is used often by the Alaska State Troopers, the U.S. Forest Service, the State Department of Natural Resources, and by private pilots from throughout Alaska and the lower 48. Soldotna is on the beautiful Kenai Peninsula, south of Anchorage, particularly well known to sport fishermen and just south of my daughter's home.

In spite of this, the overall level of activity at Soldotna Airport has consistently decreased over the years.

While most Alaska airports are owned and operated by the Alaska Department of Transportation and Public Facilities, a small number of airports are owned and operated by cities. Soldotna is one such airport.

In the face of this decreased level of activity, Soldotna, like many small airports, faces rising expenses for maintenance, operations, and liability insurance. These expenses have almost always exceeded revenues generated by leases, tie-down fees, landing and fuel-flowage fees.

The airport is doing its part to cut expenses. Airport parking has been consolidated to reduce snow removal and apron cleaning expenses. Airport management contracts have been discontinued. The passenger terminal building has been sold. And payroll expenses have been limited as far as possible.

In spite of all these efforts, Soldotna Airport had losses of more than $150,000 a year for the last 6 years.

Soldotna is a small town. Only 3,500 Alaskans live there, many of them employed in seasonal occupations like

fishing and construction. The kinds of financial losses that Soldotna's airport has sustained can't be borne indefinitely by such a small population.

Soldotna has considered all options—even the option of closing the airport entirely.

Now, Mr. President, here is the catch-22: To close the airport would be even more expensive. The city would actually be required to reimburse the Federal Government nearly $7 million.

So there it is: Soldotna Airport cannot be maintained, and it cannot be closed.

There is the possibility of a solution: Soldotna Airport must be allowed to sell surplus airport land in order to finance future operations.

But even that will not end the story. One more hurdle remains.

Soldotna Airport's patent from the Department of the Interior requires that the city use the property exclusively for airport purposes. Otherwise the property reverts to the Federal Government.

The Federal Aviation Administration interprets that to mean that excess airport lands may not be sold and that the Secretary of Transportation does not have the authority to allow such a sale.

For this reason, I want to send to the desk, and I introduce today, the Soldotna Airport Improvement Act of 1993. This legislation will allow the Secretary of Transportation to release the restrictions on the sale of surplus lands at the Soldotna Airport. In addition, the bill would guarantee that the land sold would be at fair market value, and the proceeds from the sale be used exclusively for the development, improvement, operation or maintenance of the airport.

In this time of fiscal restraint, Mr. President, I am proud that local Alaska officials involved have looked at market-driven solutions, rather than increased taxes, in order to fund these necessary public facilities.

Incidentally, Congress passed similar legislation which allowed the sale of surplus airport lands in Iowa, Oklahoma, and Colorado. What I ask for is not new. In view of the unique importance of aviation to our State, I ask that the Senate give Alaska the same opportunity and allow this airport to survive.

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. 1192

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

SEC. 1. SHORT TITLE.

This Act may be cited as "the Soldotna Airport Improvement Act of 1993."

SEC. 2. RELEASE.

Notwithstanding section 16 of the Federal Airport Act (as in effect on December 12, 1963), the Secretary of Transportation is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and the provisions of section 3 of this Act, to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated December 12, 1963 under which the United States conveyed certain property to the city of Soldotna, Alaska, for airport purposes.

SEC. 3. CONDITIONS.

(a) Any release granted by the Secretary of Transportation under section 2 of this Act shall be subject to the following conditions:

(1) The city of Soldotna, Alaska, shall agree that, in conveying any interest in the property which the United States conveyed to the city by deed dated December 12, 1963, the city will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by the Secretary of Transportation).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport.

By Mr. CONRAD:

S. 1193. A bill to amend the Head Start Act to provide services for younger children and their parents, the Comprehensive Child Development Act to extend the authorization of appropriations, and the National and Community Service Act of 1990 to provide educational awards for early childhood development teachers, and for other purposes; to the Committee on Labor and Human Resources.

HEAD START AND EARLY CHILDHOOD DEVELOPMENT AMENDMENTS OF 1993

Mr. CONRAD. Mr. President, I rise today to introduce a bill which I believe is one of the most important legislative initiatives that I have been a part of in my time in the U.S. Senate.

Mr. President, we have all been troubled in recent years by increasing societal problems. Every day, the headlines tell us that the problems in urban and rural America are growing and that our children are the most affected.

We have seen an explosion in crime and, most disturbingly, an explosion in juvenile crime. More children and young people are committing violent crimes, and more children are becoming the victims of those violent crimes.

Just in Washington the other day, we saw, at a swimming pool that ought to be the center of good fun and safety for children, a situation in which somebody came by with an automatic weapon and wounded a number of children at the pool and left all of their summers less fun, less safe, and really raised the question: What is happening? What is going on in the streets of America? Not just in the streets of Washington, DC; not just in the streets of Madison, WI, the State of the distinguished Presiding Officer; not just in the streets of Detroit or the streets of Los Angeles; but it is starting to happen in the streets of a State like mine, a small rural State like North Dakota.

Mr. President, we have seen terrible inequity develop in our educational system, seen the test scores of our students decline, and seen their opportunities for a bright future fade.

We have seen startling statistics in the illiteracy rates among children and adults.

We have watched ever-increasing numbers of children raised in poverty and condemned to live in poverty.

We have seen the traditional family structure in this Nation change, as more and more children live in households with only a single parent, and the strains of poverty cause more and more families to break up.

Children are the most vulnerable victims of our changing society. Fortunately, helping children—and their families—is the best and most effective way to change the future for the better.

It has become increasingly clear that only early intervention will provide lasting help to these children. If we give children a solid foundation, if we give them a chance to develop in their earliest years, they have a chance for success, strength, and health as adults.

And in fact, we know that early childhood education, intervention, and development programs not only work, but are cost-effective. An early investment in a child saves society the huge costs of a wasted adult life.

But in our enthusiasm for early childhood education, we must not forget that families are the first and most important key to a child's success. If we expect our programs to help children, then they must help families as well.

That is why today I am introducing the Head Start Amendments of 1993. Head Start is one of our most successful programs, and has been instrumental in providing the effectiveness of early childhood programs. I agree with President Clinton that we should build on and expand the success of Head Start as the finest investment we can make in the future of America's children, their families, and the Nation as a whole.

My amendments address three broad areas of concern:

First, expanding Head Start services to children from birth to 3 years of age and the families of those children so that not only do we address the needs of the child, but the needs of the family. After first making certain that the needs of all 3-to-5-year-old children who are currently eligible for Head Start are met, then we will focus on those from 0 to 3 years and their families.

Second, reworking Head Start to provide comprehensive services that focus on the family, and addressing the problems of children and their families together.

Mr. President, when I was in Israel a number of years ago, I saw a program at work there that convinced me we ought to try it here.

Very simply, that program was designed to take those who were coming to Israel from impoverished backgrounds, backgrounds in which people were not educated, were not trained for jobs. And, do you know what? They did not just focus on the children. They focused on the whole family.

They had enormous success in intervening in people's lives, so that they had a better future, so that they had the opportunity for a better future, so they could build a better future, so they were not dependent on the Government for a handout for the rest of their lives but, instead, they were able to seize control, to develop themselves, to build their families, to build their skills, to improve their education, and to have a chance.

Mr. President, my set of amendments also provides training and education programs for existing Head Start staff, and incentives for young people to choose a career in early childhood education, to meet the staffing requirements of an expanded Head Start Program in the future.

My amendments respond to the recommendations for Head Start prepared 2 years ago by a panel of distinguished early childhood specialists on behalf of the National Head Start Association. I recommend that local Head Start agencies and their grantees be authorized to provide Head Start services for infants and toddlers—from birth to compulsory school age.

The more we learn about the development of children, the more we understand how critical those earliest years are. Head Start has shown dramatic success in the development of 3-to-5-year-olds, and pilot programs have already demonstrated that success can be duplicated and expanded for younger children.

This legislation also extends authority to local Head Start agencies to provide a program of comprehensive services to the parents of those children—services similar to the core services provided through the parent-child centers, and the child development projects under the Comprehensive Child Development Act.

The idea is simple and effective. A child may do well in a Head Start Program, but that progress may unravel when the child goes home to a problem family. My amendments allow Head Start to assess a family situation and, when problems are found, help address them.

If a child comes from an abusive household, they can help the abusive parent find counseling. If the child's parents are drug or alcohol abusers, they can help them find rehabilitation programs. If the parents are unemployed, they can match them up with job counselors and training services.

We are not talking here about reinventing the wheel. We are not talking about some social experiment. We are talking about building on what we know works. We are talking about a commonsense way to help families—give the children the education, social, and medical help they need while matching up the families with the existing services that they need to help solve their problems. That makes good sense.

The lessons learned through 34 demonstration programs through the Comprehensive Child Development Act can be applied to Head Start expansion efforts, especially the experiences from assisting multiproblem families.

One thing we have learned is that when we are dealing with children who are at risk, almost without exception we are dealing with multiproblem families. That is what we need to address ourselves to. In order to start the work, I recommend that authorization for Public Law 100-297, which expires in fiscal year 1994, be extended through fiscal year 1997 at an authorized funding level of $60 million. Appropriations for the 34 demonstration projects are at a funding level currently of $46.8 million.

I want to make it plain that any expansion of Head Start to very young children should begin only after the needs of children already waiting for Head Start programs are met. Authority to initiate services for infants and toddlers, or to extend a program of comprehensive services would be granted only after a thorough review of the local Head Start agency community assessment plan by the Head Start Regional Office and compliance with the Head Start performance standards for infants and toddlers. Funding for the extension of infant, toddler, and comprehensive services would be provided by a set-aside of 13 percent of the appropriations for Head Start programs that exceed the 1993 fiscal year level.

I further recommend that a set-aside of 8 percent of appropriations in excess of the 1993 funding level be allocated to programs under the Head Start transition project. Studies have shown that Head Start children frequently lose the benefits from Head Start by the time they enter the second or third grade if the comprehensive services are not continued in the early grade school levels.

This is a tragedy. We do in, we intervene with these young children who need a hand up. It works. And then we abandon the effort. It does not make any sense. If we go in, we find we can make a difference in these young people's lives. If we can help them build on these opportunities, we ought not to abandon the effort. We ought to build on it. That is what this program is designed to do.

I further request that the Secretary of Education, in consultation with the Secretary of Health and Human Services, review the use of some chapter I funds to provide services to Head Start children in transition to elementary school.

None of these initiatives can work unless qualified, competent staff are available to carry them out. Head Start agencies are already experiencing problems in finding and retaining the staff they need.

That is why my legislation proposes four initiatives to retain and increase the number of qualified staff for Head Start and early childhood development programs. These initiatives are designed to encourage students and National Service volunteers to consider careers in early childhood development programs and to encourage career development and planning among current Head Start and early childhood development staff and instructors.

The first initiative would increase the level of funding for scholarships under the Early Childhood Development Training Program, an initiative established by the Higher Education Amendments of 1992, through a 2 percent set-aside for funds for Head Start programs that exceed the 1993 fiscal year appropriation.

Second, I recommend that current Head Start and early childhood development program staff qualify for loan forgiveness of up to $5,000 a year for 2 years of study, similar to President Clinton's National Service proposal. The loan forgiveness would be granted only if an individual completes 2 consecutive years of Head Start or early childhood development service. This initiative would apply to staffers who have completed higher education training in this field and those who plan to pursue early childhood development studies for career development.

In addition, I recommend that National Service participants be eligible for a postservice benefit of $5,000 education loan forgiveness, provided the individual completes national service in the Head Start or early childhood development field, enrolls in a graduate program, and completes 2 consecutive years following graduation with Head Start or an early childhood development program.

Funding for these education initiatives would also be established through a set-aside—2 percent for each initiative—from funding appropriated for Head Start programs that exceeds the 1993 fiscal year appropriation level.

Last, we need to keep qualified staff and encourage them to make Head Start a lifelong career. My legislation requires the Secretary of Health and Human Services to prepare a report for Congress by October 1, 1995, on the establishment of a pension program for Head Start employees. The Secretary is also required to include the feasibility of Head Start employees' participation in the Federal Employees Retirement System.

As I read the newspapers, I sometimes fear we are losing an entire generation of young Americans to poverty,

crime, drugs, and violence. It may be too late for some, but I know it is not too late for many of our children. I know if we act now, we can give them a chance to succeed and to build a brighter future for themselves and for all of us.

As we move to fuller funding of Head Start, I hope my recommendations will be helpful to the Senate Labor and Human Resources Committee. After all, I think we all believe that Head Start simply must be successful.

I think in many parts of our country there is a sense of despair, a feeling that things are badly off track. When we read day after day of very young children committing violent crimes; when we see, day after day, reports that children do not even bother to go to school; when we see, day after day, the reports of extraordinary levels of unemployment in the poorest parts of our country; when we see, day after day, that look of hopelessness on the faces of people we pass in the street, do we not know there has to be a better way? Do we not know there is something that can be done? Do we not know that we have to intercede in some of these families that are so troubled? Because, if we do not, we are going to pay the bill ultimately anyway. We pay it by being fearful when we leave the halls of this building just to go home. We pay the price when we see the streets of the Nation's Capital filled with people who are begging for money to be able to eat.

The other night my wife and I went out for dinner in this city and saw a woman digging through a garbage can for something to eat. That scene repeats itself every minute of every day on the streets, not only of Washington, DC, but of Los Angeles and Detroit and Chicago and New York and now, to an increasing extent, it is happening even in the more rural parts of our country.

We know what works. We do not need another study. We do not need another commission. We need to act. And we need to act to intercede to help families who are at risk. Because in helping the families, we help the children. And the children are our future.

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. 1193

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 "Head Start and Early Childhood Development Amendments of 1993".

SEC. 2. HEAD START ACT.

(a) DEFINITION.—Section 637 of the Head Start Act (42 U.S.C. 9832) is amended by adding at the end the following new paragraphs:

"(12) The term '1993 fiscal year appropriation' means the funds actually appropriated for fiscal year 1993 under section 639(a).

"(13) The term 'age of compulsory school attendance' or 'compulsory school age' means the age (not to exceed the age of 6) that a child is eligible for enrollment in a public school in a State.".

(b) ALLOTMENT OF FUNDS.—Section 640(a) of the Head Start Act (42 U.S.C. 9835) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively;

(B) by striking "(2) The" and inserting "(2)(A) The"; and

(C) by inserting immediately after clause (iv) (as so redesignated) the following new subparagraph:

"(B) For any fiscal year for which the amount appropriated under section 639(a) exceeds the 1993 fiscal year appropriation, the Secretary shall reserve the following:

"(i) Eight percent of the total amount in excess of such appropriation for Head Start infants and toddler programs described in section 642(d)(1).

"(ii) Eight percent of the total amount in excess of such appropriation to carry out the Head Start Transition Project Act (42 U.S.C. 9855 et seq.).

"(iii) Five percent of the total amount in excess of such appropriation for Head Start program services for children and their parents described in section 642(d)(2).

"(iv) Two percent of the total amount in excess of such appropriation for the provision of scholarship assistance for early childhood education training under section 596 of the Higher Education Act of 1965 (20 U.S.C. 1117).

"(v) Two percent of the total amount in excess of such appropriation for the provision of education awards to teachers in Head Start programs or early childhood development programs that are similar to Head Start programs.

"(vi) Two percent of the total amount in excess of such appropriations for the provision of post-service benefits for national service participants who are eligible for such benefits under section 144A of the National and Community Service Act of 1990."; and

(2) by striking "No funds reserved under this paragraph" in the matter preceding paragraph (3) and inserting:

"(C) No funds reserved under paragraph (2)(A).".

(c) POWERS AND FUNCTIONS OF HEAD START AGENCIES.—Section 642 of the Head Start Act (42 U.S.C. 9837) is amended by adding at the end the following new subsection:

"(d) Subject to a review of a local community assessment plan (as prescribed by regulation) of an agency that is eligible for designation as a Head Start agency under section 641 by the Regional Office of the Administration for Children and Families, such agency may in accordance with Head Start performance standards developed for infants and toddlers under section 651(b), provide—

"(1) infant and toddler Head Start program services to children from birth to compulsory school age; or

"(2) a fully integrated program of services to children from birth to compulsory school age and their parents that are similar to the core services provided to children and their families through the Parent-Child Centers under section 640(a)(4)(B) and the child development projects under section 670N(a) of the Comprehensive Child Development Act (42 U.S.C. 9881(a)).".

(d) EDUCATIONAL AWARDS.—The Head Start Act (42 U.S.C. 983 et seq.) is amended by adding at the end the following new section:

"SEC. 658. EDUCATIONAL AWARDS.

"(a) IN GENERAL.—The Secretary of Education may provide educational awards to individuals who are employed in the early childhood development field to assist such individuals in the repayment of outstanding student loans.

"(b) AMOUNT.—The amount of an educational award under subsection (a) shall not exceed $10,000 for a term of service completed under subsection (f).

"(c) LIMITATION.—An individual shall only be awarded one educational award under subsection (a).

"(d) APPLICATION.—An individual who desires to receive an educational award shall submit to the Secretary an application at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.

"(e) ELIGIBILITY.—To be eligible to receive an educational award under subsection (a), an individual shall—

"(1) have completed a term of service under subsection (f) in an approved education position described in subsection (g);

"(2) currently serve in an approved education position described in subsection (g); and

"(3) have—

"(A) an outstanding student loan from Federal or non-Federal sources; or

"(B) enrolled in and completed, an early childhood development program at an institution of higher education.

"(f) TERM OF SERVICE.—

"(1) IN GENERAL.—The term of service for an approved education position shall be not less than 2 years.

"(2) COMMENCEMENT.—No term of service under paragraph (1) shall begin prior to the date of enactment of this section.

"(g) TYPES OF EDUCATIONAL POSITIONS ELIGIBLE FOR APPROVAL FOR EDUCATION AWARDS.—The Secretary shall approve each of the following positions as an approved educational position:

"(1) A full-time teacher position or other staff position in a Head Start program.

"(2) A full-time teacher position or other staff position in an early childhood development program that provides services similar to Head Start programs.".

(e) REVIEW.—Not later than September 30, 1994, the Secretary of Education, in consultation with the Secretary of Health and Human Services and the Governor of each State, shall review the use of funds under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) to determine whether such funds can be used to provide services to Head Start children in transition to elementary school.

(f) CONFORMING AMENDMENTS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 639(c) of the Head Start Act (42 U.S.C. 9834(c)) is repealed.

(2) EVALUATION.—Section 651(g)(3) of the Head Start Act (42 U.S.C. 9846(g)(3)) is amended by striking "640(a)(2)" and inserting "640(a)(2)(A)".

SEC. 3. COMPREHENSIVE CHILD DEVELOPMENT ACT.

Section 670T(a) of the Comprehensive Child Development Act (42 U.S.C. 9887(a)) is amended by striking "1993, and 1994" and inserting "and 1993, and $60,000,000 for each of fiscal years 1994 through 1997,".

SEC. 4. NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

Subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12572 et seq.) is amended by inserting after section 144 the following new section:

"SEC. 144A. SUPPLEMENTAL POST-SERVICE BENEFITS FOR PARTICIPANTS SERVING IN EARLY CHILDHOOD DEVELOPMENT PROGRAMS.

"(a) IN GENERAL.—In addition to the provision of post-service benefits under section 146, the Commission shall provide to each full-time participant who has performed community service in an early childhood development program and who meets the eligibility criteria under subsection (b), a nontransferable post-service benefit that is equal in value to $5,000 to use for the purpose described in subsection (c).

"(b) ELIGIBILITY.—A participant may receive a post-service benefit under subsection (a) if such participant—

"(1) has completed a full-time term of service in an early childhood development program receiving assistance under this subtitle;

"(2) has enrolled in and completed a graduate program in early childhood development at an institution of higher education; and

"(3) after completion of such graduate program, has served in the early childhood development field for not less than 2 years.

"(c) USE OF POST-SERVICE BENEFITS.—A post-service benefit provided under subsection (a) shall only be used for payment of a student loan from Federal or non-Federal sources.".

SEC. 5. STUDY OF PENSION PROGRAM FOR HEAD START EMPLOYEES.

The Secretary of Health and Human Services shall conduct a study and prepare a report on the establishment of a pension program for Head Start employees, including the feasibility of such employees' participation in the Federal Employees Retirement System. Not later than October 1, 1995, the Secretary shall submit to the Congress such report with recommendations on options for extending retirement pension coverage to Head Start employees.

By Mr. DURENBERGER (for himself and Mr. WELLSTONE):

S. 1194. A bill to establish the Upper Mississippi River Environmental Education Center; to the Committee on Environment and Public Works.

THE UPPER MISSISSIPPI RIVER ENVIRONMENTAL EDUCATION CENTER CONSTRUCTION ACT OF 1993

• Mr. DURENBERGER. Mr. President, I rise today to introduce legislation to authorize construction of the Upper Mississippi River Environmental Education Center. The purpose of this legislation to create a facility that will educate generations of Americans on the benefits of environmental awareness, as well as the natural value of the Upper Mississippi River.

Mr. President, as you know, Minnesota is famous for its lakes, rolling meadows, and north woods. Winona, MN, the site of the center, is an extraordinarily unique area. Directly off Interstate 90, the city is distinctive in its geology, hydrology, and its beautiful scenery; all of which make it an ideal location for the facility.

Thankfully, Mr. President, our society is becoming increasingly aware of the need to be conscious of the environment in which we live and the need to protect and preserve it. For this reason, I am excited about the role of this facility. First, it will house an environmental education center that will function as a learning tool for schoolchildren as well as adults. Second, it will serve as an interpretation area depicting the environmental issues relating to the Upper Mississippi River.

Approved in 1987, the Upper Mississippi River National Wildlife Refuge environmental impact statement/master plan recognized the need for increased public awareness and understanding of the refuge. It called for the construction of office/visitor contact stations at each of the four refuge districts, and an office/visitor center to house headquarter's offices. The city of Winona, where refuge offices are already located in rental space, will meet this recommendation.

This is not the first time I have introduced this legislation. In the 102d Congress, and with the support of my colleagues, I was able to include identical authorization language in the Water Resources Development Act of 1992. Unfortunately, because of last-minute pressure to send this bill to conference, the provision authorizing the center was not part of the legislation signed into law by President Bush.

Mr. President, the local support for this center has been outstanding. The State of Minnesota has already allocated funds for preliminary studies that determined the feasibility of such a center. Additionally, my State has allocated $600,000 to be used as a match to moneys from the Federal Government. These funds, however, were contingent upon Federal support. Furthermore, the local government of Winona has generously deeded over to the Federal Government the riverbank property on which the facility will be built. The city of Winona has also promised a local commitment, to date, of $75,000. Mr. President, if local and Statewide interest is any barometer by which to measure the worthiness of a project, this one is very deserving indeed.

For the information of my colleagues, I have personally met with John Turner, the former Director of the U.S. Fish and Wildlife Service [USFWS], to discuss the project. Although the USFWS is under obvious fiscal constraints, he expressed an interest in the project as well. I have also been told that this center ranks high on the USFWS priority construction list.

Mr. President, the merits of this project are clear. The more we know about our environment and our natural resources, the more important they become to us. Construction of the center will help shape attitudes and build a commitment of respecting the environment. I am hopeful that by working with my colleagues on the Environment and Public Works Committee, we can see this authorization pass.•

By Mrs. BOXER:

S. 1195. A bill to amend the Federal Water Pollution Control Act to further the protection of wetlands, and for other purposes; to the Committee on Environment and Public Works.

WETLANDS REFORM ACT OF 1993

• Mrs. BOXER. Mr. President, I am pleased today to introduce the Wetlands Reform Act of 1993.

Protecting the Nation's wetlands is one of the most important issues that Congress will face as it reauthorizes the Clean Water Act this year. We have lost approximately 53 percent of our historic wetlands in the continental United States—and in my State of California, the loss is over 90 percent. Alarmingly, recent estimates indicate that the Nation loses approximately 300,000 additional acres of wetlands each year, or nearly 1 percent of its remaining total every 3 years. The bill I am introducing today would help stem the tide of wetlands destruction.

This bill would:

Establish as national policy the preservation of the quantity and quality of the Nation's wetlands;

Expand the number of activities which require a permit under Clean Water Act section 404 to include all that are harmful to wetlands including draining, flooding, excavation, and driving pilings;

Give the Fish and Wildlife Service and National Marine Fisheries Service a stronger role in the permit process;

Require the Army Corps of Engineers to account for wetland losses resulting from general, nationwide, permits and to revise or revoke those permits that allow more than minimal cumulative impacts;

Require the EPA and corps to report on the overall effects of the section 404 program on wetlands and to evaluate the success of all mitigation efforts; and

Authorize a pilot wetlands restoration project.

The bill also has several provisions beneficial to agriculture. The bill:

Improves the permit process by expediting permits for small projects by providing more corps staff for those permits;

Clarifies exemptions for wetlands in agricultural production and for artificially created wetlands;

Funds a training and certification program for private sector wetlands delineation and earmarks funds for the corps to assist small landowners in obtaining wetlands delineations; and

Provides tax incentives for wetlands preservation.

Not only does wetlands conservation make good environmental sense, it makes good economic sense. Too often, wetlands conservation is portrayed as a luxury that an expanding economy cannot afford. Nothing could be further from the truth. Wetlands serve a variety of valuable economic functions including:

Jobs for those in commercial and recreational fishing industries based on

healthy wetlands that provide habitat, rearing grounds, food supply and maintain water quality for dependent fish species. Fish and shellfish populations depend heavily on wetlands; probably two-thirds to three-quarters of all commercially harvested fish rely on wetlands for at least part of their lifecycle.

Flood control that protects billions of dollars worth of property. Wetlands prevent floods by detaining excess flows and releasing them slowly so they do little or no damage. As testimony to the value of wetlands for flood control, the Army Corps of Engineers purchased a parcel of wetlands in Massachusetts as an alternative to building a dam. The decision resulted in a savings of roughly $140 million in construction costs and $2.3 million annually in maintenance costs.

Storm damage control. Wetlands temper the impacts of storms, dissipating winds and wave energy.

Ground water storage that maintains valuable water supplies. Wetlands help ensure water supply and quality by acting as a recharging mechanism for ground water.

Water purification for irrigation and drinking. Wetlands filter and treat nutrients, bacteria, and even some toxic chemicals.

Recreation for millions of Americans who visit wetlands to fish, hunt, or simply admire their beauty. By providing habitat, feeding and breeding grounds for fish, waterfowl and other wildlife, wetlands provide recreation opportunities for millions of Americans.

While many wetland values cannot be quantified, economists have clearly established that wetlands are an extremely valuable resource. Their destruction should be weighed as seriously as the loss of any other national resource.

The Congress must very seriously consider that weighing process. It is true that quantifying the economic value of wetlands is difficult—the value of any 1 acre of wetland will depend on its particular characteristics and location—but fortunately, most functions have been analyzed sufficiently to establish ranges of values. Based on studies done on wetlands located in various States in various regions by the U.S. Fish and Wildlife Service, the Army Corps of Engineers and other public agencies, an economic analysis has been prepared under the direction of the School of Public Policy at the University of California at Berkeley. The analysis assigns a range of economic values to the various wetland functions.

Using my State of California as an example, the study shows that the total annual benefit of wetlands to the State ranges from a low of $6 billion to almost $23 billion. Those are the amounts the State would lose annually if 100 percent of our wetlands were lost to filling and development.

The study also arrived at a range of permanent values of California wetlands, achieved by multiplying the annual benefit by annual discount rate of 8 percent. That value ranges from a lower bound of $78 billion to an upper bound of $286 billion.

Applying this method of valuation to the Nation's 104 million acres of wetlands, and taking only the conservative, lower bound numbers, we see that the Nation's wetlands are worth at least $1.4 trillion annually. These estimates do not include some costs of wetland destruction, such as the permanent loss of wetland species and the loss of biodiversity. For many, the value of species and biodiversity are not measurable and worth many times more than the benefits of wetlands that can be quantified.

So it should be clear to anyone that takes the time to consider the values involved, that the genuinely conservative, economically sound approach to this issue is the one that does the most to preserve those wetlands that remain. Considering all the bills that have addressed this issue in the Congress over the past several years, I believe the bill I am introducing today takes the most realistic, conservative approach to the issue of wetlands preservation.

At the same time, this bill will aid farmers and others by improving the wetlands permitting process. As a Senator from California—the State with the dubious distinction of having lost the largest percentage of its original wetlands—I understand the need to both protect our remaining wetlands, and to provide greater certainty for farmers and developers. The bill I am introducing today will strengthen the wetland protections provided in section 404 of the Clean Water Act, while streamlining and clarifying the wetlands permitting program.

Mr. President, the massive and continuing destruction of wetlands reflects not only an environmental loss, but a staggering economic loss that must be stopped. A serious, credible response is required, and this bill represents that response. I urge my colleagues to support 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. 1195

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Wetlands Reform Act of 1993".

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

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE FEDERAL WATER POLLUTION CONTROL ACT

Sec. 101. Statement of policy.
Sec. 102. Expansion of scope of permit program.
Sec. 103. Definition of fill material.
Sec. 104. Permit review by resource agencies.
Sec. 105. Clarification of general permit program.
Sec. 106. Reports on effects of permit program on wetlands.
Sec. 107. Expedited permit review.
Sec. 108. Avoidance and minimization of adverse effects.
Sec. 109. Exemptions for agriculture and other activities.
Sec. 110. Citizen suits amendments.

TITLE II—IMPROVED WETLANDS PERMITTING; REVISIONS TO WETLANDS DELINEATION PROCEDURES

Sec. 201. Improvement of administration of wetlands permitting.
Sec. 202. Revisions to Federal wetlands delineation procedures.

TITLE III—WETLANDS RESTORATION PROGRAM

Sec. 301. Wetlands restoration pilot program.
Sec. 302. Sense of Congress concerning wetlands reserve program.

TITLE IV—TAX INCENTIVES FOR WETLANDS CONSERVATION

Sec. 401. Wetlands stewardship trusts.
Sec. 402. Tax treatment of donations of wetlands.
Sec. 403. Exclusion from gross income for amounts received from compatible uses of wetlands.

TITLE I—AMENDMENTS TO THE FEDERAL WATER POLLUTION CONTROL ACT

SEC. 101. STATEMENT OF POLICY.

Section 101(a) of the Federal Water Pollution Control Act (33 U.S.C. 1251(a)) is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period at the end and inserting "; and"; and

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

"(8) it is the national policy to preserve the quantity and quality of the wetlands of the United States and to restore those wetlands that have been degraded.".

SEC. 102. EXPANSION OF SCOPE OF PERMIT PROGRAM.

(a) PROHIBITION OF ACTIVITIES.—Subsection (a) of section 301 of the Federal Water Pollution Control Act (33 U.S.C. 1311(a)) is amended to read as follows:

"(a) Except as in compliance with this section and sections 302, 306, 307, 318, 402, and 404, the discharge of any pollutant or other alteration of navigable waters by any person shall be unlawful.".

(b) CERTIFICATION.—The first sentence of section 401(a) of such Act (33 U.S.C. 1341(a)) is amended to read as follows: "Any applicant for a Federal license or permit to conduct any activity, including the construction or operation of a facility, that may result in any discharge into or other alteration of navigable waters, shall provide the licensing or permitting agency a certification from the State where the activity occurs or will occur, or, if appropriate, from the interstate water pollution control agency having jurisdiction over navigable waters where the activity occurs or will occur, that the activity will comply with the applicable provisions of

sections 301, 302, 303, 306, and 307 and will allow for the protection, achievement, and maintenance of designated uses included in applicable water quality standards.".

(c) ISSUANCE OF PERMITS.—The first sentence of section 404(a) of such Act (33 U.S.C. 1344(a)) is amended by inserting before the period at the end the following: ", or for any other alteration of navigable waters".

(d) DEFINITION OF OTHER ALTERATION.—Section 502 of such Act (33 U.S.C. 1362) is amended by adding at the end the following new paragraph:

"(21) The term 'other alteration' means the draining, dredging, excavation, channelization, flooding, clearing of vegetation, driving of a piling or placement of other obstruction, diversion of waters, or other activity in navigable waters that impairs the flow, reach, or circulation of surface waters, or that results in a more than minimal change in the hydrologic regime, bottom contour, or configuration of the waters, or in the type, distribution, or diversity of vegetation, fish, and wildlife that depend on the waters.".

SEC. 103. DEFINITION OF FILL MATERIAL.

Section 404(d) of the Federal Water Pollution Control Act (33 U.S.C. 1344(d)) is amended—

(1) by inserting "(1)" after "(d)"; and

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

"(2) As used in this section, the term 'fill material' means any pollutant that has the effect of replacing a portion of navigable waters or changing the bottom elevation or configuration of a water body.".

SEC. 104. PERMIT REVIEW BY RESOURCE AGENCIES.

(a) REVIEW BY SECRETARY OF THE INTERIOR AND SECRETARY OF COMMERCE.—Section 404(m) of the Federal Water Pollution Control Act (33 U.S.C. 1344(m)) is amended—

(1) by striking "Service that" and inserting "Service, and the Secretary of Commerce, acting through the Assistant Administrator of the National Marine Fisheries Service, that"; and

(2) by striking "Service, shall" and inserting "Service, and the Secretary of Commerce, acting through the Assistant Administrator of the National Marine Fisheries Service, shall".

(b) RESPONSE IN WRITING.—Section 404(m) of such Act (33 U.S.C. 1344(m)) is amended by adding at the end the following new sentence: "The Secretary shall adopt the recommendations made in the comments or respond in writing to the Secretary of the Interior or the Secretary of Commerce, as appropriate, describing the reasons of the Secretary for not adopting the recommendations and explaining how the determination of the Secretary is consistent with the goals and purposes of this Act and the guidelines developed under subsection (b)(1).".

SEC. 105. CLARIFICATION OF GENERAL PERMIT PROGRAM.

Paragraph (1) of section 404(e) of the Federal Water Pollution Control Act (33 U.S.C. 1344(e)(1)) is amended to read as follows:

"(1)(A)(i) In carrying out the functions of the Secretary under this section relating to the discharge of dredged or fill material or other alteration of navigable waters, the Secretary may, after notice and opportunity for public hearing, and with the concurrence of the Administrator, issue general permits on a State, multi-State, or nationwide basis for any narrowly defined category of activities involving discharges of dredged or fill material or any other alteration of navigable waters if the Secretary determines that the activities in the category—

"(I) are similar in nature;

"(II) will cause only minimal adverse environmental effects when performed separately; and

"(III) will have only minimal cumulative adverse effect on the environment.

"(ii) Any general permit issued under this subsection shall—

"(I) be consistent with the goals and purposes of this Act;

"(II) be based on the guidelines described in subsection (b)(1);

"(III) set forth the requirements and standards that shall apply to any activity authorized by the general permit; and

"(IV) include adequate measures to enable the Secretary to be apprised of, and to monitor activities conducted pursuant to, the general permit.

"(B) Before any activity is authorized under a general permit issued under this subsection for which predischarge notification is required pursuant to regulations, the Secretary shall give notice and opportunity to comment, for a 30-day period beginning on the date of the notice, to—

"(i) the Administrator;

"(ii) the Secretary of the Interior;

"(iii) the Secretary of Commerce;

"(iv) the appropriate officials of State agencies responsible for water quality, fish, and wildlife resources that may be affected by the activity; and

"(v) the public.

"(C) No activity shall be authorized under a general permit issued under this subsection within a State that has denied or revoked water quality certification pursuant to section 401 for the activities under the general permit.

"(D) Each general permit issued under this subsection shall be reviewed by the Secretary biennially. In conducting the review, the Secretary shall take into account the information contained in reports required by subsection (u), and shall, after notice and hearing, revise or revoke the permit as necessary to avoid or minimize cumulative adverse effects on navigable waters.".

SEC. 106. REPORTS ON EFFECTS OF PERMIT PROGRAM ON WETLANDS.

Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended by adding at the end the following new subsection:

"(u) REPORTS ON PERMIT PROGRAM.—

"(1) EFFECTS OF PERMITTED ACTIVITIES.—

"(A) IN GENERAL.—The Secretary, in consultation with the Administrator, the Secretary of the Interior, and those States that have a permit program approved under subsection (h)(2), shall report biennially to Congress on the effects on navigable waters of activities conducted under permits issued under this section, including general permits. The reports shall contain estimates of the acreage and functions of navigable waters affected by each general permit, in order to determine whether the individual and cumulative adverse environmental effects of activities authorized by each general permit are minimal.

"(B) MONITORING.—For purposes of preparing reports under this subsection, the Secretary, the Administrator, and the Secretary of the Interior shall jointly monitor the achievement of the policy stated in section 101(a)(8) under permits issued under this section.

"(C) CONTENT OF REPORTS.—The reports submitted to Congress under this subsection shall include consideration of relevant information contained in individual and general permit applications, compliance monitoring records and maps, and any other relevant information.

"(2) EFFECTS OF COMPENSATORY MITIGATION.—

"(A) IN GENERAL.—The Secretary, in consultation with the Administrator, the Secretary of the Interior, and those States that have a permit program approved under subsection (h)(2), shall report biennially to Congress on the effects on navigable waters of compensatory mitigation required under permits issued under this section, including general permits.

"(B) CONTENTS OF REPORTS.—The reports shall contain—

"(i) estimates of the number of permits for which compensatory mitigation is required; and

"(ii) a description of—

"(I) the type and extent of compensatory mitigation projects required;

"(II) the degree of compliance with the compensatory mitigation requirements;

"(III) the extent to which the compensatory mitigation requirements have been successful in restoring the intended range of functions and values to navigable waters; and

"(IV) the extent to which monitoring and enforcement of compensatory mitigation requirements have been conducted by the agencies responsible for the monitoring and enforcement.".

SEC. 107. EXPEDITED PERMIT REVIEW.

Subsection (q) of section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344(q)) is amended to read as follows:

"(q) REDUCTION IN PAPERWORK AND DELAYS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall enter into an agreement with the Administrator, the Secretaries of Agriculture, Commerce, and the Interior, and the heads of other appropriate Federal agencies to minimize, to the maximum extent practicable, duplication, needless paperwork, and delays in the issuance of permits under this section.

"(2) FAST TRACK FOR MINOR PERMITS.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall establish in each district office a special team, to be known as the 'Fast Track team', to expedite the review and processing of minor permits. Each team shall consist of not more than 25 percent of all personnel assigned to review permit applications under this section, and shall not be assigned to review or process any permits other than minor permits, unless final decisions have been reached with respect to all minor permits by not later than 60 days after the notice of application for the permits is published pursuant to subsection (a).

"(B) REVIEW.—The District Engineer in each district office shall review the operations of the Fast Track team in the office every 180 days. If final decisions on a significant percentage of minor permits have not been reached by not later than 60 days after the notice of application for the permits is published pursuant to subsection (a), additional personnel shall be assigned to the Fast Track team.

"(C) DEFINITION OF MINOR PERMIT.—As used in this subsection, the term 'minor permit'—

"(i) means a permit for an activity that—

"(I) would disturb not more than 1 acre of wetlands;

"(II) is not part of a larger common plan or proposal that would disturb acreage in addition to that specified in subclause (I); and

"(III) is being performed by an individual or a private business that employs not more than 10 people; and

"(ii) does not include a permit—

"(I) with respect to which the Secretary is required to issue an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(II) that involves an activity that may affect any species that is listed as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), or the habitat of the species; or

"(III) with respect to which the Secretary, the Administrator, or a Federal agency referred to in paragraph (1) requests that the permit application receive additional review.".

SEC. 108. AVOIDANCE AND MINIMIZATION OF ADVERSE EFFECTS.

Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) (as amended by section 106) is further amended by adding at the end the following new subsection:

"(v) MINIMIZATION OF ADVERSE ENVIRONMENTAL IMPACTS.—No individual or general permit shall be issued for an activity pursuant to this section if there is a practicable alternative to the proposed activity that would have less adverse environmental impact on navigable waters.".

SEC. 109. EXEMPTIONS FOR AGRICULTURE AND OTHER ACTIVITIES.

Subsection (f) of section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344(f)) is amended to read as follows:

"(f) EXEMPTIONS FOR AGRICULTURE AND OTHER ACTIVITIES.—

"(1) IN GENERAL.—

"(A) GENERAL RULE.—Except as provided in paragraph (2), the discharge of dredged or fill material into or any other alteration of navigable waters described in subparagraph (B) is not prohibited by, or otherwise subject to, regulation under this section or section 301(a) or 402 (except for effluent standards or prohibitions under section 307).

"(B) ACTIVITIES.—The discharge of dredged or fill material into or any other alteration of navigable waters referred to in subparagraph (A) is a discharge or other alteration—

"(i) from a normal farming, silviculture, or ranching activity, including plowing, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or an upland soil or water conservation practice;

"(ii) for the purpose of the maintenance, including the emergency reconstruction of a recently damaged part, of a then currently serviceable structure, including a dike, dam, levee, groin, riprap, breakwater, causeway, bridge abutment or approach, or a transportation structure, to the then current or most recent configuration;

"(iii) for the purpose of the construction or maintenance of a farm or stock pond or irrigation ditch, or the maintenance of a drainage ditch;

"(iv) for the purpose of the construction of a temporary sedimentation basin on a construction site that does not involve the placement of fill material into navigable waters;

"(v) for the purpose of the construction or maintenance of a farm road or forest road, or a temporary road for moving mining equipment, if the road is constructed and maintained, in accordance with best management practices, to ensure that—

"(I) the flow and circulation patterns and chemical and biological characteristics of navigable waters are not impaired;

"(II) the reach of navigable waters is not reduced; and

"(III) any adverse effect on the aquatic environment will otherwise be minimized; or

"(vi) resulting from any activity with respect to which a State has an approved program under section 208(b)(4) that meets the requirements of subparagraphs (B) and (C) of such section.

"(2) EXCEPTION FOR NEW USES.—Any discharge of dredged or fill material into, or other alteration of, navigable waters incidental to any activity having as the purpose of the activity the bringing of an area of navigable waters into a use to which the area was not previously subject, if the flow or circulation of navigable waters may be impaired or the reach of the waters may be reduced, shall be required to have a permit under this section.

"(3) OTHER ACTIVITIES.—An activity that does not result in the discharge of dredged or fill material into, or any other alteration of, navigable waters shall not be prohibited or otherwise subject to regulation under this section.

"(4) NAVIGABLE WATERS.—

"(A) IN GENERAL.—For purposes of this section, the following shall not be considered to be navigable waters:

"(i) Nontidal drainage and irrigation ditches excavated in uplands.

"(ii) Artificially irrigated areas that would revert to uplands if the irrigation ceased.

"(iii) Artificial lakes or ponds created by excavating or diking uplands to collect and retain water, and that are used exclusively for stock watering, irrigation, or rice growing.

"(iv) Artificial reflecting or swimming pools or other small ornamental water bodies created by excavating or diking uplands to retain water for primarily aesthetic reasons.

"(v) Waterfilled depressions created in uplands incidental to construction activity and pits excavated in uplands for the purpose of obtaining fill, sand, or gravel, unless and until the construction or excavation operation is abandoned and the resulting water body meets the definition of waters of the United States.

"(B) BURDEN OF DEMONSTRATION.—Subparagraph (A) shall not apply to a particular water body unless the person desiring to conduct an activity in the water body is able to demonstrate that the water body qualifies under subparagraph (A) for exemption from regulation under this section.

"(5) CONTINUING FARMING ACTIVITIES.—Except as provided in paragraph (2), normal plowing, seeding, cultivating, minor drainage for crop production, or harvesting shall not be prohibited or otherwise subject to regulation under this section in waters of the United States that have been maintained as cropland for at least 1 growing season in the 5-year period prior to the plowing, seeding, cultivating, minor drainage, or harvesting.".

SEC. 110. CITIZEN SUITS AMENDMENTS.

Section 505 of the Federal Water Pollution Control Act (33 U.S.C. 1365) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B) of the first sentence, by inserting after "Administrator" the following: ", the Secretary of the Army,";

(B) in paragraph (2) of the first sentence, and in the second sentence, by inserting after "Administrator" each place it appears the following: "or the Secretary of the Army"; and

(C) in the second sentence, by striking "section 309(d)" and inserting "sections 309(d) and 404(s)";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "and (iii)" and inserting the following: "(iii) to the Secretary of the Army (if the alleged violation is under section 404), and (iv)"; and

(ii) in subparagraph (B), by inserting after "if the Administrator" the following: ", Secretary of the Army,"; and

(B) in paragraph (2), by inserting after "to the Administrator" the following: "or the Secretary of the Army";

(3) in subsection (c)—

(A) in paragraph (2), by inserting after "the Administrator" the following: "(and the Secretary of the Army, if the alleged violation is under section 404)"; and

(B) in paragraph (3), by inserting after "Attorney General" both places it appears the following: ", the Secretary of the Army (if the alleged violation is under section 404),";

(4) in subsection (e), by inserting after "Administrator" the following: ", the Secretary of the Army,";

(5) in subsection (f), by striking "or (7)" and inserting the following: "(7) a permit or condition of a permit issued under section 404, that has been, or is, in effect under this Act (including a requirement applicable by reason of section 313); or (8)"; and

(6) in subsection (h), by inserting after "Administrator" both places it appears the following: "or the Secretary of the Army";

TITLE II—IMPROVED WETLANDS PERMITTING; REVISIONS TO WETLANDS DELINEATION PROCEDURES

SEC. 201. IMPROVEMENT OF ADMINISTRATION OF WETLANDS PERMITTING.

(a) NEEDS ANALYSIS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress an analysis of the needs of the Army Corps of Engineers and the Environmental Protection Agency for additional personnel, administrative resources, and funding to improve the implementation of section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

(2) CONTENTS.—The analysis submitted under this subsection shall—

(A) give particular emphasis to the needs of the Army Corps of Engineers and the Environmental Protection Agency with respect to improving and expediting wetlands delineation and wetlands permitting generally;

(B) include recommendations regarding additional appropriations necessary for the improvement and expedition referred to in subparagraph (A); and

(C) identify the Army Corps of Engineers district offices and Environmental Protection Agency regional offices that have the greatest need for the additional appropriations referred to in subparagraph (C).

(b) USE OF FUNDS FOR WETLANDS AND EDUCATION.—Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) (as amended by section 108) is further amended by adding at the end the following new subsection:

"(w) USE OF FUNDS FOR WETLANDS AND EDUCATION.—

"(1) IN GENERAL.—For each fiscal year beginning after the date of enactment of this subsection, of amounts made available to carry out this section—

"(A) to the Army Corps of Engineers, the Secretary shall use such amounts as are necessary to carry out the program for training and certification of individuals as wetlands

delineators authorized by section 307(e) of the Water Resources Development Act of 1990 (33 U.S.C. 2317(e));

"(B) to the Army Corps of Engineers or the Environmental Protection Agency, the Secretary or the Administrator, respectively, shall use such amounts as are necessary to improve such education and outreach programs of the Army Corps of Engineers or the Environmental Protection Agency as are in existence on the date of the use of the funds, with respect to the requirements of this section; and

"(C) to the Secretary, the Secretary shall use, in accordance with paragraph (2), such amounts as are necessary, but not to exceed $5,000,000, to assist landowners who lack the financial capacity to perform the wetlands delineations necessary to apply for permits under this section.

"(2) WETLANDS DELINEATIONS ASSISTANCE.—The Secretary may provide the assistance described in paragraph (1)(C) by providing technical assistance or by performing delineations. Not later than 180 days after the date of enactment of this subsection, the Secretary shall issue regulations specifying which landowners are eligible for the assistance.".

(c) FUNDING FOR EXPEDITING AND COMPLETING WETLANDS MAPPING.—

(1) COMPLETION OF MAPPING.—For each fiscal year beginning after the date of enactment of this Act, of amounts appropriated for programs of the United States Fish and Wildlife Service, the Director of the United States Fish and Wildlife Service shall use—

(A) such amounts as are necessary to complete the wetland mapping program of the Service, in existence on the date of enactment of this Act, by not later than 1 year after the date of enactment of this Act;

(B) such amounts (in addition to amounts used pursuant to subparagraphs (A) and (C)) as are necessary to conduct mapping under the program referred to in subparagraph (A) in areas where there is the potential for delineating particularly large areas of wetlands; and

(C) such amounts as are necessary (in addition to amounts used pursuant to subparagraphs (A) and (B)) to delineate wetlands under the program referred to in subparagraph (A) in watersheds and ecosystems for which the need for delineation is particularly acute, including where wetlands are particularly difficult to identify or where pressure for the development of wetlands is intense, by as soon as practicable after the date of enactment of this Act.

(2) UPDATING MAPS.—The Director of the United States Fish and Wildlife Service shall update each map prepared under the wetlands mapping program referred to in paragraph (1)(A) at least once—

(A) in the 15-year period beginning on the date of the completion of the map; and

(B) in each 15-year period thereafter.

SEC. 202. REVISIONS TO FEDERAL WETLANDS DELINEATION PROCEDURES.

Beginning on the day after the date of enactment of this Act, no revision to or clarification of any Federal manual for identifying and delineating jurisdictional wetlands shall be adopted, and no guidance or regulation related to the definition, delineation, or identification of wetlands shall be issued, until the National Academy of Sciences has completed the study of wetlands authorized under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993 (Public Law 102-389). All revisions made after the date of completion of the study to any Federal manual for the identification and delineation of wetlands shall take into consideration the scientific and technical recommendations of the National Academy of Sciences.

TITLE III—WETLANDS RESTORATION PROGRAM

SEC. 301. WETLANDS RESTORATION PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of the Army, in cooperation with the Administrator of the Environmental Protection Agency, the Director of the United States Fish and Wildlife Service, and appropriate officials of State and local government entities, shall establish, with opportunity for public notice and comment, a pilot program of wetlands restoration.

(b) PURPOSES.—The purposes of the pilot program established under subsection (a) are—

(1) to identify areas where the restoration of significant wetland acreage and functions, including fish and wildlife habitat, water quality protection, and natural hydrologic functions, could contribute substantially to preserving the quantity and quality of the wetlands of the United States;

(2) to test methods and techniques for wetlands restoration in the areas described in paragraph (1), and in areas previously identified as suitable for restoration; and

(3) to develop a means of evaluating the success over the long term of the wetlands restoration efforts described in paragraph (2).

SEC. 302. SENSE OF CONGRESS CONCERNING WETLANDS RESERVE PROGRAM.

It is the sense of Congress that the wetlands reserve program authorized by subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.) is an effective wetlands conservation and restoration program that has the potential to benefit agriculturalists, rural communities, and the wetlands resource base of the United States. Further, it is the sense of Congress that the wetlands reserve program should be fully funded to achieve the acreage enrollment goals of the program, and should be actively promoted by the Department of Agriculture to achieve full subscription.

TITLE IV—TAX INCENTIVES FOR WETLANDS CONSERVATION

SEC. 401. WETLANDS STEWARDSHIP TRUSTS.

(a) DESIGNATION.—The Secretary of the Interior shall designate a nonprofit organization to be a Wetlands Stewardship Trust for purposes of this section if the organization—

(1) includes among the primary purposes of the organization the acquisition of private interests in wetlands, former wetlands, and associated real property for the purpose of restoring or preserving the property; and

(2) meets such other requirements as may be established in regulations issued under subsection (c).

(b) APPLICATION.—A nonprofit organization seeking to be designated a Wetlands Stewardship Trust for purposes of this section may submit to the Secretary of the Interior an application for the designation, in accordance with procedures established in regulations issued under subsection (c).

(c) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, in consultation with the Secretary of the Army, acting through the Army Corps of Engineers, and the Administrator of the Environmental Protection Agency shall issue regulations establishing requirements for being designated a Wetlands Stewardship Trust under this section.

SEC. 402. TAX TREATMENT OF DONATIONS OF WETLANDS.

(a) TAX TREATMENT.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULES FOR CONTRIBUTIONS OF WETLANDS.—

"(A) IN GENERAL.—In the case of a charitable contribution by a taxpayer of wetlands (or any interest in wetlands) to a Wetlands Stewardship Trust or to a governmental unit referred to in subsection (c)(1) for the purpose of preserving the property in its natural state:

"(i) 50 PERCENT LIMITATION TO APPLY TO INDIVIDUALS.—Such a contribution by an individual shall be treated for purposes of this section as described in subsection (b)(1)(A).

"(ii) 20-YEAR CARRYFORWARD.—Subsection (d)(1) shall be applied by substituting '20 years' for '5 years' each place it appears and with appropriate adjustments in the application of subparagraphs (A)(ii) and (B)(ii) of such subsection.

"(iii) EXTENSION OF PERIOD FOR EXCHANGES.—If the contribution is made as part of an exchange to which section 1031 applies, paragraph (3) of section 1031(a) shall be treated as met if the property to be received in the exchange is received by the taxpayer not later than the date which is 3 years after the date on which the taxpayer transfers the property relinquished in the exchange.

"(B) PROPERTY MUST BE PROTECTED IN PERPETUITY.—A contribution shall not be treated as for the purpose referred to in subparagraph (A) unless the purpose is protected in perpetuity.

"(C) CERTAIN PROPERTY INELIGIBLE.—Subparagraph (A) shall not apply to any contribution of property if—

"(i) the property is required (as of the date of the contribution) to be preserved in perpetuity in its natural state other than by reason of the terms of contribution; or

"(ii) the property is required to be restored or preserved as compensatory mitigation as a condition of a permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

"(D) UNUSED DEDUCTION CARRYOVER ALLOWED ON TAXPAYER'S LAST RETURN.—In the case of an individual, if—

"(i) the taxpayer dies before the close of the last taxable year for which a deduction for a contribution to which subparagraph (A) applies could have been allowed under subsection (d)(1), and

"(ii) any portion of the deduction for the contribution has not been allowed for any taxable year before the taxable year in which the death occurs,

the portion shall be allowed as a deduction under subsection (a) for the taxable year in which the death occurs without regard to subsection (b), or the unused portion may be used against the estate taxes of the taxpayer.

"(E) DEFINITIONS.—As used in this paragraph:

"(i) WETLANDS.—The term 'wetlands' means any area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

"(ii) WETLANDS STEWARDSHIP TRUST.—The term 'Wetlands Stewardship Trust' means

any entity designated by the Secretary of the Interior under section 401 of the Wetlands Reform Act of 1993.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions and gifts made after the date of enactment of this Act in taxable years ending after the date.

SEC. 403. EXCLUSION FROM GROSS INCOME FOR AMOUNTS RECEIVED FROM COMPATIBLE USES OF WETLANDS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended—

(1) by redesignating section 137 as section 138; and

(2) by inserting after section 136 the following new section:

"SEC. 137. INCOME FROM COMPATIBLE USES OF WETLANDS.

"(a) GENERAL RULE.—Gross income shall not include any amount received by the owner of wetlands for allowing any person to use the wetlands in a compatible use.

"(b) DEFINITIONS.—As used in this section:

"(1) COMPATIBLE USE.—The term 'compatible use' has the meaning given the term in the regulations prescribed under the following sentence. The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall prescribe regulations identifying those activities which constitute compatible uses for purposes of this section, including any pertinent restrictions on the activities. The activities may include fishing, hunting, and occasional and prudent managed haying, if deemed appropriate by the Secretary of the Interior, but shall not include any activity which degrades the functions or values of wetlands.

"(2) WETLANDS.—The term 'wetlands' has the meaning given the term by section 170(e)(6)(E)(i).".

(b) CLERICAL AMENDMENT.—The table of sections for such part III is amended by striking the last item and inserting the following new items:

"Sec. 137. Income from compatible uses of wetlands.

"Sec. 138. Cross references to other Acts.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after the date of enactment of this Act in taxable years ending after the date.•

By Mr. SIMPSON:

S. 1196. A bill to amend the Immigration and Nationality Act to increase criminal penalties for persons smuggling aliens into the United States; to the Committee on the Judiciary.

ALIEN SMUGGLING CONTROL ACT OF 1993

Mr. SIMPSON. Mr. President, I rise today to introduce legislation to address the smuggling of illegal aliens into the United States. This is not some sudden reaction, not something stimulated by media concern of the day. Certainly over the last years I have been involved deeply in immigration and refugee activities—the flow, criminal aliens, the disposition of those who come to our shores, those who misuse our asylum procedures, those who misuse our nonimmigrant visa procedures, and those who misuse our immigrant visa procedures and immigration generally. What we have seen recently and read and watched on television—the cruel spectacle of ships containing hundreds of frightened illegal aliens running aground in New York Harbor or sailing under the Golden Gate Bridge to discharge their wretched passengers at a dock just a few blocks from downtown San Francisco—is a startling thing to us.

The American people are appalled at the loss of life, the terrible foul, and inhumane conditions aboard the ships and the obvious inability of this Government to control this blatant abuse of our immigration laws.

Organized crime is believed to be deeply involved in this smuggling activity. Smugglers have discovered so very clearly that there is less risk involved in human smuggling than in drug smuggling, and that the profits can be enormous.

A convicted drug smuggler can expect a very long sentence, even life in prison, whereas a convicted alien smuggler can expect a very short sentence measured in months rather than in years. That is absurd.

Mr. President, my bill, the Alien Smuggling Control Act of 1993, addresses these issues by increasing the penalties for alien smuggling, adding alien smuggling to the list of crimes that establish the basis for bringing a RICO charge—racketeering and corruption laws—and expanding the seizure and forfeiture authority for property use in the smuggling or harboring of illegal aliens.

The legislation will also expedite deportation procedures for criminal aliens who are not permanent resident aliens—green card holders.

For aggravated felons, my bill will permit a Federal judge to enter an order of deportation during the sentencing phase of the criminal trial, thus avoiding a second administrative hearing on the deportation.

The bill will also limit the defenses to deportation for certain criminal aliens and, finally, the bill will increase the penalties for criminal aliens who fail to depart or who come back into the country and re-enter after the final deportation order has been issued.

Mr. President, these provisions are tough but fair. They will reduce the ability of criminal aliens to take advantage of the multilayered appeals process which we now see in our asylum and deportation procedures, and it will deter illegal alien smuggling by greatly increasing the penalties for criminal smuggling.

The U.S. immigration system has been so gimmicked and distorted that often a person coming here seeking asylum and asking for these various procedures will receive more due process than an American citizen receives in their daily life activities. That, too, is absurd.

Mr. President, if we do not swiftly and firmly address these problems, the American people will very quickly, I fear, withdraw their support for a generous legal immigration program. I believe our country can and should support a generous legal immigration program. If we take the necessary steps to close this wide-open back door to illegal immigration, they will be more disposed to keep the front door open.

I have always favored generous legal immigration. I have spent a good deal of my legislative life trying to close that back door to illegal aliens—to people who misuse and abuse our immigration laws, and then become part of a fearful subculture of human beings.

I hope that we will address this issue soon in this Congress. I think we must also address the most serious issue of creating a secure identifier system. We must have a more appropriate, a more counterfeit-resistant, a more secure identifier system within the United States—either a revised Social Security card or driver's license.

I am not talking about a national ID. I have been all through that one. One former Member of Congress, who is a very respected and very remarkable man and spent a great deal of his life in immigration reform, when it came to discussing the identifier began to speak of Nazi Germany and tattoos. That is not what I am talking about.

I am talking about a more secure identification card which is not carried on the person, not used for law enforcement, and that is presented at the time of new-hire employment. It would ease the burden on the employer, who will be penalized if he or she knowingly hires illegal aliens. It would be presented by not just people who look foreign, but by bald Anglos like myself, too. That is the way it has to work.

That is where we are in our country right now. The first duty of a sovereign nation is to protect our borders and to assure that those who use the resources of this country are here legally. Then, hopefully, the United States can bring in as many legally as can be sustained by its population and environment.

Let us stop this widespread flouting of our immigration laws by criminal and noncriminal, undocumented aliens. That cannot be good for our country and it cannot be good for our traditionally generous immigration policy.

The United States is being scoffed at from afar. I can tell you that legislation such as this sends a powerful message to those people. I hope that the Senate will also give consideration to the legislative activities of Senator FEINSTEIN of California who has taken a great interest in immigration issues. I am more than pleased to try to assist her in any way I feel I can. I admire her persistence and her willingness to get into an issue which is fraught with emotion, fear, guilt and racism.

I very much look forward to working with the President and with the Attorney General. I know the President is

going to propose some legislation and, where we agree, I will certainly be pleased to assist him in any way I can.

Immigration reform is not a partisan issue. I very much look forward to working with the Attorney General, who I think is going to be a superb—superb—linchpin in immigration reform activity because of her knowledge of the issue from serving in Florida, a State severely impacted by legal immigration and refugees and illegal immigration, and Doris Meisser, who has been appointed by the President as the Commissioner of the Immigration and Naturalization Service. I do not know how he could have made a more appropriate appointment—she knows the issue back and forth and is able to deal fairly and honestly and with great clarity with the extremes on both sides.

In immigration reform the extremes are very vivid. On one extreme are those who are xenophobic and racist, who just want to keep everybody out of the country, especially if they look foreign. On the other extreme is a unique group supporting open borders. I always refer to them as the "button-your-shirt—your-heart-fell-out" group.

Hopefully, we can steer a course between those two extremes. I urge my colleagues to support a generous immigration policy and, hopefully, to support this legislation. I am greatly looking forward to working with my colleagues on that as I have in the past.

It is not a partisan issue. Senators KENNEDY, SIMON, and I have been deeply involved in it, Senator KENNEDY for nearly 30 years, I, a lighter tenure—or sentence would be the word—of 14 years, and Senator SIMON, the third member of our subcommittee, who has participated in such a spirited and effective way.

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. 1196

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 "Alien Smuggling Control Act of 1993".

TITLE I—CRIMINAL PENALTIES

SEC. 101. INCREASED PENALTIES FOR ALIEN SMUGGLING.

Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) in paragraph (1)—

(A) by striking "or" at the end of subparagraph (C);

(B) by striking the comma at the end of subparagraph (D) and all that follows through the period and inserting "; or"; and

(C) by adding at the end the following:

"(E) engages in any conspiracy to commit any of the preceding acts, or aids or abets the commission of any of the preceding acts,

shall be fined under title 18, United States Code, and shall be imprisoned not less than 3 nor more than 10 years, for each alien with respect to whom any violation of this paragraph occurs."; and

(2) by adding at the end the following new paragraphs:

"(3) Any person who commits an act described in paragraph (1) who willfully subjects any alien to a substantial risk of death or serious bodily harm shall be subject to a term of imprisonment of not less than 3 nor more than 10 years in addition to any term of imprisonment imposed under that paragraph.

"(4) Any person who in the perpetration of, or in the attempt to perpetrate, any violation of paragraph (1), causes the death of an alien shall be subject to the penalty of death, or life imprisonment, subject to appropriate procedures under chapter 228 of title 18, United States Code.

"(5) Any person who hires for employment an alien—

"(A) knowing that such alien is an unauthorized alien (as defined in section 274A(h)(3)), and

"(B) knowing that such alien has been brought into the United States in violation of this subsection,

shall be fined under title 18, United States Code, and shall be imprisoned for not less than 2 nor more than 5 years.".

SEC. 102. SMUGGLING ALIENS FOR COMMISSION OF CRIMES.

Section 274(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(2)) is amended—

(1) in subparagraph (B)—

(A) by striking "or" at the end of clause (ii);

(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following:

"(iii) an offense committed with the intent that the alien unlawfully brought into the United States will commit an offense against the United States punishable for more than 1 year, including violations of or attempted violations of or aiding and abetting violations of or conspiring to violate the Controlled Substances Act (21 U.S.C. 802) or laws against prostitution, importation of aliens for immoral purposes, trafficking in firearms, money laundering, gang activities, kidnapping or ransom demands, fraudulent documents, or extortion, the smuggling of known or suspected terrorists or persons involved in organized crime,"; and

(2) at the end thereof, by striking "be fined" and all that follows through the period and inserting the following: "be fined under title 18, United States Code, and shall be imprisoned not less than 3 nor more than 10 years.".

SEC. 103. ADDING ALIEN SMUGGLING TO RICO.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking "or" after "law of the United States,";

(2) by inserting "or" at the end of subparagraph (E); and

(3) by adding at the end the following:

"(F) any act in violation of section 274 of the Immigration and Nationality Act.".

SEC. 104. EXPANDED FORFEITURE FOR SMUGGLING OR HARBORING ILLEGAL ALIENS.

Subsection 274(b) of the Immigration and Nationality Act (8 U.S.C. 1324(b)) is amended—

(1) by amending paragraph (1) to read as follows:

"(b) SEIZURE AND FORFEITURE.—(1) Any property, real or personal, which facilitates or is intended to facilitate, or which has been used in or is intended to be used in the commission of a violation of subsection (a) or of sections 274A(a)(1) or 274A(a)(2), or which constitutes or is derived from or traceable to the proceeds obtained directly or indirectly from a commission of a violation of subsection (a), shall be subject to seizure and forfeiture, except that—

"(A) no property, used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such property was a consenting party or privy to the illegal act;

"(B) no property shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such property was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any State; and

"(C) no property shall be forfeited under this paragraph to the extent of an interest of any owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of the owner, unless such action or omission was committed by an employee or agent of the owner, and facilitated or was intended to facilitate, or was used in or intended to be used in, the commission of a violation of subsection (a) or of section 274A(a)(1) or 274A(a)(2) which was committed by the owner or which intended to further the business interests of the owner, or to confer any other benefit upon the owner.".

(2) in paragraph (2)—

(A) by striking "conveyance" both places it appears and inserting in lieu thereof "property"; and

(B) by striking "is being used in" and inserting in lieu thereof "is being used in, is facilitating, has facilitated, or was intended to facilitate";

(3) in paragraphs (4) and (5) by striking "a conveyance" and "conveyance" each place such phrase or word appears and inserting in lieu thereof "property"; and

(4) in paragraph (4) by—

(A) striking "or" at the end of subparagraph (C),

(B) by striking the period at the end of subparagraph (D) and inserting "; or", and

(C) by inserting at the end the following new subparagraph:

"(E) transfer custody and ownership of forfeited property to any Federal, State, or local agency pursuant to the Tariff Act of 1930, as amended (19 U.S.C. 1616a(c)).".

SEC. 105. EXPANSION IN DEFINITION OF "AGGRAVATED FELONY".

(a) EXPANSION IN DEFINITION.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended to read as follows:

"(43) The term 'aggravated felony' means—

"(A) murder;

"(B) any illicit trafficking in any controlled substance (as defined in section 102 of the Controlled Substances Act), including any drug trafficking crime as defined in section 924(c) of title 18, United States Code;

"(C) any illicit trafficking in any firearms or destructive devices as defined in section 921 of title 18, United States Code, or in explosive materials as defined in section 841(c) of title 18, United States Code;

"(D) any offense described in (i) section 1956 of title 18, United States Code (relating to laundering of monetary instruments) or

(ii) section 1957 of such title (relating to engaging in monetary transactions in property derived from specific unlawful activity) if the value of the funds exceeded $100,000;

"(E) any offense described in—

"(i) subsections (h) or (i) of section 842, title 18, United States Code, or subsection (d), (e), (f), (g), (h), or (i) of section 844 of title 18, United States Code (relating to explosive materials offenses),

"(ii) paragraph (1), (2), (3), (4), or (5) of section 922(g), or section 922(j), section 922(n), section 922(o), section 922(p), section 922(r), section 924(b), or section 924(h) of title 18, United States Code (relating to firearms offenses), or

"(iii) section 5861 of title 26, United States Code (relating to firearms offenses);

"(F) any crime of violence (as defined in section 16 of title 18, United States Code, not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 5 years;

"(G) any theft offense (including receipt of stolen property) or any burglary offense, where a sentence of 5 years imprisonment or more may be imposed;

"(H) any offense described in section 875, section 876, section 877, or section 1202 of title 18, United States Code (relating to the demand for or receipt of ransom);

"(I) any offense described in section 2251, section 2251A or section 2252 of title 18, United States Code (relating to child pornography);

"(J) any offense described in—

"(i) section 1962 of title 18, United States Code (relating to racketeer influenced corrupt organizations), or

"(ii) section 1084 (if it is a second or subsequent offense) or section 1955 of such title (relating to gambling offenses),

where a sentence of 5 years imprisonment or more may be imposed;

"(K) any offense relating to commercial bribery, counterfeiting, forgery or trafficking in vehicles whose identification numbers have been altered, where a sentence of 5 years imprisonment or more may be imposed;

"(L) any offense—

"(i) relating to the owning, controlling, managing or supervising of a prostitution business,

"(ii) described in section 2421, section 2422, or section 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution) for commercial advantage, or

"(iii) described in sections 1581 through 1585, or section 1588, of title 18, United States Code (relating to peonage, slavery, and involuntary servitude);

"(M) any offense relating to perjury or subornation of perjury where a sentence of 5 years imprisonment or more may be imposed;

"(N) any offense described in—

"(i) section 793 (relating to gathering or transmitting national defense information), section 798 (relating to disclosure of classified information), section 2153 (relating to sabotage) or section 2381 or section 2382 (relating to treason) of title 18, United States Code, or

"(ii) section 421 of title 50, United States Code (relating to protecting the identity of undercover intelligence agents);

"(O) any offense—

"(i) involving fraud or deceit where the loss to the victim or victims exceeded $200,000; or

"(ii) described in section 7201 of title 26, United States Code (relating to tax evasion), where the tax loss to the Government exceeds $200,000;

"(P) any offense described in section 274(a)(1) of title 18, United States Code (relating to alien smuggling) for the purpose of commercial advantage;

"(Q) any violation of section 1546(a) of title 18, United States Code (relating to document fraud), for the purpose of commercial advantage; or

"(R) any offense relating to failing to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony, where a sentence of 2 years or more may be imposed;

or any attempt or conspiracy to commit any such act. Such term applies to offenses described in this paragraph whether in violation of Federal or State law and applies to such offenses in violation of the laws of a foreign country for which the term of imprisonment was completed within the previous 15 years.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to all convictions entered before, on, or after the date of enactment of this Act.

SEC. 106. DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.

(a) ELIMINATION OF ADMINISTRATIVE HEARING FOR CERTAIN CRIMINAL ALIENS.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following:

"(c) DEPORTATION OF ALIENS WHO ARE NOT PERMANENT RESIDENTS.—

"(1) Notwithstanding section 242, and subject to paragraph (5), the Attorney General may issue a final order of deportation against any alien described in paragraph (2) whom the Attorney General determines to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony).

"(2) An alien is described in this paragraph if the alien—

"(A) was not lawfully admitted for permanent residence at the time that proceedings under this section commenced, or

"(B) had permanent resident status on a conditional basis (as described in section 216) at the time that proceedings under this section commenced.

"(3) The Attorney General may delegate the authority in this section to the Commissioner or to any District Director of the Service.

"(4) No alien described in this section shall be eligible for—

"(A) any relief from deportation that the Attorney General may grant in his discretion, or

"(B) relief under section 243(h).

"(5) The Attorney General may not execute any order described in paragraph (1) until 14 calendar days have passed from the date that such order was issued, in order that the alien has an opportunity to apply for judicial review under section 106.".

(b) LIMITED JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(1) in the first sentence of subsection (a), by inserting "or pursuant to section 242A" after "under section 242(b)";

(2) in subsection (a)(1) and subsection (a)(3), by inserting "(including an alien described in section 242A)" after "aggravated felony"; and

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

"(d) Notwithstanding subsection (c), a petition for review or for habeas corpus on behalf of an alien described in section 242A(c) may only challenge whether the alien is in fact an alien described in such section, and no court shall have jurisdiction to review any other issue.".

(c) TECHNICAL AND CONFORMING CHANGES.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended as follows:

(1) In subsection (a)—

(A) by striking "(a) IN GENERAL.—" and inserting the following:

"(b) DEPORTATION OF PERMANENT RESIDENT ALIENS.—

"(1) IN GENERAL.—"; and

(B) by inserting in the first sentence "permanent resident" after "correctional facilities for";

(2) In subsection (b)—

(A) by striking "(b) IMPLEMENTATION.—" and inserting "(2) IMPLEMENTATION.—"; and

(B) by striking "respect to an" and inserting "respect to a permanent resident";

(3) By striking out subsection (c);

(4) In subsection (d)—

(A) by striking "(d) EXPEDITED PROCEEDINGS.—(1)" and inserting "(3) EXPEDITED PROCEEDINGS.—(A)";

(B) by inserting "permanent resident" after "in the case of any"; and

(C) by striking "(2)" and inserting "(B)";

(5) In subsection (e)—

(A) by striking "(e) REVIEW.—(1)" and inserting "(4) REVIEW.—(A)";

(B) by striking the second sentence; and

(C) by striking "(2)" and inserting "(B)".

(6) By inserting after the section heading the following new subsection:

"(a) PRESUMPTION OF DEPORTABILITY.—An alien convicted of an aggravated felony shall be conclusively presumed to be deportable from the United States.".

(7) The heading of such section is amended to read as follows:

"EXPEDITED DEPORTATION OF ALIENS CONVICTED OF COMMITTING AGGRAVATED FELONIES".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens against whom deportation proceedings are initiated after the date of enactment of this Act.

SEC. 107. JUDICIAL DEPORTATION.

(a) JUDICIAL DEPORTATION.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by inserting at the end the following new subsection:

"(d) JUDICIAL DEPORTATION.—

"(1) AUTHORITY.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony), if such an order has been requested prior to sentencing by the United States Attorney with the concurrence of the Commissioner.

"(2) PROCEDURE.—

"(A) The United States Attorney shall provide notice of intent to request judicial deportation promptly after the entry in the record of an adjudication of guilt or guilty plea. Such notice shall be provided to the court, to the alien, and to the alien's counsel of record.

"(B) Notwithstanding section 242B, the United States Attorney, with the concurrence of the Commissioner, shall file at least 20 days prior to the date set for sentencing a charge containing factual allegations regarding the alienage of the defendant and satisfaction by the defendant of the definition of aggravated felony.

"(C) If the court determines that the defendant has presented substantial evidence to establish prima facie eligibility for relief from deportation under section 212(c), the Commissioner shall provide the court with a recommendation and report regarding the alien's eligibility for relief under such section. The court shall either grant or deny the relief sought.

"(D)(i) The alien shall have a reasonable opportunity to examine the evidence against him or her, to present evidence on his or her own behalf, and to cross-examine witnesses presented by the Government.

"(ii) The court, for the purposes of determining whether to enter an order described in paragraph (1), shall only consider evidence that would be admissible in proceedings conducted pursuant to section 242(b).

"(iii) Nothing in this subsection shall limit the information a court of the United States may receive or consider for the purposes of imposing an appropriate sentence.

"(iv) The court may order the alien deported if the Attorney General demonstrates by clear and convincing evidence that the alien is deportable under this Act.

"(3) NOTICE, APPEAL, AND EXECUTION OF JUDICIAL ORDER OF DEPORTATION.—

"(A)(i) A judicial order of deportation or denial of such order may be appealed by either party to the court of appeals for the circuit in which the district court is located.

"(ii) Except as provided in clause (iii), such appeal shall be considered consistent with the requirements described in section 106.

"(iii) Upon execution by the defendant of a valid waiver of the right to appeal the conviction on which the order of deportation is based, the expiration of the period described in section 106(a)(1), or the final dismissal of an appeal from such conviction, the order of deportation shall become final and shall be executed at the end of the prison term in accordance with the terms of the order.

"(B) As soon as is practicable after entry of a judicial order of deportation, the Commissioner shall provide the defendant with written notice of the order or deportation, which shall designate the defendant's country of choice for deportation and any alternate country pursuant to section 243(a).

"(4) DENIAL OF JUDICIAL ORDER.—Denial of a request for a judicial order of deportation shall not preclude the Attorney General from initiating deportation proceedings pursuant to section 242 upon the same ground of deportability or upon any other ground of deportability provided under section 241(a).".

(b) TECHNICAL AND CONFORMING CHANGES.—The ninth sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by striking out "The" and inserting in lieu thereof, "Except as provided in section 242A(d), the".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens whose adjudication of guilt or guilty plea is entered in the record after the date of enactment of this Act.

SEC. 108. RESTRICTING DEFENSES TO DEPORTATION FOR CERTAIN CRIMINAL ALIENS.

(a) DEFENSES BASED ON SEVEN YEARS OF PERMANENT RESIDENCE.—The last sentence of section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended by striking out "has served for such felony or felonies" and all that follows through the period and inserting in lieu thereof "has been sentenced for such felony or felonies to a term of imprisonment of at least 5 years, provided that the time for appealing such conviction or sentence has expired and the sentence has become final.".

(b) DEFENSES BASED ON WITHHOLDING OF DEPORTATION.—Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended by—

(1) striking out the final sentence and inserting in lieu thereof the following new subparagraph:

"(E) the alien has been convicted of an aggravated felony."; and

(2) striking out the "or" at the end of subparagraph (C) and inserting "or" at the end of subparagraph (D).

SEC. 109. ENHANCING PENALTIES FOR FAILING TO DEPART, OR REENTERING, AFTER FINAL ORDER OF DEPORTATION.

(a) FAILURE TO DEPART.—Section 242(e) of the Immigration and Nationality Act (8 U.S.C. 1252(e)) is amended—

(1) by striking out "paragraph (2), (3), or 4 of" the first time it appears, and

(2) by striking out "shall be imprisoned not more than ten years" and inserting in lieu thereof, "shall be imprisoned not more than four years, or shall be imprisoned not more than ten years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 241(a).".

(b) REENTRY.—Section 276(b) of the Immigration and Nationality Act (8 U.S.C. 1326(b)) is amended—

(1) in paragraph (1), by (A) inserting after "commission of" the following: "three or more misdemeanors or", and (B) striking out "5" and inserting in lieu thereof "10",

(2) in paragraph (2), by striking out "15" and inserting in lieu thereof "20", and

(3) by adding at the end the following sentence:

"For the purposes of this subsection, the term 'deportation' shall include any agreement where an alien stipulates to deportation during a criminal trial under either Federal or State law.".

(c) COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by inserting after subsection (b) the following new subsection:

"(c) In any criminal proceeding under this section, no alien may challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates—

"(1) that the alien exhausted the administrative remedies (if any) that may have been available to seek relief against such order,

"(2) that the deportation proceedings at which such order was issued improperly deprived the alien of the opportunity for judicial review, and

"(3) that the entry of such order was fundamentally unfair.".

SEC. 110. MISCELLANEOUS AND TECHNICAL CHANGES.

(a) FORM OF DEPORTATION HEARINGS.—The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: "; except that nothing in this subsection shall preclude the Attorney General from authorizing proceedings by electronic or telephonic media (with or without the consent of the alien) or, where waived or agreed to by the parties, in the absence of the alien.".

(b) CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.— No amendment made by this Act and nothing in section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i)), shall be construed to create any right or benefit, substantive or procedural, which is legally enforceable by any party against the United States, its agencies, its officers or any other person.

TITLE II—PROCEDURES

SEC. 201. DEATH PENALTY PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 18, UNITED STATES CODE.—Title 18, United States Code, is amended by inserting after chapter 227 the following new chapter:

"CHAPTER 228—DEATH PENALTY PROCEDURES

"Sec.
"3591. Sentence of death.
"3592. Factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.
"3598. Appointment of counsel.
"3599. Collateral attack on judgment imposing sentence of death.
"3600. Application in Indian country.

"§ 3591. Sentence of death

"A defendant who has been found guilty of an offense described in section 274(a)(4) of the Immigration and Nationality Act, as determined beyond a reasonable doubt at a hearing under section 3593, shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense or who is mentally retarded.

"§ 3592. Factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) PARTICIPATION IN OFFENSE MINOR.—The defendant's participation in the offense, which was committed by another, was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

"(4) NO SIGNIFICANT CRIMINAL HISTORY.—The defendant did not have a significant history of other criminal conduct.

"(5) DISTURBANCE.—The defendant committed the offense under severe mental or emotional disturbance.

"(6) VICTIM'S CONSENT.—The victim consented to the criminal conduct that resulted in the victim's death.

The jury, or if there is no jury, the court, shall consider whether any other aspect of the defendant's background, character or record or any other circumstance of the offense that the defendant may proffer as a mitigating factor exists.

"(b) AGGRAVATING FACTORS FOR HOMICIDE.—In determining whether a sentence of death is justified for an offense described in

section 3591, the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—The defendant—

"(A) during and in relation to the commission of the offense or in escaping or attempting to escape apprehension used or possessed a firearm (as defined in section 921); or

"(B) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than 1 year, involving the use of attempted or threatened use of a firearm (as defined in section 921), against another person.

"(2) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(3) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of 2 or more Federal or State offenses, each punishable by a term of imprisonment of more than 1 year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(4) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense or in escaping or attempting to escape apprehension, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(5) HEINOUS, CRUEL OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(6) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(7) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(8) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(9) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"§ 3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty for an offense described in section 3591, the attorney for the Government, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, shall sign and file with the court, and serve on the defendant, a notice that the Government in the event of conviction will seek the sentence of death. The notice shall set forth the aggravating factor or factors enumerated in section 3592, and any other aggravating factor not specifically enumerated in section 3592, that the Government, if the defendant is convicted, will seek to prove as the basis for the death penalty. The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family. The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—When the attorney for the Government has filed a notice as required under subsection (a) and the defendant is found guilty of an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Prior to such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the provisions of the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under the section is necessary; or

"(3) before the court alone, upon motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to paragraph (2) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to—

"(1) any matter relating to any mitigating factor listed in section 3592 and any other mitigating factor; and

"(2) any matter relating to any aggravating factor listed in section 3592 for which notice has been provided under subsection (a) and (if information is presented relating to such a listed factor) any other aggravating factor for which notice has been so provided. The information presented may include the trial transcript and exhibits. Any other information relevant to such mitigating or aggravating factors may be presented by either the Government or the defendant. The information presented by the Government in support of factors concerning the effect of the offense on the victim and the victim's family may include oral testimony, a victim impact statement that identifies the victim of the offense and the nature and extent of harm and loss suffered by the victim and the victim's family, and other relevant information. Information is admissible regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the Government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the Government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the evidence.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of an offense described in section 3591, an aggravating factor required to be considered under section 3592(b) is found to exist, the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist under subsection (d) outweigh any mitigating factor or factors. The jury, or if there is no jury, the court shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(f) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not be influenced by prejudice or bias relating to the race, color, religion, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religion, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that prejudice or bias relating to the race, color, religion, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religion, national origin, or sex of the defendant or any victim may be.

"§ 3594. Imposition of a sentence of death

"Upon the recommendation under section 3593(e) that a sentence of death be imposed, the court shall sentence the defendant to

death. Otherwise the court shall impose a sentence, other than death, authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without the possibility of release.

"§ 3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal of the sentence must be filed within the time specified for the filing of a notice of appeal of the judgment of conviction. An appeal of the sentence under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) DECISION AND DISPOSITION.—

"(1) AFFIRMANCE.—If the court of appeals determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor;

"(B) the evidence and information support the special findings of the existence of an aggravating factor or factors; and

"(C) the proceedings did not involve any other prejudicial error requiring reversal of the sentence that was properly preserved for and raised on appeal,

it shall affirm the sentence.

"(2) REMAND.—In a case in which the sentence is not affirmed under paragraph (1), the court of appeals shall remand the case for reconsideration under section 3593 or for imposition of another authorized sentence as appropriate, except that the court shall not reverse a sentence of death on the ground that an aggravating factor was invalid or was not supported by the evidence and information if at least one aggravating factor required to be considered under section 3592 remains which was found to exist and the court, on the basis of the evidence submitted at trial and the information submitted at the sentencing hearing, finds no mitigating factor or finds that the remaining aggravating factor or factors which were found to exist outweigh any mitigating factors.

"(3) STATEMENT OF REASONS.—The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"§ 3596. Implementation of a sentence of death

"(a) IN GENERAL.—A person who has been sentenced to death pursuant to this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States Marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the manner prescribed by such law.

"(b) SPECIAL BARS TO EXECUTION.—A sentence of death shall not be carried out upon a person who lacks the mental capacity to understand the death penalty and why it was imposed on that person, or upon a woman while she is pregnant.

"(c) EMPLOYEES MAY DECLINE TO PARTICIPATE.—No employee of any State department of corrections, the Federal Bureau of Prisons, or the United States Marshals Service, and no employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"§ 3597. Use of State facilities

"A United States Marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"§ 3598. Appointment of counsel

"(a) REPRESENTATION OF INDIGENT DEFENDANTS.—This section shall govern the appointment of counsel for any defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, for an offense against the United States, where the defendant is or becomes financially unable to obtain adequate representation. Such a defendant shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in section 3599(b) has occurred. This section shall not affect the appointment of counsel and the provision of ancillary legal services under section 408(q) (4), (5), (6), (7), (8), (9), and (10) of the Controlled Substances Act (21 U.S.C. 848 (q) (4), (5), (6), (7), (8), (9), and (10)).

"(b) REPRESENTATION BEFORE FINALITY OF JUDGMENT.—A defendant within the scope of this section shall have counsel appointed for trial representation as provided in section 3005. At least 1 counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel.

"(c) REPRESENTATION AFTER FINALITY OF JUDGMENT.—When a judgment imposing a sentence of death has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the Government shall promptly notify the district court that imposed the sentence. Within 10 days after receipt of such notice, the district court shall proceed to make a determination whether the defendant is eligible under this section for appointment of counsel for subsequent proceedings. On the basis of the determination, the court shall issue an order—

"(1) appointing 1 or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel;

"(2) finding, after a hearing if necessary, that the defendant rejected appointment of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation.

Counsel appointed pursuant to this subsection shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(d) STANDARDS FOR COMPETENCE OF COUNSEL.—In relation to a defendant who is entitled to appointment of counsel under this section, at least 1 counsel appointed for trial representation must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the trial of felony cases in the federal district courts. If new counsel is appointed after judgment, at least 1 counsel so appointed must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet the standards prescribed in the 2 preceding sentences, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(e) APPLICABILITY OF CRIMINAL JUSTICE ACT.—Except as otherwise provided in this section, section 3006A shall apply to appointments under this section.

"(f) CLAIMS OF INEFFECTIVENESS OF COUNSEL.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28 in a capital case shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

"§ 3599. Collateral attack on judgment imposing sentence of death

"(a) TIME FOR MAKING SECTION 2255 MOTION.—In a case in which a sentence of death has been imposed, and the judgment has become final as described in section 3598(c), a motion in the case under section 2255 of title 28 shall be filed within 90 days of the issuance of the order relating to appointment of counsel under section 3598(c). The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding 60 days. A motion described in this section shall have priority over all noncapital matters in the district court, and in the court of appeals on review of the district court's decision.

"(b) STAY OF EXECUTION.—The execution of a sentence of death shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28. The stay shall run continuously following imposition of the sentence, and shall expire if—

"(1) the defendant fails to file a motion under section 2255 of title 28 within the time specified in subsection (a), or fails to make a timely application for court of appeals review following the denial of such a motion by a district court;

"(2) upon completion of district court and court of appeals review under section 2255 of title 28, the motion under that section is denied and—

"(A) the time for filing a petition for certiorari has expired and no petition has been filed;

"(B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or

"(C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a district court, in the presence of counsel and after having been advised of the consequences of the decision to do so, the defendant waives the right to file a motion under section 2255 of title 28.

"(c) FINALITY OF DECISION ON REVIEW.—If one of the conditions specified in subsection (b) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless—

"(1) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"(2) the failure to raise the claim was—

"(A) the result of governmental action in violation of the Constitution or laws of the United States;

"(B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or

"(C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

"§ 3600. Application in Indian country

"Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to a capital sentence under this chapter for any offense the Federal jurisdiction for which is predicated solely on Indian country as defined in section 1151 and which has occurred within the boundaries of such Indian country, unless the governing body of the tribe has made an election that this chapter have effect over land and persons subject to its criminal jurisdiction.".

(b) TECHNICAL AMENDMENT.—The part analysis for part II of title 18, United States Code, is amended by adding after the item relating to chapter 227 the following new item:

"228. Death penalty procedures ..... 3591.".

By Mr. MITCHELL:

S. 1198. A bill to assess and protect the quality of the Nation's lakes, and for other purposes; to the Committee on Environment and Public Works.

LAKES ASSESSMENT AND PROTECTION ACT OF 1993

Mr. MITCHELL. Mr. President, today I am introducing legislation to protect one of the Nation's most important natural and recreational resources—our freshwater lakes.

This legislation is very similar to a bill I introduced in the last Congress—S. 1069.

There are over 90,000 lakes througout the country, covering some 40 million acres. These lakes are a natural resource of outstanding value and importance, providing vital habitat for fish and wildlife.

Lakes also provide a significant portion of the Nation's drinking water. Protecting the quality of lakes used for drinking water is a prudent investment in public health and can help avoid costly drinking water treatment.

Lakes are also one of our most important recreational resources. Millions of Americans have easy access to lakes. Lakes provide for a wide range of recreational opportunities, including boating and fishing, and are an especially significant resource for swimming and related body contact recreation.

There is growing evidence of significant water quality problems in lakes. EPA estimates that 25 percent of our lakes are impaired by pollution, and that an additional 20 percent are threatened by pollution.

Trends in lake water quality are difficult to determine because of the lack of monitoring data and inconsistencies in data. However, EPA reviewed monitoring data collected over a several year period and identified an increase of about 10 percent in lakes reported to be eutrophic or have high nutrient levels. The number of lakes reported in categories with lower nutrient and biological activity levels decreased by a corresponding amount.

The EPA reports that the single biggest water quality problem in lakes is excessive levels of nutrients. Nutrients are elements, primarily phosphorus and nitrogen, that promote plant and algae growth. Excessive nutrients may increase productivity of the lake to the point where algae blooms and aquatic vegetation impedes recreational activity and diminishes aesthetic value.

When algae and aquatic vegetation die at the end of their growing season, their decomposition consumes oxygen dissolved in the water. This oxygen depletion is harmful to fish and severe depletion can result in fish kills.

Siltation and turbidity are also major problems in lakes. Siltation can damage fish habitat, promote growth of aquatic vegetation, and adversely affect recreation.

While only about half the States currently monitor for toxic pollutants in lakes, about one-third of the lake acres monitored are affected by toxics. The most frequently reported toxic pollutants are PCB's, pesticides, including chlordane, atrazine, and alachlor, metals, including cadmium, lead, zinc, copper, silver, and manganese, and mercury.

Toxic pollution has resulted in fishing bans or consumption advisories on many lakes. States report that over 2.8 million lake acres are affected by fish consumption advisories or bans.

Runoff from diffuse or nonpoint sources, such as agricultural lands, construction and mining sites, and urban areas is the single biggest source of lake pollution.

Other significant sources of lake impairment include hydrogen/habitat modification, 33 percent of impaired lake acres; storm sewers, 28 percent; land disposal practices, 26 percent; and sewage discharges, 15 percent. Some pollution sources, such as combined sewer overflows, are a problem for a limited number of lakes, but have very significant impacts where they exist.

Lakes are one of the outstanding natural resources of my home State of Maine. Maine has 5,855 lakes and almost half are greater than 10 acres. For over 100 years, Maine's lakes have been known far and wide for their exceptional quality and recreational value.

A recent study by the University of Maine estimates that the economic value of inland fishing alone is between $300 and $494 million a year, a large portion of which is derived from lakes.

Maine lakes are also an important source of drinking water. Fifty-three lakes are the primary drinking water source for several of the largest cities in Maine. Portland, Bangor, Waterville, and Lewiston get drinking water from lakes. Maintaining the high quality of these drinking water supplies can help avoid the high costs of additional treatment to meet public health standards.

Fortunately, most of Maine's lakes are still clean and clear. Only about 50 lakes are known to have poor water quality. But the sharp decline of some of Maine's most significant recreational lakes offers a clear example of how lake water quality can rapidly deteriorate with little warning.

The legislation I am introducing today builds on and strengthens the Clean Lakes Program established in section 315 of the Clean Water Act. This bill has several key provisions.

Research on lake pollution problems has lagged behind research on other types of water bodies. The bill would amend the Clean Water Act to provide authority for research of lake processes, lake monitoring methods, special vulnerabilities of lakes, and control pollution problems common to lakes, such as nuisance vegetation.

A Lake Research Committee is established to assist the EPA Administrator in the design and implementation of the research program.

The bill provides a process to assure that lake water quality is protected by water quality standards to the same extent as water in rivers and steams.

EPA is to develop criteria for pollutants which are special problems in lakes. States will then designate uses for lakes and adopt water quality standards to assure that lakes are protected. EPA is to set standards where a State fails to do so.

The bill also expands the existing grant program from $30 to $50 million

per year. The authorization for assessment and protection programs for specific lakes is increased and new authority for statewide lake protection efforts is provided.

The Maine Legislature recently enacted legislation prohibiting sale of household laundry detergents containing phosphorous. The bill I am introducing would apply this policy to the country as a whole.

Phosphates in detergent products are a significant source of nutrients to lakes and other water bodies and reducing phosphorus in detergent can provide substantial savings in operational costs of publicly owned treatment works.

Over 10 States currently have a total statewide ban on phosphates in detergents. Those bans have established a clear record of water pollution control success on major water bodies, such as Chesapeake Bay. It is time to extend the simple and effective pollution control concept to the Nation as a whole.

Another important provision of the bill would focus existing agriculture land, management, and grant assistance programs of the Department of Agriculture on watersheds of lakes which are found by States to have water quality problems. Programs covered by this provision include the Conservation Reserve Program, the Water Quality Incentives Program, and the Environmental Easement Program.

The bill includes new authority for the Environmental Protection Agency to take the lead role in fostering public involvement in lake protection and assessment. EPA is to recognize and support citizen groups through a Lake Watch Program, develop publications and handbooks to support volunteer efforts for lake monitoring and assessment, and provide awards for outstanding lake protection efforts by citizen groups.

Finally, the bill would expand programs to control the spread of Eurasian Milfoil, an aquatic weed which clogs lakes. This plant severely impairs recreational uses of lakes.

Mr. President, I ask that a section-by-section description of the bill, and the bill, be printed at an appropriate place in the RECORD.

I look forward to working with my colleagues to develop the best possible legislation to protect lake quality throughout the county.

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

S. 1198

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Lakes Assessment and Protection Act of 1993".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Findings.
Sec. 3. Lake water quality research.
Sec. 4. Lake water quality standards.
Sec. 5. Lake water quality program support.
Sec. 6. State revolving loan fund eligibility.
Sec. 7. Demonstration program.
Sec. 8. Nutrient control initiative.
Sec. 9. Agriculture program coordination.
Sec. 10. Clean lakes education.
Sec. 11. Nuisance aquatic vegetation control.

SEC. 2. FINDINGS.

Congress finds that—

(1) freshwater lakes throughout the United States are a natural resource of outstanding value and importance, providing vital habitat for fish and wildlife;

(2) lakes provide a significant percentage of the drinking water supply of the United States, making protection of lake water quality a prudent investment;

(3) lakes offer a wide range of recreational opportunities, including boating and fishing, and are an especially significant resource for swimming and related body contact recreation;

(4) lakes are especially vulnerable to water pollution because they trap and store pollutants to a greater degree than other waterbodies;

(5) the Environmental Protection Agency reports that 25 percent of lakes are impaired by pollution and that an additional 20 percent are threatened by pollution;

(6) many States report that water quality conditions in lakes have deteriorated in recent years, and studies by the Environmental Protection Agency confirm this trend;

(7) the Environmental Protection Agency reports that the most significant and widespread lake water quality problem is excess nutrients, which promote algal blooms and increase aquatic vegetation;

(8) excessive nutrients can diminish the recreational and economic values of lakes and lower dissolved oxygen that is needed to support fish and other aquatic life;

(9) other water pollution problems in lakes include high turbidity and siltation, excessive acidity associated with acid rain, pathogens in sewage discharges, pesticides, organic chemicals, and metals;

(10) sources of lake water quality problems include discharges of sewage and industrial pollutants, nonpoint sources of pollution associated with urban development and agricultural activities, and natural conditions such as mineral intrusion; and

(11) efforts in existence on the date of enactment of this Act to protect the quality of lakes and control sources of pollution in lakes are not adequate, and these efforts need to be expanded and strengthened.

SEC. 3. LAKE WATER QUALITY RESEARCH.

Subsection (h) of section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254(h)) is amended to read as follows:

"(h)(1) In carrying out subsection (a), the Administrator shall conduct a comprehensive research program concerning the lakes of the United States.

"(2) The research program provided for in this subsection shall, at a minimum—

"(A) develop improved methods for the monitoring and assessment of lake conditions and water quality;

"(B) improve knowledge of lake processes, including watershed assessments and the recycling of pollutants from sediments to water;

"(C) investigate the nature and extent of variation in pollutant effects on lakes as opposed to other aquatic systems, and characterize the degree to which lakes may be especially vulnerable to pollution;

"(D) identify and assess methods and practices to control sources of pollution to lakes, including watershed management techniques and practices; and

"(E) assess the threat to lake quality posed by aquatic vegetation and develop and demonstrate methods to control excessive vegetation in lakes and prevent the distribution of nuisance aquatic vegetation throughout the United States.

"(3) In carrying out this subsection, the Administrator may enter into contracts with, or make grants to, public or private agencies and organizations.

"(4)(A) The Administrator shall appoint an advisory committee to be known as the 'Lake Research Advisory Committee' (referred to in this paragraph as the 'Committee') to advise the Administrator on the design and implementation of the research program required by this subsection.

"(B) The Committee shall be composed of not more than 12 members with substantial expertise and experience in lake research. Not more than 3 members of the Committee shall be employees of the Federal Government. Not fewer than 3 members shall be employees of State environmental agencies.

"(C) Each Committee member shall serve for a term of 3 years, except that the Administrator shall initially appoint 4 members to each serve for a term of 4 years and 4 members to each serve for a term of 5 years. Each member may be reappointed to 1 additional term.".

SEC. 4. LAKE WATER QUALITY STANDARDS.

(a) LAKE DESIGNATIONS.—Section 314 of the Federal Water Pollution Control Act (33 U.S.C. 1324) is amended by adding at the end the following new subsection:

"(e) LAKE USE DESIGNATIONS.—Not later than 2 years after the date of enactment of this subsection, each State shall designate the use of each publicly owned lake in the State in a manner consistent with the following uses:

"(1) Public drinking water supply.

"(2) Swimming and related body contact recreation.

"(3) Resource protection, to ensure the protection and propagation of a balanced, indigenous population of fish and wildlife.".

(b) LAKE WATER QUALITY CRITERIA.—Section 304(a) of such Act (33 U.S.C. 1314(a)) is amended by adding at the end the following new paragraphs:

"(9) WATER QUALITY CRITERIA FOR PARAMETERS.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph and periodically thereafter, the Administrator shall publish pursuant to this subsection water quality criteria for water quality parameters, including, at a minimum—

"(i) dissolved oxygen;

"(ii) total phosphorus;

"(iii) nitrogen;

"(iv) chlorophyll a;

"(v) acidity; and

"(vi) transparency.

"(B) CONTENTS.—The criteria documents published pursuant to this paragraph shall address the factors identified in paragraph (1) and shall identify numerical concentrations that, in the judgment of the Administrator, are appropriate to ensure the maintenance and attainment of each use identified in section 314(e).

"(10) LAKE WATER QUALITY GUIDANCE FOR CONTAMINANTS.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall publish guidance to assist States in the adoption of lake water

quality standards for contaminants for which criteria documents have been published pursuant to this subsection. The guidance shall supplement criteria in existence on the date of publication of the guidance to the extent necessary to ensure that States have adequate information to support the adoption of numerical lake water quality standards for each pollutant that will ensure the attainment and maintenance of designated uses identified pursuant to section 314(e).

"(11) NUMERICAL LAKE WATER QUALITY STANDARDS.—Beginning on the date of enactment of this paragraph, any criteria document published pursuant to this subsection shall include such information as the Administrator determines is appropriate to assist States in the adoption of numerical lake water quality standards for each pollutant that will ensure the attainment and maintenance of the designated uses identified pursuant to section 314(e).".

(c) LAKE WATER QUALITY STANDARDS.—Section 303 of such Act (33 U.S.C. 1313) is amended by adding at the end the following new subsection:

"(i)(1)(A) Not later than 2 years after the date of publication of lake water quality criteria pursuant to paragraphs (9) and (11) of section 304(a) or publication of lake water quality guidance pursuant to section 304(a)(10), each State shall establish for each publicly owned lake in the State numerical standards for such water quality parameters as will ensure the attainment and maintenance of designated uses identified pursuant to section 314(e).

"(B) With respect to a State, the Administrator may waive the requirement to adopt a numerical standard for a parameter listed pursuant to section 304(a)(9) based on a demonstration by the State that there is no impairment to lake water quality associated with the parameter in the State.

"(2) If a State fails to adopt lake water quality standards pursuant to paragraph (1), the Administrator shall, not later than the end of the 2-year period described in such paragraph, establish standards for publicly owned lakes in the State that will ensure the attainment and maintenance of designated uses established by the State or, if a State has not designated lake uses, the uses that the Administrator, in consultation with the State, determines to be appropriate.".

SEC. 5. LAKE WATER QUALITY PROGRAM SUPPORT.

(a) CONFORMING AMENDMENTS.—Section 314(a) of the Federal Water Pollution Control Act (33 U.S.C. 1324(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (B) through (D); and

(B) by redesignating subparagraphs (E) and (F) as subparagraphs (B) and (C), respectively; and

(2) in paragraph (3), by striking all after "United States," and inserting a period.

(b) CLEAN LAKES PROGRAM SUPPORT.—Subsection (b) of section 314 of such Act (33 U.S.C. 1324(b)) is amended to read as follows:

"(b) STATE CLEAN LAKES PROGRAM.—

"(1) IN GENERAL.—A State may submit to the Administrator an application for a grant, and the Administrator may make a grant, to—

"(A) conduct a project to protect the quality of lakes throughout the State;

"(B) develop a plan for the control of pollution to a specific lake or group of lakes in the State; or

"(C) implement a plan developed pursuant to subparagraph (B).

"(2) LAKE QUALITY PROTECTION PROJECTS.—The Administrator may make a grant pursuant to paragraph (1)(A) if the grant is for a statewide project—

"(A) to improve public information and education concerning lake protection;

"(B) to develop State or local requirements concerning lake protection, including lake quality standards;

"(C) to develop lake assessment and monitoring information; or

"(D) to carry out a combination of the activities described in subparagraphs (A) through (C).

"(3) POLLUTION CONTROL PLANS.—The Administrator may make a grant pursuant to paragraph (1)(B) if the grant is for—

"(A) the development of a lake protection plan (including an assessment of lake conditions);

"(B) the identification of pollution sources;

"(C) the development of a plan or program for pollution control; or

"(D) carrying out a combination of the activities described in subparagraphs (A) through (C).

"(4) COST SHARE.—Each grant made pursuant to subparagraph (A) or (B) of paragraph (1) shall be made on the condition that 25 percent of the cost of the project that is the subject of the grant is provided from non-Federal sources. Each grant made pursuant to subparagraph (C) shall be made on the condition that 50 percent of the cost of the project that is the subject of the grant is provided from non-Federal sources and that the non-Federal contribution may be assessed beginning on the date of submittal of the application to the Administrator.

"(5) PRIORITIZATION OF PROPOSALS.—

"(A) LAKE QUALITY PROTECTION PROJECTS.—In awarding grants pursuant to paragraph (1)(A), the Administrator shall give priority to proposals with the greatest potential to improve or protect lake water quality and to proposals that will support the development of long-term sustained lake protection programs in a State.

"(B) POLLUTION CONTROL PLANS.—In awarding grants pursuant to paragraph (1)(B), the Administrator shall give priority to—

"(i) projects concerning lakes that are listed pursuant to paragraph (a)(1)(B);

"(ii) projects concerning lakes that are a source of public water supply; and

"(iii) projects that will develop an innovative pollution control method or practice with potential application to other lakes.

"(C) PLAN IMPLEMENTATION.—Grants made pursuant to paragraph (1)(C) shall be limited to projects concerning lakes for which a control program has been developed pursuant to subparagraph (B).

"(6) ELIGIBILITY REQUIREMENT.—A State that has not complied with the requirements of subsection (a) for the most recent report period or section 303(i) shall not be eligible for grants made pursuant to this subsection.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 314(c) of such Act (33 U.S.C. 1324(c)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1);

(3) in paragraph (1) (as so redesignated)—

(A) in the first sentence—

(i) by striking "and" after "1985,";

(ii) by inserting after "1990" the following: ", and $50,000,000 for each of fiscal years 1991 through 2000,"; and

(iii) by striking "subsection (b) of"; and

(B) by striking the last sentence; and

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

"(2) For each of fiscal years 1991 through 2000, of the sums appropriated pursuant to this section, not more than 25 percent shall be reserved for grants made pursuant to subsection (b)(1) and demonstration projects conducted pursuant to subsection (d).".

SEC. 6. STATE REVOLVING LOAN FUND ELIGIBILITY.

(a) ELIGIBILITY.—

(1) GENERAL AUTHORITY FOR GRANTS TO STATES.—Section 601(a) of the Federal Water Pollution Control Act (33 U.S.C. 1381(a)) is amended—

(A) by striking "and" after "section 319,"; and

(B) by inserting before the period at the end the following: ", and (4) for the implementation of lake protection programs and projects developed pursuant to section 314(b)".

(2) WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.—The first sentence of section 603(c) of such Act (33 U.S.C. 1383(c)) is amended—

(A) by striking "and" after "section 319 of this Act,"; and

(B) by inserting before the period at the end the following: ", and (4) for the implementation of lake protection programs and projects developed pursuant to section 314(b)".

(b) CONFORMING AMENDMENT.—Section 606(c)(1) of such Act (33 U.S.C. 1386(c)(1)) is amended by striking "319" and inserting "314, 319,".

SEC. 7. DEMONSTRATION PROGRAM.

(a) PROGRAM REVISIONS.—Section 314(d)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)(1)) is amended—

(1) in subparagraph (C), by adding "and" at the end;

(2) in subparagraph (D), by striking the semicolon at the end and inserting a period; and

(3) by striking subparagraphs (E) through (G).

(b) DEMONSTRATION PROJECTS.—Section 314(d)(2) of such Act (33 U.S.C. 1324(d)(2)) is amended by inserting after "Sauk Lake, Minnesota;" the following: "China Lake, Maine; Sebago Lake, Maine;".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 314(d) of such Act (33 U.S.C. 1324(d)) is amended by striking paragraph (4).

SEC. 8. NUTRIENT CONTROL INITIATIVE.

(a) IN GENERAL.—Title V of the Federal Water Pollution Control Act (33 U.S.C. 1361 et seq.) is amended—

(1) by redesignating section 519 as section 520; and

(2) by adding after section 518 the following new section:

"SEC. 519. NUTRIENT CONTROL INITIATIVE.

"(a) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall issue regulations prohibiting the distribution for sale within the United States of household laundry detergents that contain more than 0.5 percent phosphorus by weight expressed as elemental phosphorus.

"(b) REQUIREMENTS.—The regulations issued pursuant to this section shall, at a minimum—

"(1) establish a schedule for the phase-out of phosphorus from household laundry detergents that is as expeditious as practicable, and that requires, at a minimum, compliance with the prohibition specified in subsection (a) not later than 5 years after the date of enactment of this subsection;

"(2) establish limits on the levels of chemical constituents in household laundry detergents that are adequate to ensure that the levels of any of the constituents substituted for phosphorus are not expected to prevent the attainment or maintenance of water quality standards;

"(3) allow for the sale and use of household laundry detergent products manufactured prior to the date of enactment of this subsection; and

"(4) define the term 'household laundry detergent'.

"(c) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this subsection, the Administrator shall submit to Congress a report on the status of the implementation of this section.".

(b) CIVIL PENALTY.—Section 309(a)(3) of such Act (33 U.S.C. 1319(a)(3)) is amended by striking "or 405" and inserting "405, or 519".

SEC. 9. AGRICULTURE PROGRAM COORDINATION.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency and the Secretary of Agriculture shall work cooperatively to ensure the coordination of agriculture programs and lake protection programs.

(b) AGRICULTURAL CONSERVATION PROGRAM.—

(1) PREVENTION OF SOIL EROSION.—The first sentence of section 7(a) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g(a)) is amended by inserting before the period at the end the following: ", giving priority consideration to watersheds of lakes identified as impaired pursuant to section 314(a)(1)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1324(a)(1)(B))".

(2) CONSIDERATIONS FOR FINANCIAL ASSISTANCE.—The fourth undesignated paragraph of section 8(b) of such Act (16 U.S.C. 590h(b)) is amended by inserting before the comma at the end of subparagraph (D) the following: ", giving priority consideration to watersheds of lakes identified as impaired pursuant to section 314(a)(1)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1324(a)(1)(B))".

(c) AGRICULTURAL WATER QUALITY INCENTIVES PROGRAM.—Section 1238C(a) of the Food Security Act of 1985 (16 U.S.C. 3838c(a)) is amended—

(1) in paragraph (7), by striking "or" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; or"; and

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

"(9) areas of the watershed of a lake identified as impaired pursuant to section 314(a)(1)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1324(a)(1)(B)).".

(d) ENVIRONMENTAL EASEMENT PROGRAM.—Section 1239(b)(1) of such Act (16 U.S.C. 3839(b)(1)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; or"; and

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

"(D) is located within the watershed of a lake identified as impaired pursuant to section 314(a)(1)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1324(a)(1)(B)).".

(e) CONSERVATION RESERVE PROGRAM.—Section 1231(f)(1) of such Act (16 U.S.C. 3831(f)(1)) is amended by adding at the end the following new sentence: "The Secretary shall designate watershed areas of lakes identified as impaired pursuant to section 314(a)(1)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1324(a)(1)(B)) as conservation priority areas.".

SEC. 10. CLEAN LAKES EDUCATION.

Section 314 of the Federal Water Pollution Control Act (33 U.S.C. 1324) (as amended by section 4(a)) is further amended by adding at the end the following new subsection:

"(f) CLEAN LAKES EDUCATION.—

"(1) IN GENERAL.—The Administrator shall develop and implement a national program to educate the public concerning lake quality and lake pollution problems and to foster public involvement in lake assessment and protection programs.

"(2) LAKE WATCH PROGRAM.—

"(A) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall, by regulation, establish a program, to be known as the 'Lake Watch Program' (referred to in this paragraph as the 'Program'), to encourage nonprofit citizens groups to engage in lake assessment and protection activities.

"(B) CONTENTS OF REGULATIONS.—The regulations issued pursuant to subparagraph (A) shall establish—

"(i) a process for identifying citizens groups interested in participating in the Program;

"(ii) a national registry of—

"(I) citizens groups participating in the Program; and

"(II) lakes with respect to which the groups engage in assessment and protection activities; and

"(iii) minimum conditions to be met by a citizens group that participates in the Program, including—

"(I) minimum monitoring of lake quality;

"(II) periodic reports of lake protection activities;

"(III) the identification of the watershed area of each lake with respect to which the group engages in assessment and protection activities; and

"(IV) periodic renewal of participation.

"(C) INFORMATIONAL PUBLICATION.—The Administrator shall publish periodically an informational publication on lake assessment and protection for citizens groups participating in the Program.

"(D) LAKE WATCH AWARD.—The Administrator shall provide an annual award, to be known as the 'Lake Watch Award', to 1 citizens group participating in the Program in each State, that has demonstrated an outstanding commitment to lake assessment and protection.

"(E) PROGRAM COORDINATION.—

"(i) IN GENERAL.—The Administrator shall inform each citizens group participating in the Program of pollution control activities within the watershed area of each lake with respect to which the group engages in assessment and protection activities, including—

"(I) the award of grant assistance pursuant to this section;

"(II) the initiation of an enforcement action pursuant to section 309;

"(III) the award of an incentive or demonstration grant pursuant to section 319;

"(IV) the issuance of a permit pursuant to section 402; and

"(V) the award of a loan or other assistance pursuant to title VI.

"(ii) DELEGATION OF AUTHORITY.—The Administrator may delegate the authority to carry out this subparagraph to a State.

"(3) LAKE PROTECTION HANDBOOK.—Not later than 2 years after the date of enactment of this subsection, and periodically thereafter, the Administrator shall publish a lake assessment and protection handbook that provides information on appropriate methods for lake quality monitoring, biological assessment of lake conditions, and related information concerning lake management and protection.".

SEC. 11. NUISANCE AQUATIC VEGETATION CONTROL.

(a) CONTROL PROGRAM.—Subtitle C of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4721 et seq.) is amended by adding at the end the following new section:

"SEC. 1210. EURASIAN MILFOIL CONTROL.

"(a) IN GENERAL.—In coordination with regional, State, and local entities, the Task Force shall undertake a comprehensive, environmentally sound program to prevent the dissemination of Eurasian Milfoil (Myriophyllum spicatum), including—

"(1) research and development concerning the species, including environmental tolerances and impacts on water quality, fisheries, and other ecosystem components;

"(2) the identification and assessment of mechanisms and means of limiting the dissemination of the species to areas not infested as of the date of enactment of this section;

"(3) the development of plans and implementation of programs to prevent dissemination of the species; and

"(4) the provision of technical assistance to regional, State, and local entities to carry out this section.

"(b) REPORT.—Not later than 2 years after the date of enactment of this section, the Task Force shall submit to Congress a report that describes the implementation of this section and makes recommendations regarding additional authorities or support necessary for the control of the dissemination of Eurasian Milfoil.".

(b) INJURIOUS SPECIES.—Section 42(a)(1) of title 18, United States Code, is amended by inserting "of the Eurasian Milfoil of the species Myriophyllum spicatum;" before "of the zebra mussel".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1301(b) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(b)) is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period at the end and inserting "; and"; and

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

"(8) $1,000,000 to carry out section 1210.".

LAKES ASSESSMENT AND PROTECTION ACT OF 1993—SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title and Table of Contents—This Act may be cited as the "Lakes Assessment and Protection Act of 1993".

Sec. 2. Findings—The Congress finds that the Nation's lakes are an important recreational and environmental resource and a vital source of public drinking water. Some 25 percent of lakes are impaired by pollution and existing programs to protect lakes quality are not adequate.

Sec. 3. Lake Quality Research—The Clean Water Act is amended to expand authority for research of lake quality issues. A Lake Research Advisory Committee is established to advise the Environmental Protection Agency on the development of lake research plans.

Sec. 4. Lake Water Quality Standards—The Clean Water Act is amended to require States to designate uses of lakes within the State.

EPA is directed to develop water quality criteria documents for pollutants which are most common in lakes (i.e. total phosphorus, nitrogen, chlorophylls, acidity, turbidity, and low dissolved oxygen).

States are to adopt enforceable, numerical water quality standards for lakes within two years of the date of publication of a criteria document. The EPA Administrator is directed to establish lake water quality standards if a State fails to do so.

Sec. 5. Lake Water Quality Program Support—Section 314 of the Clean Water Act is amended to revise the existing grant assistance program for lakes. The revised grant program would allow States to submit grant proposals for both the implementation of statewide programs to protect lakes and to develop and implement protection plans for a specific lake or group of lakes.

Statewide lake protection projects may include projects to develop education, assessment; or regulatory programs. Projects are funded at 75/25 Federal/State shares. Priority is given to projects which have the greatest potential to improve lakes quality and foster the development of a sustained lake protection program in the State.

Lake protection plans are to assess lake conditions, identify pollution sources, and develop pollution control programs. Planning grants are available on a 75/25 Federal/State basis; implementation grants on a 50/50 basis. Priority is to be given to impaired lakes and lakes which are a source of drinking water and to projects which demonstrate innovative programs. Existing authorizations for grant assistance and demonstration programs are revised and consolidated.

The existing general grant authorization of $30 million per year and demonstration program authorization of $55 million are consolidated into a single authorization of $50 million. Of sums appropriated from the consolidated authorization 25 percent is to be reserved for statewide lakes grants, for lake protection plan grants, for implementation of protection plans, and for implementation of demonstration projects.

Sec. 6. State Revolving Loan Fund Eligibility—Title VI of the Clean Water Act is amended to specify that State revolving loan funds are eligible to support the implementation of lake protection plans developed with grant assistance under section 314 of the Act.

Sec. 7. Demonstration Program—The clean lakes demonstration program is amended to clarify the scope of demonstration projects and to add to the list of priority lakes China Lake, Maine and Sebago Lake, Maine.

Sec. 8. Nutrient Control Initiative—A new section 520 is added to the Clean Water Act directing the EPA Administrator to issue regulations prohibiting the manufacture and distribution for sale in the United States of household laundry detergents containing phosphorus.

Regulations are to provide for a phase out of phosphorus in detergents as soon as possible but in not less than five years, address potential substitution of chemicals for phosphates, and allow sale of products manufactured prior to the date of enactment of the section.

Sec. 9. Agriculture Program Coordination—Existing programs of the Department of Agriculture which provide assistance to farmers for implementation of practices to reduce water pollution are focused on watersheds of lakes identified by States as suffering water quality problems. These programs include the Agriculture Conservation Program, the Agriculture Water Quality Incentives Program, the Environmental Easement Program, and the Conservation Reserve Program.

Sec. 10. Lake Education Program—The Environmental Protection Agency is to support assessment and protection of lakes by volunteer citizen groups. EPA is to recognize groups interested in participating in a "Lake Watch" program and assist lake protection activities of such groups.

Sec. 11. Nuisance Aquatic Vegetation Control—The Nonindigenous Aquatic Nuisance Act is amended to direct the Federal Task Force established in the Act to conduct a comprehensive program to prevent the dissemination of Eurasian Millfoil. An authorization of $1 million per year is provided for the program.

By Mr. MITCHELL (for himself and Mr. LAUTENBERG):

S. 1199. A bill to amend the Federal Water Pollution Control Act to provide for coastal protection, and for other purposes; to the Committee on Environment and Public Works.

COASTAL PROTECTION ACT OF 1993

Mr. MITCHELL. Mr. President, today I am introducing, with my distinguished colleague Senator LAUTENBERG, legislation to amend the Clean Water Act to improve protection of marine and coastal waters.

This bill is similar to title II of legislation I introduced in the last Congress. I am pleased that title I of that bill, establishing a national monitoring program for coastal waters, and title III of the bill tightening controls over ocean dumping of sediment, were enacted in the last Congress.

Marine and coastal waters are a national resource of outstanding importance. These waters serve vital ecological functions, providing habitat to commercial and endangered species.

The combined value of marine commercial and recreational fishing industries is over $12 billion annually. Over 70 percent of the commercial fish and shellfish nationwide depend on estuarine and near-coastal waters and landings of estuarine dependent species have declined over the past 20 years.

Coastal waters also are a valuable recreational resource. Tourism is a major source of income in many coastal communities, and recreational activities are partially dependent on the quality of the coastal environment. Government expenditures for marine-related recreation are over $5 billion a year.

A recent study in Florida indicated that 13 million adults used the beaches in 1984, generating sales of $4.6 billion, 180,000 jobs, and a payroll of about $1.1 billion.

There is growing public awareness and concern for environmental problems in coastal waters. Beach closings over the past several years have provided the public with clear evidence of the pollution problems in marine waters. The presence of a large dead zone in the Gulf of Mexico has been widely reported. Boston Harbor is recognized throughout the Nation as a major environmental problem area.

Recent reports by the Office of Technology Assessment [OTA], the Environmental Protection Agency [EPA], and the National Oceanic and Atmospheric Administration [NOAA] provide clear evidence of the range of environmental problems facing coastal waters.

The OTA has issued a major report titled "Wastes in the Marine Environment." The report states:

> * * * even if total compliance with today's regulations is achieved, existing programs will not be sufficient to . . . maintain or improve the health of all estuaries and coastal waters. In the absence of additional measures to protect our marine waters, the next few decades will witness new or continued degradation in many estuaries and coastal waters around the country.

A representative of NOAA testified before the Environment and Public Works Committee in July of 1989 saying:

> I want to emphasize that the extent of the coastal pollution problems is truly national and not limited to only a few specific coastal or estuarine areas. Solutions to the problem will require an approach that is national in scope and scale.

A major assessment of environmental progress over the past 20 years by the Council on Environmental Quality cited significant improvements in the quality of several environmental media, but concluded that two major problem areas were the loss of coastal wetlands and declines in marine environmental quality. The report states:

> If, on the other hand, the viability of wetlands and estuarine ecosystems is used to measure environmental progress, the Nation's track record over the past 2 decades is less impressive. . . . Moreover, the quality of some coastal waters and estuaries apparently has declined over the last 2 decades. Between 1971 and 1985, shellfish harvest restrictions resulting from environmental contamination increased 14 percent to 7.5 million acres; by 1985 approximately 40 percent of the Nation's shellfish beds were closed for some or all of the season. Closures were caused by environmental pollution ranging from inadequate or overwhelmed sewage treatment plants to urban water runoff to contamination from feedlots and other agricultural operations.

Basic demographic trends are likely to support continued high levels of public interest and concern for the quality of coastal waters. NOAA estimates that about half of the U.S. population—about 110 million people—now live in coastal areas. By the year 2010, coastal population is expected to increase to 127 million people, an increase of 60 percent over the 1960 population of 80 million.

Pollutant discharges to coastal waters are significant and will increase as population continues to concentrate along the coast. Major sources of coastal pollution include point source discharges from industrial facilities, discharges of sewage from publicly owned treatment works, overflows from combined storm and sanitary sewers, and nonpoint pollution from urban areas, construction sites, and agricultural lands.

While only 10 percent of the Nation's 66,000 point source discharges are located in coastal areas, they contribute

over one third of the total annual wastewater discharged throughout the country.

Some 1,300 major industrial facilities discharge effluents directly to coastal waters. These discharges pose a significant pollution problem. The OTA Report concluded:—

Large quantities of toxic pollutants are entering marine environments, particularly estuaries and coastal waters. Legal discharges of industrial effluents * * * often contain substantial amounts of toxic pollutants; indeed, in the aggregate, industrial discharges represent the largest source of toxic pollutants entering the marine environment.

Over one quarter of the 2,900 major wastewater treatment plants, that is, plants discharging more than 1 million gallons per day, in the United States are located in coastal counties. These plants discharge some 2.3 trillion gallons of sewage to coastal waters each year. In addition, some 3.6 trillion gallons of sewage is discharged each year to coastal rivers which eventually reach the sea.

While the bulk of the pollutant loadings in these discharges are conventional pollutants, for example: biological oxygen demand [BOD], solids, nutrients, and phosphorous, the discharges contain a significant amount of toxic contaminants from industrial and other sources.

Discharges from combined storm and sanitary sewers are an especially serious source of pollution to coastal waters. These overflows, which occur in hundreds of coastal cities, are responsible for beach closings each year and are a significant source of floatable and plastic pollution.

In addition, combined sewer overflows are responsible for closing of shellfish beds in many areas. NOAA reports that combined sewer overflows contributed to the closing of 54 percent of the closed shellfish beds in New England.

Combined sewer overflows contributed to the closing of 62 percent of the closed shellfishing beds in Long Island Sound, 58 percent in Narragansett Bay, 97 percent in the Hudson/Raritan estuary, and 46 percent in Massachusetts Bay.

The discharge of large volumes of sewage can affect human health as well as the environment. The OTA Report concluded:

These findings suggest that the routine discharge of sewage effluent and the dumping of sewage sludge into estuaries, coastal waters, and the open ocean may be introducing large numbers of viable microorganisms, including pathogens, and that their densities in both water and sediment may be increasing. Further study of the public health consequences of these practices is needed, particularly in light of the increasing incidence of shellfish and waterborne disease.

While the recreational and other values of the coasts attract added population growth, this growth can contribute to the contamination and related environmental problems of coastal waters.

Development and urbanization in coastal areas causes water pollution problems through runoff from city streets, construction sites, and agricultural lands. These nonpoint sources of pollution are a major cause of coastal water quality problems.

The EPA confirmed the significant role of development in coastal pollution in testimony before the Environment and Public Works Committee in 1989, when a representative of the Agency stated:

The challenge before us is to protect and restore the environmental quality of our near coastal waters, living resources, and their habitats. Solutions to these problems become increasingly complex as their major causes are land based, and primarily due to the population growth and development occurring in our coastal zone.

NOAA estimates that some 330 thousand tons of phosphorus and 1.8 million tons of nitrogen are discharged annually to the Nation's estuaries. Some 12 percent of the nitrogen and 40 percent of the phosphorus is attributable to wastewater treatment plants, but the majority is attributable to nonpoint sources of pollution. In review of this data, an NOAA representative testified:

Increasing evidence of reduced fish catches, loss of habitats, and degradation of water and sediment quality caused by nutrient over-enrichment indicates that nutrient discharges must be limited.

The existing pollution of coastal waters, and the threat of further degradation, demand a concerted effort to improve coastal water quality programs. The legislation I am introducing today, in combination with other amendments to the Clean Water Act, will be an important step toward assuring the restoration and protection of marine waters.

The National Estuary Program, created in the 1987 amendments to the Clean Water Act, is helping States, local government and interested citizens develop programs to respond to significant pollution problems in some of the Nation's most valuable estuaries.

Our legislation will more than double the authorized funding for the program and extend funding to the year 2000. In addition, the bill will allow funding of local management conferences after the completion of a control plan at a somewhat reduced level. A new requirement to develop a financial strategy for implementation of control plans is added. Existing authorities regarding research and reports are revised. Designation of estuaries after the date of enactment is limited to impaired coastal waters.

While the National Estuary Program is helping restore the quality of some of the most impaired coastal waters, the program is not able to address the vast majority of coastal water pollution problem areas. In addition, control programs developed as a result of a National Estuary Program plan often do not take effect for five or more years.

Given the national scope of coastal water pollution problems, intensive pollution control efforts are needed for impaired coastal waters. Such an intensive effort will complement the National Estuary Program and help prevent further declines in coastal-water quality until the National Estuary Program is able to support a more comprehensive planning effort.

The bill proposes that the EPA and the States identify impaired coastal waters and take specific steps to addresses pollution problems in those waters. For example, permits issued for discharges to such waters would be based on the ocean discharge criteria of section 403. The bill would also amend section 403 to clarify discharge criteria and add consideration of pollution prevention options.

Additional authorities for preventing further declines in impaired coastal waters include review of water quality standards for the impaired waters, expedited permitting for discharges of stormwater, development of pretreatment programs where such programs are not already in place and the treatments works receives waste from a significant industrial source, and consideration of prohibiting or restricting disposal sites and prohibiting discharge of sewage from vessels.

Federal, State, and local governments cannot solve coastal water pollution problems alone. Protection of coastal environments depends in large part on the informed decisions of landowners in areas adjacent to coastal waters. In many cases, owners of coastal land understand the environmental value of the land and want to take steps to protect coastal areas, but lack information about what to do and not to do.

The bill includes a new initiative to foster public understanding or coastal-water pollution and the measures and practices owners of land adjacent to coastal waters can take to prevent water pollution and conserve ecological characteristics. Coastal landowners have the opportunity to volunteer to participate in information and education programs.

Another key provision of the bill expands current authority for control of sewage from vessels. The bill expands the penalty provisions of the current law, allows States to enforce the vessel discharge provisions of the act under specified conditions, requires review of technologies for treatment of sewage on boats, and encourages the development of sewage pumpout facilities by making pumpout facilities eligible for assistance through the State revolving loan funds.

Coastal waters have not been protected by water quality criteria and standards to the same degree as have

inland waters. EPA has developed fewer aquatic criteria for marine waters than for inland waters and States have not consistently adopted water quality standards for marine waters.

The bill requires the EPA to develop a plan for review and revision of criteria for pollutants found in marine waters. Citizens are given the right to petition for development of criteria for marine waters. Where the EPA has published aquatic life criteria for inland waters but not marine waters, the Agency is given 3 years to expand the criteria to include marine waters. After the date of enactment, the EPA is to publish aquatic life criteria for marine waters whenever aquatic life criteria are published for inland waters. States are to designate uses for marine waters and adopt standards based on available criteria within 2 years.

Finally, Mr. President, this bill includes new authority for the Army Corps of Engineers to assist coastal communities in the implementation of projects to control overflows of raw sewage from combined storm and sanitary sewers.

Many coastal communities across the Nation, and in my home State of Maine, are facing the challenging problem of control of overflows from combined sewers. These overflows cause significant environmental impacts and construction of needed control facilities can be very expensive. Estimates of the costs of needed controls in Maine alone are in the hundreds of millions of dollars.

The Corps of Engineers can play an important role in assisting communities in construction of projects needed to comply with Clean Water Act requirements. The bill provides that the corps would select projects with the greatest environmental benefit serving communities with the greatest financial need.

The corps would provide funding in the form of a 75-percent grant, or, at the option of the Governor, a loan to be repaid to the State loan fund under otherwise applicable conditions of title VI. Projects funded under this authority must be certified as the lowest cost solution adequate to meet Clean Water Act requirements.

Other important provisions of the bill would require the EPA to use information from toxic release inventory reports to improve the focus of water quality programs, better define the roles of Federal agencies in protecting coastal environments, and provide for studies of several marine pollution issues.

I urge my colleagues to join us in supporting this important legislation to restore and protect the quality of the Nation's coastal waters.

I ask unanimous consent that a copy of the bill be printed at an appropriate place in the RECORD.

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

S. 1199

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Coastal Protection Act of 1993".

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

Sec. 1. Short title; table of contents; references.
Sec. 2. Findings.
Sec. 3. Policy.
Sec. 4. Coastal environment toxics release assessment.
Sec. 5. National estuary program.
Sec. 6. Priority marine waters.
Sec. 7. National marine water quality education program.
Sec. 8. Marine sanitation devices.
Sec. 9. Marine water quality criteria and standards.
Sec. 10. Ocean discharge criteria.
Sec. 11. Combined sewer overflow control assistance.
Sec. 12. Definitions.
Sec. 13. Federal agency responsibilities.
Sec. 14. Reports and studies.

(c) REFERENCES TO THE FEDERAL WATER POLLUTION CONTROL ACT.—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 Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), except to the extent otherwise specifically provided.

SEC. 2. FINDINGS.

Congress finds that—

(1) the marine and coastal waters of the United States have substantial and direct importance to a large segment of the population of the United States;

(2) the marine and coastal waters, including estuaries, are vital and productive natural ecosystems;

(3) the marine and near coastal waters support commercial and recreational fisheries with an annual value estimated at over $12,000,000,000 per year;

(4) the marine and coastal waters support extensive recreational activities and related support services;

(5) the maintenance and protection of the environmental quality of the marine and coastal waters of the United States is essential to the commercial and recreational activities the waters support;

(6) a report by the Office of Technology Assessment of Congress found that the overall health of estuaries and coastal waters is declining or threatened;

(7) recent studies and reports provide evidence that many areas of the marine environment have been degraded or are threatened by sources of pollution, including industrial and municipal waste disposal, urban and agricultural runoff, inadequately controlled development, and habitat destruction;

(8) studies by the National Oceanic and Atmospheric Administration and the Environmental Protection Agency have identified unexpectedly high levels of contaminants in a number of coastal areas;

(9) the National Estuary Program is successfully addressing water pollution problems in high priority coastal areas and the program should be expanded and strengthened;

(10) there is a need to better identify impaired coastal waters and to expand and improve programs for the control of point and nonpoint sources of pollution to these waters;

(11) ocean discharge criteria need to be used more effectively in issuing permits for discharges to impaired coastal waters;

(12) discharges of sewage from vessels can impair coastal waters, and controls over the discharges should be improved;

(13) there is a need to expand and expedite the process of developing water quality criteria that set enforceable water quality standards for coastal waters; and

(14) overflows from combined storm and sanitary sewers pose a significant threat to water quality, and the Federal Government should provide additional financial assistance to communities seeking to correct overflow problems.

SEC. 3. POLICY.

It is the policy of the United States to restore, maintain, and protect the integrity of the marine environment to ensure that the ecological, commercial, and recreational values of these resources are not impaired by pollution.

SEC. 4. COASTAL ENVIRONMENT TOXICS RELEASE ASSESSMENT.

Title III (33 U.S.C. 1311 et seq.) is amended by adding at the end the following new section:

"SEC. 321. COASTAL ENVIRONMENT TOXICS RELEASE STRATEGY.

"(a) COASTAL ENVIRONMENT TOXICS RELEASE STRATEGY.—Not later than 1 year after the date of enactment of this section, the Administrator shall prepare and submit to Congress a coastal environment toxics release strategy (referred to in this section as the 'strategy'). The strategy shall include a plan developed by the Administrator for using the information from toxic chemical release forms and reports prepared pursuant to section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023) to improve programs of the Environmental Protection Agency concerning the coastal environment.

"(b) ASSESSMENT.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Administrator shall prepare an assessment of the extent and environmental effect of discharges by industrial categories that discharge into marine waters, or to publicly owned treatment works that discharge into marine waters (or both), and that are required to report the discharges pursuant to the requirements for reporting releases of toxic chemicals under section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023).

"(2) IDENTIFICATION OF CATEGORIES AND AREAS.—The assessment shall identify the relative contribution of pollutants from industrial categories and the geographical areas that receive the greatest quantities of the discharges.

"(3) INCLUSION IN REPORTS.—The assessment prepared under this subsection may be included in a report published pursuant to section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023).

"(c) USE OF INFORMATION.—The Administrator shall use information in the assessment prepared under subsection (b) to—

"(1) verify information included in permits issued by the Administrator or by a State

authorized to issue permits under section 402;

"(2) improve programs for the control of toxic pollutants;

"(3) identify other water quality programs (including programs established pursuant to sections 301, 303, 304, 306, and 307) and adopt measures to ensure that data concerning the discharge of toxic pollutants is incorporated into the programs;

"(4) identify pollutants for which water quality criteria have not been published; and

"(5) target compliance and enforcement actions.".

SEC. 5. NATIONAL ESTUARY PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) (33 U.S.C. 1330(i)) is amended—

(1) by striking ", and 1991" and inserting "1991, 1992, and 1993 and $25,000,000 for each of fiscal years 1994 through 2000"; and

(2) by striking the last sentence.

(b) PRIORITY MARINE WATERS.—Section 320(a)(2)(A) (33 U.S.C. 1330(a)(2)(A)) is amended by adding at the end the following new sentence: "Beginning on the date that is 1 year after the date of enactment of this sentence, the Administrator may not convene a management conference pursuant to this section for any estuary that is not listed as a priority marine water under section 304(n).".

(c) FINANCIAL PLAN.—Section 320(b)(5) (33 U.S.C. 1330(b)(5)) is amended by inserting before the semicolon the following: ", including a detailed financial plan indicating the anticipated Federal, State, and local funds needed to implement identified corrective actions".

(d) RESEARCH.—Subsection (j) of section 320 (33 U.S.C. 1330(j)) is amended to read as follows:

"(j) RESEARCH.—

"(1) RESEARCH PROGRAM.—The Administrator shall implement a coordinated program of research and monitoring to support the assessment of each estuary for which a management conference is convened pursuant to this section.

"(2) CONTENT OF PROGRAM.—The research program implemented under this subsection shall include—

"(A) a comprehensive program of water and sediment quality monitoring to determine—

"(i) variations in pollutant concentrations, marine ecology, and other physical or biological environmental parameters that may affect the estuary; and

"(ii) the potential and actual effects of alternative management strategies and measures;

"(B) a program of ecosystem assessment to assist in the development of—

"(i) baseline studies to determine the biological conditions in the estuary and the effects of natural and anthropogenic changes; and

"(ii) predictive models that are capable of translating information concerning specific discharges or general pollutant loadings within the estuary into a set of probable effects on biological conditions in the waters of the estuary;

"(C) a program of research to identify the movements of nutrients, sediments, and pollutants through the estuary and the impact of nutrients, sediments, and pollutants on water quality and designated or potential uses of the waters of the estuary; and

"(D) a program of research to determine the water quality and habitat requirements necessary for the attainment and maintenance of designated uses and the continued viability and enhancement of living resources.

"(3) COOPERATIVE ACTIVITY.—In implementing the research program under this subsection, the Administrator shall cooperate with each affected management conference and State, and the heads of appropriate Federal agencies, including the Under Secretary and the Director of the United States Fish and Wildlife Service.".

(e) REPORT TO CONGRESS.—Section 320 (33 U.S.C. 1330) is amended—

(1) by redesignating subsection (k) as subsection (*l*); and

(2) by inserting after subsection (j) the following new subsection:

"(k) REPORTS.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this paragraph, and biennially thereafter, the Administrator shall submit to Congress a comprehensive report concerning the activities authorized under this section. The report shall include—

"(A) a list of estuaries considered for action pursuant to this section;

"(B) a list and description of the estuaries considered and selected for management conferences pursuant to this section;

"(C) an evaluation of the research, monitoring, and pollution abatement measures implemented pursuant to this section;

"(D) an assessment and description of each management conference in progress at the time of submission of the report; and

"(E) a report on the implementation of conservation and management plans for the estuaries.

"(2) PRIORITY MARINE WATERS.—The Administrator shall include in each report prepared under this subsection—

"(A) a list of the waters listed as priority marine waters under section 304(n);

"(B) a description of the measures taken to restore the quality of the waters; and

"(C) recommendations concerning additional protective measures for priority marine waters.".

(f) GRANTS.—Section 320(g) (33 U.S.C. 1330(g)) is amended by striking paragraphs (2) through (3) and inserting the following new paragraphs:

"(2) PURPOSES.—A grant awarded under this section may be used to—

"(A) support an initial 5-year management conference and the development of a conservation and management plan under this section; and

"(B) maintain the operation of the management conference after receiving approval by the Administrator of a conservation and management plan pursuant to subsection (f), and oversee the implementation of the conservation and management plan.

"(3) DEVELOPMENT OF CONSERVATION AND MANAGEMENT PLANS.—

"(A) IN GENERAL.—The Federal share of a grant awarded under paragraph (2)(A) for a fiscal year shall be—

"(i) in an amount not to exceed 75 percent of the annual cost of the management conference referred to in paragraph (2)(A); and

"(ii) awarded on the condition that the non-Federal share of the cost of the management conference shall be paid from non-Federal sources.

"(B) DURATION.—A person referred to in paragraph (1) (including a State, interstate, or regional agency or entity) may be awarded a grant under paragraph (2)(A) for a period of not to exceed 5 fiscal years.

"(4) GRANTS TO MAINTAIN OPERATION OF MANAGEMENT CONFERENCE.—

"(A) PROHIBITION.—If, in the judgment of the Administrator, a person referred to in paragraph (1) (including a State, interstate, or regional agency or entity) has—

"(i) not received approval by the Administrator for a conservation and management plan pursuant to subsection (f); or

"(ii) failed substantially to implement a conservation and management plan that has been approved pursuant to subsection (f),

the Administrator may not award a grant to the person under paragraph (2)(B).

"(B) FEDERAL SHARE.—The Federal share of a grant awarded under paragraph (2)(B) for a fiscal year shall be—

"(i) in an amount not to exceed 50 percent of the annual costs of the management conference; and

"(ii) awarded on the condition that the non-Federal share of the cost of the management conference shall be paid from non-Federal sources.

"(C) LIMITATION.—The amount of a grant awarded under paragraph (2)(B) for any fiscal year may not exceed an amount equal to 30 percent of the average annual amount of any grants received by the person under paragraph (2)(A).

"(5) REPORT TO THE ADMINISTRATOR.—Each person who receives a grant under this subsection shall be required, as a condition of receiving the grant, to submit a report to the Administrator, not later than 18 months after receipt of the grant award, describing the progress of the grant recipient in carrying out the purposes of the grant.".

SEC. 6. PRIORITY MARINE WATERS.

Section 304 (33 U.S.C. 1314) is amended by adding at the end the following new subsection:

"(n) PRIORITY MARINE WATERS.—

"(1) IN GENERAL.—The Administrator shall, not later than 1 year after the date of enactment of this subsection, and biennially thereafter, identify and list, pursuant to this subsection, each marine water that—

"(A) does not support the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife, and allow for recreational activities in and on the water; or

"(B) in the judgment of the Administrator, is not likely to have the capability of ensuring the future protection of a balanced, indigenous population of shellfish, fish, and wildlife and allow for recreational activities in and on the water.

"(2) SELECTION.—In selecting a marine water pursuant to paragraph (1), the Administrator shall consider—

"(A) water quality impairment, including information provided in the national toxic chemical inventory established pursuant to section 313(j) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(j));

"(B) the presence of toxic or other contaminants in sediment and the potential for migration of the contamination to water or aquatic organisms;

"(C) the condition of aquatic life and related habitat, including the presence of threatened or endangered species;

"(D) the likely effect of contaminants on human health, aquatic life, and related habitat, recreational and commercial opportunities, and marine ecological values;

"(E) the presence of floatables in the area that adversely affect commercial and recreational opportunities; and

"(F) anticipated total increases in pollution loadings and floatables in the area.

"(3) PUBLIC REVIEW.—In listing a marine water under paragraph (1), the Administrator shall—

"(A) provide for public review and comment; and

"(B) consult with appropriate officials of States and the Under Secretary throughout the listing process.

"(4) DUTIES OF THE ADMINISTRATOR AND STATES.—

"(A) IN GENERAL.—The Administrator (or a State authorized to issue permits under section 402) shall, with respect to waters that have been listed under this subsection—

"(i) implement the requirements of section 403 when issuing or reissuing a permit for point source discharges to the waters; and

"(ii) notwithstanding any exemption established pursuant to section 402(p), not later than 1 year after the listing of a water under this subsection, issue permits for industrial and municipal discharges of stormwater to the water in a manner consistent with section 402(p).

"(B) DUTIES OF THE ADMINISTRATOR.—The Administrator shall, with respect to each water that has been listed under this subsection—

"(i) not later than 180 days after listing the water under this subsection, consider prohibiting the use of the water as a disposal site or restricting the use of any water designated pursuant to this section as a disposal site;

"(ii) not later than 180 days after the listing, prohibit the discharge of sewage from vessels pursuant to section 312(f)(4);

"(iii) in the case of a State that does not have an assessment or management program that has been approved by the Administrator under subsection (a) or (b) of section 319, conduct an assessment and develop and implement a management program for the watershed area of the listed water; and

"(iv) require that each publicly owned treatment works that discharges to the listed water and that serves 1 or more significant industrial user, as defined by the Administrator, shall without regard to the volume of the discharges of or the population served by the treatment works, develop and enforce a program for the pretreatment of industrial wastes pursuant to section 307 as expeditiously as practicable.

"(C) DUTIES OF THE STATE.—Each State shall review water quality standards applicable to waters listed under this subsection, and, not later that 3 years after the listing, designate uses and adopt standards for any pollutant for which the Administrator has established criteria pursuant to section 304 if the pollutant is present, or is reasonably likely to be present, in the waters.

"(5) RECISION OF LISTING.—The Administrator may, after consultation with appropriate State officials, and after providing for public review and comment, rescind the listing of a marine water under this subsection if the Administrator determines that—

"(A) the environmental quality of the water has been restored;

"(B) water quality standards adopted pursuant to section 303 are attained and will be maintained; and

"(C) the water will ensure the protection and propagation of a balanced indigenous population of fish, shellfish, and wildlife and will provide for recreational activities in and on the water on a continuing basis.".

SEC. 7. NATIONAL MARINE WATER QUALITY EDUCATION PROGRAM.

Title V (33 U.S.C. 1361 et seq.) is amended—

(1) by redesignating section 519 as section 520; and

(2) by inserting after section 518 the following new section:

"SEC. 519. NATIONAL MARINE WATER QUALITY EDUCATION PROGRAM.

"(a) GENERAL AUTHORITY.—The Administrator shall establish a national program to provide information, education, and technical assistance to owners of marine land.

"(b) IDENTIFICATION.—Any owner of marine land may submit to the Administrator an application for participation in the education program established under this section. Each application submitted under this subsection shall contain basic information, including—

"(1) the location and size of the marine land;

"(2) the physical characteristics of the marine land;

"(3) known wildlife habitat or other significant natural features or characteristics of the marine land; and

"(4) proof of ownership of the marine land.

"(c) INFORMATION AND EDUCATION.—

"(1) IN GENERAL.—The Administrator shall establish and carry out an information and education program to provide owners of marine land with informational and educational materials concerning—

"(A) land management and related practices to prevent water pollution and protect habitat;

"(B) activities and practices to protect and foster the development of aquatic life and wildlife;

"(C) measures to preserve and protect significant natural features of land or significant natural resources;

"(D) the activities of Federal agencies (including departments), State departments and agencies, and political subdivisions of States to protect marine waters, including activities under sections 303, 319, 320, 402, and 404; and

"(E) the requirements of Federal law and the laws of States concerning land management, discharges to water, and other related activities.

"(2) REGION-SPECIFIC INFORMATION.—The Administrator may, as appropriate, adjust the information required pursuant to this subsection to apply to land within a specific region of the United States or a specific State.

"(d) STATE PARTICIPATION.—At the request of a Governor of a State, the Administrator may delegate the operation of an information and education program that meets the requirements of subsection (c) to a State. The cost associated with activities carried out by the State pursuant to this section shall be eligible for funding under section 106.

"(e) MARINE LAND DEFINED.—As used in this section, the term 'marine land' means real property that borders on a marine water.".

SEC. 8. MARINE SANITATION DEVICES.

(a) PROHIBITION OF DISCHARGE TO DESIGNATED WATERS.—

(1) IN GENERAL.—Section 312(f)(3) (33 U.S.C. 1322(f)(3)) is amended—

(A) by striking ", except that" and all that follows through the end of the paragraph and inserting a period; and

(B) by adding at the end the following new sentence: "The State and the Secretary of the Department in which the Coast Guard is operating shall enforce this paragraph.".

(2) SEWAGE.—Paragraph (4)(A) of section 312(f) (33 U.S.C. 1322(f)(4)(A)) is amended to read as follows:

"(4)(A) In the case of a water listed under section 304(n), not later than 18 months after the listing, the Administrator shall, by regulation, completely prohibit the discharge of sewage (whether treated or untreated) from a vessel into the listed water.".

(3) UNLAWFUL ACTS.—Section 312(h) (33 U.S.C 1322(h)) is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(5) for any person to discharge sewage (whether treated or untreated) into a water designated pursuant to subsection (f)(4); and

"(6) for any person to discharge sewage that has not been treated by a marine sanitation device required under this section.".

(4) CONFORMING AMENDMENT.—Section 301(a) (33 U.S.C. 1311(a)) is amended by inserting "312," after "307,".

(b) CIVIL PENALTIES.—Subsection (j) of section 312 (33 U.S.C 1322(j)) is amended to read as follows:

"(j)(1) Any person who violates subsection (g) or (h) shall be liable for a civil penalty in an amount not to exceed $5,000 for each violation. Each violation shall constitute a separate offense.

"(2) No penalty shall be assessed under this subsection until the person charged has received notice of the violation and has had an opportunity for a hearing on the charge.

"(3) The following shall be considered in a determination of the amount of a penalty under this subsection:

"(A) The gravity of the violation.

"(B) Any previous violations of the person who is subject to the penalty.

"(C) The demonstrated good faith of the person who is subject to the penalty in attempting to achieve rapid compliance after notification of the violation.".

(c) ENFORCEMENT.—Subsection (k) of section 312 (33 U.S.C 1322(k)) is amended to read as follows:

"(k)(1) The Secretary of the department in which the Coast Guard is operating (referred to in this subsection as the 'Secretary') shall carry out the enforcement of this section. The head of another Federal agency may enter into an agreement with the Secretary to—

"(A) detail to the Secretary, with or without reimbursement, law enforcement officers or personnel to assist the Secretary in carrying out this section; and

"(B) provide facilities for use by the Secretary in carrying out this section.

"(2) All amounts collected by the Secretary or an authorized representative of the Secretary under this section shall be deposited into a special fund of the Treasury of the United States to be known as the 'Vessel Pollution Enforcement Fund'. The fund shall be available for appropriation to the Coast Guard to carry out the activities referred to in subsection (o).

"(3) Subject to the conditions described in paragraph (4), the Administrator may delegate to a State the enforcement of the prohibitions under paragraphs (4) through (6) of subsection (h).

"(4) The Secretary shall require a State that proposes to carry out the enforcement activities referred to in paragraph (3) to submit such documentation as the Secretary considers appropriate to establish that the State has established a State fund into which amounts equal to the amounts of penalties from enforcement actions carried out by the State under paragraph (3) shall be transferred for use by the State to carry out enforcement activities under paragraph (3).".

(d) MARINE SANITATION DEVICES.—

(1) TECHNOLOGY IMPROVEMENTS.—Section 312(c)(1)(A) (33 U.S.C 1322(c)(1)(A)) is amended by adding at the end the following new sentence: "The standards and regulations referred to in this subparagraph shall be reviewed and revised to reflect improvements in technology relating to marine sanitation

devices not later than 3 years after the date of enactment of this sentence, and every 7 years thereafter.".

(2) REVIEW.—Section 312(c)(2) (33 U.S.C 1322(c)(2)) is amended by adding at the end the following new sentences: "Except for a waiver for an individual vessel, the Secretary of the department in which the Coast Guard is operating shall review each waiver of a standard or regulation under this section. If the Secretary considers that a revision of the waiver would be appropriate to take into account technology relating to marine sanitation devices, the Secretary shall revise the waiver.".

(3) DEADLINE.—Section 312(b)(1) (33 U.S.C 1322(b)(1)) is amended by inserting before the period at the end the following: "not later than 2 years after the date of establishment or revision of the standards".

(e) MARINE SANITATION DEVICE PUMPOUT STATIONS.—

(1) FINANCIAL ASSISTANCE.—

(A) GENERAL AUTHORITY FOR CAPITALIZATION GRANTS TO STATES.—Section 601(a) (33 U.S.C. 1381(a)) is amended—

(i) in paragraph (2), by striking "and" at the end; and

(ii) by inserting before the period at the end the following: ", and (4) for implementing a marine sanitation pumpout station plan approved pursuant to section 5603(c) of the Clean Vessel Act of 1992 (Public Law 102-587; 33 U.S.C. 1322 note)".

(B) WATER POLLUTION CONTROL REVOLVING FUNDS.—The first sentence of section 603(c) (33 U.S.C. 1383(c)) is amended—

(i) in paragraph (2), by striking "and" at the end; and

(ii) by inserting before the period at the end the following: ", and (4) for implementing a marine sanitation pumpout station plan approved pursuant to section 5603(c) of the Clean Vessel Act of 1992 (Public Law 102-587; 33 U.S.C. 1322 note)".

(f) EDUCATION.—Section 312 (33 U.S.C. 1322), as amended by subsection (e), is further amended by adding at the end the following new subsection:

"(o) The Secretary of the department in which the Coast Guard is operating, in consultation with the Administrator, shall implement a comprehensive program of information and education to—

"(1) encourage compliance with the requirements of this section; and

"(2) foster an increased understanding of the importance of water quality and methods of preventing water pollution.".

(g) DEFINITIONS.—Section 312(a) (33 U.S.C. 1322(a)) is amended—

(1) in paragraph (1), by inserting "applicable" after "promulgation of";

(2) by striking the period at the end of paragraph (11) and inserting a semicolon; and

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

"(12) 'pumpout station' has the same meaning as is provided the term in section 5608(6) of the Clean Vessel Act of 1992 (Public Law 102-587; 33 U.S.C. 1322 note).".

SEC. 9. MARINE WATER QUALITY CRITERIA AND STANDARDS.

(a) MARINE WATER QUALITY CRITERIA.—Section 304(a) (33 U.S.C. 1314(a)) is amended—

(1) in paragraph (1), by inserting after "water quality" the following: ", including criteria for marine water quality,"; and

(2) by adding at the end the following new paragraphs:

"(9)(A) Not later than 1 year after the date of enactment of this paragraph, the Administrator shall submit to Congress a 5-year plan and schedule for the development, review, and revision of criteria for pollutants found in marine waters.

"(B) The plan shall—

"(i) ensure that criteria for the pollutants are published as expeditiously as practicable; and

"(ii) give priority to pollutants that pose the greatest threat to the marine environment.

"(C) The Administrator shall consult with the Under Secretary and the Governor of each interested State in developing the plan. In addition, the Administrator shall take into consideration—

"(i) the toxic pollutants identified in lists, submitted pursuant to subsection (*l*), of navigable waters for which a State does not expect the applicable standard will be met; and

"(ii) the marine environment toxics release inventory assessment prepared pursuant to section 321.

"(10)(A)(i) In the case of a pollutant for which criteria and information under subsection (a) have not been published, any person may petition the Administrator to develop and publish criteria for the pollutant pursuant to subsection (a) that are applicable to marine waters. The Administration shall approve the petition if the pollutant poses a significant threat to the quality of marine waters, human health, or the environment.

"(ii) Not later than 180 days after receiving the petition, the Administrator shall approve or deny the petition and publish a notice in the Federal Register of the approval or denial.

"(B) If the Administrator fails to publish notice of a decision to approve or deny a petition under this paragraph, the petition shall be deemed to have been approved. If the Administrator approves a petition pursuant to this paragraph, the Administrator shall, as expeditiously as practicable, and in a manner consistent with the plan developed under this subsection, publish criteria and information for the pollutant pursuant to this section.

"(11) In the case of a pollutant for which aquatic life criteria have been published on the date of enactment of this paragraph, the Administrator shall, not later than 3 years after the date of enactment of this paragraph, revise the criteria and publish the revisions of the criteria, if the Administrator determines the revisions to be necessary to ensure that the criteria address marine waters.

"(12) After the date of enactment of this paragraph, the Administrator shall require that any criteria and information published pursuant to this subsection shall address marine waters.".

(b) MARINE WATER QUALITY STANDARDS.—

(1) IN GENERAL.—Section 303 (33 U.S.C. 1313) is amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following new subsection:

"(h)(1) Not later than 3 years after the date of enactment of this paragraph, each State that borders on marine waters shall establish standards for marine water quality, including designated uses for the waters and numerical criteria to protect the uses, for any pollutant for which information is published pursuant to section 304(a).

"(2) Not later than 3 years after the date of publication of criteria and information pursuant to section 304(a), each State that borders on marine waters shall establish numerical water quality standards, based on the criteria and information, that are adequate to ensure the attainment of the uses identified in paragraph (1).

"(3) If a State fails to comply with paragraph (1) or (2), the Administrator shall establish numerical water quality standards not later than 1 year after the date on which the State was to establish the standards.

"(4) The Administrator shall promulgate water quality standards for marine waters that are not under the control of any State that shall ensure the protection and propagation of a balanced, indigenous population of fish, shellfish, and wildlife and provide for recreation in and on the waters.".

(2) CONFORMING AMENDMENT.—Section 302(a) (33 U.S.C. 1312(a)) is amended by inserting "or section 303(i)" after "section 304(l)".

SEC. 10. OCEAN DISCHARGE CRITERIA.

(a) CLARIFICATION OF SCOPE.—Subsection (a) of section 403 (33 U.S.C. 1343(a)) is amended to read as follows:

"(a) No permit shall be issued under section 402 for a discharge into the territorial sea, the waters of the contiguous zone, the oceans, or any water listed under section 304(n), if the Administrator finds, on the basis of assessment of the criteria established in subsections (c) and (d), that the discharge may reasonably be expected to prevent—

"(1) the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife and recreational activity in and on the water; or

"(2) the attainment of standards established pursuant to section 303.".

(b) BIOLOGICAL TESTING.—Section 403(c)(1) (33 U.S.C. 1343(c)(1)) is amended—

(1) in subparagraph (F), by striking "and" at the end;

(2) in subparagraph (G), by striking the period at the end and inserting "; and"; and

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

"(H) methods, procedures, and requirements for biological testing that shall, at a minimum, require that any reference site be substantially free of contamination.".

(c) LIMITATION OF REGULATIONS.—Section 403(c)(2) (33 U.S.C. 1343(c)(2)) is amended by adding at the end the following new sentence: "Any exemption in a regulation to the limitations of this paragraph is deemed null and void.".

(d) POLLUTION PREVENTION.—Section 403 (33 U.S.C. 1343) is amended by adding at the end the following new subsection:

"(d)(1) In assessing the effects of a proposed discharge to marine waters, the Administrator shall take into consideration, in addition to the criteria established pursuant to subsection (c), a demonstration of the need to discharge by the permit applicant. As a condition of receiving a permit, an applicant shall be required to make full use of measures, processes, methods, systems, or techniques to completely eliminate the discharge or minimize the quantity of pollutants discharged through process changes, substitution of material, enclosure of systems, or other modifications.

"(2) Not later than 1 year after the date of enactment of this paragraph, the Administrator shall publish a guidance that describes—

"(A) pollution prevention methods; and

"(B) the expectations of the Administrator with regard to the demonstrations required by paragraph (1).".

(e) CONFORMING AMENDMENT.—Section 301(a) (33 U.S.C. 1311(a)) is amended by inserting "403," before "and 404.".

SEC. 11. COMBINED SEWER OVERFLOW CONTROL ASSISTANCE.

(a) IN GENERAL.—The Secretary of the Army (referred to in this section as the "Secretary"), acting through the Chief of Engineers of the Department of the Army, is authorized to enter into local cooperation agreements to provide financial assistance to a local government for the construction of facilities for the control of overflows from combined storm and sanitary sewers to marine waters.

(b) PROJECT IDENTIFICATION.—

(1) APPLICATION.—Any municipality with a plan for the control of combined sewer overflows to marine waters that has been approved by the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") as consistent with requirements of the combined sewer overflow policy published by the Administrator at 58 Fed. Reg. 4994, on January 19, 1993, may submit to the Secretary an application for assistance under this section.

(2) REVIEW OF APPLICATION.—The Secretary shall, with the cooperation and concurrence of the Administrator, review the applications submitted pursuant to paragraph (1) and rank the applications. In ranking the applications, the Secretary shall give equal weight to—

(A) the potential for the project to protect public health and the environment; and

(B) the financial burden on a community as a result of the high costs of the project or the lack of alternative local, State, or Federal funding sources.

(3) PRIORITY.—Notwithstanding paragraph (2), the Secretary shall give priority to any application made pursuant to paragraph (1) that would implement the recommendations of a comprehensive conservation and management plan approved by the Administrator pursuant to section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(c) PROJECT ASSISTANCE.—

(1) NON-FEDERAL SHARE.—Except as provided in paragraph (3), the non-Federal sponsor of a project that receives assistance under this subsection shall provide a non-Federal share in an amount equal to not less than 25 percent of the costs of the project.

(2) CREDIT FOR CERTAIN NONMONETARY CONTRIBUTIONS.—An amount equal to the value of any land, easement, right-of-way, or reallocation provided for the project by a non-Federal sponsor shall be credited to the non-Federal share referred to in paragraph (1), except that any amount credited pursuant to this paragraph may not exceed 25 percent of the costs of the project.

(3) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the operation and maintenance costs of a project assisted pursuant to this section shall be 100 percent.

(d) PLANNING REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may not enter into a local cooperation agreement under this section unless the Secretary, in consultation with the Administrator, has determined that the project—

(A) is consistent with plans developed pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(B) will not result in the violation of any provision of such Act.

(2) REVIEW.—The Secretary, in cooperation with the Administrator, shall review each application submitted pursuant to subsection (b) to determine whether the project that is the subject of the application will achieve such controls of combined sewer overflows as are required under applicable requirements of law at the lowest possible cost. The Secretary may not enter into a local cooperation agreement under this section unless the Secretary has determined pursuant to this paragraph that the cost of the project that is the subject of the agreement is the lowest possible cost.

(e) DISCRETION OF GOVERNOR FOR LOAN.—

(1) IN GENERAL.—Not fewer than 90 days before the finalization of a local cooperation agreement pursuant to this section, the Secretary shall notify the Governor of the State in which a local government expected to receive assistance pursuant to this section is located.

(2) REQUEST BY GOVERNOR.—Not later than 30 days after receipt of a notification pursuant to paragraph (1), a Governor may request that the Secretary provide, pursuant to this section, a loan to the local government that is the subject of the notification, and, after receiving the request, the Secretary shall provide assistance under this section as a loan.

(3) REPAYMENTS.—The repayment of a loan made pursuant to paragraph (2) shall be made in a manner consistent with title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.), and amounts equal to the amounts of repayments shall be deposited into the revolving fund established by the State pursuant to such title.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended, for each of fiscal years 1994 through 2000, such sums as may be necessary.

SEC. 12. DEFINITIONS.

(a) NEW DEFINITIONS.—Section 502 (33 U.S.C. 1362) is amended by adding at the end the following new paragraphs:

"(21) The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(22) The terms 'estuarine zone' and 'estuary' have the meaning provided the terms in section 104(n)(4), except that the terms shall also include associated aquatic ecosystems and the tributaries that drain into the estuary up to the historic head of tidal influence.

"(23) The term 'Federal agency' means any department, agency, or other instrumentality of the Federal Government and any independent agency or establishment of the Federal Government, including any government corporation of the Federal Government.

"(24) The term 'floatable' means marine debris that floats or remains suspended in the water column.

"(25) The term 'marine water' means any estuary, water of the estuarine zone, any other water seaward of the historic height of tidal influence, the territorial sea, the contiguous zone, and the ocean.

"(26) The term 'Under Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere who serves as the Administrator of the National Oceanic and Atmospheric Administration.".

(b) EXISTING DEFINITIONS.—

(1) TERRITORIAL SEAS.—Section 502(8) (33 U.S.C. 1362(8)) is amended by striking "three" and inserting "12".

(2) ESTUARY AND ESTUARINE ZONE.—Section 320 (33 U.S.C. 1330), as amended by section 5(e), is further amended by striking subsection (*l*).

SEC. 13. FEDERAL AGENCY RESPONSIBILITIES.

Title V (33 U.S.C. 1361 et seq.), as amended by section 7(b), is further amended—

(1) by redesignating section 520 as section 521; and

(2) by inserting after section 519 the following new section:

"SEC. 520. FEDERAL AGENCY RESPONSIBILITIES.

"(a) STUDY OF FEDERAL AGENCY PROGRAMS.—

"(1) IN GENERAL.—The Administrator, in consultation with the Under Secretary, shall, with respect to each Federal agency, conduct a comprehensive study of the policies, programs, and activities that may result in degradation of marine waters.

"(2) REPORT.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Administrator shall submit to Congress a report that includes—

"(i) a summary of the findings of the study referred to in paragraph (1); and

"(ii) recommendations to reduce degradation of marine waters resulting from policies, programs, and activities of Federal agencies.

"(B) CONTENTS OF REPORT.—The report shall include—

"(i) a comprehensive listing, with respect to each Federal agency, of the policies, programs, and activities that, under the study, are considered to cause degradation of marine waters;

"(ii) a detailed analysis of the impacts of each policy, program, and activity referred to in clause (i) on the degradation of marine waters;

"(iii) proposed changes in each policy, program, and activity referred to in clause (i) to minimize the impacts referred to in clause (ii);

"(iv) suggested actions to be taken by other Federal agencies or State departments or agencies to better coordinate the policies, programs, and activities that cause degradation of marine waters; and

"(v) specific recommendations for further legislative actions that the Administrator considers to be necessary to bring each policy, program, and activity referred to in clause (i) into conformance with the policy of this Act.

"(3) PUBLIC COMMENT.—In conducting the study, the Administrator shall consult with States and the public concerning methods by which the policies, programs, and activities of Federal agencies may be implemented to reduce degradation in marine waters.

"(b) LEADERSHIP OF FEDERAL AGENCIES.—The head of each Federal agency shall provide leadership and take action to the extent provided by law to—

"(1) minimize the degradation of marine waters; and

"(2) restore and preserve the natural and beneficial values served by marine waters in carrying out the responsibilities of the Federal agency for—

"(A) acquiring, managing, and disposing of Federal lands and facilities;

"(B) providing construction and improvements undertaken by the Federal Government and providing Federal assistance (including financial assistance) for construction and improvements; and

"(C) conducting activities and programs affecting the marine waters.

"(c) RESPONSIBILITIES OF FEDERAL AGENCIES—In carrying out the activities described in subsection (b), the head of each Federal agency shall be required to evaluate the potential effects of any action on marine waters and to ensure that the planning programs and budget requests of the Federal agency reflect the policies of this Act.

"(d) ALTERNATIVES AND MITIGATION.—If the head of a Federal agency makes a determination to, or proposes to, conduct, support, or allow an action that may affect marine waters, the head of the Federal agency shall consider alternative actions to avoid adverse effects on marine waters. If the head of the Federal agency finds that there is no practicable alternative that is consistent with

the law, the head of the Federal agency shall modify the action, to the extent consistent with law, to minimize potential adverse effects on marine waters.".

SEC. 14. REPORTS AND STUDIES.

(a) HEALTH IMPACTS STUDY.—

(1) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce (referred to in this section as the "Under Secretary"), in collaboration with the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") and the Secretary of Health and Human Services, shall conduct a study to determine the nature of any relationship between the incidence of human illness and—

(A) pollutants in the marine environment; and

(B) shellfish consumption.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Under Secretary shall submit a report describing the findings of the study to the Committee on Environment and Public Works of the Senate, and the Committee on Public Works and Transportation and the Committee on Merchant Marine and Fisheries of the House of Representatives.

(b) ECONOMIC IMPACT STUDY.—Not later than 1 year after the date of enactment of this Act, the Under Secretary, in consultation with the Administrator, the appropriate officials of State and local governments, commercial and recreational fisherman, and other interested persons, shall submit to Congress a study that identifies, evaluates, and quantifies the economic impacts of degradation in the quality of marine waters (including degradation attributable to floatables (as defined in section 502(25) of the Federal Water Pollution Control Act, as added by section 12(a))).

(c) ALGAL BLOOM STUDY.—

(1) IN GENERAL.—The Under Secretary shall conduct a study of the impact that enhanced nitrogen levels in marine waters may have on stimulating toxic algal blooms.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit a report to Congress on the findings of the study.

(d) RESEARCH OF MICROORGANISMS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report on the potential use of microorganisms to degrade pollutants (including organic material and chemical pollutants) in municipal or industrial wastes before and after disposal in the marine environment.

(e) IDENTIFICATION OF UNREGULATED CONTAMINANTS.—

(1) IN GENERAL.—The Administrator shall conduct such research and monitoring as the Administrator determines to be necessary to identify unregulated pollutants in marine waters that are not addressed in a guideline, criteria, standard, or requirement developed pursuant to title III of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report that—

(A) identifies unregulated pollutants in marine waters; and

(B) provides a plan that includes specific actions and recommendations for establishing controls over the pollutants through the pollution control authorities of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

By Mr. DOMENICI:

S. 1200. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to establish the National Quality Commitment Award with the objective of encouraging American universities to teach total quality management, to emphasize the importance of process manufacturing, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COLLEGES AND UNIVERSITIES COMMITMENT TO QUALITY AWARD ACT

Mr. DOMENICI. Mr. President, next week New Mexico will hold its second annual Quality Forum for small businesses. Small businesses in New Mexico will spend two days next week learning total quality management and how it can affect the bottom line. The participants will be discussing how total quality management [TQM] can make New Mexico businesses more competitive.

They will also apply TQM to a partnership with Sandia National Laboratories and New Mexico State University. The objective is better technology transfer and job creation.

At one of the first meetings of the Strengthening of America Commission which Senator NUNN and I cochair, we focused upon the importance of manufacturing in our economy and the competitiveness enhancing role TQM is playing.

I first heard about TQM when a prominent academic and a titan of U.S. manufacturing both gave a presentation on the same topic to the Strengthening of America Commission. Richard Peck and Al Narath are 2 of the more than 50 Commissioners.

Ed Artz, one of the Strengthening of America Commissioners, made the point that Quality is the key to competitive edge and the competitive edge is the key to success in the world marketplace. Sometime after that, a group of New Mexico business persons traveled to Motorola to see TQM in practice. After that impressive demonstration, New Mexico decided to become the first total quality State.

As more and more of today's business men and women learn the value of total quality management, it seems to me that Congress needs to encourage colleges and universities to teach tomorrow's business leaders about TQM. For this reason, I am introducing the Colleges and Universities Commitment to Quality Award Act of 1993.

This legislation is modeled upon one of the recommendations in our Strengthening of America Report and is patterned after the Malcolm Baldridge Awards given to businesses.

The legislation provides three annual awards to selected universities and colleges that excel in: First, teaching total quality management and process manufacturing engineering to its business and engineering students; second, which practice total quality management in their internal management; and third, which employ total quality management in their business relationships with industry. This legislation provides for specialized awards of up to $500,000 to be awarded to colleges' and universities' engineering or business schools.

The proceeds of the award must be used to further enhance the total quality management or process manufacturing engineering curriculum at the university. The award to colleges and universities envisioned in this legislation is modeled after the prestigious and highly motivational Malcolm Baldrige National Quality Improvement Award. I believe this legislation goes straight to the heart of the matter, because the leaders that will ensure our Nation's standard of living tomorrow are being trained in the classrooms of today.

The colleges and universities award emphasizes the value that some businesses already have recognized of the importance of total quality management as a means to becoming stronger international competitors.

I encourage my colleagues to add their names as cosponsors.

THE IMPORTANCE OF QUALITY

The concept of total quality management is catching on, but there is room for improvement as evidenced by a recent 1992 poll. Despite the extensive "Buy U.S.A." campaign, the poll revealed that 60 percent felt that it was best to buy a product because of its quality, rather than where it was made. And sadly, most people think that quality is found in overseas products. The result is lost jobs in America.

Quality is not a value that can be measured or quantified on a balance sheet, but more and more companies are realizing its value. The irony of this is that in 1950, W. Edwards Deming, an American statistician, found that his views on quality were unpopular here in America. He taught that quality would reap lasting benefits in market share and profitability. He called this strategic advantage and he found an eager audience in Japan. The Japanese implemented his ideas with a ruthless fervor, and we can see for ourselves the results.

Made in America, a report from MIT states that "American companies evidently find it difficult to design simple, reliable, mass-producible products, * * * they take a reactive rather than proactive approach to problem solving." Building quality into a product at the design stage is significantly more effective and efficient than applying quality controls retroactively.

TOTAL QUALITY MANAGEMENT

Total quality management theory is a philosophy which teaches that in order to produce quality products, you need quality management, quality workers, and quality design. It also teaches that everyone in the company

has an important role to play in satisfying customers and making defect-free products.

Manufacturers that want to provide a quality product are demanding quality workers. Procter & Gamble, Motorola, Xerox, IBM, and American Express have shown their commitment by sponsoring the Total Quality Education University Challenge, a program which educates university faculty and administrators in total quality management.

A manufacturing consulting firm testifying before the Committee on Science, Space, and Technology, Subcommittee on Technology and Competitiveness writes, "If the United States ever expects to receive the full economic benefits of the 'Quality Revolution,' we need to develop a national quality implementation strategy that addresses the fundamental roadblocks to quality improvement." One of the strategies promoted by the firm is to make total quality management training a prerequisite in management and engineering degree programs. This legislation awards universities and colleges that teach total quality management.

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. 1200

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 "National Quality Commitment Award Act of 1993."

SEC. 2. PURPOSE.

It is the purpose of this Act to provide for the establishment and conduct of a national commitment to quality award program under which awards are given to institutions of higher education that—

(1) teach effective total quality management;

(2) reorient their education programs to emphasize the value and prestige of pursuing careers in process manufacturing engineering;

(3) apply total quality management to the operations of their institution of higher education; and

(4) apply total quality management in their joint research and development contracts with private industry.

SEC. 2. AWARD PROGRAM.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following new section:

"SEC. 22. NATIONAL COMMITMENT TO QUALITY AWARD PROGRAM.

"(a) PROGRAM ESTABLISHED.—

"(1) IN GENERAL.—The Secretary shall carry out an award program to be known as the National Commitment to Quality Award Program.

"(2) CONTENTS.—In carrying out the award program described in paragraph (1), the Secretary—

"(A) shall conduct a competition and make monetary awards in accordance with subsection (b)(1);

"(B) may make special awards in accordance with subsection (b)(2); and

"(C) shall provide each recipient of such a monetary or special award with a medal described in paragraph (3).

"(3) MEDAL.—Each recipient of an award under this section shall receive a medal bearing the inscriptions 'National Commitment to Quality Award' and 'The Quest for Excellence'. The medal shall be of such design and materials and bear such additional inscriptions as the Secretary may prescribe.

"(4) DESIGNATION.—Awards under this section shall be known as National Commitment to Quality Awards.

"(b) AWARDS.—

"(1) COMPETITION FOR MONETARY AWARDS.—(A) From amounts appropriated pursuant to the authority of subsection (j), the Secretary shall periodically conduct a competition and make at least 3 monetary awards to institutions of higher education in accordance with the provisions of this section.

"(B) The monetary awards described in subparagraph (A) shall be in an amount equal to—

"(i) $3,000,000 for the institution of higher education receiving first place in the competition described in subparagraph (A);

"(ii) $2,000,000 for the institution receiving second place in such competition;

"(iii) $1,000,000 for the institution receiving third place in such competition; and

"(iv) not more than $1,000,000 for any other such institution receiving an award pursuant to such competition.

"(2) SPECIALIZED AWARDS.—(A) From amounts appropriated pursuant to the authority of subsection (j), the Secretary may award to any institution of higher education that excels in teaching or practicing either total quality management or process manufacturing engineering services productivity improvement a specialized award.

"(B) The specialized award described in subparagraph (A) shall be in an amount which is not more than $500,000.

"(3) APPLICATION FEE PROHIBITED.—The Secretary shall not charge an institution of higher education a fee in order to apply for or receive an award under this section.

"(c) MAKING AND PRESENTATION OF AWARDS.—

"(1) IN GENERAL.—The President (on the basis of recommendations received from the Secretary), or the Secretary, shall periodically make awards to institutions of higher education which in the judgment of the President or the Secretary have substantially benefited the economic and social well being of the United States through activities that—

"(A) teach effective total quality management techniques and approaches;

"(B) demonstrate continuous improvement in the institution's total quality management curriculum;

"(C) emphasize the value and prestige of pursuing careers in process manufacturing engineering.

"(D) demonstrate continuous improvement in the institution's education program through application of total quality management principles within the institution; and

"(E) demonstrate commitment and application of total quality management principles in joint research relationships that the institution maintains with private industry.

"(2) PRESENTATION CEREMONY.—The presentation of the awards under this section shall be made by the President or the Secretary with such ceremonies as the President or the Secretary may deem proper.

"(3) PUBLICATION AND INELIGIBILITY.—An institution of higher education to which an award is made under this section, and which agrees to help other institutions of higher education improve their total quality management curriculum may publicize its receipt of such award, but such institution shall be ineligible to receive another such award for a period of 5 years.

"(4) USE OF AWARD.—An institution of higher education receiving an award under this section shall use the proceeds of such award to further improve the total quality management and process manufacturing engineering curriculum of such institution.

"(d) AWARD CRITERIA.—

"(1) IN GENERAL.—Awards under this section shall be made to qualifying institutions of higher education that place an emphasis on—

"(A) total quality management, including—

"(i) leadership in teaching how to create a quality culture;

"(ii) leadership in teaching information and analysis such as statistical process contracts for quality improvement;

"(iii) the effectiveness of the institution's quality improvement program to teach integration of quality requirements into businesses' plans;

"(iv) the success of the institution's efforts to teach students how to realize the full potential of the work force for quality;

"(v) teaching quality awareness;

"(vi) emphasis on customer satisfaction;

"(vii) leadership in teaching how to integrate the total quality management philosophy; and

"(viii) demonstrated success in teaching students how to instill the full potential total quality management philosophy in the work force;

"(B) the importance of process manufacturing, including—

"(i) leadership in teaching a better understanding of market forces and industry needs, industrial processes, and manufacturing and quality practices that are driven by market pull, not science push;

"(ii) leadership in developing and teaching a more accelerated approach to research, development, and manufacturing in order to teach students how to move products more quickly from the basis research phase to the commercialization phase with an emphasis on teamwork;

"(iii) leadership in teaching better integration of design and production, including teaching students how to design with manufacturability in mind, and to focus on cost-effectiveness, quality reliability, simplicity, flexibility, and modularity; and

"(iv) leadership in teaching students to give greater consideration to potential commercial applications in the planning and conduct of research and development through input from potential users, and closer working relationship between the national research laboratories, industry, and universities.

"(e) CRITERIA FOR QUALIFICATION.—

"(1) IN GENERAL.—(A) An institution of higher education may qualify for an award under this section only if such institution—

"(i) applies to the Secretary in writing, for the award;

"(ii) permits a rigorous evaluation in accordance with subparagraphs (B) and (C) of the success of the institution's curriculum for total quality management and process manufacturing engineering; and

"(iii) Meets such requirements and specifications as the Secretary, after receiving

recommendations from the board of overseers, determines to be appropriate to achieve the purposes of this section.

"(B) In carrying out the provisions of clause (ii) of subparagraph (A), the Secretary shall develop evaluation criteria and procedures.

"(C) In applying the provisions of clause (iii) of subparagraph (A) with respect to any institution of higher education, the Secretary shall rely upon intensive evaluation by the board of overseers which shall—

"(i) review the information submitted by the institution of higher education, and through a site visit verify the achievements of—

"(I) the total quality management curriculum and process manufacturing engineering programs of such institution; and

"(II) such institution in practicing total quality management;

"(ii) encompass all aspects of the institution of higher education's total quality management and process manufacturing engineering program, as well as such institution's future goals for its total quality management and process manufacturing engineering curriculum; and

"(iii) include an analysis of whether the institution of higher education is practicing or applying total quality management to its relationships with industry and in its day-to-day administration of the institution.

"(2) CONTRACTUAL ARRANGEMENTS.—The Secretary may, under appropriate contractual arrangements, carry out the Secretary's responsibilities under subparagraphs (A) and (B) of paragraph (1) through one or more broadbased nonprofit entities which are leaders in the field of quality improvement programs and which have a history of service to society.

"(3) RESPONSIBILITIES OF THE BOARD OF OVERSEERS.—The board of overseers shall meet annually to review the work of the Secretary or the contractor and make such suggestions for the improvement of the award process as such board deems necessary. The board of overseers shall report the results of the award activities to the Secretary each fiscal year, along with its recommendations for improvement of the award process.

"(f) INFORMATION AND EVALUATION.—The Secretary shall ensure that each applicant for an award under this section receives the complete results of the evaluation of such institution conducted pursuant to subsection (e)(1)(ii) as well as detailed explanations of all suggestions for improvements. The Secretary shall also provide information about the awards and successful total quality management and process manufacturing engineering curriculum of the award-winning institutions of higher education to each applicant for an award under this section and other appropriate groups.

"(g) FUNDING.—The Secretary is authorized to seek and accept gifts and donations of property or services from public and private sources to carry out the award program assisted under this section.

"(h) REPORT.—The Secretary shall prepare and submit to the President and the Congress, within 3 years after the date of he enactment of this section, a report on the progress, findings, and conclusions of activities conducted pursuant to this section along with a recommendation for possible modifications thereof.

"(i) DEFINITIONS.—For the purpose of this section—

"(1) the term 'board of overseers' means the board of overseers established pursuant to section 17(d)(2)(B) of this Act for the year in which the determination is made;

"(2) the term 'manufacturing process technology' means engineering training which specializes in understanding and implementing a manufacturing process under which a high quality product is produced in a timely fashion, including simulative engineering and the skills necessary for rapid representative prototyping;

"(3) the term 'Secretary' means the Secretary of Commerce; and

"(4) the term 'total quality management' means a management approach which includes—

"(A) systems thinking; and

"(B) statistical process control, theories of human behavior, leadership, and planning that is quality-driven, customer-oriented, and committed to teamwork.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each fiscal year to carry out this section.".●

By Mr. HEFLIN:

S. 1201. A bill to authorize the Secretary of Agriculture to provide cost share assistance to construct reservoir structures for the storage of water in rural areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

RURAL WATER SUPPLY IMPROVEMENT ACT

Mr. HEFLIN. Mr. President, today I rise to introduce the Rural Water Supply Improvement Act. This bill would allow the Soil Conservation Service to provide cost share assistance to rural communities for the construction of reservoirs in an effort to increase the water supply in rural America. The Federal share of this assistance would not be less than 50 percent. To qualify for this assistance, a project would have to increase the supply of water in an agricultural or rural area which is currently experiencing a severe shortage or water quality problem.

Many rural communities in the United States suffer from inadequate domestic water supplies, which severely restrict economic development opportunities. An even more serious problems exists in the poorer regions of rural America, where the lack of clean, safe drinking water threatens the health of the numerous citizens. In my own State of Alabama over 15 percent of rural residents still draw water from private wells, the safety of which has not been tested. The lack of a supply of sanitary water in rural America in many cases rivals that of the Second and Third World. These conditions should not be tolerated in this country.

Less affluent rural communities lack the financial resources to develop a community water supply that is safe and dependable because the cost of the water system must be borne by a relative few who are generally below the poverty level. There is an agency within the Department of Agriculture which is currently being under utilized in the battle to improve rural America's water supply: The Soil Conservation Service [SCS].

It is important to point out this bill would not require an additional expenditure of funds. The Soil Conservation Service [SCS] would simply establish the development of rural water supplies as one of their chief priorities. The Soil Conservation Service has already established itself as the premier conservation agency within all Government. The Soil Conservation Service was first called into action to fight soil loss during the Dust Bowl days of the 1930's. The Soil Conservation Service proved to be so adept at fighting soil erosion that its mission was broadened to include watershed planning and development and then later to fight water pollution associated with agricultural runoff. The addition of the rural water supply mission would not be competitive but complementary in nature because much of the work the SCS presently does relates to flood prevention and watershed protection. Watershed protection and the establishment of safe rural water supplies are inherently related. While flood protection will remain a primary concern of the SCS, flood protection is not as serious a concern as rural water protection as develoment has become in recent years.

Mr. President, the time has come to establish priorities within our Government. While the Government cannot be all things to all people, there does not exist a more serious problem which begs for Government involvement and Government action. There is nothing more basic than the need for affordable, safe drinking water. The establishment of this priority is long overdue. In fact, much of what the Soil Conservation Service does today relates to improving water quality for rural America. Now is the time to close the circle and require the Soil Conservation Service to not only prevent water degradation but to aid local communities in the construction and maintenance of our Nation's rural water supply.

This initiative is supported by the National Watershed Coalition whose members include the National Association of Conservation Districts, the National Association of Flood and Storm Water Managers, the Interstate Council on Water Policy, the Tombigbee River Valley Management District, the Soil and Water Conservation Society, State Association of Kansas Watersheds, Oklahoma Conservation Commission, Pennsylvania Division of Conservation Districts, South Carolina Land Resources Conservation Commission, Texas Soil and Water Conservation Board, West Virginia State Soil Conservation Agency and the Association of Conservation Districts in the States of Alabama, Kansas, Mississippi, Oklahoma, South Carolina, Texas, West Virginia, and Virginia.

By Mr. HEFLIN:

S. 1202. A bill to amend chapter 153 of title 10, United States Code, to permit

the Secretary of Defense to provide certain property and services of the Department of Defense to certain educational entities; to the Committee on Armed Services.

SPACE CAMP

Mr. HEFLIN. Mr. President, the future of America rests with its children. There is no greater contribution we can make to their future than to provide them with challenging and exciting educational opportunities. Children are naturally full of wonder; we must capture that youthful enthusiasm for learning and spark their imagination with the wonders of science and technology. It will take the combined efforts of government, community, industry, and education to revitalize public education across America and prepare our Nation and our young people for the challenges of the future.

The U.S. Space and Rocket Center was created in 1965 to provide a showcase for space technology. The Center is devoted to advancing public awareness of and excitement for the space program and the achievements of the men and women who have made science fiction into science fact.

The Center houses three educational programs designed to unlock young potential and motivate students to choose a career in a high-technology track.

U.S. Space Camp and Space Academy are nonprofit organizations which use the excitement of the manned space flight program to stimulate young peoples' interests in the study of math, science, and technology. Students in grades 4 through 12 experience lectures, classroom instruction, and hands-on training in simulators. The program encourages young people to look beyond the glamour of astronauts and ace pilots and recognize that the foundation of these accomplishments is an education firmly rooted in math and the hard sciences.

Space Camp also runs a program for adult educators to offer them the same opportunity to experience the thrill of the space program and share that excitement with their students. The programs offer college credits to educators who desire to keep abreast of today's space technology and to provide fresh approaches to classroom applications.

The Aviation Challenge Program aims to share the experiences available in military aviation training. Jet flight simulations, land- and water-survival training, ground-school topics, and aviation career counselling are featured. Water-survival exercises are patterned after those at Homestead Air Force Base and Pensacola Naval Air Station. Air Force and Army aircrew survival manuals guide the land-survival scenarios. The Navy at Miramar lent assistance for tactical phase simulations. Finally, the Embry Riddle Aeronautical University was contracted to design other jet flight simulation exercises. The authenticity of this program is further enhanced by the presence of former military pilots on the staff.

The contribution of these programs to the education of our young people is tremendous. I am today introducing legislation designed to assist these valuable programs and to provide them the opportunity to utilize certain property and services available from the Department of Defense.

This amendment requests congressional support for these programs by authorizing the Secretary of Defense, at his discretion, to transfer excess property and supplies, and provide the services of any member of the Armed Forces or employee of the Department, which will assist these fine programs in attaining their educational goals.

If we want the United States to stay in the forefront of technology, the education of our children cannot be an afterthought. I ask your support on behalf of the U.S. Space Camp programs and their efforts in helping make America first by making our children's hopes, dreams, and education, our first priority.

By Mr. HATFIELD:

S. 1203. A bill to establish a Center for Rare Disease Research in the National Institutes of Health, and for other purposes; to the Committee on Labor and Human Resources.

CENTER FOR RARE DISEASE RESEARCH ACT OF 1993

• Mr. HATFIELD. Mr. President, cancer, AIDS, heart disease. These words are well-known to most Americans as threats to a healthy society. In fact, I commonly refer to them as the "big three" because they receive the greatest share of the Federal disease research dollar. But what about terms such as Marfan's syndrome, epidermolysis bullosa, or Fanconi anemia? These are rare diseases, unknown to the vast majority of us unless we suffer from them or encounter someone who suffers from them. Each rare disease affects less than 200,000 Americans in the United States. Equally devastating in their effects as the big three, the 5,000 known rare diseases share a common bond in their classification—lack of hope for those who suffer from them, because little or no research is being conducted into their causes, treatments, or cures.

I think most of us, at some point in our lives, have experienced a lack of hope in something or someone. But when one's life depends on hope, its absence is truly devastating. Between 10 to 20 million Americans suffer from a rare disease in this country. Most of these rare diseases are also orphan diseases: They have no parent organization, research investigator, or agency dedicated to research on the prevention, diagnosis, or treatment of their victims. Symptoms are often vague and confusing, and because most physicians are unfamiliar with rare diseases, diagnosis can take years—31 percent of rare disease patients took 1 to 5 years to receive a correct diagnosis, 15 percent took more than 6 years. Patients must travel all over the country for diagnosis and treatment, since few physicians are trained in rare disease care. Those who suffer from rare diseases are truly the medically disenfranchised.

Congress has not overlooked rare disease sufferers. In 1985, the orphan drug amendments established the National Commission on Orphan Diseases. Chairperson of the Commission, Dr. Jess Thoene, submitted the Commission's report to Congress in 1989, with this eloquent statement about the victims of rare diseases:

> Their story is compelling: forced to fend for themselves, they must often become expert on their own condition to educate their health care providers about the existences of the rare disease, its prognosis, and any available therapy. They must become expert in dealing with Federal agencies, since no central directory to all relevant programs exists. They must independently discover clinical trials of drugs potentially useful in their condition. For the ten to twenty million Americans of all ethnic groups and every socio-economic level who suffer from a rare disorder, the story the Commission heard was the same—no one knows and no one cares.

The Commission conducted numerous public meetings, hearings, and surveys of patients, physicians and researchers. The found that little is known about most rare diseases and that too few researchers are studying them. Among their recommendations to the Congress, the Commission proposed that the Federal Government establish a Central Office of Orphan and Rare Diseases in the Department of Health and Human Services. The hope was that such an office would serve as a coordination point for the multitude of issues related to rare diseases—research, insurance practices, the interests and needs of pharmaceutical manufacturers and the delivery of treatment by physicians and clinical investigators.

Since the Commission's report, Congress has revisited the issue of rare diseases through our consideration of the Orphan Drug Amendments of 1992, which unfortunately, were never signed into law. It is my understanding that it will soon be reintroduced by its sponsors, Senators METZENBAUM and KASSEBAUM. I look forward to its consideration and particularly the debate on the role and function of a Federal office devoted to rare disease issues. I am hopeful that the legislation I am introducing today will be considered in that text.

While I support the concept of an office for rare disease issues within the Department of Health and Human Services, I believe we must also place a direct emphasis on rare disease research at the National Institutes of

Health. Afterall, the greatest hope for patients comes ultimately from research. And in this special category, we need a strategy for research. I have raised this issue with Dr. Bernadine Healy, Director of the NIH until yesterday, and am pleased that she has designated two individuals within her office to work on rare disease issues. However, with no specific mandate from the Congress to establish an emphasis, the NIH is limited in the action it may take. My intent today is to establish an increased focus on this vital research.

Many of you have heard me tell of my friend, Cal Larson. I'd like to share his story with you again today because as I stand here, I cannot help but think of Cal and my other friends who share the horrible affliction of epidermolysis bullosa. In 1982, during the middle of appropriations season, Cal Larson, a 15-year-old young man with EB—a genetic disease which causes the skin to peel from the body at the slightest provocation, came to Capitol Hill to lobby—at enormous personal sacrifice—for Federal funds for research into this disease. I was so moved by Cal and his story—he was the human face to a technical term which didn't mean anything to me. His message was a strong one which I asked him to share with my colleagues on the Appropriations Committee. As a result, we began to fund research into EB, at a level of approximately $150,000 for the first year. Funding has continued to grow ever since and we now spend approximately $4 million a year on research into connective skin disease. Cal passed away in 1988, yet his legacy continues as funding has grown.

Many other brave individuals who suffer from EB have become my friends in the meantime—Eric Pessar, Dana Marquardt, and most recently, Lee Lacey. I met Lee in Oregon about a year ago when I visited the Shriner's Hospital to meet with Oregon families dealing with EB. Lee has lived with EB for 42 years. His skin is so fragile that when once playing with a six-month-old baby on a nursery-room floor when the child's father entered the room, the delighted baby scampered across his stomach, leaving a trail of missing skin. He is inspiration to me, as I am a visual learner, and find the energy and understanding to focus on rare diseases like this one by putting human faces next to the line item appropriation labeled "EB."

But should research priorities be dictated by personal experiences like mine with Cal Larson or Lee Lacey? For me, that approach is too random, too dependent on fate and circumstance. The true need in this arena is a strategic plan—an effort to ensure that coordination of rare disease research is underway and that families have a point of connection to the system so that they may share their stories, find information and work toward a better quality of life.

I am pleased to introduce legislation today to establish a Center for Rare Disease Research within the Office of the Director of the National Institutes of Health. The purpose of the Center is to promote and coordinate research on rare diseases. The Center's primary charge is to develop a comprehensive strategic plan for rare disease research. The work of the Center will be supervised by a coordinating committee on rare disease research which is composed of the Institute Directors at the NIH, the Administrator of the Veterans' Administration, the Secretary of Defense, the Administrators of the Food and Drug Administration, the Health Care Financing Administration and the Director of the Centers for Disease Control.

My legislation also creates a national advisory board on rare disease research which is composed of 15 individuals appointed by the Director of the NIH—8 will be representatives of health and scientific disciplines related to rare diseases, 7 will be representatives of individuals with rare diseases. Finally, this bill establishes a national rare disease clinical and informational database. Designed to be accessed by the public and the medical community, this database will contain information on all research currently being conducted on rare diseases in order to connect researchers with patients and connect patients with support groups.

Linkages with support groups are absolutely critical to this community. And in this field, the support groups which exist are some of the strongest and most abled organizations I have worked with in my public career. I would like to take a moment to bring to the Senate's attention the umbrella organization which is truly on the front lines of this battle—NORD—the National Organization of Rare Disorders. NORD is dedicated to the identification and treatment of rare orphan diseases. This organization, which has provided hope to so many has three aims: Education of the public and professionals so that they may more readily identify and help people affected by orphan diseases; service to both patients and their families which supports them as they live with the serious implications of these disorders, and research grants to academic scientists leading to the development of new treatments. It is an outstanding organization which, as defined by its mission statement, "out of the darkness, into the light," brings hope to those who suffer. I am pleased to introduce my legislation today in full partnership with NORD.

I ask unanimous consent that a letter of endorsement from NORD and the full text of my legislation be placed in the RECORD following my remarks. I urge the support of my colleagues for this effort which will bring countless benefits to a segment of the population who desperately need our help.

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

S. 1203

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 "Center for Rare Disease Research Act of 1993".

SEC. 2. ESTABLISHMENT OF CENTER FOR RARE DISEASE RESEARCH.

Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart 4—Center for Rare Disease Research

"SEC. 486A. ESTABLISHMENT.

"(a) IN GENERAL.—There shall be established in the Office of the Director of the National Institutes of Health a Center for Rare Disease Research (hereafter referred to in this section as the 'Center'). The Director of the National Institutes of Health shall appoint an individual with expertise in rare diseases to serve as the Director of the Center (hereafter referred to in this section as the 'Director').

"(b) PURPOSE.—The general purpose of the Center is to promote and coordinate the conduct of research on rare diseases and to establish and manage a rare disease research clinical database. In carrying out the purpose of the Center, the Director shall—

"(1) conduct and support research and research training;

"(2) award grants and contracts;

"(3) identify projects of research on rare diseases that should be conducted or supported by the National Institutes of Health;

"(4) disseminate information among the institutes and the public on rare diseases;

"(5) develop and maintain a central database on current clinical research projects for rare diseases;

"(6) encourage the participation of a diversity of individuals in the conduct of rare disease research; and

"(7) coordinate the conduct of rare disease research among all institutes and other Federal agencies.

"(c) STRATEGIC RESEARCH PLAN.—The Director shall develop a comprehensive plan for the conduct and support of research on rare diseases. The plan shall—

"(1) identify current research activities conducted or supported by the Federal Government and private entities, opportunities and needs for additional research and priorities for such research;

"(2) make recommendations for the improved coordination of research conducted by the Federal Government among its agencies and private entities;

"(3) give emphasis to areas with respect to which little research has been conducted;

"(4) examine the extent of research on gene therapy and genetic transfers and develop a plan to enhance the extent of research on gene therapy, particularly for rare diseases;

"(5) determine the need for registries of research subjects and epidemiological studies of rare disease populations;

"(6) identify the obstacles to the development of treatments for rare diseases; and

"(7) examine training and education requirements for physicians treating rare diseases.

"(d) COORDINATING COMMITTEE.—

"(1) ESTABLISHMENT.—The Secretary shall establish a Coordinating Committee on Rare Disease Research (hereafter referred to as the 'Coordinating Committee') to be composed of—

"(A) the Directors of the agencies and institutes of the National Institutes of Health;

"(B) the Director of the Center who shall serve as the chairperson of the Coordinating Committee;

"(C) the Administrator of the Veterans Administration;

"(D) the Secretary of Defense;

"(E) the Administrator of the Food and Drug Administration;

"(F) the Administrator of the Health Care Financing Administration; and

"(G) the Director of the Center for Disease Control and Prevention.

"(2) DUTIES.—The Coordinating Committee shall—

"(A) identify needs for research on rare diseases;

"(B) estimate the funds needed during each fiscal year to adequately fund research on rare diseases;

"(C) encourage the agencies and Institutes of the National Institutes of Health to support and conduct research on rare diseases;

"(D) coordinate research on rare diseases in the Federal Government in an effort to avoid duplication and enhance research in areas traditionally not funded;

"(E) ensure that a diversity of individuals are able to participate as research subjects in projects conducting research on rare diseases; and

"(F) biennially prepare and submit to the Secretary and the Congress a report concerning the activities of the Coordinating Committee.

"(e) NATIONAL ADVISORY BOARD ON RARE DISEASE RESEARCH.—

"(1) ESTABLISHMENT.—The Director shall establish an advisory board to be known as the Advisory Board on Rare Disease Research (hereafter referred to in this section as the 'Board').

"(2) DUTIES.—The Board shall review and assess Federal research needs, priorities, activities, funding and findings regarding rare diseases and shall advise the Director on the development and implementation of the research plan required under subsection (c).

"(3) COMPOSITION.—The Board shall be composed of 15 individuals to be appointed by the Director of the National Institutes of Health, of which eight individuals shall be representatives of health and scientific disciplines with respect to rare diseases and seven individuals shall be representing the interest of individuals with rare diseases. Such individuals shall not be officers or employees of the Federal Government.

"(4) EX OFFICIO MEMBERS.—The members of the Coordinating Committee shall serve as ex officio members of the Board.

"(5) CHAIRPERSON.—The members of the Board shall annually select an individual to serve as the chairperson of the Board.

"(f) NATIONAL RARE DISEASE CLINICAL AND INFORMATIONAL DATABASE.—

"(1) ESTABLISHMENT.—The Director shall establish a database that—

"(A) identifies the extent, location, and sponsor of current research conducted on rare diseases;

"(B) connects researchers of rare diseases with patients needed as subjects for clinical trials;

"(C) provides physicians and individuals with information concerning the location and sponsors of clinical trials on rare diseases; and

"(D) connects patients with support groups in rare diseases.

"(2) AVAILABILITY.—The Director shall ensure that information in the database is available to the general public.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $10,000,000 for each of the fiscal years 1994 through 1996.

"(h) DEFINITION.—As used in this section, the term 'rare disease' means any disease or condition that affects fewer than 200,000 individuals in the United States.".

NATIONAL ORGANIZATION FOR RARE DISORDERS, INC.,
New Fairfield, CT, June 28, 1993.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: We are writing to express the strong support of the National Organization for Rare Disorders (NORD) for your legislation to establish a center for rare diseases in the National Institutes of Health, which we understand you will be introducing shortly. As you know, NORD is a federation of 127 separate organizations representing people with rare "orphan" diseases. We are dedicated to the prevention, treatment, and cure of over 5,000 known rare diseases for which there are few effective treatments.

We believe that such a center could bring national attention to the need to accelerate research on rare diseases, could work to eliminate unnecessary duplication, and could provide better coordination of research on rare diseases. Currently, scientists seeking funding for research on rare diseases must compete with the more prevalent diseases, which puts them at an unfair disadvantage in several respects. Because rare diseases cumulatively affect over twenty million Americans and because there are limited resources from which scientists can obtain support, it is particularly important that a strong centralized center at the highest level of NIH coordinate the efforts of the institutes and minimize waste of valuable human, technological and funding resources in the effort to eradicate these diseases.

We applaud you for your interest in the problems of people suffering from rare diseases, and we look forward to working with you toward enactment of your legislation.

Sincerely,

ABBEY S. MEYERS,
Executive Director.●

By Mr. MURKOWSKI:

S. 1204. A bill to increase economic benefits to the United States from the activities of cruise ships visiting Alaska; to the Committee on Commerce, Science, and Transportation.

ECONOMIC BENEFITS TO THE U.S. FROM CRUISE SHIPS

● Mr. MURKOWSKI. Mr. President, today, I am introducing a bill that will unlock and open a door that Congress has kept barred for over 100 years. Opening this door will open a path to creating 2,000 or more new jobs, encouraging over $100 million in new economic activity and gaining up to $50 million in new Federal revenues. Furthermore, Mr. President, this door can be opened with no adverse impact on any existing U.S. industry, on labor or on the environment, and it will cost the government virtually nothing.

There's no magic to this; in fact, it's a very simple matter. My bill merely allows United States ports to compete for the growing cruise ship trade to Alaska, and encourages the development of an all-Alaska cruise business, as well.

First, it creates a narrow exemption to the Passenger Service Act to allow foreign cruise ships to operate to and from Alaska, and between Alaska ports. Second, it carefully protects all existing U.S. passenger vessels by using a definition of cruise ship that excludes all foreign flag vessels that could conceivably compete in the same markets as U.S. tour boats and ferries. Finally, it provides a mechanism to guarantee that if a U.S. vessel ever wants to enter this trade in the future, enough foreign vessels will be removed to assure the American ship of adequate passenger demand for cruising space.

Mr. President, this is a straightforward approach to a vexing problem, and it deserves the support of this body.

Let's look at the facts, Mr. President. Currently, U.S. ports are precluded from competing for the Alaska cruise ship trade by the Passenger Service Act of 1886, which bars foreign vessels from carrying passengers on one-way voyages between U.S. ports. However, it isn't 1886 anymore. These days, no one is building any U.S. passenger ships of this type, and no one has for the last 30 years. Even the once-hopeful plans for the renovation of the S.S. *United States* have fallen through, and that vessel is now foreign-owned, waiting and rusting in a Turkish shipyard.

Today, because there are no U.S. vessels available, the only real effect of the act is to force the existing cruise ship industry to use Canadian ports instead of U.S. cities. Yes, Mr. President, that's right—what we have here is an Act of Congress prohibiting U.S. cities from competing for thousands of jobs and hundreds of millions in business dollars.

Frankly, Mr. President, the current policy is absurd. It not only fails to provide any benefit to the United States, it actively discourages economic growth.

Every year, roughly 200,000 people participate in an Alaska cruise. Most are American citizens, and for many, their trip is a once-in-a-lifetime experience. For that reason, they prefer to make the most of it by cruising the famous Inside Passage and spending time sightseeing in Alaska's interior regions.

The cash flow generated by this trade is enormous. Most passengers fly in or out of Seattle—Tacoma International Airport in Washington State, but because of the law, they spend little time there. Instead, they spend their pre- and post-sailing time in a Vancouver hotel, at Vancouver restaurants and in Vancouver gift shops. And when their

vessel sails, it sails with food, fuel, general supplies, repair and maintenance needs taken care of by Vancouver vendors.

According to some estimates the city of Vancouver receives benefits of well over $216 million per year. The most recent information, from a study by the International Council of Cruise Lines, indicates that in 1992 alone, the Alaska cruise trade generated over 2,400 jobs for the city of Vancouver, plus payments to Canadian vendors and employees of over $119 million. In addition, if that business had taken place inside the United States, it would have been worth additional Federal State and local tax revenues of approximately $60 million.

In addition to the opportunities being shunted to Vancouver, we are also missing opportunities to create entirely new jobs and income by preventing the growth of new businesses that operate between Alaska ports. The city of Ketchikan, for example, was told a few years ago that two such vessels were very interested in establishing an Alaska base for short cruises within Southeast Alaska. I'm told such a business could have contributed $2 million or more to the city's economy, and created dozens of new jobs. But, because of the current policy, the opportunity simply evaporated.

Why, Mr. President, do we allow this to happen? This is a market almost entirely focused on U.S. citizens going to see one of the United State's most spectacular places, and yet we force them to go to Canada to do it! Why are we throwing this money and these jobs away?

The answer is simple—but it is not rational. Although the current law is actually a job loser, there are those who argue that any change would weaken U.S. maritime interests. I submit, Mr. President, that is absolute nonsense.

Some of the opposition to this measure comes from freight carries who see it as a threat to Jones Act vessels hauling freight between U.S. ports. Let me put those fears to rest—there is simply no connection whatsoever. I have repeatedly made clear that neither I, nor others who support this bill, have any intention of using it to create cracks in the Jones Act.

The least sensible opposition, the most irrational fear, comes from organized labor. But when you reflect on the realities of the situation, it becomes clear that this bill would actually enhance, not impede, opportunities for U.S. workers. The perception that this could damage organized labor is wrong, Mr. President. It is based on the false premise that this bill might somehow, sometime, be extended to Jones Act vessels. The truth is, however, that shipyard workers and longshoremen would have a great deal to gain from this legislation, and the bill has been carefully written to prevent the loss of any existing jobs in other trades.

Finally, let me confront two more arguments—the contentions that this bill may allow foreign vessels to compete with smaller U.S. tour boats or prevent existing U.S. cruise ships from entering the Alaska trade. In the first case, Mr. President, the U.S. tour boats operating in Alaska are all much smaller, under 1,000 tons compared to the 5,000 ton minimum for cruise ships in this bill. They simply don't serve the same market in any sense but the geographical, and therefore no reasonable basis for the claim they would suffer. Secondly, as I said earlier, there are no U.S. vessels interested in entering this trade. In point of fact, I am only aware of two U.S. vessels that even qualify as cruise ships, and both are fully occupied in Hawaii. I have contacted their owner, and been absolutely assured that they have no interest.

Mr. President, I cannot claim that passing this legislation would immediately lead to increased earning for U.S. ports. I can only say that it would allow them to compete fairly, instead of being anchored by a rule that is actively harmful to U.S. interests.

We've heard a lot of talk about growing the economy and creating jobs, during the first few months of this Congress, but we all know it's not an easy task. Well, Mr. President, here is a bill that will open the door to creating thousands of jobs and hundreds of millions in new dollars, and do it without taking one red cent of taxpayer money.

It's time to ask, "Just who we are helping—and why?"

It's time to ask, "Can't we do better?"

It's time to say, "Let's make this change!"

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. 1204

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) It is the interest of the United States to maximize economic return from the growing trade in cruise ship sailings to and from Alaska by encouraging the use of United States berthing and repair facilities, labor, supplies, and other services, as well as the growth of new enterprises such as the carriage of passengers on luxury cruises between ports in Alaska.

(2) In promoting additional economic benefits to the United States from the cruise ship industry, there is a need to ensure that existing employment and economic activity associated with the Alaska Marine Highway System, United States-flag tour boats operating from Alaska ports, and similar efforts are protected from adverse impacts.

(3) Cruise ship sailings to Alaska comprise a vital and growing segment of the United States travel industry. The number of passengers entering or leaving Alaska via cruise ship increased by 14 percent in the last two years alone, and is expected to continue increasing at a similar or higher rate.

(4) No United States-flag cruise ships are presently available to enter the Alaska trade. Thus, all cruise ships carrying passengers to and from Alaska destinations are foreign-flag vessels which are precluded, under current law, from carrying passengers from other United States ports to ports in Alaska, and from carrying passengers between ports in Alaska.

(5) The City of Vancouver, British Columbia receives substantial economic benefit through providing services to cruise ships in the Alaska trade, including direct and indirect employment of 2,435 persons in 1992, and direct and indirect payments for goods and services of $119,700,000.

(6) The transfer of cruise ship-based economic activity from Vancouver, British Columbia to United States ports could, at 1992 spending levels, yield additional Federal Government revenues of $97,600,000 per annum, and additional State and local government revenues of $29,700,000.

SEC. 2. FOREIGN FLAG CRUISE VESSELS.

(a) WAIVER.—Notwithstanding provisions of section 8 of the Act of June 19, 1886 (46 U.S.C. 289), or any other provision of law, passengers may be transported in foreign-flag cruise vessels between ports in Alaska and between ports in Alaska and other United States ports, except as otherwise provided by this section.

(b) COASTWISE TRADE.—Upon a showing satisfactory to the Secretary of Transportation, by the owner or charterer of a United States cruise vessel, that service aboard such vessel qualified to engage in the coastwise trade is being offered or advertised pursuant to a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation (46 App. U.S.C. 817e) from the Federal Maritime Commission for service in the coastwise trade between ports in Alaska or between ports in Alaska and other ports in the United States, or both, the Secretary shall notify the owner or operator of one or more foreign-flag cruise vessels transporting passengers under authority of this section, if any, that he shall, within one year from the date of notification, terminate such service. Coastwise privileges granted to any owner or operator of a foreign-flag cruise vessel under this section shall expire on the 365th day following receipt of the Secretary's notification.

(c) NOTIFICATION.—Notifications issued by the Secretary under subsection (b) of this section shall be issued to the owners or operators of foreign-flag cruise vessels—

(1) in the reverse of the order in which foreign-flag cruise vessels entered the coastwise service under this section determined by the date of the vessels' first coastwise sailing; and

(2) in the minimum number as to ensure that the passenger-carrying capacity thereby removed from coastwise service exceeds the passenger-carrying capacity of the United States cruise vessel which is entering the service.

(d) TERMINATION.—If, at the expiration of the 365-day period specified in subsection (b) of this section, the United States cruise vessel that has offered service has not entered the coastwise passenger trade between ports in Alaska or between ports in Alaska and other ports in the United States, then the

termination of service required by subsection (b) shall not take effect until 90 days following the entry into trade by the United States vessel.

(e) DEFINITIONS.—For the purposes of this section, the term—

(1) "cruise vessel" means a vessel of greater than 5,000 deadweight tons which provides a full range of luxury entertainment, personal care and food services for its passengers; and

(2) "foreign-flag cruise vessels" does not apply to vessels which regularly carry for hire both passengers and vehicles or other cargo.

(f) DISCLAIMER.—Nothing in this Act shall be construed as affecting or otherwise modifying the authority contained in the Act of June 30, 1961 (46 U.S.C. 289b) authorizing the transportation of passengers and merchandise in Canadian vessels between ports in Alaska and the United States.•

By Mr. LEAHY:

S. 1205. A bill to amend the Fluid Milk Promotion Act of 1990 to define fluid milk processors to exclude de minimis processors, and for other purposes; considered and passed.

FLUID MILK PROMOTION ACT AMENDMENTS OF 1993

• Mr. LEAHY. Mr. President, I introduce the Fluid Milk Promotion Act Amendments of 1993. This bill would exempt very small fluid milk processors from the Fluid Milk Promotion Act, which was included as part of the 1990 farm bill.

The Fluid Milk Promotion Act authorized a program to develop, finance and carry out an effective and coordinated program of advertising designed to strengthen the position of the dairy industry in the marketplace and to maintain and expand markets and uses for fluid milk products produced in the United States. This promotion program will be entirely funded by assessments on fluid milk producers.

This bill would amend the Fluid Milk Promotion Act to exclude fluid milk processors that process 500,000 pounds or less per month from the promotion order. These processors would be exempt from the assessments required under the order, as well as the referendum and other provisions of the order.

There is ample precedent in other promotion, research, and consumer information statutes for excluding the smaller participants. For example, the promotion statutes on mushrooms, honey, limes, and eggs all exempt certain small producers.

The rationale for excluding small fluid milk processors from the fluid milk promotion order is several fold.

First, there is a low volume of milk processed by small processors. The industry believes that this amendment would exclude some 42 percent of the total number of processors; however, these processors collectively process less than 2 percent of the fluid milk marketed nationally. Therefore, the amount of the assessments collected and the corresponding recordkeeping required by the order would be disproportionately burdensome to smaller processors.

Second, the costs of collecting the limited assessments from this large group could outweigh the amount of assessments collected, and therefore be a drain on the promotion program.

Finally, smaller processors operate in more localized markets which will undoubtedly benefit from a national promotion program, but certainly not as much as larger processors operating in larger regional and national markets. It would be unfair for the smaller processors to bear the costs of a program which more greatly benefits the regional and national processors.

The Congressional Budget Office has reviewed the bill and determined that it will not result in a budgetary score.

Mr. President, we need to pass this amendment as soon as possible so that the Secretary of Agriculture can include this de minimis exception in the final fluid milk promotion order.•

By Mr. KERRY (for himself, Mr. KENNEDY, and Mr. DOLE):

S. 1206. A bill to redesignate the Federal building located at 380 Trapelo Road in Waltham, MA, as the "Frederick C. Murphy Federal Center"; to the Committee on Environment and Public Works.

FREDERICK C. MURPHY FEDERAL CENTER ACT

Mr. KERRY. Mr. President, today, I am introducing a bill with my senior colleague, Senator KENNEDY, and Senator DOLE, to rename the Waltham Federal Center in Waltham, MA, the Frederick C. Murphy Federal Center in honor of Pvt. Frederick C. Murphy, an individual who is appropriately referred to as "the bravest of the brave sons of Massachusetts."

It is fitting that we honor Frederick Murphy in this way. He was a young Massachusetts soldier who served in the U.S. Army during World War II, served beyond the call of duty and made the ultimate sacrifice for which he was posthumously awarded the Congressional Medal of Honor.

Frederick Murphy was born in Boston in 1918. He entered the Army after working in Quincy in the shipbuilding industry and undergoing surgery to remedy physical deficiencies which had barred his entry into the service. Private Murphy served as a medical corpsman with E Company, 259th Infantry, 65th Division which landed in France in 1945. After 12 days of fighting in an assault that the division was launching, Murphy was hit in the right shoulder. Although he was injured, he continued to treat others' wounds and doubled his efforts when this company encountered German mines. One foot was blown off, but he continued helping others by crawling to them until he was no longer able to move. He then began shouting instructions and directing the wounded to care for themselves. He was trying to crawl toward the cries of other casualties when he detonated a mine that killed him.

The citation of his Medal of Honor reads:

With indomitable courage and unquenchable spirit of self-sacrifice and supreme devotion to duty which made it possible for him to continue performing his tasks while barely able to move, Private Murphy saved many of his fellow soldiers at the cost of his own life.

I am introducing this legislation to ensure that Private Murphy's remarkable spirit and unselfishness will be remembered and that he will be fittingly honored in perpetuity.

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. 1206

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

SECTION 1. REDESIGNATION.

The Federal building located at 380 Trapelo Road in Waltham, Massachusetts, and known as the Waltham Federal Center, shall be known and designated as the "Frederick C. Murphy Federal Center".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Frederick C. Murphy Federal Center".

Mr. KENNEDY. Mr. President, we are offering this legislation today to honor a World War II hero of Massachusetts for his outstanding service to our country. I am proud to be a sponsor of this bill to name the Federal building in Waltham after Frederick C. Murphy, a medical corpsman in the 65th Infantry Division of the U.S. Army who lost his own life trying to save the lives of his fellow soldiers in World War II, and who was awarded the Congressional Medal of Honor for his bravery.

Frederick Murphy was killed during an attack on the Siegfried Line at Saarlautern, Germany, in March 1945. His incredible bravery and the extraordinary circumstances of his death are vividly described in his Medal of Honor citation:

An aid man, he was wounded in the right shoulder soon after his comrades had jumped off in a dawn attack 18 March 1945, against the Siegfried Line at Saarlautern, Germany. He refused to withdraw for treatment and continued forward, administering first aid under heavy machine-gun, mortar, and artillery fire. When the company ran into a thickly sown antipersonnel mine field and began to suffer more and more casualties, he continued to disregard his own wound and unhesitatingly braved the danger of exploding mines, moving about through heavy fire and helping the injured until he stepped on a mine which severed one of his feet. In spite of his grievous wounds, he struggled on with his work, refusing to be evacuated and crawling from man to man administering to them while in great pain and bleeding profusely.

He was killed by the blast of another mine which he had dragged himself across in an effort to reach still another casualty. With indomitable courage, and unquenchable spirit of self-sacrifice and supreme devotion to duty which made it possible for him to continue performing his tasks while barely able to move, Private Murphy saved many of his fellow soldiers at the cost of his own life.

This legislation will designate the Federal building in Waltham as the "Frederick C. Murphy Federal Center." Congressman ED MARKEY has introduced identical legislation in the House of Representatives. The designation is especially appropriate, because from 1945 to 1957, the location was the site of an Army hospital named for Murphy.

I urge the Senate to approve this legislation. It is a fitting way for Congress to honor Frederick Murphy's courage, and I know that it means a great deal to his widow, Virginia Bresnahan, who lives in Scituate, to his daughter, Susan Campbell, who was born 3 months after her father died and who lives in North Scituate, and to Alan Wade of Lexington, Edwin Waite of West Roxbury, and the many others who served with Frederick Murphy in the 65th Infantry Division and who have worked hard to honor the memory of this courageous hero.

By Mr. CAMPBELL:

S. 1207. A bill to amend the District of Columbia Stadium Act of 1957 to authorize the construction, maintenance, and operation of a new stadium in the District of Columbia, and for other purposes; to the Committee on Energy and Natural Resources.

DISTRICT OF COLUMBIA STADIUM ACT OF 1957 AMENDMENTS OF 1993

• Mr. CAMPBELL. Mr. President, I introduce legislation to allow the District of Columbia to construct a new football stadium at the end of East Capitol Street. The bill will also ensure that the new facility will not be used to demean any racial group.

As the only American Indian serving in Congress, I am disturbed that individuals, organizations, and groups continue to use terms and slogans that are disparaging and disrespectful to racial and ethnic groups. Although native American people represent one of the smallest population groups, the contributions they have made to this country's rich history have been significant.

From the Navajo code-talkers of the Second World War to the recent Persian Gulf war, native American men and women have served their country with great honor and dignity. In the arts, native American artists continue to preserve and practice the traditional forms of their respective cultures.

Last year eight members of the District of Columbia City Council, a majority of the council, introduced a resolution cited "Council of the District of Columbia Request for a Name Change of the National Football League Washington, D.C. Team." Although no action was taken on the resolution, it is my understanding the sponsor of the measure, D.C. Councilmember William Lightfoot, will again introduce a resolution requesting the name change.

It disturbs me that today, these insensitive terms and slogans continue to be used freely.

Mr. President, a few years ago I recall a similar situation that involved the Atlanta Braves baseball organization, when many people in the Indian community were offended, not only by the name "Braves" but also by the so-called tomahawk-chop. Although the Braves organization asserted the name and chants used during the games were in recognition of the power, strength, and reverence of Indian warriors, and not intended to disparage Indian people, but rather pay respect; I will tell you that these practices are not only offensive to Indian people but they also perpetuate the stereotype that this society has of Indian people. More recently, during the 102d Congress, Congress enacted the Treasury Appropriations bill of 1993 with a provision that would have prohibited the Bureau of Alcohol, Tobacco, and Firearms from appropriating any funds to approve any application for a certificate of label approval that authorizes the use of the name "Crazy Horse" on any distilled spirit, wine, or malt beverage product. Using the memory of Chief Crazy Horse, a revered leader of the Lakota people, to sell and market alcoholic beverages is appalling and insulting to the generations of native Americans who have suffered from the ravages of alcohol abuse.

These are just two examples of the insensitivity that individuals, groups and organizations have shown to this country's first Americans. Perhaps nothing else could describe the intense pain—and it is real pain—felt by Indian people whose heritage is exploited in this way.

I sincerely appreciate the support my colleagues have demonstrated in recognizing the seriousness of actions taken that potentially disparage native American people. I would like to commend those dedicated individuals whose efforts have fostered positive debate and understanding. But times are changing and many individuals and groups are becoming aware of the delicate nature of the use such terms and slogans.

Recently in my home State of Colorado, a principal of a Denver area high school took it upon himself to have the team mascot changed from the name "Redskins" to a more appropriate term, after recognizing the negative connotations of the term. I commend principal James Melhouse for his courage and conviction. When you're in a position of authority, you sometimes have to make decisions that create a lot of animosity and anger. It takes great courage to make some of those decisions.

I'm a great believer in traditions, but believe me, there's a big difference in what the name means to Indian people and what it means to everyone else.

Mr. President, this bill is not an effort to run roughshod over the District of Columbia or to avenge the Denver Broncos for their two superbowl losses to the Redskins. The District of Columbia Stadium Act of 1957 authorized the Secretary of the Interior to acquire lands for a stadium and parking lots. It then directed the Secretary to transfer the title to the Stadium Armory Board. The act contained several restrictions, including limits on the size and cost of the stadium to be constructed. My bill would simply add one more restriction to the list of existing limitations, as well as facilitate the construction of a new stadium.

The bill, if enacted, would prohibit the use of the new stadium by any person or organization exploiting any racial or ethnic group or using nomenclature that includes a reference to real or alleged physical characteristics of native Americans or other group of human beings.

I do not undertake this effort lightly. I and many others, including the Morningstar Foundation, the National Congress of American Indians, the American Indian Science and Engineering Society, and the Governor of the Pueblo of Ysleta del Sur are firmly supportive of this effort.

This year the United Nations has declared 1993 "Year of the Indigenous People" in recognition of the contributions aboriginal people have made to societies around the globe, and to bring global awareness to the challenges facing these people and communities. As such, I believe this legislation will foster greater public awareness and sensitivity to the arbitrary use of slogans and terms that are disparaging to all ethnic and racial groups.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD. I also ask unanimous consent that District of Columbia resolution number P.R. 9-330 and the National Congress of American Indians resolution No. DC-93-11, be printed in the RECORD.

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

S. 1207

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 "District of Columbia Stadium Act of 1957 Amendments of 1993".

SEC. 2. AUTHORIZATION OF A NEW STADIUM.

The District of Columbia Stadium Act of 1957 (71 Stat. 619; D.C. Code sections 2-321 through 2-330) is amended by adding at the end thereof the following new section:

"SEC. 12. (a)(1) The District of Columbia is authorized to use, for a period not to exceed 99 years from the date of enactment of the District of Columbia Stadium Act of 1957 Amendments of 1993, a portion of the lands adjacent to the stadium constructed pursuant to section 2 (known as 'Robert F. Kennedy Memorial Stadium'), as generally shown on the map identified as 'Map to Designate Location of Stadiums and Lease of Parking Lots to the District', and further identified as National Park Service Drawing No. 831/87306, for the purposes of constructing, maintaining, and operating, itself or through a third party, either public or private, a new stadium, or any replacement of a new stadium.

"(2) The use of the new stadium shall not be limited by the seating capacity, cost, and other provisions in section 2:

"(3) Nothing in section 7(b), or any lease or deed executed pursuant thereto, or in this section, shall be construed to limit the authority or ability of the District of Columbia to sublease or otherwise encumber the said portion to a third party, either public or private, for—

"(A) any use consistent with the use authorized by this section; and

"(B) any term not exceeding that which is authorized in this section.

"(b)(1)(A) Except for those lands used by the District of Columbia for the new stadium authorized by subsection (a), the use of the lands leased to the District of Columbia for stadium and stadium parking lots purposes pursuant to section 7(b) shall continue in accord with the provisions of that section subject to the provisions of subparagraphs (B) and (C).

"(B) The term of the authorized use of the lands leased to the District of Columbia for stadium and stadium parking lots is extended for a period not to exceed 99 years from the date of enactment of the District of Columbia Stadium Act of 1957 Amendments of 1993.

"(C) Nothing in section 7(b), or any lease or deed executed pursuant thereto, or in this section, shall be construed to limit the authority or ability of the District of Columbia to sublease or otherwise encumber the lads to a third party, either public or private, for—

"(i) any use consistent with the use authorized by section 7(b) and this section: and

"(ii) any term not exceeding that which is authorized in this section.

"(2) The responsibility and authority for construction, maintenance, and operation of the parking lots on the lands leased to the District of Columbia for parking lots purposes is vested exclusively in the District of Columbia. Such responsibility and authority for the parking lots may be assigned by the District of Columbia to a third party under any sublease executed pursuant to the authority provided in this section. The National Park Service shall not be responsible for construction, maintenance, or operation of the parking lots, or any cost arising therefrom.

"(c)(1)(A) Except for the lands described in subparagraph (B), the lands designated as 'Area F' on the map entitled 'Map to designate Location of Stadiums and Lease of Parking Lots to the District', and further identified as National Park Service Drawing No. 831/87306 (hereinafter referred to as 'Area F'), are leased to the District of Columbia. Such lands may be used by the District of Columbia, or any sublessee of the District of Columbia, for the stadium parking lots purposes specified in section 7(b), during the term of use of stadium parking lots authorized by subsection (b)(1) of this section, only for 'overflow' parking, that is not to exceed 2,000 automobiles, and only when all other stadium striped parking spaces are filled to capacity.

"(B) The area described in subparagraph (A) excludes that area of land used by the District of Columbia for the new stadium authorized by subsection (a) of this section.

"(2) The use of Area F shall be in accord with the terms and conditions specified in an agreement between the National Park Service and the District of Columbia. The terms and conditions specified in such agreement shall be reasonable and necessary to ensure that Area F is maintained as grassed park land suitable for public recreational uses.

"(3) The National Park Service shall not be responsible for improvement, maintenance, or operation of Area F, or any costs arising therefrom.

"(d) The responsibility and authority for construction, maintenance, naming, and operation of the new stadium authorized by subsection (a) of this section is vested exclusively in the District of Columbia. Such responsibility and authority for the new stadium may be assigned by the District of Columbia to a third party, either public or private. The National Park Service shall not be responsible for construction, maintenance, naming, or operation of the new stadium, or any costs arising therefrom.

"(e) Notwithstanding the provisions of the Act entitled 'An Act to regulate the height of buildings in the District of Columbia', approved June 1, 1910 (36 Stat. 452; D.C. Code 5-401 through 5-409), a stadium authorized by subsection (a) may be constructed if—

"(1) the design has been reviewed by the Commission of Fine Arts; and

"(2) reviewed and approved by the National Capital Planning Commission.".

SEC. 3. PROHIBITION ON THE USE OF CERTAIN DESIGNATIONS.

The District of Columbia is prohibited from allowing the stadium constructed pursuant to section 2 to be used by any person or organization exploiting any racial or ethnic group or using nomenclature that includes a reference to real or alleged physical characteristics of Native Americans or other group of human beings.

COUNCIL OF THE DISTRICT OF COLUMBIA REQUEST FOR A NAME CHANGE OF THE NATIONAL FOOTBALL LEAGUE (NFL) WASHINGTON, D.C. TEAM, PR 9-330

Resolved, by the Council of the District of Columbia, That this resolution may be cited as the "Council of the District of Columbia Request for a Name Change of the National Football League (NFL) Washington, D.C. team".

SEC. 2. The Council of the District finds that:

(1) The NFL Washington, D.C. team for more than 50 years has brought great pride and joy to the Metropolitan Washington area.

(2) The NFL Washington, D.C. team has won numerous championships and awards, including the Super Bowl Championship of 1991.

(3) The accomplishments of the NFL Washington, D.C. team has inspired many people to strive to be the best they can be.

(4) The name "Redskins" is objectionable to many Native Americans and the use of the word "Redskins" is racially insenstivie in a multi-cultural society.

(5) The continued use of an objectionable name is an offense not only to Native Americans, but also is a discredit to the many men who have played outstanding football for the team.

(6) Nicknames and mascots constitute an unauthentic representation of Native Americans, whether used for entertainment, commercial, or symbolic purposes, this imagery degrades Native American people and culture, and distorts Native American and non-Native American perception of self and community; and

(7) United Indian Nations in Oklahoma (UINO) passed and approved a resolution by the Inter-Tribal Council of the UINO on the 24th day of April 1990, stating that the name "Redskins" is a symbol that seems innocuous to some, but is offensive to Native Americans.

Resolved, by the Council of the District of Columbia, That the owner of the NFL Washington, D.C. team is hereby requested to change the name of the football team to a name that is not offensive to Native Americans or any other group.

SEC. 3. The Council shall transmit a copy of this resolution, upon its adoption, each to Council of Governments, Mr. Jack Kent Cooke, the District of Columbia Armory Board, and to the Mayor.

SEC. 4. This resolution shall take effect immediately upon the first date of publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

RESOLUTION NO. EX DC-93-11—IN SUPPORT OF THE PETITION FOR CANCELLATION OF THE REGISTERED SERVICES MARKS OF THE WASHINGTON REDSKINS (AKA) PRO-FOOTBALL, INC.

Whereas the American Indian and Alaska Tribal Governments and people have gathered in Crystal City, Virginia, of the Washington, D.C. area, for the 1993 Executive Council Meeting of the National Congress of American Indians (NCAI) in order to promote the common interests and welfare of American Indian and Alaska Native peoples; and

Whereas NCAI is the oldest and largest intertribal organization nationwide representative of and advocate for national, regional, and local tribal concerns; and

Whereas NCAI has read and understands the Cancellation Petition Filed on September 10, 1992, before the Trademark Trial and Appeal Board—attached as Exhibit A; and

Whereas NCAI is familiar with the Registered Service Marks of the Washington Redskins and the context in which those marks are used by the Washington Redskins football organization—attached as Exhibit B; and

Whereas the term REDSKINS is not and has never been one of honor or respect, but instead, it has always been and continues to be a pejorative, derogatory, denigrating, offensive, scandalous, contemptuous, disreputable, disparaging and racist designation for Native Americans and

Whereas the use of the registered service marks identified in Exhibit B to this resolution by the Washington Redskins football organization, has always been and continues to be offensive, disparaging, scandalous, and damaging to Native Americans: Now therefore be it

Resolved, That the NCAI hereby issues its support of the cancellation petition attached as Exhibit A to this resolution, filed on September 10, 1992, by petitioners Suzan Shown Harjo (Cheyenne and Arapaho Tribes of Oklahoma), Vine Deloria, Jr., (Standing

Rock Sioux), Raymond D. Apodaca (Ysleta del Sur Pueblo), Norbert S. Hill, Jr. (Oneida Tribe of Wisconsin), Manley A. Begay, Jr. (Navajo Nation), William A. Means (Oglala Sioux Tribe of Pine Ridge), and Mateo Romero (Cochiti Pueblo), against the registered marks identified in Exhibit B to this resolution.•

By Mr. WOFFORD:

S. 1208. A bill to authorize the minting of coins to commemorate the historic buildings in which the Constitution of the United States was written; to the Committee on Banking, Housing, and Urban Affairs.

INDEPENDENCE HALL COMMEMORATIVE COIN ACT

• Mr. WOFFORD. Mr. President, this weekend marks the 217th anniversary of the birth of our Nation. On July 4, 1776, great statesmen like George Washington, Thomas Jefferson, and John Hancock put down the blueprint for a new Nation, one based on the principles of equality and democracy. The Declaration of Independence, which freed the new country of America from British rule was signed in Philadelphia in Independence Hall, also the site for the Constitutional Convention.

Despite the historical significance of Independence Hall, the building is practically falling apart, as evidenced by the scaffolding currently on it. When Independence Hall was last renovated 30 years ago, the steeple tower was largely neglected and is now in serious need of repair.

The maintenance of historical buildings is a difficult and expensive task. Yet, the U.S. Government and the American public understand the importance of preserving historic buildings. Congress, 45 years ago, designated four blocks in downtown Philadelphia to become the Independence National Historical Park under the care of the National Park Service. The Park Service has done a wonderful job preserving and maintaining these facilities.

However, we know that Federal resources are becoming more scarce. Recognizing that reality, the superintendent of Independence National Historical Park, Martha Aikens, working with other government officials and private citizens supported the organization of the Independence Hall Preservation Fund, a public-private partnership to help ensure the preservation of Independence National Historical Park. Currently, the preservation fund is preparing a national fundraising campaign with the goal of creating an endowment of over $10 million.

The bill that I am introducing today calls for minting 1 million commemorative coins celebrating the historic buildings of Independence Hall, Congress Hall, the Liberty Bell and the momentous activities that occurred in and around these buildings. We expect that sale of the coins authorized by this legislation would produce $7 million.

Under the bill, one-half of this money would go directly to reducing the Nation's deficit. Mr. President, $3.5 million dollars in the name of deficit reduction may seem irrelevant as we approach a national debt of $1 trillion. However, to me and to the people of Pennsylvania $3.5 million dollars is significant and I believe we must attack the beast of the debt from every available angle.

The other half of the proceeds from the coin sales will go to the Independence Hall Preservation Fund's endowment to ensure that future generations will be able to enjoy Independence Hall, Congress Hall, and the Liberty Bell and learn about the concepts of representative government, independence, and liberty that are embodied in them.

I urge my colleagues to support 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. 1208

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 "Independence Hall Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Two hundred years ago, in 1793, George Washington was sworn in to his second term as President of the United States of America in the Senate chamber of Congress Hall in Philadelphia, Pennsylvania;

(2) For 150 years, the historic buildings in Philadelphia, Pennsylvania, known as Congress Hall, the Old City Hall, and Independence Hall (which housed the Liberty Bell, the symbol of the heritage of free people in the United States) were under the occasional care of local government units.

(3) Later, the Federal Government, through the National Park Service, assumed responsibility for the preservation and maintenance of these and other related historic sites for present and future generations of Americans.

(4) In recent years, financial exigencies and the increased responsibilities of the National Park Service have prevented the Federal Government from meeting the capital needs of these historic sites.

(5) The minting and issuance of a United States coin is an appropriate way to commemorate these historic buildings and to aid in funding their necessary maintenance and preservation.

SEC. 3. COIN SPECIFICATIONS.

(a) ONE DOLLAR SILVER COINS.—

(1) ISSUANCE.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall issue not more than 1,000,000 $1 coins, which shall weigh 26.73 grams, have a diameter of 1.500 inches, and shall contain 90 percent silver and 10 percent copper.

(2) DESIGN.—The design of the coins issued under this Act shall be emblematic of the national shrines of liberty and shall show the Liberty Bell on one side and Independence Hall on the other side. On each such coin there shall be a designation of the value of the coin, an inscription of the year "1994", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) LEGAL TENDER.—The coins issued under this Act shall be legal tender as provided in section 5103 of title 31, United States Code.

SEC. 4. SOURCES OF BULLION.

The Secretary shall obtain silver for the coins minted under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 5. SELECTION OF DESIGN.

The design for the coins authorized by this Act shall be selected by the Secretary after consultation with the Commission of Fine Arts. As required by section 5135 of title 31, United States Code, the design shall also be reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 6. ISSUANCE OF THE COINS.

(a) QUALITY OF COINS.—The coins authorized under this Act may be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Not more than 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD OF AUTHORITY.—The coins authorized under this Act may be minted beginning 30 days after the date of enactment of this Act and for a period of not more than 1 year after such date.

SEC. 7. SALE OF THE COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of the face value of the coins, the surcharge provided in subsection (d) with respect to such coins, and the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales at a reasonable discount.

(c) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins authorized under this Act prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount.

(d) SURCHARGE REQUIRED.—All sales shall include a surcharge of $7 per coin.

SEC. 8. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act. Nothing in this section shall relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 9. DISTRIBUTION OF SURCHARGES.

Of the total surcharges collected by the Secretary from the sale of the coins issued under this Act—

(1) 50 percent shall be returned to the United States Treasury for purposes of reducing the national debt; and

(2) 50 percent shall be promptly paid by the Secretary to the Independence Hall Preservation Fund to assist the Fund's efforts to—

(A) create an endowment fund to finance capital improvements in Independence National Historic Park;

(B) fund capital replacement projects for the buildings in Independence National Historic Park; and

(C) meet such other needs as the Directors of the Independence Hall Preservation Fund deem appropriate to foster and increase respect and admiration for Independence National Historic Park.

SEC. 10. AUDITS.

The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Independence Hall Preservation Fund as may be related to the expenditure of amounts paid under section 9.

SEC. 11. NUMISMATIC PUBLIC ENTERPRISE FUND.

The coins issued under this Act are subject to the provisions of section 5134 of title 31, United States Code, relating to the Numismatic Public Enterprise Fund.

SEC. 12. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take all actions necessary to ensure that the issuance of the coins authorized by this Act shall result in no net cost to the United States Government.

(b) ADEQUATE SECURITY FOR PAYMENT REQUIRED.—No coin shall be issued under this Act unless the Secretary has received—

(1) full payment therefore;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.•

By Mr. KEMPTHORNE (for himself, Mr. HATCH and Mr. CRAIG):

S. 1209. A bill to provide for a delay in the applicability of certain regulations to certain municipal solid waste landfills under the Solid Waste Disposal Act, and for other purposes; to the Committee on Environment and Public Works.

LOCAL GOVERNMENT LANDFILL COMPLIANCE DEADLINE ACT

Mr. KEMPTHORNE. Mr. President, together with my colleagues, Senators CRAIG and HATCH, I am introducing a bill to extend the October 9 compliance deadline for municipal solid waste landfills. I am doing so for several very important reasons.

First, in a number of States in the West, Southeast, and Midwest, and perhaps elsewhere, counties and municipalities are having trouble meeting the deadline. Under the subtitle D regulations that implement provisions of the hazardous and solid waste amendments of 1984, municipalities must close their existing landfills and dispose of their wastes in new landfills that meet more stringent environmental criteria, preferably regional landfills. Failure to close existing landfills by the deadline results in substantial new financial liabilities and responsibility for postclosure care and ground water monitoring. If the current state of affairs continues, many communities in Idaho and elsewhere will be taking on these unwanted liabilities despite their best efforts to avoid them.

Their good faith efforts have been stymied by technical problems, bureaucratic delays, litigation, regulatory uncertainty, and financial constraints. The deadline set by EPA in 1991 allows no room for these kinds of problems and shows little practical understanding of local government constraints, especially the budget cycle under which county and municipal officials operate.

Perhaps a few examples would well illustrate the point: In Cassia County, ID, five counties have pooled their resources to be able financially to afford complying with subtitle D standards. They write:

> The site we have chosen has been tied up with NIMBY—"not in my backyard"—problems and will probably take some court decisions to make available.
>
> Because of the complications, it is making it very difficult for us to close our existing landfills by the deadline * * *.

The county commissioner in Rupert, ID, adds another twist:

> Public sentiment has generated barriers that are slow to resolve. These stumbling blocks are presenting county commissioners with problems that are time consuming. In remote areas, qualified engineers are difficult to find, that can ascertain the viability of a proper landfill siting. The monumental costs of state of the art facilities makes it paramount that we do it right.

Counties in the west have some unique problems where the best achievable site for a landfill happens to be on Federal land. Madison County started 5 years ago to develop a regional site, involving nine counties. That effort had to be abandoned, and Madison is now engaged in a joint effort with only two counties. One of these, Jefferson, has been trying for the past year and a half to acquire an identified suitable site on Federal land. The regulatory hurdles involve EPA, the Bureau of Land Management, the Idaho Department of Environmental Quality, and the Idaho National Engineering Laboratory. Madison County's commissioner wrote me this week that they may be 18 months to 2 years away from approval on a satisfactory landfill, notwithstanding the effort began 5 years ago.

Twin Falls County also had a regional agreement that fell apart, and other site selections that ran into opposition by residents. The commissioners began formal proceeding in December, 1992, to acquire BLM land. Originally, they were told only an environmental assessment was required, but they are not engaged in preparing a full environmental impact statement, which is projected to be complete in January 1994.

The assumption underlying arguments against extending the landfill deadline is that counties and municipalities have done nothing. That does not reflect what has happened in my State. Our county commissioners have been working very hard to comply, despite regulatory uncertainty—Idaho's first State implementation plan was rejected by EPA—despite litigation and citizen opposition to regional landfills, and despite the huge engineering and other costs involved.

Mr. President, I ask unanimous consent that these letters be printed in the CONGRESSIONAL RECORD, including one from Sanders County, MT, in which the commissioners outline in detail the good-faith steps they have taken to comply with the October 9 deadline, including raising the assessed solid waste disposal fee from $15 to $75 annually, closing a few old landfills beginning in June 1991, and progressing toward the siting of a regional landfill. They have been advised by the Montana Department of Health and Environmental Sciences' Solid Waste Bureau that licensing will take anywhere from 1 year to 18 months, well beyond the October 9 deadline.

My second reason for introducing the bill today is that the EPA has tacitly acknowledged that its original deadline has not allowed for reasoned, environmentally sound, and fiscally responsible decisionmaking by local officials. Within the next 2 weeks, it plans to publish in the Federal Register a proposed rule to extend the deadline for another 6 months for those landfills that receive less than 100 tons per day. EPA's action is clearly a step in the right direction and hopefully may resolve most of the problems being experienced by the counties in my State of Idaho and in other States. The operative word is "hopefully." The final rule may differ, EPA's legal authority to extend the deadline could be subject to legal challenge, and some counties and municipalities who have acted aggressively and in good faith to meet the deadline may be left out in the cold, unassisted, because their landfill receives more than 100 tons per day, or because it will take them anywhere from a week over 6 months to 12 months to work out impediments beyond their control.

Third, I believe it is important that local officials be allowed to exercise discretion regarding how best to meet their obligations under subtitle D. Congress intended them to have that flexibility, but without appropriate deadlines that flexibility is denied. Driven by unreasonable deadlines, local officials are being required to take the quickest and, oftentimes, the most expensive routes for waste disposal. With a little more time, they may be able to respond to their residents' demands for environmentally safe, reasonably convenient, and fiscally prudent waste disposal. For economically depressed and smaller communities, the financial issue is crucial.

Fourth, action is necessary to address requirements for ground water monitoring. On May 7, 1993, the D.C. Circuit Court of Appeals vacated the portion of EPA's regulations that exempted very small landfills in arid or remote areas from expensive groundwater monitoring requirements. EPA's original decision to accord this kind of flexibility to small communities was wise and responsive to the genuine needs of these rural communities. As a

result of the court decision, one county in my State will now have to sink three to four monitoring wells. The cost will be $25,000 per well, just to sink it, because the water table is between 700 to 1,000 feet. One of the county's commissioners has advised me that their two options, sinking the wells or shipping elsewhere, will absorb one-fifth to one-quarter of their annual budget, and fees to families will have to rise from $30 per year to $150 per year.

Finally, EPA is currently working on a more liberal rule for the financial test that local governments have to meet to demonstrate they are capable of covering responsibilities pertaining to postclosure care and corrective action on landfills. Those regulations have yet to be issued in final form. EPA proposes to extend the deadline by 1 year. Lest we repeat the mistakes associated with the current deadlines under subtitle D, I would propose to set a deadline that is 2 years from the date on which EPA issues the final financial assurance rule. One of the most consistent complaints that I have had from small communities, those that will be most in need of the financial assurance relief, is that EPA's deadlines do not take account of their budget cycle. For example, the October 9, 1991, final subtitle D rule was issued after small communities in Idaho had already set their county budgets. Thus, funding for work during the first year of the compliance period was difficult to impossible to arrange. This is a problem not faced by larger Idaho counties, but one that Congress and regulatory agencies should take into account.

Let me assure my colleagues that the purpose of this bill is not to relieve counties and municipalities of their ultimate responsibility to comply with the Nation's environmental laws. The objectives of the Solid Waste Amendments Act and their implementing regulations remain the same. The bill merely intends to afford county and municipal officials adequate time to make decisions that are environmentally sound and fiscally prudent. It acknowledges the responsibility that these officials have to those they serve and affords the greater flexibility to balance the competing demands on their scarce budgetary resources while preserving the integrity of the original mandate.

As I have mentioned before, I am pleased that Administrator Browner has responded to local concerns by engaging in a rulemaking to revise the current deadlines. I will look forward to working with her. On July 29, the Environment and Public Works Committee will take a look at the difficulties that counties and municipalities have had in meeting the landfill deadline. That will be an excellent opportunity to review the adequacy of EPA's proposal and consider whether more needs to be done. This bill will be a positive contribution to that discussion.

Mr. President, I ask unanimous consent that letters and section-by-section analysis be placed in the RECORD following my remarks.

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

LOCAL GOVERNMENT LANDFILL COMPLIANCE DEADLINE ACT

SECTION-BY-SECTION

Section 1—Brief title and purpose.

Local Government Landfill Compliance Deadline Act: to allow time for counties and city officials to make environmentally sound and fiscally responsible decisions regarding how best to comply with Subtitle D municipal solid waste landfill regulations.

Section 2—Temporary extensions with exceptions.

Temporary Deadline Extension [§2(a)(1)].—Extends by one year the October 9, 1993, deadline by which counties and municipalities must comply with the new criteria for landfills contained in EPA regulations issued on October 9, 1991.

Bad Faith Exception [§2(a)(2)].—The extension is not available to any owner or operator of a landfill that is determined not to have made good faith efforts to comply with the 1993 deadline. The determination is made by the EPA Administrator or by the appropriate state official where a state implementation plan has been submitted and approved by EPA.

Additional Temporary Extension [§2(a)(2)(B)].—Landfill owners and operators may apply for and receive an additional 6 months extension, carrying them to April 1995. The basis for granting the additional temporary extension is factors beyond the owner/operators control, for example, litigation, adverse weather conditions, and delays in siting, permitting, or patenting a landfill or transfer station. Where federal or state agency failure to process applications and permits in a timely fashion has been a factor in an owner/operators non-compliance, EPA or the appropriate state official may not deny the additional 6 months.

Citizen Suits [§2(d)].—Delays implementation of the citizen suit provisions against any owner/operator of a landfill until his temporary extension has expired.

Section 3—Financial assurance guidelines.

Directs EPA to issue the more flexible financial assurance rule prescribing the financial assurance test for local governments, on which it is now working and extends the deadline for compliance with financial assurance requirements and criteria until two years after the date upon which EPA has issued final regulations. The two year time frame was chosen to take account of variations in local government budget cycles.

Section 4—Ground water monitoring.

Requires EPA to issue regulations to exempt from ground water monitoring requirements small landfills, under 20 tons per day, in remote or arid locations. Those landfills that meet the current definition in 40 C.F.R. §258.1(f) do not have to do any ground water monitoring in the interim. This provision restores the exemption previously provided by EPA for small landfills in arid or remote locations. On May 7, 1993, the D.C. Circuit Court of Appeals in Natural Resources Defense Council versus EPA vacated the flexibility that EPA had previously exercised to accommodate local conditions without compromising environmental protection.

MADISON COUNTY,
Rexburg, ID, June 29, 1993.

Senator DIRK KEMPTHORNE,
U.S. Senate, Washington, DC.

DEAR SENATOR KEMPTHORNE: The Madison County Commissioners are in full support of your proposed Solid Waste bill being introduced tomorrow. We are desperately in need of at least a one year extension because of the numerous obstacles we have encountered. Six months only gives us cold winter weather in which it is impossible to do the physical work needed.

Madison, Fremont, and Teton Counties formed the Upper Valley Solid Waste District over a year ago in an effort to consolidate expenses, resources, and expertise, which each could not handle on their own. As of this date over $100,000 has been spent in an attempt to locate a site and research into various feasible programs.

The Commissioners have been working with the Solid Waste and DEQ Requirements for 5 years, originally with nine counties involved on a regional basis. Commissioner positions have changed over the years due to elections, retirements, illness, etc., leaving only very few Commissioners with much background in the Solid Waste programs. Added to this the counties were unsure of the specific regulations that would be imposed until October of 1991. Since that time we have been working frantically to find a site. Many dollars have been spent and time consumed in engineering costs, digging test holes, and encountering public protests. There is definitely a lack of suitable ground, because of the large plain and high water levels. Other areas at higher elevations are too hilly and the soil is not in compliance, or heavily populated where soil content is acceptable.

Therefore, we have looked to joining Jefferson County who has a suitable site which they have been working on obtaining for one and one-half years. This is the most desirable site in Southeastern Idaho and is controlled by the INEL which joins BLM land. These Federal Agencies are being cooperative but it will take time. The rules, and regulations of EPA, BLM, DEQ, and the INEL are all time consuming hurdles we have to jump over. This is our best avenue but it could take 8 months to 2 years for approval. The testing is done and meets regulations. We think we could progress in that area now. If there is anything that can be done on your end to help speed up the process to get this property cleared sooner, it would greatly help.

We have a meeting scheduled this evening with all the Commissioners of all the counties involved and our regular District meeting will be held again this Thursday. We are all part time commissioners but Solid Waste is proving to be a full time job.

In regard to the apparent opinion of Idaho DEQ Administrator Jo Nagle and Gov. Cecil Andrus, we do want to inform your committee that we have met often. In addition to the District officers, we have had a Site Committee, an Operations Committee, a Public Awareness Committee, and many other unpaid interested individuals who have been meeting monthly, weekly, twice weekly, and continuously by phone and fax. We do want to emphasize that considerable work has been done and we have not been sitting idly by while our time elapses, and ignoring the situation.

We feel the requirements are quite unfair considering EPA took seven years to finalize

their own rules and regulations, and then to expect us to comply in 18 months for the money and site location requirements.

Our counties are small but do not qualify under the 20 ton per day guideline, except Teton County who is a part of our district. Even they are uncertain of the regulations, if they comply on their own, because of the recent lawsuit that is pending.

In summary, our county does not have the Economic base to fund these astronomical costs in a short time, site location has been a disaster, and we plead with your committee for help and consideration.

We certainly want to express our gratitude to you personally for your efforts and understanding, and we appreciate any help you might obtain for us.

Respectfully submitted,

MOSES DELL BARNEY,
Chairman.
DAVID L. RASMUSSEN,
MARLIN A. HILL,
Madison County Commissioners.

SOUTHERN IDAHO REGIONAL
SOLID WASTE DISTRICT,
Twin Falls, ID, May 26, 1993.

Senator DIRK KEMPTHORNE,
Dirksen Building, Washington, DC.

DEAR SENATOR KEMPTHORNE: This letter is written to you in support of your efforts to introduce legislation extending the October 9, 1993 deadline delaying the implementation of the Subtitle "D" regulations by EPA.

I have attached a Jan. 11 letter written to your office soliciting your support in this regard.

We can identify additional costs if forced to implement our program on the October 9, 1993 timetable. We are anticipating a cost of $275,000 if we have to accelerate the construction process of the regional landfill. Further, cost estimates to keep the existing landfills open beyond Oct. 9 are an additional $75,000 per year for 30 years, which equates to $2,250,000 per landfill. Since there are 17 landfills in our six county service area, the fiscal liability is substantial.

Our project is approximately 3 months behind the Oct. 9 schedule. This delay in schedule has been caused by legal interventions in siting and financing the project, all of which was not anticipated by the drafters of the federal regulations.

At the minimum, this six county area would benefit if the proposed EPA implementation delay of 6 months was adopted. We would support your efforts to make that EPA proposed rule change a reality.

If we can be of further assistance in this matter, please do not hesitate to call on us.

Sincerely,

TERRY SCHULTZ.

SANDERS COUNTY,
State of Montana, March 31, 1993.

NACO, Washington, DC.

DEAR MS. SHEA: Since May 1991, The Sanders County Commissioners and the Sanders County Solid Waste Board have been taking aggressive action to meet the Environmental Protection Agency guidelines to properly fulfill solid waste disposal guidelines and regulations.

Sanders County is a rural community with a population of 8,669. In an attempt to be in compliance with the Environmental Protection Agency's regulations and time frame the assessed fee was raised from $15.00 to $75.00 annually. These dollars have enabled Sanders County to address some of the Solid Waste problems much to the objection of the tax payer who felt the new fee was burdensome and unnecessary. Considering the added financial stress of complying with all the new regulations, it was the lowest fee we could assess and still fall into compliance.

In June of 1991 we began closing, per engineered drawings and specifications, the 6 acre site near Heron and the 18 acre site at Beaver Creek approximately 10 miles West of Thompson Falls. We have been successful in closing these two sites and have received final closure approval from DHES-State of Montana and are now working towards closure of the two remaining sites, also per engineered plans by Damschen & Assoc. Inc. Consulting Engineers of Helena, Montana.

In addition to landfill closures, we are constructing a solid waste transfer station, with the assistance of a Community Development Block Grant construction to begin April 1, 1993, and will begin operation August 1993. This facility will compact and bale waste as well as serve as a recycling center.

Sanders County has made a concentrated effort to meet the E.P.A. regulations and the October 9, 1993, deadline for licensed landfills. But, as we are encouraged by the progress we have made, we also are aware that there is a considerable amount of effort and monies required to meet that October time frame and would certainly welcome and appreciate any extension of that deadline to take the constant pressure off our County.

We are currently researching options for siting a regional landfill with surrounding counties. The concept, thus far has been well received, but the licensing of that facility will take from 1 year to 18 months, according to The Department of Health and Environmental Sciences, Solid Waste Bureau in Helena.

Since we are a Rural County with high unemployment (1991–17.3, 1992–14.6) and very limited resources, an extension of the E.P.A. October 9, 1993, date for landfill compliance would certainly be beneficial to Sanders County and the surrounding Regional Counties. It would allow us time for proper Regional Landfill siting studies and land acquisition.

Sincerely,

Sanders County Board of Commissioners, Sanders County, MT: Norman E. Resler, Chairman; Cherie Hooten, Member; William E. Massey, Member; Project Manager/Solid Waste, Tim Willcut, Planner.

IDAHO ASSOCIATION OF COUNTIES,
Boise, ID, May 5, 1993.

Senator DIRK KEMPTHORNE,
Dirksen Senate Office Building, Washington, DC.

Subject: Extension of Subtitle D Deadline.

DEAR SENATOR KEMPTHORNE: The Idaho Association of Counties strongly supports your efforts to extend the deadlines for compliance with subtitle D. This extension will help to achieve the benefits which a state approved plan was to have made possible and to complete planning that is responsive to our citizens concerns.

An extension of the deadline for closure would provide time needed to complete the siting and development of landfills and transfer sites. The two-year time frame for implementation provided by the current regulations has forced counties to seek out those sites which can be developed quickly, not necessarily those sites preferred to by our citizens or those that are based on long-term advantages.

One of the obstacles that has been of significance to Idaho is the fact that much of Idaho's land, 64%, is owned by the federal government. This includes much of the land that is suitable for a landfill site. We have been encouraged by the support we have received both from federal owners and our congressional delegation and their assistance to Idaho's counties in making the land available and expediting the transfer. However, acquiring federal land, securing approvals, and completing the environmental impact statements necessary have significantly diminished the ability of some counties to meet the deadline.

Many counties lost valuable time attempting to craft regional agreements. Twin Falls commissioners worked to make Twin Falls part of a regional site. This effort was rejected by the Twin Falls citizens who did not want their county to host a regional site. The commissioners complied with the wishes of their citizens and have located a site on federal land. However, the land cannot be secured until the environmental impact statement is complete; therefore, construction cannot be initiated soon enough to have the landfill completed by the October 9, 1993 deadline. Consequently, Twin Falls will close its present landfill after the deadline and will be subject to the increased closure and monitoring costs which that involves. This means as additional $120,000 in construction and monitoring and an estimated $2,000,000 of financial assurance to be provided.

The other counties who had sought to be part of that region were also delayed. A new site had to be found and tested. The south central region is hoping to have their site completed by the deadline; however, they would welcome an extension. Counties should not be penalized because their efforts at regionalization failed. An extension would compensate for time lost in attempting to reach regional agreements.

County commissioners would welcome any relief possible provided by an extension of time to raise funding necessary to complete closures. In the short time provided, counties have had to fund the siting process, carry out site testing, pay for the design and construction of the new facility and transfer sites and all other needed capital investments of the new landfill. Counties must also pay for the closure of existing landfills. To come up with these funds has been a tremendous endeavor.

An extension would help counties in some states to retain control of solid waste management and not be forced to negotiate with private industry under duress. We have received correspondence advising us that this is a problem in other states. We believe that citizens and their local governments should determine whether or not they wish to retain local control or privatize solid waste management based on the merits. If the short time frames preclude the citizens from making this choice, then privatization has become a de facto federal mandate.

I am aware that there are members of Congress, as well as federal agency and state officials who are opposed to an extension of the deadline. My understanding of their argument is that the time frame provided was more than adequate, counties knew that the regulations would be imposed and that as a matter of environmental protection there is no justification in delaying landfill closures. I strongly disagree.

Counties across the country are doing their best to close many of their current landfills and establish safer facilities built to state approved standards. In Idaho this has required an intensive effort to locate and secure suitable landfill sites and generate local

support. Idaho counties have had to raise several million dollars for planning, development, construction and operation of new landfills and transfer stations and close existing sites. Additionally, Idaho counties were directly responsible for the development of the state plan submitted to EPA.

Idaho counties began their efforts to improve the management of landfills in the late 1980's closing landfills and developing legislation which would enable the formation of regional solid waste districts. At the counties' request, the state legislature appropriated $500,000 to the health districts to carry out regional solid waste planning. There were several failed attempts at the state level at developing a revised state process for permitting landfills as we searched for a process that would meet the unique needs of Idaho.

Under the best of conditions, the siting and development of a landfill is a five year process. Idaho counties crafted an expedited review procedure in order to enable compliance with criteria by the deadline. Idaho counties have planned, constructed and committed to funding the new landfills and transfer sites in two years.

Please remember that this is a costly federal mandate which provides no funding to the counties. Counties must come up with the millions of dollars that this effort requires. Idaho counties supported, and our legislature provided, adequate funding to the Division of Environmental Quality to meet their responsibilities. The legislature did not provide additional funding for Idaho's health districts to meet their responsibilities under the state plan. Counties will be forced to pay for that responsibility.

Our state plan provided time frames agreeable to DEQ to meet its responsibilities. EPA has adequate time to meet its responsibilities. Counties must raise all of the money, do most of the work, we have the greatest share of the responsibility, and assume most of the liability.

We believe that the needs of the counties should be given the same consideration afforded to the regulatory agencies. Adequate time for planning and development is essential if we are to develop our solid waste systems according to the long term interests of our citizens. Counties knew these regulations were coming and we began our efforts long before the regulations were enacted. We have worked as expeditiously as possible to comply with federal requirements. The fact that we knew this was coming is no reason not to give us assistance if assistance is possible and warranted.

Further, if an extension of the deadline results in more beneficial development and eases the burden on the counties then what is the benefit of refusing to help us? An extension of the deadlines, which were unrealistic to start with, would provide a needed adjustment to enable the program to do what was intended and that is to give states as much self determination as possible and mitigate the effects of federal mandates.

In Idaho we have assumed the leadership in this initiative and we are proud of our accomplishments. In this regard we have done far more to clean up landfills than either EPA or DEQ. We are shouldering the burden. Our needs should be given at least equal consideration. We appreciate your efforts to help and encourage you to do everything possible as soon as possible to help Idaho's counties and citizens.

Respectfully,

JILL WATTS,
Research Analyst.

DANIEL G. CHADWICK,
Executive Director.

CITY OF RIGGINS,
Riggins, ID, June 10, 1993.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Washington, DC.

DEAR MR. KEMPTHORNE: Thank you for the opportunity to express our feelings on the impact of recent mandates inflicted by the EPA.

First, I would like to comment on the solid waste issue.

Idaho County is remote and sparsely populated, resulting in a complicated solid waste collection service.

We are told that the present landfill site where our solid waste goes, will be closed this fall, because the restrictions imposed will make it financially impossible to comply. Therefore, it appears our solid waste will be trucked from our area to a sorting site somewhere in the county, then trucked to Lewiston, Idaho. From there it will be loaded on barges and transported to Boardman, Oregon!

It doesn't take much imagination to determine what this will cost!

We are told the present cost to an average household will increase from 100 to 300 percent. This means the present cost of $6.30 per household will probably triple to around $20.00 per household.

This may not seem much to a lot of people, but over 52% of our residents are on fixed incomes: many of them trying to get along on less than $500.00 per month.

The monetary aspect is only part of the problem. We are told that the proposed plan is to charge a fee to dispose of bulk residue like leaves, lawn clippings, the usual "ranch-farm-stead" debris. This I'm certain will result in illegal dumping in the Rivers, along roadsides, etc. resulting in the entire area will be back to square one! So what have we really accomplished?

In an interview I had with the current disposal people, Walco Inc. a local company, I was told that for them to comply with the mandates it would cost them over 3 million dollars and there is no way they can comply with this!

We appreciate your understanding of what the impact is and will be on small rural communities. We are concerned with clear water, clean air, and solid waste disposal, but to broad brush mandates for the entire country is not fair. As you know, each particular area had a different set of circumstances.

We solidly support your efforts to curtail mandates without some form of financing them.

Sincerely,

R.A. BARTON,
Mayor, City of Riggins.

BONNER COUNTY,
BOARD OF COUNTY COMMISSIONERS,
Sandpoint, ID, March 5, 1993.

Representative LARRY LAROCCO,
1117 Longworth House Office Building,
U.S. House of Representatives,
Washington, DC.

Re: Subtitle D

CONGRESSMAN LAROCCO: This is a letter on behalf of the low and moderate income counties of North Idaho in regards to the impact of Subtitle D. I am chairperson of the five-county Regional Solid Waste Advisory Committee and we have been working monthly for almost 2½ years with the Panhandle Health District in an effort to comply with the upcoming Subtitle D, October 9, 1993, deadline. We are concerned that we might not be able to comply. For the sake of brevity let me simply list some of the key points you need to know:

Subtitle D was finalized 8 days into a new county budget year; the budget for solid waste was fixed and could not be raised to help meet the dramatic cost increases estimated. A crucial fiscal year was lost. We could not accrue money prior to the regulations because we did not know what the demands would be and the concept of a solid waste "slush fund" was unacceptable.

An election occurred midway through the "grace" compliance period; in several counties the majority of the board of commissioners turned over and thus new leadership with different ideas and lack of familiarity with solid waste became responsible for implementation.

The Subtitle D deadline compliance applies primarily to counties; the liability applies to counties. None of the potential adverse impacts apply to either EPA or Idaho DEQ. There are extremely poor Idaho regulations and guidance for solid waste; there is no established state approved program to extend options or alternatives; there is no "accepted" state law since EPA Region X apparent dissatisfaction with last year's solid waste legislation (IC 39-7401) has caused a rewrite effort this year. There has been no particular haste on behalf of regulators to resolve these issues and help the counties comply.

The One Percent Initiative in Idaho has raised a consciousness concerning taxes and fees. The sheer financial weight of having to close a number of existing landfills (4 in Bonner County alone); to open safe and sanitary transfer stations for economical long haul; to either develop a multi-million dollar landfill (literally multi-million) or to long haul to centralize landfills at a cost of $50 per ton . . . the sheer weight of these multiple and simultaneous expenses drives the fees from $40 a year per house to $150 a year per house.

The concern of whether that is an appropriate cost; affordable; best alternative; least expensive; highest benefit to risk to cost issue; all these must be presented to the public and their confidence gained. Failure to gain support or demonstrate support undermines the ability to collect fees which undermines lawyer-banker confidence in county fiscal security.

North Idaho is ecologically different than the arid south and must either export its waste or construct a "fail-safe" disposal mechanism at significant expense.

We have not been idle; the counties have banned together and jointly funded the Health District to provide vital staff support. We have obtained a $205,000 Farm Home grant plus a $135,000 state tire grant; we have expended several tens of thousands in engineering studies by CH2M Hill and Emcon to develop options (example title pages enclosed). We are committed and working fervently but I fear the old adage "Act in haste and you get to repent in leisure".

Low and moderate income counties are hit hardest and need Congress to extend some latitude to us. An extension of time, at least, is needed so we are sure to have considered the options and presented them to the public along with the costs. A fiscal year or two to help accrue some capital; EPA took five extra years to write the regulations—we could use a few to convert and comply. The low and moderate income counties need to be treated differently than the more affluent counties—solid waste costs are the same. To treat us justly, Congress needs to treat us differently and provide at least capital cost

funds to comply with this federal mandate. Something akin to the wastewater treatment 201 program on a sliding match scale. The poorest counties pay the least match.

Congress understands the slow democratic process. Understand we have to convert the Federal Register written word into reality. Please consider some relief for those of us working for better environmental health along with fiscal accountability.

Sincerely,

SUSAN MACLEOD,
Chairman, Regional Solid Waste Advisory Committee, Bonner County Commissioner.

COUNTY OF CASSIA,
Burley, ID, July 2, 1992.

To Whom It May Concern:

We the Commissioners of Cassia County, Idaho have joined with 5 other counties in southern Idaho in order to be financially able to meet the Subtitle D requirements for our landfill. The site that we have chosen has been tied up with NIMBY ("not in my back yard") problems and will probably take some court decisions to make it available.

Because of the complications, it is making it very difficult for us to close the our existing landfills by the deadline. We would like to ask your cooperation by providing a 12 month extension on the closing date for the present landfills. This will allow us to be in compliance.

As you can see, we have been putting forth a good faith effort to comply but the legal compliance has been the bottleneck not our lack of effort. If given the 12 month extension we feel we can be in full compliance by that deadline.

Thank you for considering our request in light of circumstances beyond our control.

Sincerely,

NORMAN E. DAYLEY,
Cassia County Commissioner.

MINIDOKA COUNTY BOARD OF COUNTY COMMISSIONERS,
Rupert, ID, July 2, 1992.

Re Extension of required Landfill
Closure Date (October 1, 1993)

To Whom It May Concern:

Due to the lengthy controversy that circumvents about the procedure of siting a Sub Title D Landfill. We feel an extension of the closure date would be necessary. The rationale behind this reasoning is—we as counties were not given enough time to site an endeavor as complicated as this. Public sentiment has generated barriers that are slow to resolve. These stumbling blocks are presenting county commissioners with problems that are time consuming. In remote areas qualified engineers are difficult to find, that can ascertain the viability of a proper landfill siting. The monumental costs of state of the art facilities makes it paramount that we do it right.

We sincerely would appreciate your support on an extension date; without penalties for counties to site Sub Title D landfills.

Sincerely,

CLARENCE BELLEM,
Chairman, Minidoka County Commissioners.

Mr. HATCH. Mr. President, I rise today with my colleagues in support of the Local Government Landfill Compliance Deadline Act. I acknowledge the efforts of my colleague from Idaho, Senator KEMPTHORNE, who has provided the leadership to bring this legislation to the floor today.

This legislation is very simple, but very important to small communities and counties that are attempting to comply with new regulations promulgated by the Environmental Protection Agency [EPA] on solid waste management.

In 1991, the EPA finalized regulations to implement subtitle D of the Resource Conservation and Recovery Act [RCRA] requiring stringent restrictions on landfills owned or operated by counties. These regulations include requirements and standards for liners, leachate collection, monitoring systems, landfill operations, and financial assurance. The effective date of these regulations is October 9, 1993.

Despite the best efforts of county officials and landfill operators, several of Utah's counties are struggling to meet the October deadline. I use the word struggling intentionally because that is exactly what is happening in Utah, especially rural Utah.

For example, Iron County, located in the southwestern corner of Utah, has been attempting to receive certification of a new landfill since 1989. Although an abandoned open pit iron mine was identified as a suitable site for this landfill, State and Federal agencies have been slow in issuing permits for the site, despite the performance of additional water testing to ensure the site's safety. To date, no permit has been issued.

In San Juan County, a suitable site for its new landfill was identified on land managed by the Bureau of Land Management [BLM]. To purchase the land, the county had to make application to amend the local BLM resource management plan and execute a archeology review, paid by the county, before the purchase could go forward. BLM is working hard to complete this transaction, but it takes time to move successfully through its own rules and regulations.

San Juan County also operates several landfills on the Navajo Reservation. Before these can be closed, transfer stations must be built and equipment purchased to transfer the trash from the reservation to an appropriate site.

All in all, the county expects to spend almost $1 million to get a new landfill operating and to close the old landfills. With a large number of tourists now visiting the county, local officials have stated that trash will be everywhere if the county cannot meet the October deadline. Since 80 percent of San Juan County is Federal land, the Federal Government will have the largest clean-up problem.

In the case of Wayne County, considerable time has been spent to locate a suitable site. Many sites were rejected for various reasons. Finally, the BLM and county officials located a site in the eastern portion of the county, off Utah Highway 24, that is hidden and out of view from the highway. No one would know it was there except for those using it. Recently, an environmental group filed a challenge to block the BLM from allowing the county to build its new landfill on this site, claiming the site should be set aside for a different purpose. Who knows how long it will now take to decide this appeal, to dispose of the land to the county, and to plan, develop, and construct a landfill which meets the EPA's regulations. It simply will take longer than 3 months for both the BLM and the county to accomplish everything that must be done.

In addition to these counties, I have also heard from several other counties, including Beaver, Carbon, Piute, and Wasatch. They are all experiencing similar problems in their efforts to satisfy the EPA regulations and provisions of a comprehensive plan put forward by the State, which is also mandated by these regulations. As the RECORD should note, most if not all of these problems or delays in the permitting process have resulted from factors beyond the control of the local county officials. Yet, the clock has been ticking and approaching the October date, and soon our counties will be penalized for actions for which they had no direct involvement.

Mr. President, our legislation provides a 1-year moratorium on the implementation of the subtitle D regulations to the operators of municipal landfills who have made a good-faith effort to meet these regulations, with an additional 6 months available for those who may have an exceptional case. If it is determined by the EPA or the State that the owner or operator of a landfill has not put forward a good-faith effort, then our legislation does not apply to that particular landfill. That operator would have to meet all the requirements taking effect this October.

We do not attempt, in any way, to protect those municipalities, counties, or cities, that have not been working to meet these regulations. We recognize that Congress passed new landfill legislation, whether we agree with it or not, and we expect our small communities to abide by it. But if we can achieve this goal by giving our local governments more time to comply, then we should do it.

Because of these concerns that have been raised by many rural counties, the EPA recently announced a decision to administratively grant a 6-month waiver for small landfills. I acknowledge this decision and applaud EPA's effort to address this matter in the fastest method possible. No doubt this decision will give relief to the large majority of Utah's existing landfills.

However, in the cases I mentioned above, they may all—and probably will—require more than 6 months to reach finality. EPA's decision extends the effective date through Utah's upcoming winter season, when construction will be severely curtailed. For this

reason, our legislation extends the effective date through next spring and summer, ensuring that county operators have an additional prime construction season available to them. If we are going to extend the effective date of the new regulations, we should take into consideration all relevant factors.

Mr. President, my colleagues should understand that Congress is requiring our municipalities to replace the traditional "town dump," in most areas, with a sophisticated, state-of-the-art landfill disposal system. It will require time, in addition to financial resources, to complete this transition and implement the latest in solid waste technology. I believe we should be sympathetic with local officials who are responsible for bringing this technology to our rural areas. Additional time will assist them in doing it right without penalizing them for factors beyond their control.

I urge my colleagues to seriously review this matter and to support this important legislation that should be passed by this body in the near future.

Mr. CRAIG. Mr. President, today in conjunction with Senators KEMPTHORNE and HATCH I am introducing the Local Government Landfill Compliance Deadline Act. This bill will correct a situation that has been imposed on local governments relative to the location and opening of landfills.

As a result of regulations published by the Environmental Protection Agency, counties and cities have been struggling to meet the criter'a required in EPA regulation by the deadline of October 9, 1993. Due to numerous problems, often resulting from items beyond the control of local governments, many will not be able to meet the deadline date.

Our bill will extend the compliance date by 1 year for those who have acted in good faith to meet the October 9, 1993 deadline. A second 6 month extension may be granted at the discretion of EPA or the State of jurisdiction if conditions beyond the control of a landfill owner result in a landfill owner not being able to meet the extended deadline.

Mr. President, this is a bill that will alleviate a problem that is affecting local governments across the country and I encourage the Senate to act on it promptly.

By Mr. DASCHLE (for himself, Mr. DURENBERGER, Mr. FEINGOLD, Mr. GRASSLEY, Mr. KOHL, Mr. PRESSLER, Mr. WELLSTONE, and Mr. HARKIN):

S. 1210. A bill to amend the Agriculture Act of 1949 to require the Secretary of Agriculture to make prevented planting disaster payments for wheat, feed grains, upland cotton, and rice under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

DISASTER RELIEF LEGISLATION

Mr. DASCHLE. Mr. President, I have just returned from touring numerous farms in eastern South Dakota, and what I witnessed on those farms, and on the faces of South Dakota farmers, gives true meaning to the word disaster. At a rural crossroads in Minnehaha County, I spoke with about 50 farmers. I listened as, one by one, the farmers told of their frustrations, their disappointments, and their uncertainty about what the future would bring. In short, I heard about a disaster.

But the words we spoke were superfluous—all you had to do was look around. Flooded fields surrounded us. In some areas, the tops of fence-posts were barely visible under the water. What is usually South Dakota's most productive land, is now nothing more than water and weeds. Many of the fields I toured still had last year's crop left unharvested, as they were when I toured the areas in March, when this disaster began. The quality of crops that had been harvested had been severely damaged. Farmers desperate to get back to work, have been held hostage by the cool, wet conditions that have persisted from last fall to the present date.

Thundershowers have persisted throughout the 1993 planting season. The relentless rains have filled the soil profile. Ponds of water stand in fields where producers are attempting to plant their 1993 crops. The severe spring flooding has caused damage throughout Southeastern South Dakota.

Because of these precedent-setting wet conditions, 1993 crop planting has been behind all spring. In a normal year, most of South Dakota's spring grains have been planted by May 1. This year only about one-third were planted by that date. In a normal year, 2.7 million acres of corn are planted. This year almost 1 million of those acres are flooded. In a normal year, 1.9 million acres are planted to soybeans. This year 1.2 million of those acres are flooded. If producers are able to plant on this farmland at all this year, there surely will be substantial yield reductions.

Secretary Mike Espy toured these farms with me yesterday, and has seen the damage firsthand. I thank Secretary Espy for doing so. It is clear that he understands the magnitude of the disaster we are facing. We have seen the damage. Now we must act. We cannot sit back and watch a disaster hit our agriculture economy 2 years in a row and simply write it off as an occupational hazard. The consequences are too great.

I have been working all spring to find solutions to producers' problems caused by environmental conditions beyond their control. South Dakota producers have expressed to me the need to give producers maximum program flexibility regarding cropping alternatives, so they can meet this years' environmental and market demands without being forced to repay their advance deficiency payments, which already have been spent clearing last year's debts and purchasing inputs for this year's crop.

The legislation I am introducing today, along with my colleagues, Senators DURENBERGER, GRASSLEY, HARKIN, FEINGOLD, KOHL, PRESSLER, and WELLSTONE, will accomplish those objectives. It will provide a prevented planting disaster payment to offset the advance deficiency payment. It will also allow producers who qualify for prevented planting of the program crop to plant a later season ghost crop, which could be whatever crop—including soybeans, buckwheat, millet, and others—that conditions allow them to plant.

Current law is ambiguous with respect to the Secretary's authority to provide prevented planting disaster assistance. This legislation will eliminate the ambiguity and clear the way for disaster payments to affected producers.

This, in combination with the 0/92 program, will give producers the cropping flexibility they need to address the environmental challenges they face in this year's cropping season, and provide some essential relief to the very serious economic situation in which our producers find themselves.

Mr. FEINGOLD. Mr. President, I am pleased to cosponsor this bill, introduced by the Senator from South Dakota [Mr. DASCHLE] designed to expedite relief to farmers in the Upper Midwest who have suffered from continued cool and wet weather conditions. Poor weather has devastated field crops in Wisconsin and have dramatically reduced farm income. As the growing season progresses, it is crucial that we respond to the crop disasters in our States in the most expedient manner possible.

Farmers in my own State have not only suffered from delayed growth and prevented planting of crops this spring and summer due to unusually high levels precipitation, but also from poor weather conditions this winter which wiped out much of our alfalfa hay. Many of the fields in Wisconsin are, quite literally, under water. Our feed supplies are low. And, Mr. President, it just keeps raining.

This is the second year in a row in which the farmers in my State have suffered from poor harvests and unfavorable growing seasons. Mr. President, there were virtually no carryover stocks of alfalfa hay for dairy farmers to rely on this year. Much of Wisconsin's corn crop from 1992 is still in the field. A wet fall prevented harvest last year and wet spring has kept farmers off of those same fields.

This crop disaster is doubly damaging to Wisconsin because most of our

dairy farmers produce their own feed on the farm. Not only is there little feed for dairy cows, but the feed that is available is of variable quality and extremely costly. My farmers are faced with higher input costs, lower milk production and lower income. Furthermore, those that suffered from winterkill of alfalfa hay are faced with the prospect of reseeding their fields which is an expensive and time-consuming process.

I know the situation is as bad, or even worse in the other Upper-Midwest States. I commend my colleague from South Dakota for introducing this legislation which I am pleased to cosponsor.

I must also commend Secretary of Agriculture Mike Espy for his immediate attention to this problem and genuine concern for the producers in the Upper Midwest. The Secretary spent all day yesterday touring the weather-damaged fields in Wisconsin, Minnesota, Iowa and South Dakota. In early June, the Secretary acted quickly to release set-aside acres for emergency haying and grazing in 40 countries in Wisconsin. This will provide some relief to Wisconsin farmers but it is not enough.

The Secretary has made a commitment to do everything within his authority to provide relief for farmers in the Upper Midwest. And I am confident that he will fulfill that commitment. He has truly proven that USDA is farmer friendly. The Secretary, however, cannot solve the problem on his own. The legislation I am cosponsoring today was designed to provide an additional level of relief to farmers who were prevented from planting their crops due to the weather this year. It would clarify eligibility for prevented planting disaster assistance payments and removes some roadblocks facing farmers who need relief.

I urge my colleagues to support this legislation, designed to respond to the crises in the Upper Midwest created by factors beyond our control. As a member of the Senate Agriculture Committee, I look forward to working with Secretary Espy and the members of the Committee in developing an appropriate response to this emergency. This bill is a step in that direction.

I urge my colleagues to support this legislation, it is badly needed and greatly deserved by producers in the Upper Midwest.

Mr. KOHL. Mr. President, I am pleased to join my colleagues in offering the prevented planning disaster legislation. I congratulate my colleague Senator DASCHLE for his efforts in putting together this legislation, which I understand was developed in conjunction with USDA officials in order expedite disaster relief to farmers in Wisconsin and other States that have been hit so hard by flood and other weather related damage to their crops and farming operations.

The President announced earlier today that he and Secretary Espy would be working with Congress to develop broader disaster legislation. We will be waiting anxiously to receive that legislation from the administration.

In the meantime, this legislation that we are introducing today will provide some relief to those farmers who have been unable to plant as a result of the flood conditions. While this will not address the full extent of the problem, it will address one piece of the problem.

I look forward to working with my colleagues and Secretary Espy in moving this and other necessary disaster legislation through Congress as quickly as possible to provide needed relief to our farmers.

By Mrs. KASSEBAUM (for herself, Mr. COCHRAN, Mr. HATFIELD, Mr. STEVENS, and Mr. THURMOND):

S. 1212. A bill to amend the National and Community Service Act of 1990 to establish a Corporation for National Service and Community Volunteers, enhance opportunities for national service and volunteer programs to enhance effectiveness, to provide support for community volunteer opportunities, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL SERVICE AND COMMUNITY VOLUNTEERS ACT OF 1993

Mrs. KASSEBAUM. Mr. President, today I am introducing, along with Senators COCHRAN, HATFIELD, STEVENS, and THURMOND, the National Service and Community Volunteer Act. When the Senate turns to the consideration of S. 919, the national service legislation recently approved by the Senate Committee on Labor and Human Resources, I will be offering the provisions of this measure as a substitute to it.

The spirit of voluntarism and service to the community is one which has characterized us as Americans since our earliest days as a nation. Consequently, President Clinton's call for a new national service program has struck a responsive chord. The concept outlined by the President of offering service in exchange for assistance in attending school is one which holds great attraction for many Americans.

However, the 300-plus page bill which has emerged to carry out the proposal bears relatively little resemblance to the picture of national service painted on the Clinton campaign trail.

It quickly became obvious that there was no room in the Federal budget to accommodate the tens of billions of dollars in new spending that would be required to allow all students to work off education debt by performing national service. Thus, S. 919 offers this opportunity only to a small fraction of the Nation's postsecondary students—25,000 in the first year, peaking at perhaps 125,000 in year four. Even at that, the education benefit represents about half the estimated $7.4 billion 4-year cost of the bill.

Moreover, there is a wide range of other activities included in the bill—affecting everyone from kindergartners to senior citizens. It is not, in fact, an education bill—although that is what most of the American public believes it to be.

The fact that S. 919 does not live up to its billing is not, however, my primary problem with the legislation. My concerns about the President's national service proposal can be summarized succinctly: It is too costly, too bureaucratic, and too prescriptive.

In terms of cost, initial estimates indicate that national service spending will amount to $7.4 billion over 4 years. This is not only a large amount in and of itself, but it also represents an unwise rate of expansion in national service efforts.

In terms of bureaucracy, on first glance, it appears that the Clinton proposal builds upon the existing foundations of the ACTION agency and the Commission on National Service. Upon closer examination, however, one finds that the proposal actually creates a new superstructure—the Corporation for National Service—under which these existing entities will operate. State ACTION offices will continue to operate side by side with State commissions on national service.

In terms of prescriptiveness, the bill takes a top-down approach which threatens to overpower locally based initiatives with Federal mandates. Among other things, S. 919 requires that State plans reflect nationally designed—not State-specific—priorities. It dictates the membership of State service commissions, including a requirement that a Federal employee of the Corporation serve as a voting member of each State commission. In addition, it goes so far as to prescribe not only State applications for Federal funds but also the application and award procedures for State grants to local communities.

I believe there is an opportunity to develop a more rational and streamlined approach which avoids the problems I have identified with S. 919. The legislation I am proposing is intended to meet the following objectives:

First, true integration of Federal service efforts in a single, consolidated program.

Second, maximum State flexibility to determine needs and priorities.

Third, recognition of legitimate fiscal constraints and the need for a rate of expansion which is reasonable.

Fourth, experimentation with post-service benefit concepts prior to undertaking a full-scale commitment to a $5,000 educational benefit.

First, my proposal provides for a two-year transition period during which most existing full-time national service and part-time federally funded volunteer programs would be incorporated into a single Federal entity. The new program would provide a consistent set of stipends and benefits, while allowing maximum latitude for States and localities to develop the programs which best fit their needs.

Second, the proposal would require that funds be allocated to local entities based on individual State plans—not on a single national plan. Rather than retaining two-thirds of the funding for allocation by the Federal Government, as S. 919 does, my proposal will provide 75 percent of volunteer funds, 50 percent of national service funds, and 90 percent of service learning funds directly to the States for distribution.

Third, new first-year spending under my proposal will be approximately $100 million, compared to the nearly $400 million authorized under S. 919. This amount would permit approximately 5,000 new full-time national service positions in addition to the 20,000 such positions supported by the existing programs that are incorporated in my legislation. I believe this rate of expansion is far more realistic than the 25,000 new positions—versus the 5,000 new positions in my bills—anticipated under S. 919.

Finally, my proposal calls for an 18-month demonstration program to determine the most reasonable level of post-service benefits for a successful national service program and the most efficient method for providing those benefits. Funding for the demonstration would be authorized at $10 million in the first year and $20 million in the second.

It just seems to me that S. 919 is an initiative with enormous potential to grow out of hand, spawning new bureaucracies, new regulations, and make-work positions. It would be a mistake to approve it in its present form. The alternative I am proposing attempts to design a Federal role in national service which will pull things together in a rational, efficient administrative structure and implement initiatives at a measured pace. I urge my colleagues to join with me in this effort.

Mr. President, I ask unanimous consent that the text of my bill and a summary of its provisions be printed in the RECORD following my remarks.

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

S. 1212

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Service and Community Volunteers Act of 1993".

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.

TITLE I—NATIONAL SERVICE AND COMMUNITY VOLUNTEERS

Subtitle A—General Provisions

Sec. 101. Definitions.
Sec. 102. Authority to make State grants.

Subtitle B—Service-Learning Programs

Sec. 111. Programs.

Subtitle C—National Service Programs

Sec. 121. Federal investment in support of national service.
Sec. 122. Transition.

Subtitle D—Quality and Innovation

Sec. 131. Quality and innovation activities.

Subtitle E—Civilian Community Corps

Sec. 141. Civilian Community Corps.

Subtitle F—Administration

Sec. 151. Reports.
Sec. 152. Nondiscrimination.
Sec. 153. Notice, hearing, and grievance procedures.
Sec. 154. Nondisplacement.
Sec. 155. Evaluation.
Sec. 156. Contingent extension.
Sec. 157. Repeals.

Subtitle G—Organization

Sec. 161. State Commissions for National Service and Community Volunteers.
Sec. 162. Interim authorities of the Corporation for National Service and Community Volunteers and ACTION Agency.
Sec. 163. Final authorities of the Corporation for National Service and Community Volunteers.

Subtitle H—Other Activities

Sec. 171. Points of Light Foundation.

Subtitle I—Authorization of Appropriations

Sec. 181. Authorization.

Subtitle J—General Provisions

Sec. 191. Effective date.

TITLE II—OTHER SERVICE PROGRAMS

Sec. 201. Repeals of service programs.
Sec. 202. Transition.
Sec. 203. Rules governing congressional consideration.
Sec. 204. Authorization of appropriations.
Sec. 205. Construction.

TITLE III—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 301. Definition of Director.
Sec. 302. References to ACTION and the ACTION Agency.
Sec. 303. Definitions.
Sec. 304. References to the Commission on National and Community Service.
Sec. 305. References to Directors of the Commission on National and Community Service.
Sec. 306. Effective date.

SEC. 2. FINDINGS AND PURPOSE.

(a) IN GENERAL.—Section 2 of the National and Community Service Act of 1990 (42 U.S.C. 12501) is amended to read as follows:

"SEC. 2. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds the following:

"(1) Throughout the United States, there are pressing unmet human, educational, environmental, and public safety needs.

"(2) Americans desire to affirm common responsibilities and shared values that transcend race, religion, or region.

"(3) Americans of all ages can improve their communities and become better citizens through service to the United States.

"(4) Nonprofit organizations, local governments, States, and the Federal Government are already supporting a wide variety of national service programs that deliver needed services in a cost-effective manner.

"(5) Federal appropriations in fiscal year 1993 for full-time national service programs totalled $102,700,000.

"(b) PURPOSES.—It is the purpose of this Act to—

"(1) assist in meeting the unmet human, educational, environmental, and public safety needs of the United States, without displacing existing workers;

"(2) renew the ethic of civic responsibility and the spirit of community throughout the United States;

"(3) determine, through demonstration and experimentation, the most efficient means for implementing educational or other incentives that are necessary for a successful national service program;

"(4) encourage citizens of the United States, regardless of race, religion, gender, age, disability, region, income or education, to engage in full-time or part-time national service;

"(5) reinvent government to eliminate duplication in national service and volunteer programs by merging existing national service and volunteer programs and carrying out the programs through the same administrative body, thereby diminishing bureaucratic infrastructure while maximizing program flexibility and effectiveness;

"(6) support locally established initiatives, require measurable goals for performance, and offer flexibility in meeting those goals;

"(7) build on the existing organizational service infrastructure of Federal, State, and local programs and agencies to expand full-time and part-time service opportunities for all citizens;

"(8) provide tangible benefits to the communities in which national service is performed; and

"(9) promote the integration of community volunteer activities by introducing service-learning into curricula in elementary schools, secondary schools, and institutions of higher education.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 2 and inserting the following new item:

"Sec. 2. Findings and purpose.".

TITLE I—NATIONAL SERVICE AND COMMUNITY VOLUNTEERS

Subtitle A—General Provisions

SEC. 101. DEFINITIONS.

(a) IN GENERAL.—Section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511) is amended to read as follows:

"SEC. 101. DEFINITIONS.

"For purposes of this title:

"(1) ADULT VOLUNTEER.—The term 'adult volunteer' means an individual, such as an older adult, an individual with a disability, a parent, or an employee of a business or public or private not-for-profit agency, who—

"(A) works without financial remuneration in an educational institution to assist students or out-of-school youth; and

"(B) is beyond the age of compulsory school attendance in the State in which the educational institution is located.

"(2) CARRY OUT.—The term 'carry out', when used in connection with a national

service program described in section 122, means the planning, establishment, operation, expansion, or replication of the program.

"(3) COMMUNITY-BASED AGENCY.—The term 'community-based agency' means a private not-for-profit organization that is representative of a community or a significant segment of a community and that is engaged in meeting human, educational, environmental, or public safety community needs.

"(4) CORPORATION.—The term 'Corporation', means the Corporation for National Service and Community Volunteers established under section 191.

"(5) DIRECTOR.—The term 'Director' means the Director of the Corporation appointed under section 193.

"(6) ECONOMICALLY DISADVANTAGED.—The term 'economically disadvantaged' means, with respect to an individual, an individual who is determined by the Director to be low-income according to the latest available data from the Department of Commerce.

"(7) ELEMENTARY SCHOOL.—The term 'elementary school' has the same meaning given such term in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8)).

"(8) INDIAN.—The term 'Indian' means a person who is a member of an Indian tribe.

"(9) INDIAN LANDS.—The term 'Indian lands' means any real property owned by an Indian tribe, any real property held in trust by the United States for an Indian or Indian tribe, and any real property held by an Indian or Indian tribe that is subject to restrictions on alienation imposed by the United States.

"(10) INDIAN TRIBE.—The term 'Indian tribe' means an Indian tribe, band, nation, or other organized group or community, including any Native village, Regional Corporation, or Village Corporation, as defined in subsection (c), (g), or (j), respectively, of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (c), (g), or (j)), that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians.

"(11) INDIVIDUAL WITH A DISABILITY.—Except as provided in section 175(a), the term 'individual with a disability' has the meaning given the term in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)).

"(12) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(13) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

"(14) NATIONAL SERVICE LAWS.—The term 'national service laws' means this Act and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

"(15) NATIONAL SERVICE PROGRAM.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'national service program' means a program or activity described in—

"(i) subtitle C, D, or E;

"(ii) part A of title I of the Domestic Volunteer Service Act of 1973;

"(iii) title XI of the Higher Education Act of 1965; or

"(iv) Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the 'Youth Conservation Corps Act of 1970').

"(B) LIMITATION.—As used in subtitle C, such term means a program described in section 122(a).

"(16) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' means an individual who—

"(A) has not attained the age of 27;

"(B) has not completed college or the equivalent thereof; and

"(C) is not enrolled in an elementary or secondary school or institution of higher education.

"(17) PARTICIPANT.—

"(A) IN GENERAL.—The term 'participant' means an individual enrolled in a program that receives assistance under this title.

"(B) RULE.—A participant shall not be considered to be an employee of the program in which the participant is enrolled.

"(18) PARTNERSHIP PROGRAM.—The term 'partnership program' means a program through which an adult volunteer, a public or private not-for-profit agency, an institution of higher education, or a business assists a local educational agency.

"(19) PROGRAM.—The term 'program', except when used as part of the term 'academic program', 'national service program', or 'volunteer program' means a program described in section 111(a), 119(b)(1), 122(a), or 145, in paragraph (1) or (2) of section 152(b), or in title III.

"(20) PROJECT.—The term 'project' means an activity, carried out through a program that receives assistance under this title, that results in a specific identifiable service or improvement that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.

"(21) SCHOOL-AGE YOUTH.—The term 'school-age youth' means—

"(A) individuals between the ages of 5 and 17, inclusive; and

"(B) children with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(1)), who receive services under part B of such Act.

"(22) SECONDARY SCHOOL.—The term 'secondary school' has the same meaning given such term in section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21)).

"(23) SERVICE-LEARNING.—The term 'service-learning' means a method—

"(A) under which students or participants learn and develop through active participation in thoughtfully organized service that—

"(i) is conducted in and meets the needs of a community;

"(ii) is coordinated with an elementary school, secondary school, institution of higher education, or community service program, and with the community; and

"(iii) helps foster civic responsibility;

"(B) that is integrated into the academic curriculum of the students, or the educational components of the community service program in which the participants are enrolled;

"(C) that provides students with opportunities to use newly acquired skills and knowledge in situations in their communities; and

"(D) that enhances the curriculum or educational components described in subparagraph (B) by extending student learning beyond the classroom and into the community and helps to foster the development of a sense of caring for others.

"(24) SERVICE-LEARNING COORDINATOR.—The term 'service-learning coordinator' means an individual who provides services as described in section 111(a)(2).

"(25) SERVICE SPONSOR.—The term 'service sponsor' means an organization, or other entity, that has been selected to provide a placement for a participant.

"(26) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The term also includes Palau, until such time as the Compact of Free Association is ratified.

"(27) STATE COMMISSION.—The term 'State Commission' means a State Commission for National Service and Community Volunteers maintained by a State pursuant to section 178. Except when used in section 178, the term includes an alternative administrative entity for a State approved by the Corporation under such section to act in lieu of a State Commission.

"(28) STUDENT.—The term 'student' means an individual who is enrolled in an elementary or secondary school or institution of higher education on a full- or part-time basis.

"(29) SUMMER PROGRAM.—The term 'summer program' means a full-time or part-time program authorized under this title that is limited to a period beginning after April 30 and ending before October 1.

"(30) VOLUNTEER PROGRAM.—The term 'volunteer program' means a program or activity described in—

"(A) part I or II of subtitle B, or title III; or

"(B) part B or C of title I, or part A, B, or C, of title II, of the Domestic Volunteer Service Act of 1973.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 182(a)(2) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(2)) is amended by striking "adult volunteer and partnership" each place the term appears and inserting "partnership".

(2) Section 182(a)(3) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(3)) is amended by striking "adult volunteer and partnership" and inserting "partnership".

(3) Section 441(c)(2) of the Higher Education Act of 1965 (42 U.S.C. 2751(c)(2)) is amended by striking "service opportunities or youth corps as defined in section 101 of the National and Community Service Act of 1990, and service in the agencies, institutions and activities designated in section 124(a) of the National and Community Service Act of 1990" and inserting "a project, as defined in section 101(20) of the National and Community Service Act of 1990 (42 U.S.C. 12511(18))".

(4) Section 1122(a)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1137a(a)(2)(C)) is amended by striking "youth corps as defined in section 101(30) of the National and Community Service Act of 1990" and inserting "youth corps programs, as described in section 122(a)(2) of the National and Community Service Act of 1990".

(5) Section 1201(p) of the Higher Education Act of 1965 (20 U.S.C. 1141(p)) is amended by striking "section 101(22) of the National and Community Service Act of 1990" and inserting "section 101(23) of the National and Community Service Act of 1990 (42 U.S.C. 12511(21))".

SEC. 102. AUTHORITY TO MAKE STATE GRANTS.

Section 102 of the National and Community Service Act of 1990 (42 U.S.C. 12512) is repealed.

Subtitle B—Service-Learning Programs

SEC. 111. PROGRAMS.

(a) AMENDMENTS TO SERVE-AMERICA PROGRAMS.—

(1) PURPOSE.—The purpose of this subsection is to improve the Serve-America programs established under part I of subtitle B of the National and Community Service Act of 1990, and to enable the Corporation for National Service and Community Volunteers, and the entities receiving financial assistance under such part, to—

(A) work with teachers in elementary schools and secondary schools within a community, and with community-based agencies, to create and offer service-learning opportunities for school-age youth;

(B) educate teachers, and faculty providing teacher training and retraining, about service-learning, and incorporate service-learning opportunities into classroom teaching to strengthen academic learning;

(C) coordinate the work of adult volunteers who work with elementary and secondary schools as part of their community service activities; and

(D) work with employers in the communities to ensure that projects introduce the students to various careers and expose the students to needed further education and training.

(2) PROGRAMS.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by striking the subtitle heading and all that follows through the end of part I and inserting the following:

"Subtitle B—Service-Learning Programs

"PART I—SERVE-AMERICA PROGRAMS

"SEC. 111. AUTHORITY TO ASSIST STATES AND INDIAN TRIBES.

"(a) USE OF FUNDS.—The Corporation, in consultation with the Secretary of Education, may make grants under section 112(b)(1), and allotments under subsections (a) and (b)(2) of section 112, to States (through State Commissions), and Indian tribes to pay for the Federal share of—

"(1) planning and building the capacity of the States or Indian tribes (which may be accomplished through grants or contracts with qualified organizations) to implement school-based and community-based service-learning programs, including—

"(A) providing training for teachers, supervisors, personnel from community-based agencies (particularly with regard to the utilization of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

"(B) developing service-learning curricula to be integrated into academic programs, including an age-appropriate learning component for participants in the program that shall include a chance for participants to analyze and apply their service experiences;

"(C) forming local partnerships described in subsection (b) to develop school-based or community-based service-learning programs in accordance with this part;

"(D) devising appropriate methods for research and evaluation of the educational value of service-learning and the effect of service-learning activities on participants and communities; and

"(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based agencies with demonstrated effectiveness in working with school-age youth in their communities;

"(2) implementing, operating, or expanding school-based and community-based service-learning programs, which may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators who shall—

"(A) assist in the design and implementation of such a program; and

"(B) identify the community partners referred to in subsection (b); and

"(3) implementing, operating, or expanding school-based and community-based service-learning programs that involve adult volunteers in service-learning activities to improve the education of students and school-age youth.

"(b) PARTNERSHIPS.—To support activities described in paragraph (2) or (3) of subsection (a), a State or Indian tribe shall distribute Federal funds made available under this part to local partnerships, who—

"(1) shall use the funds to carry out projects—

"(A) through school-based service-learning programs for participants selected from among students; or

"(B) through community-based service-learning programs for participants selected from among school-age youth; and

"(2) shall include—

"(A) in the case of school-based programs—

"(i) local educational agencies; and

"(ii) one or more community partners that—

"(I) shall include a public or private not-for-profit organization; and

"(II) may include a private for-profit business or private elementary or secondary school; and

"(B) in the case of community-based programs—

"(i) public or private not-for-profit organizations;

"(ii) local educational agencies; and

"(iii) one or more community partners.

"(c) QUALIFIED ORGANIZATIONS.—To support activities described in subsection (a)(1), a State or Indian tribe shall distribute Federal funds made available under this part to qualified organizations, who shall be—

"(1) local educational agencies;

"(2) community-based organizations that meet the requirements of section 111B(a);

"(3) communities;

"(4) State agencies; or

"(5) partnerships described in subparagraph (A) or (B) of subsection (b)(2).

"(d) RELATED EXPENSES.—A partnership or other qualified organization that receives financial assistance under this part may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, evaluations, and for other reasonable expenses necessary to carry out the activities.

"SEC. 111A. AUTHORITY TO ASSIST LOCAL APPLICANTS IN NONPARTICIPATING STATES.

"In any fiscal year in which a State does not submit an application under section 113, for an allotment under subsection (a) or (b)(2) of section 112, that meets the requirements of section 113 and such other requirements as the Director may determine to be appropriate, the Corporation may use the allotment of that State to make a direct grant—

"(1) to a qualified organization, to pay for the Federal share of carrying out activities described in section 111(a)(1) in that State; or

"(2) to a partnership described in section 111(b), to pay for the Federal share of carrying out activities described in paragraph (2) or (3) of section 111(a) in that State.

"SEC. 111B. AUTHORITY TO ASSIST PUBLIC OR PRIVATE NOT-FOR-PROFIT ORGANIZATIONS.

"(a) IN GENERAL.—The Corporation may make a grant under section 112(b)(1) to a public or private not-for-profit organization that—

"(1) has experience with service-learning;

"(2) was in existence 1 year before the date on which the organization submitted an application under section 114(a); and

"(3) meets such other criteria as the Director may establish.

"(b) USE OF FUNDS.—Such an organization may use a grant made under subsection (a) to make a grant—

"(1) to a qualified organization, to pay for the Federal share of carrying out activities described in section 111(a)(1); or

"(2) to a partnership described in section 111(b), to pay for the Federal share of carrying out activities described in paragraph (2) or (3) of section 111(a).

"SEC. 112. GRANTS AND ALLOTMENTS.

"(a) INDIAN TRIBES AND TERRITORIES.—Of the amounts appropriated to carry out this part for any fiscal year, the Corporation shall reserve—

"(1) an amount of not more than 1 percent for payments—

"(A) to Indian tribes, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs; and

"(B) to Palau, in accordance with its needs, until such time as the Compact of Free Association with Palau is ratified; and

"(2) .2 percent of such amounts for payments to Native Hawaiians.

"(b) GRANTS AND ALLOTMENTS THROUGH STATES.—The Corporation shall use the remainder of the funds appropriated to carry out this part for any fiscal year as follows:

"(1) GRANTS.—Except as provided in paragraph (3), from 10 percent of such funds, the Corporation may make grants, on a competitive basis, to—

"(A) States and Indian tribes; or

"(B) public or private not-for-profit organizations as described in section 111B.

"(2) ALLOTMENTS.—

"(A) SCHOOL-AGE YOUTH.—Except as provided in paragraph (3), from 45 percent of such funds, the Corporation shall allot to each State an amount that bears the same ratio to 45 percent of such funds as the number of school-age youth in the State bears to the total number of school-age youth of all States.

"(B) ALLOCATION UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Except as provided in paragraph (3), from 45 percent of such funds, the Corporation shall allot to each State an amount that bears the same ratio to 45 percent of such funds as the allocation to the State for the previous fiscal year under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.) bears to such allocations to all States.

"(3) MINIMUM AMOUNT.—No State shall receive, under paragraph (2), an allotment that is less than the allotment such State received for fiscal year 1993 under section 112(b) of this Act, as in effect on the day before the date of enactment of this part. If the amount of funds made available in a fiscal year to carry out paragraph (2) is insufficient to make such allotments, the Corporation shall make available sums from the 10 percent described in paragraph (1) for such fiscal year to make such allotments.

"(4) DEFINITION.—Notwithstanding section 101(26), for purposes of this subsection, the

term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and an Indian tribe.

"(c) REALLOTMENT.—If the Corporation determines that the allotment of a State or Indian tribe under this section will not be required for a fiscal year because the State or Indian tribe does not submit an application for the allotment under section 113 that meets the requirements of such section and such other requirements as the Director may determine to be appropriate, the Corporation shall, after making any grants under section 111A, make any remainder of such allotment available for reallotment to such other States, and Indian tribes, with approved applications submitted under section 113, as the Corporation may determine to be appropriate.

"(d) EXCEPTION.—Notwithstanding subsections (a) and (b), if less than $20,000,000 is appropriated for any fiscal year to carry out this part, the Corporation shall award grants to States and Indian tribes, from the amount so appropriated, on a competitive basis to pay for the Federal share of the activities described in section 111.

"(e) PROGRAMS.—In awarding grants and making allotments under subsections (a), (b), and (d), from the sum appropriated to carry out this part for a fiscal year, the Corporation shall make available—

"(1) 75 percent of such sum for school-based programs; and

"(2) 25 percent of such sum for community-based programs.

"SEC. 113. STATE OR TRIBAL APPLICATIONS.

"(a) SUBMISSION.—To be eligible to receive a grant under section 112(b)(1), an allotment under subsection (a) or (b)(2) of section 112, a reallotment under section 112(c), or a grant under section 112(d), a State (acting through the State Commission) or an Indian tribe, shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Director may reasonably require.

"(b) CONTENTS.—An application that is submitted under subsection (a) with respect to service-learning programs described in section 111 shall include—

"(1) information demonstrating that the programs will be carried out in a manner consistent with the strategic plan submitted for the State involved under section 178;

"(2) assurances that—

"(A) the applicant will keep such records and provide such information to the Corporation with respect to the programs as may be required for fiscal audits and program evaluation; and

"(B) the applicant will comply with the nonduplication and nondisplacement requirements of section 177; and

"(3) such additional information as the Director may reasonably require.

"SEC. 114. LOCAL APPLICATIONS.

"(a) APPLICATION TO CORPORATION TO MAKE GRANTS FOR SCHOOL-BASED OR COMMUNITY-BASED SERVICE-LEARNING PROGRAMS.—

"(1) IN GENERAL.—To be eligible to receive a grant under section 112(b)(1) in accordance with section 111B(a) to make grants relating to school-based or community-based service-learning programs described in section 111(a), a grantmaking entity shall prepare, submit to the Corporation, and obtain approval of, an application.

"(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the Director may reasonably require. Such an application shall include a proposal to assist such programs in more than 1 State.

"(b) DIRECT APPLICATION TO CORPORATION TO CARRY OUT SCHOOL-BASED OR COMMUNITY-BASED SERVICE-LEARNING PROGRAMS IN NONPARTICIPATING STATES.—To be eligible to receive a grant from the Corporation in the circumstances described in section 111A to carry out an activity described in such section, an organization or partnership referred to in such section shall prepare, submit to the Corporation, and obtain approval of, an application. Such application shall be submitted at such time and in such manner, and shall contain such information, as the Director may reasonably require.

"(c) APPLICATION TO STATE OR INDIAN TRIBE TO RECEIVE ASSISTANCE TO CARRY OUT SCHOOL-BASED OR COMMUNITY-BASED SERVICE-LEARNING PROGRAMS.—

"(1) IN GENERAL.—A qualified organization or partnership that desires to receive financial assistance under this part from a State Commission, Indian tribe, or grantmaking entity, for activities described in section 111(a), shall prepare, submit to the State Commission, tribe, or entity, and obtain approval of, an application.

"(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the State Commission, tribe, or entity may reasonably require.

"(d) CONTENTS OF APPLICATION.—

"(1) REGULATIONS.—The Corporation shall by regulation establish standards for the information required to be contained in an application submitted under subsection (a) or (b).

"(2) ASSURANCES.—At a minimum, an application submitted under subsection (a) or (b) shall contain—

"(A) an assurance that the applicant will develop an age-appropriate learning component for participants in the program that shall include a chance for participants to analyze and apply their service experiences;

"(B) an assurance that the applicant will comply with the nonduplication and nondisplacement requirements of section 177 and grievance procedure requirements of section 176(f); and

"(C) such other assurances as the Director may reasonably require.

"SEC. 115. CONSIDERATION OF APPLICATIONS.

"(a) CRITERIA FOR APPLICATIONS.—In approving applications for financial assistance under subsection (a), (b), (c), or (d) of section 112, the Corporation shall consider such criteria with respect to sustainability, replicability, innovation, and quality of programs under this part as the Director may by regulation specify. In providing assistance under this part, a State Commission, Indian tribe, or grantmaking entity shall also consider such criteria.

"(b) PRIORITY FOR APPLICATIONS.—

"(1) IN GENERAL.—In providing assistance under this part, a State Commission or Indian tribe, or the Corporation if section 111A or 111B applies, shall give priority to entities that submit applications under section 114 with respect to service-learning programs described in section 111 that—

"(A) involve participants in the design and operation of the program;

"(B) are in the greatest need of assistance, such as programs targeting low-income areas; or

"(C) involve—

"(i) students from public elementary or secondary schools, and students from private elementary or secondary schools, serving together; or

"(ii) students of different ages, races, sexes, ethnic groups, disabilities, or economic backgrounds, serving together.

"(c) REGULATIONS.—The Corporation shall by regulation establish procedures and criteria (in addition to the criteria described in subsections (a) and (b)) for awarding grants in the circumstances described in sections 111A and 111B.

"(d) REJECTION OF APPLICATIONS.—If the Corporation rejects an application submitted under section 113 for an allotment under subsection (b)(2) of section 112, the Corporation shall promptly notify the applicant of the reasons for the rejection of the application. The Corporation shall provide the applicant with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the applicant as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application.

"SEC. 115A. PARTICIPATION OF STUDENTS AND TEACHERS FROM PRIVATE SCHOOLS.

"(a) IN GENERAL.—To the extent consistent with the number of students in the State or Indian tribe or in the school district of the local educational agency involved who are enrolled in private not-for-profit elementary and secondary schools, such State, Indian tribe, or agency shall consult with appropriate private school representatives and make provision—

"(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this part; and

"(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this part.

"(b) WAIVER.—If a State, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private not-for-profit schools as required by subsection (a), or if the Corporation determines that a State, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the Director shall waive such requirements and shall arrange for the provision of services to such students and teachers. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with paragraphs (3) and (4) of section 1017(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2727(b)).

"SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

"(a) SHARE.—

"(1) IN GENERAL.—The Federal share attributable to this part of the cost of carrying out a program for which a grant or allotment is made under this part may not exceed—

"(A) 90 percent of the total cost of the program for the first year for which the program receives assistance under this part;

"(B) 80 percent of the total cost of the program for the second year for which the program receives assistance under this part;

"(C) 70 percent of the total cost of the program for the third year for which the program receives assistance under this part; and

"(D) 60 percent of the total cost of the program for the fourth year, and for any subsequent year, for which the program receives assistance under this part.

"(2) REMAINING SHARE.—In providing for the remaining share of the cost of carrying out such a program, each recipient of assistance under this part—

"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

"(B) may provide for such share through State sources, local sources, or Federal sources (other than funds made available under the national service laws).

"(3) CALCULATION.—In calculating the cost of carrying out such a program, the recipient shall not include the costs of salaries and benefits of individuals who are participants or volunteers in any national service program or any volunteer program, other than a program under this part.

"(b) WAIVER.—The Director may waive the requirements of subsection (a) in whole or in part with respect to any such program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a demonstrated lack of available financial resources at the local level.

"(c) DEFINITION.—Notwithstanding section 101, as used in this section, the term 'national service laws' means the provisions specified in section 201(a) of the National Service and Community Volunteers Act of 1993.

"SEC. 116A. LIMITATIONS ON USES OF FUNDS.

"(a) ADMINISTRATIVE COSTS.—

"(1) LIMITATION.—Of the amount of assistance provided to a State Commission, Indian tribe, or grantmaking entity that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year—

"(A) not more than 2.5 percent of such amount may be used to pay for administrative costs incurred by the original recipient; and

"(B) not more than 2.5 percent of such amount may be used to pay for administrative costs incurred by the entity carrying out the service-learning programs receiving assistance under this subtitle.

"(2) RULES ON USE.—The Corporation shall by regulation establish acceptable categories of administrative costs.

"(b) CAPACITY-BUILDING ACTIVITIES.—Not less than 10 percent and not more than 20 percent of the amount of assistance provided to a State Commission, Indian tribe, or grantmaking entity that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year shall be used to build capacity through training, technical assistance, curriculum development, and coordination activities, described in section 111(a)(1).

"(c) FINANCIAL SUPPORT TO STUDENTS.—Funds made available under this part may not be used to pay any stipend, allowance, or other financial support to any student who is a participant under this part, except reimbursement for transportation, meals, and other reasonable out-of-pocket expenses directly related to participation in a program assisted under this part.

"(d) PROHIBITION ON PAYMENTS FOR SALARIES AND BENEFITS.—No partnership or qualified organization may use funds made available under this subtitle to pay for the costs of salaries and benefits of individuals who are participants or volunteers in any national service program or any volunteer program, other than a program under this part.

"SEC. 116B. DEFINITIONS.

"As used in this part:

"(1) COMMUNITY-BASED SERVICE-LEARNING PROGRAM.—The term 'community-based service-learning program' means a service-learning program sponsored by a partnership that includes the entities described in section 111(b)(2)(B).

"(2) GRANTMAKING ENTITY.—The term 'grantmaking entity' means an organization described in section 111B(a).

"(3) QUALIFIED ORGANIZATION.—The term 'qualified organization' means an entity described in any of paragraphs (1) through (5) of section 111(c).

"(4) SCHOOL-BASED SERVICE-LEARNING PROGRAM.—The term 'school-based service-learning program' means a service-learning program sponsored by a partnership that includes the entities described in section 111(b)(2)(A).

"(5) STUDENT.—Notwithstanding section 101(28), the term 'student' means an individual who is enrolled in an elementary or secondary school on a full- or part-time basis.".

(b) HIGHER EDUCATION INNOVATIVE PROJECTS.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12531 et seq.) is amended by striking part II and inserting the following:

"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

"SEC. 119. HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE.

"(a) PURPOSE.—It is the purpose of this part to expand participation in community service by supporting innovative community service programs that enable institutions of higher education to act as civic institutions in meeting the human, educational, environmental, or public safety needs of neighboring communities.

"(b) GENERAL AUTHORITY.—The Corporation, in consultation with the Secretary of Education, is authorized to make grants to, and enter into contracts with, institutions of higher education (including a combination of such institutions), and partnerships comprised of such institutions and of other public agencies or not-for-profit private organizations, to pay for the Federal share of the cost of—

"(1) enabling such an institution or partnership to create or expand an organized community service program that—

"(A) engenders a sense of social responsibility and commitment to the community in which the institution is located; and

"(B) provides projects for participants, who shall be students, faculty, administration, or staff of the institution, or residents of the community;

"(2) supporting student-initiated and student-designed community service projects through the program;

"(3) facilitating the integration of community service carried out under the program into academic curricula, including integration of clinical programs into the curriculum for students in professional schools, so that students can obtain credit for their community service projects;

"(4) supplementing the funds available to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) to support service-learning and community service through the community service program;

"(5) strengthening the service infrastructure within institutions of higher education in the United States through the program; and

"(6) providing for the training of teachers, prospective teachers, related education personnel, and community leaders in the skills necessary to develop, supervise, and organize service-learning.

"(c) FEDERAL SHARE.—

"(1) SHARE.—

"(A) IN GENERAL.—The Federal share of the cost of carrying out a community service project for which a grant or contract is awarded under this part may not exceed 50 percent.

"(B) CALCULATION.—Each recipient of assistance under this part shall comply with paragraphs (2) and (3) of section 116(a).

"(2) WAIVER.—The Director may waive the requirements of paragraph (1), in whole or in part, as provided in section 116(b).

"(d) APPLICATION FOR GRANT.—

"(1) SUBMISSION.—To receive a grant or enter into a contract under this part, an institution or partnership described in subsection (b) shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Director may reasonably require.

"(2) CONTENTS.—

"(A) REGULATIONS.—The Corporation shall by regulation establish standards for the information required to be contained in an application submitted under paragraph (1).

"(B) ASSURANCES.—At a minimum, such an application shall contain—

"(i) an assurance that the entity carrying out the program will develop an age-appropriate learning component for participants in the program that shall include a chance for participants to analyze and apply their service experiences;

"(ii) an assurance that students and community members including service recipients shall be involved in the design and implementation of the program;

"(iii) an assurance that the program is consistent with the approved strategic plan submitted under section 178 by the State in which the program will be implemented;

"(iv) an assurance that the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and grievance procedure requirements of section 176(f); and

"(v) such other assurances as the Director may reasonably require.

"(e) DEFINITION.—Notwithstanding section 101(28), as used in this part, the term 'student' means an individual who is enrolled in an institution of higher education on a full- or part-time basis.

"PART III—GENERAL PROVISIONS

"SEC. 120. AVAILABILITY OF APPROPRIATIONS.

"Of the aggregate amount appropriated to carry out this subtitle for each fiscal year—

"(1) a sum equal to 80 percent of such aggregate amount shall be available to carry out part I; and

"(2) a sum equal to 20 percent of such aggregate amount shall be available to carry out part II.".

(c) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle B of title I of such Act and inserting the following:

"Subtitle B—Service-Learning Programs

"PART I—SERVE-AMERICA PROGRAMS

"Sec. 111. Authority to assist States and Indian tribes.
"Sec. 111A. Authority to assist local applicants in nonparticipating States.
"Sec. 111B. Authority to assist public or private not-for-profit organizations.
"Sec. 112. Grants and allotments.
"Sec. 113. State or tribal applications.
"Sec. 114. Local applications.
"Sec. 115. Consideration of applications.
"Sec. 115A. Participation of students and teachers from private schools.
"Sec. 116. Federal, State, and local contributions.

"Sec. 116A. Limitations on uses of funds.
"Sec. 116B. Definitions.

"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

"Sec. 119. Higher education innovative programs for community service.

"PART III—GENERAL PROVISIONS

"Sec. 120. Availability of appropriations.".

Subtitle C—National Service Programs

SEC. 121. FEDERAL INVESTMENT IN SUPPORT OF NATIONAL SERVICE.

(a) ASSISTANCE PROGRAM AUTHORIZED.—Subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12541 et seq.) is amended to read as follows:

"Subtitle C—National Service Program

"PART I—INVESTMENT IN NATIONAL SERVICE

"SEC. 121. AUTHORITY TO PROVIDE ASSISTANCE.

"(a) PROVISION OF ASSISTANCE.—The Corporation for National Service and Community Volunteers may make grants to States, subdivisions of States, Indian tribes, public and private not-for-profit organizations, and institutions of higher education for the purpose of assisting the recipients of the grants—

"(1) to carry out full- or part-time national service programs, including summer programs, described in section 122(a); and

"(2) to make grants in support of other national service programs described in section 122(a) that are carried out by other entities.

"(b) AGREEMENTS WITH FEDERAL AGENCIES.—

"(1) IN GENERAL.—The Corporation may enter into a contract or cooperative agreement with another Federal agency to support a national service program carried out by the agency. The support provided by the Corporation pursuant to the contract or cooperative agreement may include the transfer to the Federal agency of funds available to the Corporation.

"(2) NONDUPLICATION.—A Federal agency that enters into a contract or cooperative agreement under paragraph (1) to support a national service program within a State—

"(A) shall consult with the State Commission serving the State to avoid duplication with any service program that is in existence in the State as of the date of the contract or cooperative agreement; and

"(B) shall, in an appropriate case, enter into a contract or cooperative agreement with an entity that is carrying out a service program described in subparagraph (A) that is of high quality, in order to support the national service program.

"(3) APPLICATION OF REQUIREMENTS.—A Federal agency receiving assistance under this subsection shall comply with the Federal share requirements of section 129(c)(2)(B). The supplementation requirements specified in section 173 shall apply with respect to the Federal National Service programs supported with such assistance.

"(c) LIMITATION ON ADMINISTRATIVE COSTS.—

"(1) LIMITATION.—Of the amount of assistance provided to the original recipient of a grant or transfer of assistance under subsection (a) or (b) for a fiscal year—

"(A) not more than 2.5 percent of such amount may be used to pay for administrative costs incurred by the original recipient; and

"(B) not more than 2.5 percent of such amount may be used to pay for administrative costs incurred by the entity carrying out the national service programs receiving assistance under this subtitle.

"(2) REGULATIONS.—For purposes of paragraph (1), the Corporation shall by regulation, determine acceptable categories of administrative costs.

"(d) MATCHING FUNDS REQUIREMENTS.—

"(1) REQUIREMENTS.—Except as provided in section 129(c)(2)(B), the Federal share of the cost of carrying out a national service program that receives the assistance under subsection (a), whether the assistance is provided directly or as a subgrant from the original recipient of the assistance, may not exceed 75 percent of such cost.

"(2) CALCULATION.—In providing for the remaining share of the cost of carrying out a national service program, a recipient of assistance under this subtitle—

"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

"(B) may provide for such share through State sources, local sources, or other Federal sources (other than the use of funds made available under the national service laws, including subtitles B, E, and H of title I, and title III, of the National and Community Service Act of 1990 (42 U.S.C. 12521 et seq., 12591 et seq., 12653 et seq., and 12661 et seq.), title XI of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.), parts A and B of title I, section 124, and title II, of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq., 4971 et seq., 4994, and 5000 et seq.), and Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the "Youth Conservation Corps Act of 1970")).

"(3) WAIVER.—The Corporation may waive in whole or in part the requirements of paragraph (1) with respect to a national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a demonstrated lack of available financial resources at the local level.

"SEC. 122. TYPES OF NATIONAL SERVICE PROGRAMS ELIGIBLE FOR PROGRAM ASSISTANCE.

"(a) ELIGIBLE NATIONAL SERVICE PROGRAMS.—The recipient of a grant under section 121(a) and each Federal agency receiving assistance under section 121(b) shall use the assistance, directly or through subgrants to other entities, to carry out full- or part-time national service programs, including summer programs, that address unmet human, educational, environmental, or public safety needs. Subject to subsection (b)(1), these national service programs may include the following types of national service programs:

"(1) A community corps program that promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, physical capabilities, ages, ethnic backgrounds, or genders.

"(2) A full-time youth corps program carried out during the summer months or throughout the full calendar year, such as a conservation corps or youth service corps (including a conservation corps or youth service corps that performs service on Federal or other public lands or on Indian lands), that—

"(A) undertakes meaningful full-time service projects with visible benefits to a community, including natural resource, urban renovation, or human services projects;

"(B) includes as participants youth and young adults between the ages of 16 and 25, inclusive, including out-of-school youth and other economically disadvantaged youth, and individuals with disabilities, who are between those ages; and

"(C) provides those participants who are youth and young adults with—

"(i) crew-based, highly structured, and adult-supervised work experience, life skills, education, career guidance and counseling, employment training, and support services; and

"(ii) the opportunity to develop citizenship values and skills through service to their community and the United States.

"(3) A program that provides specialized training to individuals in service-learning and places the individuals after such training in positions, including positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under part I subtitle B.

"(4) A service program that is targeted at specific unmet human, educational, environmental, or public safety needs and that—

"(A) recruits individuals with special skills or provides specialized preservice training to enable participants to be placed individually or in teams in positions in which the participants can meet such unmet needs; and

"(B) brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided.

"(5) An individualized placement program that includes regular group activities, such as leadership training and special service projects.

"(6) A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

"(A) students who are attending an institution of higher education, including students supported by work-study funds under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);

"(B) teams composed of such students; or

"(C) teams composed of a combination of such students and community residents.

"(7) A preprofessional training program in which students enrolled in an institution of higher education—

"(A) receive training in specified fields, which may include classes containing service-learning;

"(B) perform service related to such training outside the classroom during the school term and during summer or other vacation periods; and

"(C) agree to provide at least 1 year of service upon graduation to meet unmet human, educational, environmental, or public safety needs related to such training.

"(8) A professional corps program that recruits and places qualified participants in positions—

"(A) as police officers, early childhood development staff, social workers, or other professionals providing service to meet educational, human, environmental, or public safety needs in communities with an inadequate number of such professionals;

"(B) that may include a salary in excess of the maximum living allowance authorized in subsection (a)(3) of section 140, as provided in subsection (c) of such section; and

"(C) that are sponsored by public or private not-for-profit employers who agree to pay 100 percent of the salaries and benefits (other than any national service benefit under section 123 and the post-service benefits under section 146) of the participants.

"(9) A program in which economically disadvantaged individuals who are between the ages of 16 and 24 years of age, inclusive, are provided with opportunities to perform service that, while enabling such individuals to obtain the education and employment skills

necessary to achieve economic self-sufficiency, will help their communities meet—

"(A) the housing needs of low-income families and the homeless; and

"(B) the need for community facilities in low-income areas.

"(10) A national service entrepreneur program that identifies, recruits, and trains gifted young adults of all backgrounds and assists them in designing solutions to community problems.

"(11) An intergenerational program that combines students, out-of-school youth, and older adults as participants to provide needed community services, including an intergenerational component of a national service program described in paragraphs (1) through (10), paragraph (12) or paragraph (13).

"(12) A program utilizing public school facilities, after regular school hours and during weekends and summers, to provide children in distressed communities with curriculum-based, supervised educational, recreational and cultural activities in safe and secure environments and to coordinate the delivery of social services to the children of the community.

"(13) Such other national service programs addressing unmet human, educational, environmental, or public safety needs consistent with the strategic plan of the State Commission, if funded through the Commission, or consistent with the Corporation's strategic plan, if funded directly by the Corporation.

"(b) QUALIFICATION CRITERIA TO DETERMINE ELIGIBILITY.—

"(1) ESTABLISHMENT BY CORPORATION.—The Corporation shall establish qualification criteria for different types of national service programs for the purpose of determining whether a particular national service program should be considered to be a national service program eligible to receive assistance under this subtitle.

"(2) CONSULTATION.—In establishing qualification criteria under paragraph (1), the Corporation shall consult with organizations and individuals that have extensive experience in developing and administering effective national service programs.

"(3) APPLICATION TO SUBGRANTS.—The qualification criteria established by the Corporation under paragraph (1) shall also be used by each recipient of assistance under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

"(4) WAIVER.—With respect to a proposed national service program that does not meet the qualification criteria established under paragraph (1), the Corporation may waive such criteria with respect to such program if the Corporation determines that such program is uniquely innovative in nature.

"(c) NATIONAL SERVICE PRIORITIES FOR THE CORPORATION.—

"(1) ESTABLISHMENT BY CORPORATION.—In order to concentrate national efforts on meeting certain unmet human, educational, environmental, or public safety needs and to achieve the other purposes of this Act, the Corporation shall establish and, through the 5-year strategic plan process described in subtitle G, periodically alter priorities regarding the types of national service programs to be assisted under section 129(c) and the purposes for which such assistance may be used.

"(2) NOTICE TO APPLICANTS.—The Corporation shall provide advance notice to potential applicants under 129(c) of any national service priorities to be in effect under this subsection for a fiscal year. The notice shall specifically include—

"(A) a description of any alteration made in the priorities since the previous notice; and

"(B) a description of the national service programs that are designated by the Corporation under section 133(d)(2) as eligible for priority consideration in the next competitive distribution of assistance under section 129(c).

"(3) REGULATIONS.—The Corporation shall by regulation establish procedures to ensure the equitable treatment of national service programs.

"(4) APPLICATION TO SUBGRANTS.—National service priorities established by the Corporation under this subsection shall be used by a recipient of funds under section 129(c) if that recipient uses any portion of such funds to conduct a grant program to support other national service programs.

"(5) ENCOURAGEMENT OF INTERGENERATIONAL COMPONENTS OF PROGRAMS.—The Corporation shall encourage national service programs eligible to receive assistance under this subtitle to establish, if consistent with the purposes of the program, an intergenerational component of the program that combines students, out-of-school youth, and older adults as participants.

"SEC. 123. DEMONSTRATION EFFORTS CONCERNING EDUCATIONAL OR OTHER POST-SERVICE BENEFITS.

"(a) ESTABLISHMENT.—The Corporation shall establish demonstration programs to determine the most effective and efficient means for implementing educational or other incentives necessary for a successful national service program.

"(b) TREATMENT OF PARTICIPANTS.—Participants in demonstration programs under subsection (a) shall be treated in the same manner as if they were participants in national service programs funded under this subtitle, except that such participants shall not be eligible for post-service benefits under section 141.

"(c) REPORT.—Not later than 18 months after the date of enactment of this subtitle, the Corporation shall prepare and submit to the appropriate committees of Congress a report concerning the results of the demonstration programs established under subsection (a), and a description of the knowledge derived from existing national service-related programs conducted by Federal or State governments, including recommendations for legislative action.

"SEC. 124. TYPES OF PROGRAM ASSISTANCE.

"(a) PLANNING ASSISTANCE.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the planning of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 9 months.

"(b) OPERATIONAL ASSISTANCE.—

"(1) IN GENERAL.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the establishment, operation, or expansion of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.

"(2) LIMITATIONS.—The amount of any assistance provided to an applicant under paragraph (1) shall be limited to an amount that does not exceed 60 percent of the costs incurred by the applicant in establishing, operating or expanding a national service program. Amounts made available under paragraph (1) may not be used for the operational costs of the State Commission.

"(c) REPLICATION ASSISTANCE.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the expansion of a proven national service program to another geographical location. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.

"(d) APPLICATION TO SUBGRANTS.—The requirements of this section shall apply to any State or other applicant receiving assistance under section 121 that proposes to conduct a grant program using the assistance to support other national service programs.

"SEC. 125. OTHER SPECIAL ASSISTANCE.

"(a) SUPPORT FOR STATE COMMISSIONS.—

"(1) ASSISTANCE AUTHORIZED.—The Corporation shall make assistance available to assist a State to establish or operate the State Commission required to be established by the State under section 178.

"(2) AMOUNT OF ASSISTANCE.—The amount of assistance that may be provided to a State Commission under this subsection, together with other Federal funds available to establish or operate the State Commission, may not exceed—

"(A) 75 percent of the total cost to establish or operate the State Commission for the first year for which the State Commission receives assistance under this subsection; and

"(B) such smaller percentage of such cost as the Corporation may establish for the second, third, and fourth years of such assistance in order to ensure that the Federal share does not exceed 50 percent of such costs for the fifth year, and any subsequent year, for which the State Commission receives assistance under this subsection.

"(b) DISASTER SERVICE.—The Corporation may undertake activities, including activities carried out under part A of title I of the Domestic Volunteer Service Act of 1973, to involve programs that receive assistance under the national service laws in disaster relief efforts.

"(c) CHALLENGE GRANTS FOR NATIONAL SERVICE PROGRAMS.—

"(1) IN GENERAL.—The Corporation may award challenge grants under this subsection to national service programs that receive assistance under section 121.

"(2) CRITERIA.—The Corporation shall develop criteria for the selection of recipients of challenge grants under paragraph (1), so as to make the grants widely available to a variety of programs that—

"(A) are high-quality national service programs; and

"(B) are carried out by entities with demonstrated experience in establishing and implementing projects that provide benefits to participants and communities.

"(3) AMOUNT OF ASSISTANCE.—A challenge grant under this subsection may provide not more than $1 of assistance under this subsection for each $1 in cash raised by the national service program from private sources in excess of amounts required to be provided by the program to satisfy matching funds requirements under section 121(e). The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.

"PART II—APPLICATION AND APPROVAL PROCESS

"SEC. 129. PROVISION OF ASSISTANCE BY COMPETITIVE AND OTHER MEANS.

"(a) ALLOTMENTS OF ASSISTANCE TO STATES AND INDIAN TRIBES.—

"(1) 50 PERCENT ALLOTMENT OF ASSISTANCE.—Of the funds allocated by the Corporation for the provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall make a grant under section 121(a) to each of the several States (through the State Commission of the State), the District of Columbia, and the Commonwealth of Puerto Rico that has an application approved by the Corporation under section 133. The amount allotted as a grant to each such State under this paragraph for a fiscal year shall be equal to the amount that bears the same ratio to 50 percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(2) ONE PERCENT ALLOTMENT OF ASSISTANCE.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall reserve 1 percent of the allocated funds for grants under section 121(a) to Indian tribes, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted by the Corporation on a competitive basis in accordance with their respective needs. Palau shall also be eligible for a grant under this paragraph from the 1 percent allotment until such time as the Compact of Free Association with Palau is ratified.

"(3) ALLOTMENT OF ASSISTANCE FOR NATIVE HAWAIIANS.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall reserve .2 percent of the allocated funds for grants under section 121(a) to Native Hawaiian entities, to be allotted by the Corporation on a competitive basis in accordance with their respective needs.

"(4) EFFECT OF FAILURE TO APPLY.—If a State or Indian tribe fails to apply for, or fails to give notice to the Corporation of its intent to apply for, an allotment under this subsection, the Corporation shall use the amount that would have been allotted under this subsection to the State or Indian tribe—

"(A) to make grants to other eligible entities under section 121 that propose to carry out national service programs in the State or on behalf of the Indian tribe; and

"(B) after making grants under paragraph (1), to make a reallotment to other States and Indian tribes with approved applications under section 130.

"(b) RESERVATION FOR SPECIAL ASSISTANCE.—Subject to section 501(a)(2), of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation may not reserve more than $10,000,000, or 1 percent of such funds, whichever is less, for a fiscal year for challenge grants under section 125(c).

"(c) COMPETITIVE DISTRIBUTION OF REMAINING FUNDS.—

"(1) STATE COMPETITION.—Of the funds allocated by the Corporation for the provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall use not less than 30 percent of the allocated funds to make grants to States (through the State Commissions) on a competitive basis under section 121(a).

"(2) FEDERAL AGENCIES AND OTHER APPLICANTS.—

"(A) IN GENERAL.—The Corporation shall distribute on a competitive basis to subdivisions of States (through the State Commissions), Indian tribes, public and private not-for-profit organizations, institutions of higher education, and Federal agencies the remainder of the funds allocated by the Corporation for the provision of assistance under section 121 for a fiscal year, after the operation of paragraph (1) and subsections (a) and (b).

"(B) FEDERAL SHARE.—Notwithstanding section 121(e), if a Federal agency proposes to carry out a national service program using funds made available under subparagraph (A), and the Federal agency is authorized to use funds made available under Federal law (other than the national service laws, including subtitles B, E, and H of title I, and title III, of the National and Community Service Act of 1990 (42 U.S.C. 12521 et seq., 12591 et seq., 12653 et seq., and 12661 et seq.), title XI of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.), parts A and B of title I, section 124, and title II, of the Domestic Volunteer Service Act of 1973. (42 U.S.C. 4951 et seq., 4971 et seq., 4994, and 5000 et seq.), and Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the "Youth Conservation Corps Act of 1970")) to carry out such a program, the Federal share attributable to this paragraph of the cost of carrying out the national service program shall be 50 percent of such cost. The Director may by regulation specify the sources that may be used by the Federal agency to provide for the remaining share of such cost.

"(C) FEDERAL AGENCIES.—The Corporation may not distribute more than 30 percent of such remainder to Federal agencies for a fiscal year under subparagraph (A).

"(D) LIMITATIONS.—The Corporation shall limit the categories of eligible applicants for assistance under this paragraph consistent with the priorities established by the Corporations under section 133(d)(2).

"(d) APPLICATION REQUIRED.—The allotment of assistance to a State or an Indian tribe under subsection (a), and the competitive distribution of assistance under subsection (c), shall be made by the Corporation only pursuant to an application submitted by a State or other applicant under section 130 and approved by the Corporation under section 133.

"SEC. 130. APPLICATION FOR ASSISTANCE.

"(a) TIME, MANNER, AND CONTENT OF APPLICATION.—To be eligible to receive assistance under section 121 for participants who serve in the national service programs to be carried out using the assistance, a State, subdivision of a State, Indian tribe, public or private not-for-profit organization, institution of higher education, or Federal agency shall prepare and submit to the Corporation an application at such time, in such manner, and containing such information as the Corporation may reasonably require.

"(b) TYPES OF APPLICATION INFORMATION.—In order to have adequate information upon which to consider an application under section 133, the Corporation shall by regulations establish requirements with respect to the content of applications submitted under this section. Such requirements shall specify that such an application shall contain information demonstrating that the programs will be carried out in a manner consistent with the strategic plan submitted for the State involved under section 178.

"(c) SPECIAL RULE FOR STATE APPLICANTS.—

"(1) SUBMISSION BY STATE COMMISSION.—The application of a State for a grant under section 121(a) shall be submitted by the State Commission.

"(2) COMPETITIVE SELECTION.—The application of a State shall contain an assurance that all assistance provided under section 121(a) to the State will be used to support national service programs that were selected by the State on a competitive basis.

"(3) ASSISTANCE TO NONSTATE ENTITIES.—The application of a State shall also contain an assurance that not less than 70 percent of the assistance will be used to make grants in support of national service programs other than national service programs carried out by a State agency. The Corporation may permit a State to deviate from the percentage specified by this subsection if the State has not received a sufficient number of acceptable applications to comply with the percentage.

"(d) SPECIAL RULE FOR CERTAIN SERVICE SPONSORS.—In the case of an applicant that proposes to serve as the service sponsor, the application shall include the written concurrence of any local labor organization representing employees of the applicant who are engaged in the same or substantially similar work as that proposed to be carried out.

"(e) LIMITATION ON SAME PROJECT IN MULTIPLE APPLICATIONS.—The Corporation shall reject an application submitted under this section if a project proposed to be conducted using assistance requested by the applicant is already described in another application pending before the Corporation.

"SEC. 131. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS.

"(a) IMPACT ON COMMUNITIES.—An application submitted under section 130 shall include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) address unmet human, educational, environmental, or public safety needs through services that provide a direct benefit to the community in which the service is performed;

"(2) comply with the nonduplication and nondisplacement requirements of section 177; and

"(3) be consistent with the State or Corporation strategic plan (based on the funding source utilized)).

"(b) IMPACT ON PARTICIPANTS.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) provide participants in the national service program with the training, skills, and knowledge necessary for the projects that participants are called upon to perform;

"(2) as appropriate, provide support services to participants, such as the provision of information and support—

"(A) to those participants who are completing a term of service and making the transition to other educational and career opportunities; and

"(B) to those participants who are school dropouts in order to assist those participants in earning the equivalent of a high school diploma; and

"(3) place participants in a national service program who are receiving benefits or assistance under any Federal, State or local

program financed in whole or in part with Federal funds in positions which provide education, career training, and job specific skills necessary for gainful employment.

"(c) CONSULTATION.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) provide in the design, recruitment, and operation of the program for broad-based input from the community served, individuals eligible to serve as participants in the program, community-based agencies with a demonstrated record of experience in providing services, and local labor organizations representing employees of service sponsors; and

"(2) in the case of a program that is not funded through a State, consult with and coordinate activities with the State Commission for the State in which the program operates.

"(d) EVALUATION AND PERFORMANCE GOALS.—

"(1) IN GENERAL.—An application submitted under section 130 shall also include an assurance by the applicant that the applicant will—

"(A) arrange for an independent evaluation of any national service program carried out using assistance provided to the applicant under section 121;

"(B) develop measurable performance goals and evaluation methods (such as the use of surveys of participants and persons served), which are to be used as part of such evaluation to determine the impact of the program—

"(i) on communities and persons served by the projects performed by the program;

"(ii) on participants who take part in the projects; and

"(iii) in such other areas as the Corporation may require; and

"(C) cooperate with any evaluation activities undertaken by the Corporation.

"(2) ALTERNATIVE EVALUATION REQUIREMENTS.—The Corporation may establish alternative evaluation requirements for national service programs based upon the amount of assistance received under section 121 or received by a grant made by a recipient of assistance under such section. The determination of whether a national service program is covered by this paragraph shall be made in such manner as the Corporation may prescribe.

"(e) LIVING ALLOWANCES AND OTHER IN-SERVICE BENEFITS.—Except as provided in section 140(c), an application submitted under section 130 shall also include an assurance by the applicant that the applicant will—

"(1) provide a living allowance and other benefits specified in section 140 to participants in any national service program carried out by the applicant using assistance provided under section 121; and

"(2) require that each national service program that receives a grant from the applicant using such assistance will also provide a living allowance and other benefits specified in section 140 to participants in the program.

"(f) SELECTION OF PARTICIPANTS FROM INDIVIDUALS RECRUITED BY CORPORATION OR STATE COMMISSIONS.—The Corporation may also require an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 129(c)(2) and any national service program supported by a grant made by the applicant using such assistance will select a portion of the participants for the program from among prospective participants recruited by the Corporation or State Commissions under section 138(d). Applicants awarded grants under subsection (a) or (c)(1) of section 129 may select participants from among prospective participants recruited by the Corporation under section 138(d).

"SEC. 132. INELIGIBLE SERVICE CATEGORIES.

"An application submitted to the Corporation under section 130 shall include an assurance by the applicant that any national service program carried out using assistance provided under section 121 provided to an applicant will not be used to perform service that provides a direct benefit to any—

"(1) business organized for profit;

"(2) labor union;

"(3) partisan political organization;

"(4) organization engaged in religious activities, unless such service does not involve the use of assistance provided under section 121 or participants to give religious instruction, conduct worship services, or engage in any form of proselytization; or

"(5) organization whose primary purpose is to influence public policies or engage in legislative advocacy activities.

"SEC. 133. CONSIDERATION OF APPLICATIONS.

"(a) CORPORATION CONSIDERATION OF CERTAIN CRITERIA.—The Corporation shall apply the criteria described in subsections (c) and (d) in determining whether to approve an application submitted under section 130 and provide assistance under section 121 to the applicant.

"(b) APPLICATION TO SUBGRANTS.—A State or other entity that uses assistance provided under section 121(a) to support national service programs selected on a competitive basis to receive a share of the assistance shall use the criteria described in subsections (c) and (d) when considering an application submitted by a national service program to receive a portion of such assistance. The application of the State or other entity under section 130 shall contain—

"(1) a certification that the State or other entity complied with these criteria in the selection of national service programs to receive assistance;

"(2) a description of the jobs or positions into which participants will be placed using such assistance, including descriptions of specific tasks to be performed by such participants; and

"(3) a description of the minimum qualifications which individuals must meet to become participants in such programs.

"(c) ASSISTANCE CRITERIA.—The criteria required to be applied in evaluating applications submitted under section 130 are as follows:

"(1) The quality of the national service program proposed to be carried out directly by the applicant or supported by a grant from the applicant.

"(2) The innovative aspects of the national service program, and the feasibility of replicating the program.

"(3) The sustainability of the national service program, based on evidence such as the existence—

"(A) of strong and broad-based community support for the program; and

"(B) of multiple funding sources or private funding for the program.

"(4) The quality of the leadership of the national service program, the past performance of the program, and the extent to which the program builds on existing programs.

"(5) The extent to which participants of the national service program are recruited from among residents of the communities in which projects are to be conducted, and the extent to which participants and community residents are involved in the design, leadership, and operation of the program.

"(6) The extent to which projects would be conducted in areas where they are needed most, such as—

"(A) communities designated as enterprise zones or redevelopment areas, targeted for special economic incentives, or otherwise identifiable as having high concentrations of low-income people;

"(B) areas that are environmentally distressed; or

"(C) areas adversely affected by reductions in defense spending or the closure or realignment of military installations.

"(7) In the case of applicants other than States, the extent to which the application is consistent with the application under section 130 of the State in which the projects would be conducted.

"(8) Such other criteria as the Corporation considers to be appropriate.

"(d) OTHER CONSIDERATIONS.—

"(1) GEOGRAPHIC DIVERSITY.—The Corporation shall ensure that recipients of assistance provided under section 121 are geographically diverse and include projects to be conducted in those urban and rural areas in a State with the highest rates of poverty.

"(2) PRIORITIES.—The Corporation may designate, under such criteria as may be established by the Corporation, certain national service programs or types of national service programs described in section 122(a) for priority consideration in the competitive distribution of funds under section 129(c).

"(3) REVIEW PANEL.—The Director shall establish panels of experts and practitioners for the purpose of securing recommendations on applications submitted under section 130 for more than $100,000 in assistance and consider the opinions of such panels prior to making such determinations.

"(e) REJECTION OF STATE APPLICATIONS.—

"(1) NOTIFICATION OF STATE APPLICANTS.—If the Corporation rejects an application submitted by a State Commission under section 130 for funds described in section 129(a)(1), the Corporation shall promptly notify the State Commission of the reasons for the rejection of the application.

"(2) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State Commission notified under paragraph (1) with a reasonable opportunity to revise and resubmit the application. At the request of the State Commission, the Corporation shall provide technical assistance to the State Commission as part of the resubmission process. The Corporation shall promptly reconsider an application resubmitted under this paragraph.

"(3) REALLOTMENT.—The amount of any State's allotment under section 129(a) for a fiscal year that the Corporation determines will not be provided for that fiscal year shall be available for distribution by the Corporation as provided in paragraph (3) of such subsection.

"PART III—NATIONAL SERVICE PARTICIPANTS

"SEC. 137. DESCRIPTION OF PARTICIPANTS.

"(a) IN GENERAL.—For purposes of this subtitle, an individual shall be considered to be a participant in a national service program carried out using assistance provided under section 121 if the individual—

"(1) meets minimal eligibility requirements, directly related to the tasks to be accomplished, established by the program;

"(2) is selected by the program to serve in a position with the program;

"(3) will serve in the program for a term of service specified in section 139;

"(4) is 17 years of age or older at the time the individual begins the term of service;

"(5)(A)(i) has received a high school diploma or its equivalent; or

"(ii) agrees to obtain a high school diploma or its equivalent and the individual did not drop out of an elementary or secondary school to enroll in the program; or

"(B)(i) is enrolled at an institution of higher education on the basis of meeting the standard described in paragraph (1) or (2) of section 484(d) of the Higher Education Act of 1965 (20 U.S.C. 1091(d)); and

"(ii) meets the requirements of section 484(a) of such Act; and

"(6) is a citizen of the United States or lawfully admitted for permanent residence.

"(b) SPECIAL RULES FOR CERTAIN YOUTH PROGRAMS.—An individual shall be considered to be a participant in a youth corps program described in section 122(a)(2) or a program described in section 122(a)(9) that is carried out with assistance provided under section 121(a) if the individual—

"(1) satisfies the requirements specified in subsection (a), except paragraph (4) of such subsection; and

"(2) is between the ages of 16 and 25, inclusive, at the time the individual begins the term of service.

"(c) WAIVER.—The Corporation may waive the requirements of subsection (a)(5)(A) with respect to an individual if the program in which the individual seeks to become a participant conducts an independent evaluation demonstrating that the individual is incapable of obtaining a high school diploma or its equivalent.

"SEC. 138. SELECTION OF NATIONAL SERVICE PARTICIPANTS.

"(a) SELECTION PROCESS.—Subject to subsections (b) and (c) and section 131(f), the actual recruitment and selection of an individual to serve in a national service program receiving assistance under section 121 shall be conducted by the State, subdivision of a State, Indian tribe, public or private not-for-profit organization, institution of higher education, Federal agency, or other entity to which the assistance is provided.

"(b) NONDISCRIMINATION AND NONPOLITICAL SELECTION OF PARTICIPANTS.—The recruitment and selection of individuals to serve in national service programs receiving assistance under section 121 shall be consistent with the requirements of section 175.

"(c) SECOND TERM.—Acceptance into a national service program to serve a second term of service under section 139 shall only be available to individuals who perform satisfactorily in their first term of service.

"(d) RECRUITMENT AND PLACEMENT.—The Corporation and each State Commission may establish a system to recruit individuals who desire to perform national service and to assist the placement of these individuals. The Corporation and State Commissions shall widely disseminate information regarding available national service opportunities.

"SEC. 139. TERMS OF SERVICE.

"(a) IN GENERAL.—A participant in a national service program shall be required to perform full- or part-time national service for at least one term of service specified in subsection (b).

"(b) TERM OF SERVICE.—

"(1) FULL-TIME SERVICE.—An individual performing full-time national service in a national service program shall agree to participate in the program for not less than 1,700 hours during a period of not less than 9 months and not more than 1 year.

"(2) PART-TIME SERVICE.—An individual performing part-time national service in a national service program shall agree to participate in the program for not less than 1,700 hours during a period of—

"(A) not less than 1 year nor more than 2 years; or

"(B) not less than 1 year nor more than 3 years if the individual is enrolled in an institution of higher education while performing all or a majority of the hours of such service.

"(c) RELEASE FROM COMPLETING TERM OF SERVICE.—

"(1) RELEASE AUTHORIZED.—A recipient of assistance under section 121 may release a participant from completing a term of service in the program—

"(A) for compelling personal circumstances as demonstrated by the participant; or

"(B) for cause.

"(2) EFFECT OF RELEASE.—If the released participant was serving in a national service program which included post-service benefits, the participant may receive that portion of those benefits that corresponds to the quantity of the term of service actually completed by the individual, except that a participant released for cause may not receive any portion of a post-service benefit.

"SEC. 140. LIVING ALLOWANCES FOR NATIONAL SERVICE PARTICIPANTS.

"(a) PROVISION OF LIVING ALLOWANCE.—

"(1) LIVING ALLOWANCE PERMITTED.—Subject to paragraph (3), a national service program carried out using assistance provided under section 121 shall provide to each participant in the program a living allowance in such an amount as may be established by the program.

"(2) LIMITATION ON FEDERAL SHARE.—The amount of the annual living allowance provided under paragraph (1) that may be paid using assistance provided under section 121 and using any other Federal funds shall not exceed the lesser of—

"(A) 85 percent of the prevailing minimum wage (which in no event may be less that the applicable minimum wage under section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206)) in the area in which the program is being conducted; and

"(B) 85 percent of the annual living allowance established by the national service program involved.

"(3) MAXIMUM LIVING ALLOWANCE.—Except as provided in subsection (c), the total amount of an annual living allowance that may be provided to a participant in a national service program shall not exceed 150 percent of the prevailing minimum wage (which in no event may be less that the applicable minimum wage under section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206)) in the area in which the program is being conducted.

"(4) PRORATION OF LIVING ALLOWANCE.—The amount provided as a living allowance under this subsection shall be prorated in the case of a participant who is authorized to serve a reduced term of service under section 139(b)(3).

"(5) CHOICE BETWEEN BENEFITS.—Individuals receiving benefits or assistance under any Federal, State, or local program financed in whole or in part with Federal funds, at the time of enrollment in a national service program, shall choose between receiving the living allowance under this subsection (which shall be taken into account in determining continued eligibility for such assistance) and other benefits provided to national service participants (in lieu of the Federal, State, or local governmental benefits) or a cash allowance of $250 per month for full-time participation and $125 per month for part-time participation, which shall not be taken into account in determining the need or eligibility of any person for benefits or assistance or the amount of such benefits or assistance, under any Federal, State, or local program financed in whole or in part with Federal funds.

"(b) COVERAGE OF CERTAIN EMPLOYMENT-RELATED TAXES.—To the extent a national service program that receives assistance under section 121 is subject, with respect to the participants in the program, to the taxes imposed on an employer under sections 3111 and 3301 of the Internal Revenue Code of 1986 (26 U.S.C. 3111, 3301) and taxes imposed on an employer under a workmen's compensation act, the assistance provided to the program under section 121 shall include an amount sufficient to cover 85 percent of such taxes based upon the lesser of—

"(1) the prevailing minimum wage (which in no event may be less that the applicable minimum wage under section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206)) in the area in which the program is being conducted; and

"(2) the annual living allowance established by the program.

"(c) PROFESSIONAL CORPS.—With respect to a State or other recipient of assistance under section 121 that desires to place a professional corps member, as described in section 122(a)(8), in a position in a national service program, the allocation of Federal funds described in subsection (a)(2)(A) for the position shall be made under regulations developed by the Corporation which are consistent with those applicable to allocation procedures of professional corps programs determined by the Corporation to be similar (such as the Teacher Corps, the Public Health Service Corps or the Police Corps).

"(d) HEALTH INSURANCE.—A State or other recipient of assistance under section 121 shall provide a basic health care policy for each full-time participant in a national service program carried out or supported using the assistance if the participant is not otherwise covered by a health care policy. Not more than 85 percent of the cost of a premium shall be provided by the Corporation, with the remaining cost paid by the entity receiving assistance under section 121. The Corporation shall establish minimum standards that all plans must meet in order to qualify for payment under this part, any circumstances in which an alternative health care policy may be substituted for the basic health care policy, and mechanisms to prohibit participants from dropping existing coverage.

"(e) CHILD CARE.—

"(1) AVAILABILITY.—A State or other recipient of assistance under section 121 shall—

"(A) make child care available for children of each full-time participant who needs child care in order to participate in the national service program carried out or supported by the recipient using the assistance; or

"(B) provide a child care allowance to each full-time participant in a national service program who needs such assistance in order to participate in the program.

"(2) GUIDELINES.—The Corporation shall establish guidelines regarding the circumstances under which child care must be made available under this subsection and the value of any allowance to be provided.

"(f) WAIVER OF LIMITATION ON FEDERAL SHARE.—The Corporation may waive in whole or in part the limitation on the Federal share specified in this section with respect to a particular national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a demonstrated lack of available financial resources at the local level as demonstrated through documented efforts submitted to the Corporation.

"SEC. 141. POST-SERVICE STIPENDS.

"(a) PART-TIME.—

"(1) FEDERAL SHARE.—The Corporation shall annually provide to each part-time participant a nontransferable post-service benefit that is equal in value to $750 for each year of service that such participant provides to the program.

"(2) WAIVER.—A State may apply for a waiver to reduce the amount of the post-service benefit to an amount that is equal to not less than the average annual tuition and required fees at 4-year public institutions of higher education within such State.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a State from using funds made available from non-Federal sources to increase the amount of post-service benefits provided under paragraph (1) to an amount in excess of that described in such paragraph.

"(b) FULL-TIME.—

"(1) FEDERAL SHARE.—The Corporation shall annually provide to each full-time participant a nontransferable post-service benefit for each year of service that such participant provides to the program, which benefit shall be equal in value to $1,500 for each such year.

"(2) STATE SHARE.—A State may apply for a waiver to reduce the amount of the post-service benefit to an amount that is equal to not less than the average annual tuition, required fees, and room and board costs at 4-year public institutions of higher education within such State.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a State from using funds made available from non-Federal sources to increase the amount of post-service benefits provided under paragraph (1) to an amount in excess of that described in such paragraph.

"(c) POST-SERVICE BENEFIT.—

"(1) PART-TIME.—A post-service benefit provided under subsection (a) shall only be used for—

"(A) payment of a student loan from Federal or non-Federal sources;

"(B) tuition at an institution of higher education on a full-time basis, or to pay the expenses incurred in the full-time participation in an apprenticeship program approved by the appropriate State agency; or

"(C) any other educational purpose determined appropriate by the Corporation.

"(2) FULL-TIME.—A post-service benefit provided under subsection (b) shall only be used for—

"(A) payment of a student loan from Federal or non-Federal sources;

"(B) tuition, room and board, books and fees, and other costs associated with attendance (pursuant to section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll)) at an institution of higher education on a full-time basis, or to pay the expenses incurred in the full-time participation in an apprenticeship program approved by the appropriate State agency; or

"(C) any other educational purpose determined appropriate by the Corporation.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle C of title I of such Act and inserting the following new items:

"Subtitle C—National Service Program

"PART I—INVESTMENT IN NATIONAL SERVICE

"Sec. 121. Authority to provide assistance.
"Sec. 122. Types of national service programs eligible for program assistance.
"Sec. 123. Demonstration efforts concerning educational or other post-service benefits.
"Sec. 124. Types of program assistance.
"Sec. 125. Other special assistance.

"PART II—APPLICATION AND APPROVAL PROCESS

"Sec. 129. Provision of assistance by competitive and other means.
"Sec. 130. Application for assistance.
"Sec. 131. National service program assistance requirements.
"Sec. 132. Ineligible service categories.
"Sec. 133. Consideration of applications.

"PART III—NATIONAL SERVICE PARTICIPANTS

"Sec. 137. Description of participants.
"Sec. 138. Selection of national service participants.
"Sec. 139. Terms of service.
"Sec. 140. Living allowances for national service participants.
"Sec. 141. Post-service stipends.".

SEC. 122. TRANSITION.

With respect to national service programs (as defined in section 101(15) of the National and Community Service Act of 1990) established under the provisions referred to in section 201(a), individuals who become participants in such programs after the date of enactment of this Act shall be eligible to use the post-service benefits to which such participants are eligible under such provisions only for the uses described in section 141(c)(2) of the National and Community Service Act of 1990 (as amended by this Act).

Subtitle D—Quality and Innovation

SEC. 131. QUALITY AND INNOVATION ACTIVITIES.

(a) REPEAL.—Subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.) is repealed.

(b) INVESTMENT FOR QUALITY AND INNOVATION.—Title I of the National and Community Service Act of 1990 is amended by inserting after subtitle C (42 U.S.C. 12541 et seq.) the following new subtitle:

"Subtitle D—Investment for Quality and Innovation

"SEC. 145. ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE AND VOLUNTEER PROGRAMS.

"(a) METHODS OF CONDUCTING ACTIVITIES.—The Corporation may carry out this section directly or through grants, contracts, and cooperative agreements with other entities.

"(b) INNOVATION AND QUALITY IMPROVEMENT.—The Corporation may undertake activities to improve the quality of national service and volunteer programs and to support innovative and model programs, including the provision of training and technical assistance to—

"(1) service sponsors, including community-based agencies, that provide placements of participants and other volunteers, in order to improve the ability of such sponsors and agencies to use participants and other volunteers in a manner that results in high quality service and a positive service experience for the participants and volunteers; and

"(2) individuals, programs, State agencies, State Commissions, local governments, local educational agencies, community-based agencies, and other entities to enable them to apply for funding from the Corporation, to conduct high quality programs, to evaluate such programs, and for other purposes.

"SEC. 146. CLEARINGHOUSES.

"(a) ASSISTANCE.—The Corporation shall provide assistance to appropriate entities to establish one or more clearinghouses.

"(b) APPLICATION.—To be eligible to receive assistance under subsection (a), an entity shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require.

"(c) FUNCTION OF CLEARINGHOUSES.—An entity that receives assistance under subsection (a) may—

"(1) assist entities carrying out State or local national service programs or volunteer programs (including service-learning programs);

"(2) conduct research and evaluations;

"(3) provide leadership development and training to appropriate persons;

"(4) facilitate communication among appropriate persons;

"(5) provide information, curriculum materials, and technical assistance to appropriate entities;

"(6) gather and disseminate information;

"(7) coordinate the activities of the clearinghouse with appropriate entities to avoid duplication of effort;

"(8) make recommendations to appropriate entities on quality controls to improve the delivery of services; and

"(9) carry out such other activities as the Director determines to be appropriate.".

(c) QUALITY AND INNOVATION.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle D of title I of such Act and inserting the following:

"Subtitle D—Investment for Quality and Innovation

"Sec. 145. Additional corporation activities to support national service and volunteer programs.
"Sec. 146. Clearinghouses.".

Subtitle E—Civilian Community Corps

SEC. 141. CIVILIAN COMMUNITY CORPS.

(a) REPEAL AND TRANSFER.—

(1) REPEAL.—Subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12591 et seq.) is repealed.

(2) TRANSFER.—Title I of the National and Community Service Act of 1990 is amended—

(A) by redesignating subtitle H (42 U.S.C. 12653 et seq.) as subtitle E;

(B) by inserting subtitle E (as redesignated by subparagraph (A) of this paragraph) after subtitle D; and

(C) by redesignating sections 195 through 195O as sections 151 through 166, respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(A) Section 1091(f)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) is amended by striking "195G" and inserting "158".

(B) Paragraphs (1) and (2) of section 1092(b), and sections 1092(c), 1093(a), and 1094(a) of such Act are amended by striking "195A" and inserting "152".

(C) Sections 1091(f)(2), 1092(b)(1), and 1094(a), and subsections (a) and (c) of section 1095 of such Act are amended by striking "subtitle H" and inserting "subtitle E".

(D) Section 1094(b)(1) and subsections (b) and (c)(1) of section 1095 of such Act are

amended by striking "subtitles B, C, D, E, F, and G" and inserting "subtitles B, C, D, F, and G".

(2) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(A) Section 153(a) of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653b(a)) is amended by striking "195A(a)" and inserting "152(a)".

(B) Section 154(a) of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653c(a)) is amended by striking "195A(a)" and inserting "152(a)".

(C) Section 155 of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653d) is amended—

(i) in subsection (a), by striking "195H(c)(1)" and inserting "159(c)(1)";

(ii) in subsection (c)(2), by striking "195H(c)(2)" and inserting "159(c)(2)"; and

(iii) in subsection (d)(3), by striking "195K(a)(3)" and inserting "162(a)(3)".

(D) Section 156 of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653e) is amended—

(i) in subsection (c)(1), by striking "195H(c)(2)" and inserting "159(c)(2)"; and

(ii) in subsection (d), by striking "195K(a)(3)" and inserting "162(a)(3)".

(E) Section 159 of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653h) is amended—

(i) in subsection (a)—

(I) by striking "195A" and inserting "152"; and

(II) by striking "195" and inserting "151"; and

(ii) in subsection (c)(2)(C)(i), by striking "195K(a)(2)" and inserting "section 162(a)(2)".

(F) Section 161(b)(1)(B) of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653j(b)(1)(B)) is amended by striking "195K(a)(3)" and inserting "162(a)(3)".

(G) Section 162(a)(2)(A) of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653k(a)(2)(A)) is amended by striking "195(3)" and inserting "151(3)".

(H) Section 166 of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653o) is amended—

(i) in paragraph (2), by striking "195D" and inserting "155";

(ii) in paragraph (8), by striking "195A" and inserting "152";

(iii) in paragraph (10), by striking "195D(d)" and inserting "155(d)"; and

(iv) in paragraph (11), by striking "195D(c)" and inserting "155(c)".

(I) Section 171 of such Act (42 U.S.C. 12631) is amended in subsections (b) and (c) by striking "subtitles B through E" and inserting "subtitles B through D".

(c) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle E of title I of such Act and inserting the following:

"Subtitle E—Civilian Community Corps

"Sec. 151. Purpose.
"Sec. 152. Establishment of Civilian Community Corps Demonstration Program.
"Sec. 153. National service program.
"Sec. 154. Summer national service program.
"Sec. 155. Civilian Community Corps.
"Sec. 156. Training.
"Sec. 157. Service projects.
"Sec. 158. Authorized benefits for Corps personnel under Federal law.
"Sec. 159. Administrative provisions.
"Sec. 160. Status of Corps members and Corps personnel under Federal law.
"Sec. 161. Contract and grant authority.
"Sec. 162. Responsibilities of other departments.
"Sec. 163. Advisory board.
"Sec. 164. Annual evaluation.
"Sec. 165. Funding limitation.
"Sec. 166. Definitions.".

Subtitle F—Administration

SEC. 151. REPORTS.

Section 172 of the National and Community Service Act of 1990 (42 U.S.C. 12632) is amended—

(1) in subsection (a)(3)(A), by striking "sections 177 and 113(9)" and inserting "section 177"; and

(2) in subsection (b)(1), by striking "this title" and inserting "this Act".

SEC. 152. NONDISCRIMINATION.

Section 175 of the National and Community Service Act of 1990 (42 U.S.C. 12635) is amended to read as follows:

"SEC. 175. NONDISCRIMINATION.

"(a) IN GENERAL.—

"(1) BASIS.—An individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate against a participant in, or member of the staff of, such project on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.

"(2) DEFINITION.—As used in paragraph (1), the term 'qualified individual with a disability' has the meaning given the term in section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)).

"(b) FEDERAL FINANCIAL ASSISTANCE.—Any assistance provided under this title shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

"(c) RELIGIOUS DISCRIMINATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate on the basis of religion against a participant in such project or a member of the staff of such project who is paid with funds received under this title.

"(2) EXCEPTION.—Paragraph (1) shall not apply to the employment, with assistance provided under this title, of any member of the staff, of a project that receives assistance under this title, who was employed with the organization operating the project on the date the grant under this title was awarded.

"(d) RULES AND REGULATIONS.—The Director shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.".

SEC. 153. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

(a) CONSTRUCTION.—Section 176(e) of such Act (42 U.S.C. 12636(e)) is amended by adding before the period the following ", other than assistance provided pursuant to this Act".

(b) GRIEVANCE PROCEDURE.—Section 176(f) of such Act is amended to read as follows:

"(f) GRIEVANCE PROCEDURE.—

"(1) IN GENERAL.—A State or local applicant that receives assistance under this title shall establish and maintain a procedure for the filing and adjudication of grievances from participants, labor organizations, and other interested individuals concerning projects that receive assistance under this title, including grievances regarding proposed placements of such participants in such projects.

"(2) DEADLINE FOR GRIEVANCES.—Except for a grievance that alleges fraud or criminal activity, a grievance shall be made not later than 1 year after the date of the alleged occurrence of the event that is the subject of the grievance.

"(3) DEADLINE FOR HEARING AND DECISION.—

"(A) HEARING.—A hearing on any grievance conducted under this subsection shall be conducted not later than 30 days after the filing of such grievance.

"(B) DECISION.—A decision on any such grievance shall be made not later than 60 days after the filing of such grievance.

"(4) ARBITRATION.—

"(A) IN GENERAL.—In the event of a decision on a grievance that is adverse to the party who filed such grievance, or 60 days after the filing of such grievance if no decision has been reached, such party shall be permitted to submit such grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

"(B) DEADLINE FOR PROCEEDING.—An arbitration proceeding shall be held not later than 45 days after the request for such arbitration proceeding.

"(C) DEADLINE FOR DECISION.—A decision concerning a grievance shall be made not later than 30 days after the date such arbitration proceeding begins.

"(D) COST.—The cost of an arbitration proceeding shall be divided evenly between the parties to the arbitration.

"(5) PROPOSED PLACEMENT.—If a grievance is filed regarding a proposed placement of a participant in a project that receives assistance under this title, such placement shall not be made unless the placement is consistent with the resolution of the grievance pursuant to this subsection.

"(6) REMEDIES.—Remedies for a grievance filed under this subsection include—

"(A) suspension of payments for assistance under this title;

"(B) termination of such payments;

"(C) prohibition of the placement described in paragraph (5); and

"(D) in a case in which the grievance involves a violation of subsection (a) or (b) of section 177 and the employer of the displaced employee is the recipient of assistance under this title—

"(i) reinstatement of the displaced employee to the position held by such employee prior to displacement;

"(ii) payment of lost wages and benefits of the displaced employee; and

"(iii) reestablishment of other relevant terms, conditions, and privileges of employment of the displaced employee.

"(7) ENFORCEMENT.—Suits to enforce arbitration awards under this section may be brought in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy and without regard to the citizenship of the parties. Such a court shall give due deference to the decision of the arbitrator.".

SEC. 154. NONDISPLACEMENT.

Section 177(b)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12637(b)(3)) is amended—

(1) in subparagraph (B), to read as follows:

"(B) SUPPLANTATION OF HIRING.—A participant in any program receiving assistance under this title shall not perform any services or duties, or engage in activities, that—

"(i) will supplant the hiring of employed workers; or

"(ii) are services, duties, or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures."; and

(2) in subparagraph (C)(iii), to read as follows:

"(iii) employee who—

"(I) is subject to a reduction in force; or

"(II) has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures;".

SEC. 155. EVALUATION.

Section 179 of the National and Community Service Act of 1990 (42 U.S.C 12639) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "this title" and inserting "this Act"; and

(B) in paragraph (2), to read as follows:

"(2) for purposes of the reports required by subsection (j), the impact of such programs, in each State in which such a program is conducted, on the activities carried out under, and the effectiveness of, the national service and volunteer programs; and"; and

(2) in subsection (g)—

(A) in the matter preceding paragraph (1), by striking "subtitle D" and inserting "this Act";

(B) in paragraph (3), to read as follows:

"(3) encouraging each participant and volunteer to continue involvement in public and community service;"; and

(C) in paragraph (9), to read as follows:

"(9) attracting a greater number of citizens to public service.".

SEC. 156. CONTINGENT EXTENSION.

(a) IN GENERAL.—Section 181 of the National and Community Service Act of 1990 (42 U.S.C. 12641) is amended to read as follows:

"SEC. 181. CONTINGENT EXTENSION.

"Section 414 of the General Education Provisions Act (20 U.S.C. 1226a) shall apply to this Act.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 181 of such Act and inserting the following:

"Sec. 181. Contingent extension.".

SEC. 157. REPEALS.

(a) IN GENERAL.—Subtitle F of title I of the National and Community Service Act of 1990 (42 U.S.C. 12631 et seq.) is amended—

(1) by repealing sections 183, 185, and 186;

(2) by redesignating section 182 as section 171;

(3) by inserting section 171 (as redesignated in paragraph (2) of this subsection) before section 172; and

(4) by redesignating section 184 as section 182.

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended—

(1) by striking the item relating to section 171 and inserting the following:

"Sec. 171. Partnerships with schools.";

and

(2) by striking the items relating to sections 182 through 186 of such Act and inserting the following:

"Sec. 182. Drug-free workplace requirements.".

Subtitle G—Organization

SEC. 161. STATE COMMISSIONS FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS.

(a) COMPOSITION AND DUTIES OF STATE COMMISSIONS.—Subtitle F of title I of the National and Community Service Act of 1990 is amended by striking section 178 (42 U.S.C. 12638) and inserting the following new section:

"SEC. 178. STATE COMMISSIONS FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS.

"(a) EXISTENCE REQUIRED.—

"(1) STATE COMMISSION.—Except as provided in paragraph (2), to be eligible to receive a grant or allotment under subtitle B or C, a State shall maintain a State Commission for National Service and Community Volunteers that satisfies the requirements of this section.

"(2) ALTERNATIVE ADMINISTRATIVE ENTITY.—The chief executive officer of a State may apply to the Corporation for approval to use an alternative administrative entity (including an entity in existence on the date of enactment of this section) to carry out the duties otherwise entrusted to a State Commission under this Act. The chief executive officer shall ensure that any alternative administrative entity used in lieu of a State Commission still provides for representatives described in subsection (c)(1) to play a significant policy-making role in carrying out the duties otherwise entrusted to a State Commission, including the submission of applications on behalf of the State under sections 113 and 130.

"(b) APPOINTMENT AND SIZE.—The members of a State Commission for a State shall be appointed by the chief executive officer of the State. A State Commission shall consist of not less than 7 voting members and not more than 21 voting members.

"(c) COMPOSITION AND MEMBERSHIP.—

"(1) RECOMMENDED MEMBERS.—The State Commission for a State may include as voting members representatives from the following categories:

"(A) National service programs, such as a youth corps program described in section 122(a)(2), and a program in which older adults are participants.

"(B) Volunteer programs, such as a Retired Senior Volunteer Program under part A of title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001 et seq.), senior companion program under part C of title II of such Act (42 U.S.C. 5013 et seq.), or service-learning program under subtitle B.

"(C) Local governments in the State.

"(D) Community-based organizations.

"(E) Participants in service programs who are youth.

"(F) Participants in volunteer service programs who are older adults.

"(G) Educators.

"(H) Experts in the delivery of human, educational, environmental, or public safety services to communities and persons.

"(I) Businesses and business groups.

"(J) Local labor organizations.

"(2) COMPOSITION.—The chief executive officer of a State shall ensure that the membership of the State Commission for the State is diverse with respect to race, ethnicity, age, gender, and geographic residence.

"(3) EX OFFICIO STATE REPRESENTATIVES.—The chief executive officer of a State may appoint ex officio nonvoting members of the State Commission.

"(4) LIMITATION ON NUMBER OF STATE EMPLOYEES AS MEMBERS.—The number of voting members of a State Commission selected under paragraph (1) who are officers or employees of the State may not exceed 25 percent (reduced to the nearest whole number) of the total membership of the State Commission.

"(d) MISCELLANEOUS MATTERS.—

"(1) MEMBERSHIP BALANCE.—The chief executive officer of a State shall ensure that not more than 50 percent of the voting members of a State Commission, plus one additional member, are from the same political party.

"(2) TERMS.—Each member of the State Commission for a State shall serve for a term of 3 years, except that the chief executive officer of a State shall initially appoint a portion of the members to terms of 1 year and 2 years.

"(3) VACANCIES.—As vacancies occur on a State Commission, new members shall be appointed by the chief executive of the State and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the State Commission.

"(4) COMPENSATION.—A member of a State Commission shall not receive any additional compensation by reason of service on the State Commission, except that the State may authorize the reimbursement of travel expenses, including a per diem in lieu of subsistence, in the same manner as other employees serving intermittently in the service of the State.

"(5) CHAIRPERSON.—The voting members of a State Commission shall elect one of the voting members to serve as chairperson of the State Commission.

"(e) DUTIES OF A STATE COMMISSION.—The State Commission or alternative administrative entity for a State shall be responsible for the following duties:

"(1) Preparing, submitting to the Corporation, and obtaining approval of, a national service and volunteer strategic plan for the national service programs and volunteer programs to be carried out in the State that—

"(A) covers a 3-year period;

"(B) is updated annually; and

"(C) contains such information as the State Commission considers to be appropriate and as the Corporation may require.

"(2) Preparing, submitting to the Corporation, and obtaining approval of, the applications of the State under sections 113 and 130 for financial assistance.

"(3) Assisting in the provision of health care and child care benefits under section 140 to participate in national service programs that receive assistance under subtitle C in the State.

"(4) Developing a State system for the—

"(A) recruitment of participants and volunteers for, and placement of participants and volunteers in—

"(i) national service programs under this Act in the State, other than activities that receive assistance under section 123; or

"(ii) volunteer programs under this Act in the State; and

"(B) dissemination of information concerning programs that receive assistance under this Act.

"(5) Administering the grant programs in support of—

"(A) national service programs that are conducted by the State using assistance provided to the State under subtitle C; and

"(B) volunteer programs that are conducted by the State using assistance provided to the State under subtitle B,

including selection, oversight, and evaluation of grant recipients.

"(6) Developing projects, training methods, curriculum materials, and other materials and activities related to—

"(A) national service programs in the State that receive assistance directly from the Corporation or from the State using assistance provided under this Act; and

"(B) volunteer programs in the State that receive assistance directly from the Corporation or from the State using assistance provided under this Act.

"(f) ACTIVITY INELIGIBLE FOR ASSISTANCE.—A State Commission or alternative administrative entity may not directly carry out any national service program that receives assistance under subtitle C.

"(g) DELEGATION.—Subject to such requirements as the Corporation may prescribe, a State Commission may delegate nonpolicymaking duties to a State agency or public or private not-for-profit organization.

"(h) APPROVAL OF STATE COMMISSION OR ALTERNATIVE.—

"(1) SUBMISSION TO CORPORATION.—The chief executive officer for a State shall notify the Corporation of the establishment or designation of the State Commission or use of an alternative administrative entity for the State. The notification shall include a description of—

"(A) the composition and membership of the State Commission or alternative administrative entity; and

"(B) the authority of the State Commission or alternative administrative entity regarding national service and volunteer activities carried out by the State.

"(2) APPROVAL OF ALTERNATIVE ADMINISTRATIVE ENTITY.—Any designation of a State Commission or use of an alternative administrative entity to carry out the duties of a State Commission shall be subject to the approval of the Corporation.

"(3) REJECTION.—The Corporation may reject a State Commission if the Corporation determines that the composition, membership, or duties of the State Commission do not comply with the requirements of this section. The Corporation may reject a request to use an alternative administrative entity in lieu of a State Commission if the Corporation determines that the duties of the entity do not comply with the requirements of this section or that the use of the alternative administrative entity does not allow individuals described in subsection (c)(1) to play a significant policymaking role in carrying out the duties otherwise entrusted to a State Commission. The Corporation shall reject a State Commission or alternative administrative entity if the Commission or entity fails to demonstrate that the Commission or entity has sufficient authority to carry out the duties described in subsection (d). If the Corporation rejects a State Commission or alternative administrative entity under this paragraph, the Corporation shall promptly notify the State of the reasons for the rejection.

"(4) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State notified under paragraph (3) with a reasonable opportunity to revise the rejected State Commission or alternative administrative entity. At the request of the State, the Corporation shall provide technical assistance to the State as part of the revision process. The Corporation shall promptly reconsider any resubmission of a notification under paragraph (1) or application to use an alternative administrative entity under paragraph (2).

"(5) SUBSEQUENT CHANGES.—This subsection shall also apply to any change in the composition or duties of a State Commission or an alternative administrative entity made after approval of the State Commission or the alternative administrative entity.

"(i) REVIEW AND APPROVAL OF STRATEGIC PLANS.—

"(1) REVIEW.—The Corporation shall review and approve strategic plans submitted by State Commissions and alternative administrative entities under this section.

"(2) REJECTION.—The Corporation may reject such a strategic plan if the Corporation determines that the plan does not meet the requirements of this Act, the Domestic Volunteer Service Act of 1973, title XI of the Higher Education Act of 1965, and Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the "Youth Conservation Corps Act of 1970"). If the Corporation rejects such a strategic plan, the Corporation shall promptly notify the State of the reasons for the rejection.

"(3) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State notified under paragraph (2) with a reasonable opportunity to revise the rejected plan. At the request of the State, the Corporation shall provide technical assistance to the State as part of the revision process. The Corporation shall promptly reconsider any resubmission of such a plan.

"(4) SUBSEQUENT CHANGES.—This subsection shall also apply to any update of such a strategic plan made after approval of the plan.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 178 and inserting the following new item:

"Sec. 178. State Commissions for National Service and Community Volunteers.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993.

SEC. 162. INTERIM AUTHORITIES OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE AND ACTION AGENCY.

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Subtitle G of title I of the National and Community Service Act of 1990 (42 U.S.C. 12651) is amended to read as follows:

"SEC. 191. CORPORATION FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS.

"There is established a Corporation for National Service and Community Volunteers that shall administer the programs established under this Act. The Corporation shall be a Government corporation, as defined in section 103 of title 5, United States Code.

"SEC. 192. BOARD OF DIRECTORS.

"(a) BOARD OF DIRECTORS.—

"(1) COMPOSITION.—

"(A) APPOINTMENT.—There shall be in the Corporation a Board of Directors (hereafter referred to in this subtitle as the 'Board') that shall be composed of 9 members, including the Director of the Corporation, appointed by the President with the advice and consent of the Senate.

"(B) QUALIFICATIONS.—To the maximum extent practicable, the President shall appoint members—

"(i) who have extensive experience in volunteer and service programs and who represent a broad range of viewpoints; and

"(ii) so that the Board shall be diverse with respect to race, ethnicity, age, gender, and geographic residence.

"(2) POLITICAL PARTIES.—Not more than 5 members of the Board shall be from the same political party.

"(3) NOMINATIONS.—Two members of the Board shall be appointed from among individuals nominated jointly by the Speaker and the Minority Leader of the House of Representatives, and 2 of such members shall be appointed from among individuals nominated jointly by the Majority Leader and Minority Leader of the Senate.

"(b) TERMS.—Each appointed member of the Board shall serve for a term of 3 years, except that 3 of the members first appointed to the Board after the date of enactment of this section shall serve for a term of 1 year and 3 shall serve for a term of 2 years, as designated by the President.

"(c) VACANCIES.—As vacancies occur on the Board, new members shall be appointed by the President, by and with the advice and consent of the Senate, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Board.

"SEC. 192A. AUTHORITIES AND DUTIES OF THE BOARD OF DIRECTORS.

"(a) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall elect a chairperson and vice chairperson from among its membership. The Director shall not be eligible to serve as the chairperson or vice chairperson.

"(b) OTHER OFFICERS.—The Board may elect from among its membership such additional officers for the Board as the Board determines to be appropriate.

"(c) MEETINGS.—The Board shall meet not less than 3 times each year. The Board shall hold additional meetings if 6 members of the Board request such meetings in writing. A majority of the appointed members of the Board shall constitute a quorum.

"(d) EXPENSES.—While away from their homes or regular places of business on the business of the Board, members of such Board may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for persons employed intermittently in the Government service.

"(e) SPECIAL GOVERNMENT EMPLOYEES.—For purposes of the provisions of chapter 11 of part I of title 18, United States Code, and any other provision of Federal law, a member of the Board (to whom such provisions would not otherwise apply except for this subsection) shall be a special Government employee.

"(f) STATUS OF MEMBERS.—

"(1) TORT CLAIMS.—For the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a member of the Board shall be considered to be a Federal employee.

"(2) OTHER CLAIMS.—A member of the Board has no personal liability under Federal law with respect to any claim arising out of or resulting from any act or omission by such person, within the scope of the service of the member on the Board, in connection with any transaction involving the provision of financial assistance by the Corporation. This paragraph shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the Board.

"(3) EFFECT ON OTHER LAW.—This subsection shall not be construed—

"(A) to affect any other immunities and protections that may be available to such member under applicable law with respect to such transactions;

"(B) to affect any other right or remedy against the Corporation, against the United States under applicable law, or against any person other than a member of the Board participating in such transactions; or

"(C) to limit or alter in any way the immunities that are available under applicable law for Federal officials and employees not described in this subsection.

"(g) DUTIES.—The Board shall—

"(1) review and approve the strategic plan described in section 193A(b)(1), and annual updates of the plan;

"(2) review and approve the proposal described in section 193A(b)(2)(A), with respect to the grants, allotments, contracts, financial assistance, and payments referred to in such section;

"(3) review and approve the proposal described in section 193A(b)(3)(A), regarding the regulations, standards, policies, procedures, programs, and initiatives referred to in such section;

"(4) review and approve the evaluation plan described in section 193A(b)(4)(A);

"(5)(A) review, and advise the Director regarding, the actions of the Director with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out this Act; and

"(B) inform the Director of any aspects of the actions of the Director that are not in compliance with the annual strategic plan referred to in paragraph (1), the proposals referred to in paragraphs (2) and (3), or the plan referred to in paragraph (4), or are not consistent with the objectives of this Act;

"(6) receive, and act on, the reports issued by the Inspector General of the Corporation;

"(7) make recommendations relating to a program of research for the Corporation with respect to national service and volunteer programs, including service-learning programs;

"(8) advise the President and the Congress concerning developments in national service and volunteer programs that merit the attention of the President and the Congress;

"(9) ensure effective dissemination of information regarding the programs and initiatives of the Corporation; and

"(10) carry out any other activities determined to be appropriate by the Director.

"(h) ADMINISTRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Board.

"SEC. 193. DIRECTOR.

"(a) APPOINTMENT.—There shall be in the Corporation a Director of the Corporation, and who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) COMPENSATION.—The Director shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(c) REGULATIONS.—The Director shall prescribe such rules and regulations as are necessary or appropriate to carry out this Act.

"SEC. 193A. AUTHORITIES AND DUTIES OF THE DIRECTOR.

"(a) GENERAL POWERS AND DUTIES.—The Director shall be responsible for the exercise of the powers and the discharge of the duties of the Corporation that are not reserved to the Board, and shall have authority and control over all personnel of the Corporation.

"(b) DUTIES.—In addition to the duties conferred on the Director under any other provision of this Act, the Director shall—

"(1) prepare and submit to the Board a strategic plan every 5 years, and annual updates of the plan, for the Corporation with respect to the major functions and operations of the Corporation;

"(2)(A) prepare and submit to the Board a proposal with respect to such grants and allotments, contracts, and other financial assistance, as are necessary or appropriate to carry out this Act; and

"(B) after receiving and reviewing an approved proposal under section 192A(g)(2), make such grants and allotments, enter into such contracts, award such other financial assistance, and make such payments (in lump sum or installments, and in advance or by way of reimbursement, and in the case of financial assistance otherwise authorized under this Act, with necessary adjustments on account of overpayments and underpayments) as are necessary or appropriate to carry out this Act;

"(3)(A) prepare and submit to the Board a proposal regarding the regulations established under section 195(a)(3)(B)(i), and such other standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out this Act; and

"(B) after receiving and reviewing an approved proposal under section 192A(g)(3)—

"(i) establish such standards, policies, and procedures as are necessary or appropriate to carry out this Act; and

"(ii) establish and administer such programs and initiatives as are necessary or appropriate to carry out this Act;

"(4)(A) prepare and submit to the Board a plan for the evaluation of programs established under this Act, in accordance with section 179; and

"(B) after receiving an approved proposal under section 192A(g)(4)—

"(i) establish measurable performance goals and objectives for such programs, in accordance with section 179; and

"(ii) provide for periodic evaluation of such programs to assess the manner and extent to which the programs achieve the goals and objectives, in accordance with such section;

"(5) consult with appropriate Federal agencies in administering the programs and initiatives;

"(6) suspend or terminate payments described in paragraph (2)(B), in accordance with section 176;

"(7) prepare and submit to the Board an annual report, and such interim reports as may be necessary, describing the major actions of the Director with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives;

"(8) inform the Board of, and provide an explanation to the Board regarding, any substantial differences between—

"(A) the actions of the Director; and

"(B)(i) the strategic plan approved by the Board under section 192A(g)(1);

"(ii) the proposals approved by the Board under paragraph (2) or (3) of section 192A(g); or

"(iii) the plan approved by the Board under section 192A(g)(4); and

"(9) prepare and submit to the appropriate committees of Congress an annual report, and such interim reports as may be necessary, describing—

"(A) the services referred to in paragraph (1), and the money and property referred to in paragraph (2), of section 196(a) that have been accepted by the Corporation;

"(B) the manner in which the Corporation used or disposed of such services, money, and property; and

"(C) information on the results achieved by the programs funded under this Act during the year preceding the year in which the report is prepared.

"(c) POWERS.—In addition to the authority conferred on the Director under any other provision of this Act, the Director may—

"(1) establish, alter, consolidate, or discontinue such organizational units or components within the Corporation as the Director considers necessary or appropriate;

"(2) with the approval of the President, arrange with and reimburse the heads of other Federal agencies for the performance of any of the provisions of this Act;

"(3) with their consent, utilize the services and facilities of Federal agencies with or without reimbursement, and, with the consent of any State, or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivisions with or without reimbursement;

"(4) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act, including expenditure for construction, repairs, and capital improvements;

"(5) disseminate, without regard to the provisions of section 3204 of title 39, United States Code, data and information, in such form as the Director, upon the recommendation of the Board, shall determine to be appropriate to public agencies, private organizations, and the general public;

"(6) collect or compromise all obligations to or held by the Director and all legal or equitable rights accruing to the Director in connection with the payment of obligations in accordance with chapter 37 of title 31, United States Code (commonly known as the 'Federal Claims Collection Act of 1966');

"(7) expend funds made available for purposes of this Act, without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by the Director;

"(8) file a civil action in any court of record of a State having general jurisdiction or in any district court of the United States, with respect to a claim arising under this Act;

"(9) exercise the authorities of the Corporation under section 196; and

"(10) generally perform functions and take steps consistent with the objectives and provisions of this Act.

"(d) DELEGATION.—

"(1) DEFINITION.—As used in this subsection, the term 'function' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

"(2) IN GENERAL.—Except as otherwise prohibited by law or provided in this Act, the Director may delegate any function of the Director under this Act, and authorize such successive redelegations of such function as may be necessary or appropriate. No delegation of a function by the Director under this subsection or under any other provision of this Act shall relieve such Director of responsibility for the administration of such function.

"(e) ACTIONS.—In an action described in subsection (c)(8)—

"(1) a district court referred to in such subsection shall have jurisdiction of such a civil action without regard to the amount in controversy;

"(2) such an action brought by the Director shall survive notwithstanding any change in

the person occupying the office of Director or any vacancy in that office;

"(3) no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Director or the Board or property under the control of the Director or the Board; and

"(4) nothing in this section shall be construed to except litigation arising out of activities under this Act from the application of sections 509, 517, 547, and 2679 of title 28, United States Code.

"SEC. 194. MANAGEMENT.

"(a) MANAGEMENT.—

"(1) IN GENERAL.—After receiving and reviewing the recommendations of the Board, the Director shall devise a management structure for the Corporation, and shall appoint, in accordance with section 195, such fiscal, legal, administrative, and program personnel as are needed to carry out the responsibilities of the Corporation.

"(2) DIVISIONS.—In establishing the management structure of the Corporation, the Director shall appoint individuals who shall be primarily responsible for—

"(A) the national service programs; and

"(B) (i) volunteer programs that are service-learning programs;

"(ii) volunteer programs that are senior programs; and

"(iii) volunteer programs that are Federal volunteer programs.

"(b) INSPECTOR GENERAL.—

"(1) OFFICE.—There shall be in the Corporation an Office of the Inspector General.

"(2) APPOINTMENT.—The Office shall be headed by an Inspector General, appointed by the Director.

"(3) COMPENSATION.—The Inspector General shall be compensated at the rate determined by the Director, which shall not exceed the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(4) DUTIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), for purposes of the Inspector General Act of 1978 (5 U.S.C. App.)—

"(i) the Corporation shall be considered to be a designated Federal entity, as defined in section 8E(a)(2) of such Act; and

"(ii) the Director shall be considered to be the head of the designated Federal entity, as defined in section 8E(a)(4) of such Act.

"(B) PROGRAM FRAUD.—For purposes of chapter 38 of title 31, United States Code (commonly known as the 'Program Fraud Civil Remedies Act of 1986')—

"(i) the Corporation shall be considered to be an authority, as defined in section 3801(a)(1) of such Act;

"(ii) the Director shall be considered to be an authority head, as defined in section 3801(a)(2) of such Act; and

"(iii) the Inspector General shall be considered to be an investigating official, as defined in section 3801(a)(4) of such Act.

"SEC. 195. EMPLOYEES, CONSULTANTS, AND OTHER PERSONNEL.

"(a) EMPLOYEES.—

"(1) IN GENERAL.—The Director may appoint and determine the compensation of such employees necessary to carry out the duties of the Corporation.

"(2) TERMS.—

"(A) INITIAL TERM.—

"(i) LENGTH OF TERM.—Such an employee shall be appointed for an initial term that shall not exceed 5 years.

"(ii) PROBATION PERIOD.—The Director shall take such action, including the issuance of rules, regulations, and directives, as shall provide, as nearly as conditions of good administration warrant, for a 1-year period of probation before such an appointment becomes final.

"(B) APPOINTMENT EXTENSIONS.—The appointment of an employee may be extended by the Director, after receiving and reviewing the recommendations of the Board.

"(C) APPOINTMENT IN THE COMPETITIVE SERVICE AFTER EMPLOYMENT IN THE CORPORATION.—

"(i) EMPLOYEES WITH NOT LESS THAN 3 YEARS OF EMPLOYMENT.—If an employee is separated from the Corporation (other than by removal for cause), and has been continuously employed by the Corporation for a period of not less than 3 years, such period shall be treated as a period of service in the competitive service for purposes of chapter 33 of title 5, United States Code.

"(ii) DEFINITION.—As used in this subparagraph, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.

"(3) APPOINTMENT AND COMPENSATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B)(iv), the Director may appoint and determine the compensation of employees under this subsection without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(B) CORPORATION SELECTION AND COMPENSATION SYSTEMS.—

"(i) ESTABLISHMENT OF SYSTEM.—The Director, in consultation with the Director of the Office of Personnel Management and after reviewing the recommendations of the Board under section 192A(g)(3), shall issue regulations establishing selection and compensation systems for the Corporation. In issuing such regulations, the Director shall take into consideration the need for flexibility in such a system.

"(ii) APPLICATION.—The Director shall appoint and determine the compensation of employees referred to in paragraph (1) in accordance with the selection and compensation systems referred to in clause (i).

"(iii) SELECTION SYSTEM.—The selection system shall provide for the selection of such an employee for such a position—

"(I) through a competitive process; and

"(II) on the basis of the qualifications of applicants and the requirements of the position.

"(iv) COMPENSATION SYSTEM.—The compensation system shall include a scheme for the classification of positions in the Corporation. The system shall require that the compensation of such an employee be determined based in part on the job performance of the employee, and in a manner consistent with the principles described in section 5301 of title 5, United States Code. The rate of compensation for each employee compensated through the system shall not exceed the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) CONSULTANTS.—The Director may procure the temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code.

"(c) DETAILS OF PERSONNEL.—The head of any Federal department or agency may detail on a reimbursable basis, or on a nonreimbursable basis for not to exceed 180 calendar days during any fiscal year, as agreed upon by the Director and the head of the Federal agency, any of the personnel of that department or agency to the Corporation to assist the Corporation in carrying out the duties of the Corporation under this Act. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"SEC. 196. ADMINISTRATION.

"(a) DONATIONS.—

"(1) SERVICES.—

"(A) VOLUNTEERS.—Notwithstanding section 1342 of title 31, United States Code, the Corporation may accept the voluntary services of individuals to assist the Corporation in carrying out the duties of the Corporation under this Act, and may provide to such individuals the travel expenses described in section 192A(d).

"(B) LIMITATION.—Such a volunteer shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except that—

"(i) for the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a volunteer under this subtitle shall be considered to be a Federal employee; and

"(ii) for the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, volunteers under this subtitle shall be considered to be employees, as defined in section 8101(1)(B) of title 5, United States Code, and the provisions of such subchapter shall apply.

"(2) PROPERTY.—The Corporation may accept, use, and dispose of, in furtherance of the purposes of this Act, donations of any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

"(3) RULES.—The Director shall establish written rules setting forth the criteria to ensure that the acceptance of contributions of money or property, real, personal, or mixed, tangible or intangible, received by gift, device, bequest, or otherwise (pursuant to paragraph (2)) will not reflect unfavorably upon the ability of the Corporation or any employee of the Corporation to carry out the responsibilities or official duties of the Corporation in a fair and objective manner, or compromise the integrity of the programs of the Corporation or any official involved in such programs.

"(4) DISPOSITION.—Upon completion of the use by the Corporation of any property described in paragraph (2), such completion shall be reported to the General Services Administration and such property shall be disposed of in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).

"(5) VOLUNTEER.—As used in this subsection, the term 'volunteer' does not include a participant.

"(b) CONTRACTS.—Subject to the Federal Property and Administrative Services Act of 1949, the Corporation may enter into contracts, and cooperative and interagency agreements, with Federal and State agencies, private firms, institutions, and individuals to conduct activities necessary to carry out the duties of the Corporation under this Act.".

(b) RELATIONSHIP TO OTHER NATIONAL SERVICE AND DOMESTIC VOLUNTEER PROGRAMS.—

(1) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—

(A) AUTHORITY.—Section 401 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041) is amended by inserting after the second sentence the following: "The Director shall report directly to the Director of the Corporation for National Service and Community Volunteers.".

(B) RELATIONSHIP WITH STATE PLANS AND OTHER REQUIREMENTS.—Title IV of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041 et seq.) is amended by inserting after section 404 the following:

"SEC. 405. RELATIONSHIP WITH STATE PLANS AND OTHER REQUIREMENTS.

"In carrying out programs, and in providing assistance to recipients to carry out programs, in a State under this title, the Director shall ensure that such programs will be carried out in accordance with—

"(1) the State plan approved for the State by the Corporation for National Service and Community Volunteers under section 178(i) of the National and Community Service Act of 1990;

"(2) the priorities established under section 122(c) of such Act; and

"(3) such other requirements as the Director of such Corporation may by regulation specify.".

(2) YOUTH CONSERVATION CORPS ACT OF 1970.—Section 3(a) of Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the "Youth Conservation Corps Act of 1970") is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period and inserting "; and"; and

(C) by inserting after paragraph (6) the following:

"(7) in providing assistance to recipients to carry out programs under this Act in a State, ensure that such programs will be carried out in accordance with—

"(A) the State plan approved for the State by the Corporation for National Service and Community Volunteers under section 178(i) of the National and Community Service Act of 1990;

"(B) the priorities established under section 122(c) of such Act; and

"(C) such other requirements as the Director of such Corporation may by regulation specify.".

(3) HIGHER EDUCATION ACT OF 1965.—Title XI of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.) is amended by adding at the end the following:

"PART C—COORDINATION

"SEC. 1161. RELATIONSHIP WITH STATE PLANS.

"In providing assistance to recipients to carry out programs in a State under this title, the Secretary shall ensure that such programs will be carried out in accordance with—

"(1) the State plan approved for the State by the Corporation for National Service and Community Volunteers under section 178(i) of the National and Community Service Act of 1990;

"(2) the priorities established under section 122(c) of such Act; and

"(3) such other requirements as the Director of such Corporation may by regulation specify.".

(c) TRANSFER OF FUNCTIONS OF COMMISSION ON NATIONAL AND COMMUNITY SERVICE.—

(1) DEFINITIONS.—For purposes of this subsection, unless otherwise provided or indicated by the context, each term specified in section 163(c)(1) shall have the meaning given the term in such section.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Corporation the functions that the Board of Directors or Executive Director of the Commission on National and Community Service exercised before the effective date of this subsection (including all related functions of any officer or employee of the Commission).

(3) APPLICATION.—The provisions of paragraphs (3) through (10) of section 163(c) shall apply with respect to the transfer described in paragraph (2), except that—

(A) for purposes of such application, references to the term "ACTION Agency" shall be deemed to be references to the Commission on National and Community Service; and

(B) paragraph (10) of such section shall not preclude the transfer of the members of the Board of Directors of the Commission to the Corporation if, on the effective date of this subsection, the Board of Directors of the Corporation has not been confirmed.

(d) CONTINUING PERFORMANCE OF CERTAIN FUNCTIONS.—The individuals who, on the day before the date of enactment of this Act, are performing any of the functions required by section 190 of the National and Community Service Act of 1990 (42 U.S.C. 12651), as in effect on such date, to be performed by the members of the Board of Directors of the Commission on National and Community Service may, subject to section 193A of the National and Community Service Act of 1990, as added by subsection (a) of this section, continue to perform such functions until the date on which the Board of Directors of the Corporation for National Service and Community Volunteers conducts the first meeting of the Board. The service of such individuals as members of the Board of Directors of such Commission, and the employment of such individuals as special government employees, shall terminate on such date.

(e) JOB SEARCH ASSISTANCE.—The Director shall establish a program to provide, or shall seek to enter into a memorandum of understanding with the Director of the Office of Personnel Management to provide, job search and related assistance to—

(1) employees of the ACTION agency who are not transferred to the Corporation for National Service and Community Volunteers under section 163(c); and

(2) employees of the Department of Agriculture, Department of the Interior, or Department of Education who are separated from such Departments because of the requirements of title II.

(f) GOVERNMENT CORPORATION CONTROL.—

(1) WHOLLY OWNED GOVERNMENT CORPORATION.—Section 9101(3) of title 31, United States Code, is amended by inserting after subparagraph (D) the following:

"(E) the Corporation for National Service and Community Volunteers.".

(2) AUDITS.—Section 9105(a)(1) of title 31, United States Code, is amended by inserting ", or under other Federal law," before "or by an independent".

(g) DISPOSAL OF PROPERTY.—Section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) is amended by adding at the end the following:

"(5)(A) Under such regulations as the Administrator may prescribe, the Administrator is authorized, in the discretion of the Administrator, to assign to the Director of the Corporation for National Service and Community Volunteers for disposal such surplus property as is recommended by the Director as being needed for national service activities.

"(B) Subject to the disapproval of the Administrator, within 30 days after notice to the Administrator by the Director of a proposed transfer of property for such activities, the Director, through such officers or employees of the Corporation as the Director may designate, may sell, lease, or donate such property to any entity that receives financial assistance under the National and Community Service Act of 1990 for such activities.

"(C) In fixing the sale or lease value of such property, the Director shall comply with the requirements of paragraph (1)(C).".

(h) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle G of title I of such Act and inserting the following:

"Subtitle G—Corporation for National Service and Community Volunteers

"Sec. 191. Corporation for National Service and Community Volunteers.
"Sec. 192. Board of Directors.
"Sec. 192A. Authorities and duties of the Board of Directors.
"Sec. 193. Director.
"Sec. 193A. Authorities and duties of the Director.
"Sec. 194. Management.
"Sec. 195. Employees, consultants, and other personnel.
"Sec. 196. Administration.".

(i) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on October 1, 1993.

(2) ESTABLISHMENT AND APPOINTMENT AUTHORITIES.—Sections 191, 192, and 193 of the National and Community Service Act of 1990, as added by subsection (a), shall take effect on the date of enactment of this Act.

SEC. 163. FINAL AUTHORITIES OF THE CORPORATION FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS.

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(1) APPLICATION.—Section 178(e) of the National and Community Service Act of 1990 (as amended by section 161 of this Act) is amended, and subtitle G of such Act (as amended by section 162 of this Act) is amended in section 191, section 192A(g)(5), section 193(c), subsections (b), (c) (other than paragraph (8)), and (d) of section 193A, section 195(c), and subsections (a) and (b) of section 196, by striking "this Act" each place the term appears and inserting "the national service laws".

(2) GRANTS.—Section 192A(g) of the National and Community Service Act of 1990 (as added by section 162 of this Act) is amended—

(A) by striking "and" at the end of paragraph (9);

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by inserting after paragraph (9) the following:

"(10) notwithstanding any other provision of law, make grants to or contracts with Federal or other public departments or agencies and private nonprofit organizations for the assignment or referral of volunteers under the provisions of the Domestic Volunteer Service Act of 1973 (except as provided in section 108 of the Domestic Volunteer Service Act of 1973), which may provide that the agency or organization shall pay all or a part of the costs of the program; and".

(b) AUTHORITIES OF ACTION AGENCY.—Sections 401 and 402 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041 and 5042) are repealed.

(c) TRANSFER OF FUNCTIONS FROM ACTION AGENCY.—

(1) DEFINITIONS.—For purposes of this subsection, unless otherwise provided or indicated by the context—

(A) the term "Corporation" means the Corporation for National Service and Community Volunteers, established under section 191 of the National and Community Service Act of 1990;

(B) the term "Director" means the Director of the Corporation;

(C) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(D) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(E) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Corporation such functions as the President determines to be appropriate that the Director of the ACTION Agency exercised before the effective date of this subsection (including all related functions of any officer or employee of the ACTION Agency).

(3) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under paragraph (2).

(4) REORGANIZATION.—The Director is authorized to allocate or reallocate any function transferred under paragraph (2) among the officers of the Corporation.

(5) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this subsection, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this subsection, subject to section 1531 of title 31, United States Code, shall be transferred to the Corporation. Unexpended funds transferred pursuant to this paragraph shall be used only for the purposes for which the funds were originally authorized and appropriated.

(6) INCIDENTAL TRANSFER.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this subsection, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this subsection. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this subsection and for such further measures and dispositions as may be necessary to effectuate the purposes of this subsection.

(7) EFFECT ON PERSONNEL.—

(A) IN GENERAL.—Except as otherwise provided by this subsection, the transfer pursuant to this subsection of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation, or to have the benefits of the employee reduced, for 1 year after the date of transfer of such employee under this subsection.

(B) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this subsection, any person who, on the day preceding the effective date of this subsection, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Corporation to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(C) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this subsection, shall terminate on the effective date of this subsection.

(8) SAVINGS PROVISIONS.—

(A) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(i) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under this subsection; and

(ii) that are in effect at the time this subsection takes effect, or were final before the effective date of this subsection and are to become effective on or after the effective date of this subsection,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director, or other authorized official, a court of competent jurisdiction, or by operation of law.

(B) PROCEEDINGS NOT AFFECTED.—The provisions of this subsection shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the ACTION Agency at the time this subsection takes effect, with respect to functions transferred by this subsection but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subsection had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subparagraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subsection had not been enacted.

(C) SUITS NOT AFFECTED.—The provisions of this subsection shall not affect suits commenced before the effective date of this subsection, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

(D) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the ACTION Agency, or by or against any individual in the official capacity of such individual as an officer of the ACTION Agency, shall abate by reason of the enactment of this subsection.

(E) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the ACTION Agency relating to a function transferred under this subsection may be continued by the Corporation with the same effect as if this subsection had not been enacted.

(9) SEVERABILITY.—If a provision of this subsection or its application to any person or circumstance is held invalid, neither the remainder of this subsection nor the application of the provision to other persons or circumstances shall be affected.

(10) TRANSITION.—Prior to, or after, any transfer of a function under this subsection, the Director is authorized to utilize—

(A) the services of such officers, employees, and other personnel of the ACTION Agency with respect to functions that will be or have been transferred to the Corporation by this subsection; and

(B) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this subsection.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section, and the amendments made by this section, shall take effect—

(A) 18 months after the date of enactment of this Act; or

(B) on such earlier date as the President shall determine to be appropriate and announce by proclamation published in the Federal Register.

(2) TRANSITION.—Subsection (c)(10) shall take effect on the date of enactment of this Act.

Subtitle H—Other Activities

SEC. 171. POINTS OF LIGHT FOUNDATION.

Section 301(b)(3) (42 U.S.C. 12661(b)(3)) is amended by inserting "and make awards to" after "develop".

Subtitle I—Authorization of Appropriations

SEC. 181. AUTHORIZATION.

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Section 501 of the National and Community Service Act of 1990 (42 U.S.C. 12681) is amended to read as follows:

"SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

"(a) NATIONAL AND COMMUNITY SERVICE.—

"(1) SERVICE-LEARNING.—There are authorized to be appropriated to carry out subtitle B of title I, $30,600,000 for each of fiscal years 1994 and 1995, and such sums as may be necessary for each subsequent fiscal year.

"(2) NATIONAL SERVICE.—

"(A) IN GENERAL.—There are authorized to be appropriated to carry out subtitle C of title I (other than sections 123 and 125), $67,900,000 for fiscal year 1994, $136,000,000 for fiscal year 1995, and such sums as may be necessary for each subsequent fiscal year.

"(B) DEMONSTRATION EFFORTS.—There are authorized to be appropriated to carry out section 123, $10,000,000 for fiscal year 1994, and $20,000,000 for fiscal year 1995.

"(C) OTHER SPECIAL EFFORTS.—There are authorized to be appropriated to carry out section 125, $10,000,000 for fiscal year 1994, $12,000,000 for fiscal year 1995, and such sums as may be necessary for each subsequent fiscal year.

"(3) QUALITY AND INNOVATION ACTIVITIES.—There are authorized to be appropriated to carry out subtitle D, $10,000,000 for fiscal year 1994, and $15,000,000 for fiscal year 1995.

"(4) ADMINISTRATION AND ORGANIZATION.—There are authorized to be appropriated to carry out subtitles F and G, $5,000,000 for fiscal year 1994, $9,000,000 for fiscal year 1995, and such sums as may be necessary for each subsequent fiscal year.

"(b) POINTS OF LIGHT FOUNDATION.—There are authorized to be appropriated to carry out title III, $5,000,000 for each of fiscal years 1994 and 1995.".

(b) EXTENSION OF AUTHORITY TO CONDUCT CIVILIAN COMMUNITY CORPS.—Section 1092(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2534) is further amended by adding at the end the following new sentence: "The amount made available for the Civilian Community Corps Demonstration Program pursuant to this subsection shall remain available for expenditure during fiscal years 1993, 1994, and 1995.".

Subtitle J—General Provisions

SEC. 191. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on October 1, 1993.

TITLE II—OTHER SERVICE PROGRAMS

SEC. 201. REPEALS OF SERVICE PROGRAMS.

(a) IN GENERAL.—The following provisions are repealed:

(1) Subtitles D and E of title I (as amended by sections 131 and 141 of this Act), and title III, of the National and Community Service Act of 1990.

(2) Parts A, B, and C of title I, and title II, of the Domestic Volunteer Service Act of 1973. (42 U.S.C. 4951 et seq., 4971 et seq., 4991 et seq., and 5000 et seq.).

(3) Title XI of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.).

(4) Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the "Youth Conservation Corps Act of 1970").

(b) EFFECTIVE DATE.—The repeals made by subsection (a) shall take effect 24 months after the amendments made by section 121 take effect.

SEC. 202. TRANSITION.

(a) STUDY AND REPORT.—

(1) STUDY.—The Director of the Corporation for National Service and Community Volunteers (referred to in this title as the "Director") shall, in consultation with the Secretary of Education, the Director of ACTION, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, and the Director of the Office of Personnel Management, conduct a study to examine—

(A) strategies for carrying out, under subtitle C of title I of the National and Community Service Act of 1990, through the division of the Corporation that carries out national service programs, the programs and activities that are being carried out under—

(i) subtitles D and E of title I of the National and Community Service Act of 1990 (as amended by sections 131 and 141 of this Act);

(ii) part A of title I, and, in particular, section 109, of the Domestic Volunteer Service Act of 1973;

(iii) title XI of the Higher Education Act of 1965; and

(iv) Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the "Youth Conservation Corps Act of 1970"; and

(B) strategies for carrying out, under subtitle B of title I of the National and Community Service Act of 1990, through the division of the Corporation that carries out volunteer programs, the programs and activities that are being carried out under—

(i) title III of the National and Community Service Act of 1990; and

(ii) parts B and C of title I, and parts A, B, and C, of title II, of the Domestic Volunteer Service Act of 1973.

(2) REPORT.—Not later than 21 months after the amendments made by section 121 take effect, the Director of the Corporation for National Service and Community Volunteers shall submit to the appropriate committees of Congress a report containing—

(A) the findings and conclusions of the Director, based on the study described in paragraph (1); and

(B) recommendations for legislative reform to carry out—

(i) the programs and activities specified in paragraph (1)(A) under subtitle C of title I of the National and Community Service Act of 1990; and

(ii) the programs and activities specified in paragraph (1)(B) under subtitle B of such title.

(3) MODIFICATION.—Notwithstanding any other provision of this Act and to the extent the Corporation for National Service and Community Volunteers determines it is appropriate and fiscally responsible, the Corporation may include in the report recommendations to reduce the period between the date of the enactment of this Act and the effective date provided in section 201(b).

(4) EFFECT OF RECOMMENDATIONS.—Unless the Congress enacts a disapproval resolution under the procedures described in section 203 not later than the date that is 90 days after the submission of the report described in paragraph (2), on such date, the recommendations contained within the report shall have the force of law.

(b) REGULATIONS.—

(1) IN GENERAL.—The Director shall issue such regulations as are necessary to provide for a transition to the implementation of the programs and activities specified in subsection (a)(1).

(2) CONSIDERATIONS.—In promulgating the regulations described in paragraph (1) the Director shall take into consideration the findings and conclusions of the study described in subsection (a)(1).

SEC. 203. RULES GOVERNING CONGRESSIONAL CONSIDERATION.

(a) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such 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 disapproval resolutions described in subsection (b), and supersedes other rules only to the extent that such rules are inconsistent therewith; 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.

(b) TERMS OF THE RESOLUTION.—For purposes of this Act, the term "disapproval resolution" means only a joint resolution of the two Houses of the Congress, providing in—

(1) the matter after the resolving clause of which is as follows: "That the Congress disapproves the action of the Director of the Corporation for National Service and Community Volunteers as submitted by the Director on _____", the blank space being filled in with the appropriate date; and

(2) the title of which is as follows: "Joint Resolution disapproving the action of the Director of the Corporation for National Service and Community Volunteers".

(c) INTRODUCTION AND REFERRAL.—On the day on which the report describing the action of the Director of the Corporation for National Service and Community Volunteers is transmitted to the House of Representatives and the Senate, a disapproval resolution with respect to such action shall be introduced (by request) in the House of Representatives by the Majority Leader of the House, for himself and the Minority Leader of the House, or by Members of the House designated by the Majority Leader of the House, for himself and the Minority Leader of the House, or by Members of the House designated by the Majority Leader and Minority Leader of the House; and shall be introduced (by request) in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate. If either House is not in session on the day on which such an action is transmitted, the disapproval resolution with respect to such action shall be introduced in the House, as provided in the preceding sentence, on the first day thereafter on which the House is in session. The disapproval resolution introduced in the House of Representatives and the Senate shall be referred to the appropriate committees of each House.

(d) AMENDMENTS PROHIBITED.—No amendment to a disapproval resolution shall be in order in either the House of Representatives or the Senate, and no motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this subsection by unanimous consent.

(e) PERIOD FOR COMMITTEE AND FLOOR CONSIDERATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), if the committee or committees of either House to which a disapproval resolution has been referred have not reported it at the close of the 45th day after its introduction, such committee or committees shall be automatically discharged from further consideration of the disapproval resolution and it shall be placed on the appropriation calendar. A vote on final passage of the disapproval resolution shall be taken in each House on or before the close of the 45th day after the disapproval resolution is reported by the committees or committee of that House to which it was referred, or after such committee or committees have been discharged from further consideration of the disapproval resolution. If prior to the passage by one House of a disapproval resolution of that House, that House receives the same disapproval resolution from the other House then—

(A) the procedure in that House shall be the same as if no disapproval resolution had been received from the other House; but

(B) the vote on final passage shall be on the disapproval resolution of the other House.

(2) COMPUTATION OF DAYS.—For purposes of paragraph (1), in computing a number of days in either House, there shall be excluded any day on which the House is not in session.

(f) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(1) MOTION TO PROCEED.—A motion in the House of Representatives to proceed to the consideration of a disapproval resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in

order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) DEBATE.—Debate in the House of Representatives on a disapproval resolution shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the disapproval resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a disapproval resolution or to move to reconsider the vote by which a disapproval resolution is agreed to or disagreed to.

(3) MOTION TO POSTPONE.—Motions to postpone, made in the House of Representatives with respect to the consideration of a disapproval resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) APPEALS.—All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a disapproval resolution shall be decided without debate.

(5) GENERAL RULES APPLY.—Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a disapproval resolution shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions in similar circumstances.

(g) FLOOR CONSIDERATION IN THE SENATE.—

(1) MOTION TO PROCEED.—A motion in the Senate to proceed to the consideration of a disapproval resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) GENERAL DEBATE.—Debate in the Senate on a disapproval resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours. The time shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader or their designees.

(3) DEBATE OF MOTIONS AND APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a disapproval resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the disapproval resolution, except that in the event the manager of the disapproval resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the Minority Leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a disapproval resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) OTHER MOTIONS.—A motion in the Senate to further limit debate is not debatable. A motion to recommit a disapproval resolution is not in order.

(h) POINT OF ORDER REQUIRING SUPERMAJORITY FOR MODIFICATIONS TO ACTIONS ONCE APPROVED.—

(1) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any amendment to the actions of the Director of the Corporation for National Service and Community Volunteers except as provided in paragraph (2).

(2) WAIVER.—The point of order described in paragraph (1) may be waived or suspended in the House of Representatives or the Senate only, by the affirmative vote of three-fifths of the Members duly chosen and sworn.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.—Section 501 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081) is amended to read as follows:

"SEC. 501. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION.

"(a) VOLUNTEERS IN SERVICE TO AMERICA PROGRAM.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out part A of title I (except section 109) $45,800,000 for each of fiscal years 1994 and 1995.

"(2) LITERACY ACTIVITIES.—There are authorized to be appropriated to carry out subsections (c) and (d) of section 109 and to expand the number of VISTA Literacy Corps volunteers in literacy programs and projects under part A of title I of this Act $5,000,000 for each of fiscal years 1994 and 1995.

"(b) STUDENT COMMUNITY SERVICE PROGRAMS.—There are authorized to be appropriated to carry out part B of title I of this Act $2,200,000 for each of fiscal years 1994 and 1995.

"(c) SPECIAL VOLUNTEER PROGRAMS.—

"(1) PROGRAM ACTIVITIES AND DRUG ABUSE PREVENTION ACTIVITIES.—

"(A) PROGRAM ACTIVITIES.—There are authorized to be appropriated to carry out part C of title I of this Act (other than section 124(b)) such sums as may be necessary for each of the fiscal years 1994 and 1995.

"(B) DRUG ABUSE PREVENTION ACTIVITIES.—In addition to the amounts authorized to be appropriated by subparagraph (A), there are authorized to be appropriated for support of drug abuse prevention such sums for each of the fiscal years 1994 and 1995.

"(C) USE OF FUNDS.—With respect to amounts appropriated for any fiscal year pursuant to subparagraph (B), the Director—

"(i) shall use not more than 25 percent of such amounts for purposes of carrying out section 124(b); and

"(ii) shall ensure that not more than $500,000 is used for administrative costs of programs carried out under such part.

"(2) LITERACY CHALLENGE GRANTS.—Except as provided in paragraph (3) and in addition to the amounts authorized to be appropriated pursuant to paragraph (1) there are authorized to be appropriated for Literacy Challenge Grants under section 125 such sums as may be necessary for each of the fiscal years 1994 and 1995.

"(3) LIMITATION.—No funds shall be appropriated pursuant to paragraph (2) in any fiscal year unless—

"(A) the funds available in such fiscal year for the VISTA Program under part A of title I are sufficient to provide the years of volunteer service specified for such fiscal year under subsection (d)(1) for the VISTA Program; and

"(B) the funds available in such fiscal year for the VISTA Literacy Corps under part A of title I are sufficient to provide at least the same years of volunteer service as were provided in the fiscal year preceding such fiscal year.

"(d) VOLUNTEER SERVICE REQUIREMENT.—

"(1) VOLUNTEER SERVICE YEARS.—Of the amounts appropriated under this section for parts A, B, and C of title I (other than section 124(b)) and for sections 109(c) and 109(d), there shall first be available for part A of title I (other than section 109), an amount not less than the amount necessary to provide 3,400 years of volunteer service in each of fiscal years 1994 and 1995.

"(2) DEFINITION.—For purposes of paragraph (1), the term 'volunteer service' shall include training and other support required under this Act for purposes of part A of title I.

"(3) CALCULATION.—

"(A) COSTS OF COMPLIANCE.—In applying criteria with respect to meeting the number of years of volunteer service under paragraph (1) for a fiscal year, the Director may not exclude the costs of complying with section 105(b)(2) for each volunteer under this part.

"(B) ALLOWANCES FOR SUBSISTENCE.—The minimum level of allowances for subsistence required under section 105(b)(2) to be provided to each volunteer under this part may not be reduced or limited in order to provide for the increase in the number of years of volunteer service specified in paragraph (1) for each of the fiscal years 1994 and 1995.

"(C) REALLOCATION.—If the Director determines that funds appropriated to carry out part A of title I are insufficient to provide for the years of volunteer service as required in paragraph (1), the Director shall, within a reasonable period of time in advance of the date on which such additional funds must be reallocated to satisfy the requirements of such subsection, notify the relevant authorizing and appropriating Committees of Congress. Funds shall be reallocated to part A of title I from amounts appropriated for part C of such title prior to the reallocation of funds appropriated for other parts.

"(e) LIMITATION.—No part of the funds authorized under subsection (a) may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.".

(b) OLDER AMERICANS VOLUNTEER PROGRAMS.—Section 502 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082) is amended to read as follows:

"SEC. 502. OLDER AMERICANS VOLUNTEER PROGRAMS.

"(a) RETIRED SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out programs under part A of title II of this Act $37,054,000 for each of the fiscal years 1994 and 1995.

"(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out programs under part B of title II of this Act $71,284,000 for each of the fiscal years 1994 and 1995.

"(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II of this Act $32,509,000 for each of the fiscal years 1994 and 1995.".

(c) ADMINISTRATION AND COORDINATION.—Section 504 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5084) is amended to read as follows:

"SEC. 504. ADMINISTRATION.

"For each of the fiscal years 1994 and 1995, there is authorized to be appropriated for the administration of this Act, as authorized in title IV, 10 percent of the total amount appropriated under sections 501 and 502 for such year.".

SEC. 205. CONSTRUCTION.

Nothing in this Act, or any amendment made by this Act, shall be construed to modify the amount of the financial assistance or benefits received by a participant or volunteer for participation or volunteer service in a program or activity carried out under a provision described in section 201(a), as in effect on the day before the date of enactment of this Act.

TITLE III—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 301. DEFINITION OF DIRECTOR.

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) the term 'Director' means the Director of the Corporation for National Service and Community Volunteers appointed under section 193 of the National and Community Service Act of 1990;".

SEC. 302. REFERENCES TO ACTION AND THE ACTION AGENCY.

(a) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—

(1) The table of contents of the Act is amended by striking the item relating to section 112 and inserting the following:

"Sec. 112. Authority to operate University Year for VISTA program.

(2) Section 2(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950(b)) is amended—

(A) by striking "ACTION, the Federal domestic volunteer agency," and inserting "this Act"; and

(B) by striking "ACTION" and inserting "the Corporation for National Service and Community Volunteers".

(3) Section 103 (42 U.S.C. 4953) is amended—

(A) in subsection (b)—

(i) in paragraphs (2), (5), and (6), by striking "ACTION Agency" each place the term appears and inserting "Corporation"; and

(ii) in paragraph (6), by striking "regional ACTION office" and inserting "regional office of the Corporation"; and

(B) in subsection (c)(1)(D), by striking "ACTION Agency" and inserting "Corporation".

(4) Section 105(b) (42 U.S.C. 4955(b)) is amended in paragraphs (3)(A) and (4) by striking "ACTION Agency" and inserting "Corporation".

(5) Part B of title I (42 U.S.C. 4971 et seq.) is amended—

(A) in the part heading, to read as follows:

"PART B—UNIVERSITY YEAR FOR VISTA";

(B) by striking "University Year for ACTION" each place that such term appears in such part and inserting "University Year for VISTA";

(C) by striking "UYA" each place that such term appears in such part and inserting "UYV"; and

(D) in section 112 (42 U.S.C. 4972) by striking the section heading and inserting the following new section heading:

"AUTHORITY TO OPERATE UNIVERSITY YEAR FOR VISTA PROGRAM".

(6) Section 125(b) of such Act (42 U.S.C. 4995(b)) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(7) Section 225(e) of such Act (42 U.S.C. 5025(e)) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(8) Section 403(a) of such Act (42 U.S.C. 5043(a) is amended—

(A) by striking "the ACTION Agency" the first place such term appears and inserting "the Corporation under this Act"; and

(B) by striking "the ACTION Agency" the second place such term appears and inserting "the Corporation".

(9) Section 407(5) (42 U.S.C. 5047(5)) is amended by striking "ACTION Agency" and inserting "Corporation".

(10) Section 408 of such Act (42 U.S.C. 5048) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(11) Section 416(f)(1) (42 U.S.C. 5056(f)(1)) is amended by striking "ACTION Agency" and inserting "Corporation".

(12) Section 420(b) (42 U.S.C. 5060(b)) is amended by striking "ACTION Agency" and inserting "Corporation".

(13) Section 421(9) of such Act (as added by section 163 of this Act) is further amended by striking "ACTION" and inserting "the Corporation".

(14) Section 702(a) (42 U.S.C. 5091a(a)) is amended by striking "of the ACTION Agency".

(15) Section 713(2) (42 U.S.C. 50911(2)) is amended by striking "ACTION agency" and inserting "Corporation".

(b) INSPECTOR GENERAL.—

(1) TERMINATION OF STATUS AS DESIGNATED FEDERAL ENTITY.—Section 8E(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "ACTION,".

(2) TRANSFER.—Section 9(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subparagraph (T), by striking "and" at the end; and

(B) by adding at the end the following:

"(V) of the Corporation for National Service and Community Volunteers, the Office of Inspector General of ACTION; and".

(c) PUBLIC HOUSING SECURITY.—Section 207(c) of the Public Housing Security Demonstration Act of 1978 (Public Law 95-557; 92 Stat. 2093; 12 U.S.C. 1701z-6 note) is amended—

(1) in paragraph (3)(ii), by striking "ACTION" and inserting "the Corporation for National Service and Community Volunteers"; and

(2) in paragraph (4), by striking "ACTION" and inserting "the Corporation for National Service and Community Volunteers".

(d) NATIONAL FOREST VOLUNTEERS.—Section 1 of the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a) is amended by striking "ACTION" and inserting "the Corporation for National Service and Community Volunteers".

(e) PEACE CORPS.—Section 2A of the Peace Corps Act (22 U.S.C. 2501-1) is amended by inserting after "the ACTION Agency" the following: ", the successor to the ACTION Agency,".

(f) INDIAN ECONOMIC DEVELOPMENT.—Section 502 of the Indian Financing Act of 1974 (25 U.S.C. 1542) is amended by striking "ACTION Agency" and inserting "the Corporation for National Service and Community Volunteers".

(g) OLDER AMERICANS.—The Older Americans Act of 1965 is amended—

(1) in section 202(c)(1) (42 U.S.C. 3012(c)(1)), by striking "the Director of the ACTION Agency" and inserting "the Corporation for National Service and Community Volunteers";

(2) in section 203(a)(1) (42 U.S.C. 3013(a)(1)), by striking "the ACTION Agency" and inserting "the Corporation for National Service and Community Volunteers"; and

(3) in section 422(b)(12)(C) (42 U.S.C. 3035a(b)(12)(C)), by striking "the ACTION Agency" and inserting "the Corporation for National Service and Community Volunteers".

(h) VISTA SERVICE EXTENSION.—Section 101(c)(1) of the Domestic Volunteer Service Act Amendments of 1989 (Public Law 101-204; 103 Stat. 1810; 42 U.S.C. 4954 note) is amended by striking "Director of the ACTION Agency" and inserting "Director of the Corporation for National Service and Community Volunteers".

(i) AGING RESOURCE SPECIALISTS.—Section 205(c) of the Older Americans Amendments of 1975 (Public Law 94-135; 89 Stat. 727; 42 U.S.C. 5001 note) is amended—

(1) in paragraph (1)—

(A) by striking "the ACTION Agency," and inserting "the Corporation for National Service and Community Volunteers,"; and

(B) by striking "the Director of the ACTION Agency" and inserting "the Director of the Corporation";

(2) in paragraph (2)(A), by striking "ACTION Agency" and inserting "Corporation"; and

(3) in paragraph (3), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) the term 'Corporation' means the Corporation for National Service and Community Volunteers established by section 191 of the National and Community Service Act of 1990.".

(j) PROMOTION OF PHOTOVOLTAIC ENERGY.—Section 11(a) of the Solar Photovoltaic Energy Research, Development, and Demonstration Act of 1978 (42 U.S.C. 5590) is amended by striking "the Director of ACTION,".

(k) COORDINATING COUNCIL ON JUVENILE JUSTICE.—Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended by striking "the Director of the ACTION Agency" and inserting "the Director of the Corporation for National Service and Community Volunteers".

(l) ENERGY CONSERVATION.—Section 413(b)(1) of the Energy Conservation and Production Act (42 U.S.C. 6863(b)(1)) is amended by striking "the Director of the ACTION Agency,".

(m) INTERAGENCY COUNCIL ON THE HOMELESS.—Section 202(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11312(a)) is amended by striking paragraph (12) and inserting the following new paragraph:

"(12) The Director of the Corporation for National Service and Community Volunteers, or the designee of the Director.".

(n) ANTI-DRUG ABUSE.—Section 3601 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11851) is amended by striking paragraph (5) and inserting the following new paragraph:

"(5) the term 'Director' means the Director of the Corporation for National Service and Community Volunteers,".

(o) ADMINISTRATION ON CHILDREN, YOUTH, AND FAMILIES.—Section 916(b) of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12312(b)) is amended by striking "the Director of the ACTION Agency" and inserting "the Director of the Corporation for National Service and Community Volunteers".

SEC. 303. DEFINITIONS.

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon; and

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

"(8) the term 'Corporation' means the Corporation for National Service and Community Volunteers established under section 191 of the National and Community Service Act of 1990; and

"(9) the term 'Inspector General' means the Inspector General of ACTION.".

SEC. 304. REFERENCES TO THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(1) Section 1092(b) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 12653a note) is amended—

(A) in paragraph (1)—

(i) by striking "Commission on National Community Service" and inserting "Corporation for National Service and Community Volunteers"; and

(ii) by striking "Commission shall prepare" and inserting "Board of Directors of the Corporation shall prepare"; and

(B) in paragraph (2), by striking "Board of Directors of the Commission on National and Community Service" and inserting "Board of Directors of the Corporation for National Service and Community Volunteers".

(2) Section 1093(a) of such Act (42 U.S.C. 12653a note) is amended by striking "the Board of Directors and Executive Director of the Commission on National and Community Service" and inserting "the Board of Directors and Director of the Corporation for National Service and Community Volunteers".

(3) Section 1094 of such Act (Public Law 102-484; 106 Stat. 2535) is amended—

(A) in the title, by striking "commission on national and community service" and inserting "corporation for national service and community volunteers";

(B) in subsection (a)—

(i) in the heading, by striking "COMMISSION" and inserting "CORPORATION";

(ii) in the first sentence, by striking "Commission on National and Community Service" and inserting "Corporation for National Service and Community Volunteers"; and

(iii) in the second sentence, by striking "The Commission" and inserting "The Director of the Corporation"; and

(C) in subsection (b)—

(i) in paragraph (1), by striking "Board of Directors of the Commission on National and Community Service" and inserting "Director of the Corporation for National Service and Community Volunteers"; and

(ii) in paragraph (2), by striking "the Commission" and inserting "the Director of the Corporation for National Service and Community Volunteers".

(4) Section 1095 of such Act (Public Law 102-484; 106 Stat. 2535) is amended in the heading for subsection (b) by striking "COMMISSION ON NATIONAL AND COMMUNITY SERVICE" and inserting "CORPORATION FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS".

(5) Section 2(b) of such Act (Public Law 102-484; 106 Stat. 2315) is amended by striking the item relating to section 1094 of such Act and inserting the following:

"Sec. 1094. Other programs of the Corporation for National Service and Community Volunteers.".

(b) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(1) Sections 159(b)(2) (as redesignated in section 141(a)(2)(C) of this Act), 165 (as redesignated in section 141(a)(2)(C) of this Act), and 171(a), subsections (a) and (b) of section 172, sections 176(a) and 177(c), and subsections (a), (b), and (d) through (j) of section 179, of the National and Community Service Act of 1990 (42 U.S.C. 12653h(b)(2), 12653n, 12631(a), 12632 (a) and (b), 12636(a), 12637(c), and 12639 (a), (b), and (d) through (j)) are each amended by striking the term "Commission" each place the term appears and inserting "Corporation".

(2) Sections 152, 157(b)(2), 159(b), 162(a)(2)(C), 164, and 166(1) of such Act (in each case, as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12653a, 12653f(b)(2), 12653h(b), 12653k(a)(2)(C), 12653m, and 12653o(1)) are each amended by striking "Commission on National and Community Service" and inserting "Corporation".

(3) Section 163(b)(9) of such Act (as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12635l(b)(9)) is amended by striking "Chair of the Commission on National and Community Service" and inserting "Director".

(4) Section 303(a) of such Act (42 U.S.C. 12662(a)) is amended—

(A) by striking "The President" and inserting "The President of the United States, acting through the Corporation,";

(B) by inserting "in furtherance of activities under section 302" after "section 501(b)"; and

(C) by striking "the President" both places it appears and inserting "the Corporation".

SEC. 305. REFERENCES TO DIRECTORS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) DIRECTOR OF THE CORPORATION.—

(1) Section 159(a) of such Act (as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12653h(a)) is amended—

(A) by striking "BOARD.—The Board" and inserting "SUPERVISION.—The Director of the Corporation";

(B) by striking "the Board" in the matter preceding the paragraphs and in paragraph (1) and inserting "the Director of the Corporation"; and

(C) by striking "the Director" in paragraph (1) and inserting "the Board".

(2) Section 159(b) of such Act (as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12653h(b)) is amended by striking "(b)" and all that follows through "Commission on National and Community Service" and inserting "(b) MONITORING AND COORDINATION.—The Director of the Corporation".

(3) Section 159(c)(1) (as redesignated in section 141(a)(2)(C) of this Act) (12653h(c)(1)) is amended—

(A) in subparagraph (A), by striking "the Board, in consultation with the Executive Director," and inserting "Director of the Corporation"; and

(B) in subparagraph (B)(iii), by striking "the Board through the Executive Director" and inserting "the Director of the Corporation".

(4) Section 166 (as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12653o) is amended—

(A) in paragraph (5), by inserting "except when used as part of the term 'Director of the Corporation'," before "means";

(B) by striking paragraph (6); and

(C) by redesignating paragraphs (7) through (11) as paragraphs (6) through (10), respectively.

(b) DIRECTOR OF CIVILIAN COMMUNITY CORPS.—Sections 155(a), 157(b)(1)(A), 158(a), 159(c)(1)(A), and 163(a) (in each case, as redesignated in section 141(a)(2)(C) of this Act) of the National and Community Service Act of 1990 (42 U.S.C. 12653d(a), 12653f(b)(1)(A), 12653g(a), 12653h(c)(1)(A), and 12653l(a)) are amended by striking "Director of Civilian Community Corps" each place the term appears and inserting "Director".

SEC. 306. EFFECTIVE DATE.

(a) ACTION.—The amendments made by sections 301 and 302 shall take effect on the effective date of section 163(c)(2).

(b) COMMISSION.—The amendments made by sections 303 through 305 will take effect on October 1, 1993.

NATIONAL SERVICE AND COMMUNITY VOLUNTEER ACT—SUMMARY OF PRIMARY PROVISIONS

FEDERAL ORGANIZATIONAL STRUCTURE

The legislation creates a federal administrative entity, the Corporation for National and Community Service (Corporation). The purpose of the Corporation is to serve as the unifying, administrative structure for federal national service and volunteer programs.

The Corporation is governed by a 9-member board of directors, including the director of the Corporation who acts as the chief executive officer for the Corporation.

The remaining 8 members of the board of directors are nominated by the President and Congress (equally divided) to serve in rotating 3-year terms.

The chairman of the board is elected by the members of the Corporation.

The director of the Corporation is nominated by the President with the advice and consent of the Senate; the director of the Corporation cannot serve as the chairman of the board of directors.

The board is responsible for overseeing the operations of the Corporation and providing direction in the development of Corporation policies, procedures, regulations and operations.

The director of the Corporation is responsible for the day-to-day operations of the Corporation, including setting policies, procedures, and regulations.

The Corporation will be responsible for administering a variety of programs, new and existing. There will be two programmatic divisions within the Corporation—National Service and Volunteer Programs.

National service requires a full-time commitment for 1 year of service or part-time for 2 years of service. Participants receive living allowances no less than the current minimum wage, as well as health care and child care benefits when necessary. Upon completion for the service commitment, participants receive stipends. National service participants can re-enroll in the program for up to 2 terms of service (2 years of full-time service, 4 years of part-time service).

Volunteer programs include those which require only part-time participation (can include summer only programs) not to exceed 6-month intervals, with unlimited re-enrollment at the volunteer's request. Participants can receive stipends at or below minimum wage and reimbursement of expenses.

Included under the two divisions of the Corporation will be the following programs. (The one new federal program authorized in this legislation is "national service" under the National Service designation below.)

National Service—Conservation and Youth Service Corps, National Service Demonstration Projects, VISTA, VISTA Literacy Corps, and National Service (new program).

Volunteer Programs—Serve America, Higher Education Innovative Programs, Student Community Service, ACTION Drug Alliance, Retired Senior Volunteer Program, Foster Grandparent Program, Senior Companion Program, Student Literacy Corps, Urban Community Service, Youth Conservation Corps, Points of Light Foundation, and Innovative Projects for Community Service.

Programs not currently administered by federal departments (Interior, Agriculture, Education) will be transferred to the Corporation on October 1, 1993.

Programs currently administered by federal departments will be required to coordinate their efforts with the Corporation, as evidenced by the Corporation's approval of grants prior to funding.

The Corporation, working with the administrators of each of these programs, will have 2 years fully to integrate the programs into a unified national service and a consolidated volunteer program.

At the end of the 2-year transition period, the categorical funding and administration of each of these programs will be transformed into a broader, more comprehensive structure—with one national service program providing equal benefits for participants, and three broad categories of volunteer programs (service learning, senior programs, and federal volunteer programs).

STATE ORGANIZATIONAL STRUCTURE

The legislation provides broad autonomy for the states to administer federally funded national service and volunteer programs. The strength of community service, in the form of full-time or volunteer service, is the ability of the service to respond to the unique needs of the community in which it is being performed. In order to ensure this responsiveness, the legislation creates State Commissions for National Service and Volunteer Programs (State Commissions), to distribute federal funds for national service and volunteer programs.

Provisions in the legislation permit states to designate a new or existing entity to serve as the State Commission and to determine the appropriate composition and administrative procedures for the Commission—with the approval of the Corporation.

States establish their own priorities for determining the use of the federal grant funds, as part of a strategic plan submitted to the Corporation in applying for the federal funds.

State Commission are responsible for making grants available for local and statewide national service and volunteer programs.

ALLOCATION OF FUNDS

Existing national service programs will continue to be funded according to any existing formula funding allocations during the 2-year transition period. Volunteer programs will be maintained under existing discretionary funding structures during the period.

Any discretionary and new funding for national service is allocated as follows: 50 percent of the appropriated funds will be distributed to the states based on population, 30 percent of the appropriated funds will be used to make grants to the states on a competitive basis, and 20 percent will be distributed by the Corporation on a competitive basis to local communities, Indian tribes, public and private not-for-profit organizations, educational institutions, and federal agencies. There is a 1 percent set-aside for Indian tribes and territories. This allocation will continue for all national service programs administered by the Corporation after the transition period.

After the 2-year transitional period, funds for federal volunteer programs will be distributed as follows: 75 percent to the states based on population and 25 percent to be distributed to by the Corporation on a competitive basis to states, local communities, Indian tribes, and public and private not-for-profit organizations.

STIPENDS FOR NATIONAL SERVICE PARTICIPANTS

All of the existing national service type programs provide stipends to participants at the completion of their service commitment. The amount of these "post-service stipends" range from $95 for each month of service (VISTA) to $5,000 yearly. Some of the programs restrict the use of the stipends for educational or other purposes, while others simply pay the stipends in cash.

During the 2-year transition period, existing programs will continue to provide current levels of post-service benefits. However, post-service stipends will be limited to educational purposes for participants in existing national service programs who begin service after the date of enactment of the legislation.

Additional national service programs appropriated during the transition period will provide an educational stipend of $1,500 for each year of full-time participation in national service; $750 for each year of part-time participation.

The educational stipend can be used to pay off educational loans or to pay for additional educational activities.

States or program sponsors can equally match that benefit with funds from non-federal sources.

Funds are authorized for the Corporation to conduct demonstration programs to determine the most reasonable level of post-service stipends for a successful national service program and the most efficient method for providing those benefits.

The authorized levels for post-service stipend demonstrations are $10 million for the first year and $20 million for year 2.

The Corporation will report back to Congress after 18 months with the findings of the demonstrations and recommendations for legislative action.

LIVING ALLOWANCES AND OTHER ASSISTANCE FOR NATIONAL SERVICE PARTICIPANTS

Participants in existing national service programs funded by the federal government receive a living allowance and reimbursement for some job-related expenses, such as transportation costs. The amount of the living allowance and the types of reimbursable expenses vary from program to program. Often, the amount of the living allowance is expressed in terms related to the VISTA program living allowance—which currently is the federal minimum wage. Some programs provide additional assistance to participants, such as health care insurance and help with child care.

During the 2-year transition period, existing national programs will continue to provide current levels of assistance to participants.

The new national service program created by this legislation provides participants with a living allowance of not less than the prevailing minimum wage, health care benefits, reimbursement for transportation expenses, and where necessary, child care assistance. States and/or program sponsors can use funds from nonfederal sources to increase the living allowance to not more than 200 percent of the prevailing minimum wage.

The federal government will reimburse 85 percent of the costs of the living allowances and other participant "benefits." Living allowances which exceed the minimum wage will be reimbursed at a rate of 85 percent of the actual costs, up to the prevailing minimum wage.

SERVICE LEARNING PROGRAMS

To instill the value of volunteerism in today's youth, communities, and schools have undertaken programs to involve school-aged children in community volunteer projects. These programs, referred to as service learning, link educational curriculum to the activities undertaken in the volunteer project. Children are provided the opportunity to use information learned in school in a constructive fashion, while meeting the needs of their local community.

The Corporation, in consultation with the Secretary of Education, will make formula and discretionary grants to states for planning and implementing service learning programs.

The State Commissions are responsible for distributing the funds to local educational agencies and community-based organizations.

Ninety percent of the funds for service learning programs will be distributed to the states; 1 percent set aside for Indian tribes and territories.

The state allocations are determined using the following formula: 50 percent of the state formula funds are distributed based on the number of school-aged youth in the state; 50 percent are distributed based on the amount of funds allocated to the state the previous fiscal year under Chapter 1 of Title I of the Elementary and Secondary Schools Act.

The remaining funds are to be distributed by the Corporation on a competitive basis.

AUTHORIZATION AMOUNTS

The authorization levels for existing programs which are transferred to the Corporation are to remain stable during the transition period. These current fiscal year 1993 (FY93) authorization levels and the FY93 appropriation amounts are:

[In millions of dollars]

	Authorization	Appropriation
National Service:		
Conservation and Youth Service Corps	30.6	22.5
National Service Demonstration Projects	30.6	22.5
VISTA	56.0	34.7
VISTA Literacy Corps	10.5	5.0
Civilian Community Corps	30.0	30.0
Totals	157.7	114.7
Domestic Volunteer Services:		
Serve America	30.6	16.2
Higher Education Innovative Programs	w/30.6	5.1
Student Community Service	2.2	.9
ACTION Drug Alliance	5.5	.9
Retired Senior Volunteer Program	53.1	33.7
Foster Grandparent Program	98.2	64.8
Senior Companion Program	48.7	29.5
Student Literacy Corps	10	5.3
Urban Community Service	20	9.4
Youth Conservation Corps	2–6	[1] 2.0
Points of Light Foundation	5	5.0
Innovative Projects for Community Service	5	1.4
Totals	280.3	174.2

[1] No less than $2 million to be allocated for this program from the budgets of the Departments of Interior and Agriculture.

ADDITIONAL FUNDING FOR NATIONAL SERVICE PROGRAMS

[In millions of dollars]

	Year 1	Year 2
National Service Program—Includes:		
Training and Technical Assistance	10	15
Post Service Benefit Demonstrations	10	20
Support for State Commissions	10	12
Administrative Costs (Corporation 5%)	4.9	9.2
Formula and Discretionary Grants	63	126.8
Total	97.9	183

At this appropriation level, approximately 5,000 new full-time national service positions will be created in the first year; 10,000 the second year. The existing national service programs combined provide 20,000 full-time national service positions.

By Mr. BINGAMAN:

S.J. Res. 107. A joint resolution to designate the first Monday in October of each year as "Child Health Day"; to the Committee on the Judiciary.

CHILD HEALTH DAY

• Mr. BINGAMAN. Mr. President, I introduce a resolution requesting that the President designate the first Monday in October as Child Health Day. I urge my colleagues to join my effort, and I ask that the full text of the resolution be printed in the RECORD at the conclusion of my remarks.

During my tenure in U.S. Senate, I have heard from many New Mexicans—and from countless people and organizations around the country—urging my support for particular projects, programs, and ideas. One segment of our society rarely contracts me, however. This group rarely asks for help or asks for attention. It is a young group—a poor group. It is our children.

Yet, of all the special interest groups in the world, our children need and deserve our help the most. And if our children cannot speak, we must speak for them. If they cannot advocate the enactment of legislation or the expansion of a successful program, we must act for them. Too much is at stake—our very future—to ignore their silence. That is why I am introducing this resolution today.

Again, Mr. President, I urge my colleagues to join the American Health Foundation and me in our effort to designate the first Monday in October as Child Health Day. In closing, I want to commend Dr. Ernst Wynder, president of the American Health Foundation, for his tremendous and tireless leadership in this endeavor and for his unfailing commitment to our children and their future.●

By Mr. COATS:

S.J. Res. 108. A joint resolution approving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania; to the Committee on Finance.

ROMANIA—MOST-FAVORED-NATION JOINT RESOLUTION

● Mr. COATS. Mr. President, the joint resolution I am introducing calls for the House and Senate to approve extending most-favored-nation to Romania. I believe it is time to grant favorable trading status to this nation.

Without MFN, Romania remains consigned to a group of terrorist and totalitarian regimes which includes Iraq, Iran, Libya, and Cuba. With the collapse of the Soviet Union and its control over its Eastern European satellites, Romania was at last free to begin tearing down the corrupt policies of its old regime. Since last year Romania has held democratic elections, made moves to establish a market economy, and lessened government control of the press.

Romania has made strides in democratic pluralism. More than 100 political parties participated in last year's elections. Local elections occurred in February 1992. And in September and October multiparty elections were held for Parliament and the Presidency. Although there were reports initially of election irregularities, the runoff election was deemed generally free and fair by outside observers.

The path of change since 1989 has not been without controversy or difficulty for the people of Romania. Necessary economic reform has not moved quickly. Unemployment and inflation remain high. Foreign investment has been slow to come. Rising costs following price liberalization have further added to the people's problems.

However, it is my belief that granting most-favored-nation will serve to help the people and increase the commitment of the government to pursue reforms, both economic and political. Through MFN, the United States can have a role in encouraging greater reform and the strengthening of democratic institutions. The Romanian people are the beneficiaries of a favorable trade relationship with the United States. They are counting on us to help them make the transition to a vibrant market economy. Granting most-favored-nation will be a step in that direction.

We continue to have some real concerns about the status of human rights in Romania, particularly in regards to the Hungarian people. Likewise Americans are deeply concerned about the reports on the deplorable conditions in orphanages and the bureaucratic delays in the adoption process. The government has recently made efforts to address both of these issues. It has proposed legislation to regulate adoptions. And in March it created a consultative council for national minorities. Granting MFN does not mean we assume that all such issues have been resolved satisfactorily. These are only steps. It is essential that we continue to pursue vigorously decent standards for human rights, encourage speedy resolution to the adoption problems, and pressure the government on other areas on concern.

Mr. President, all the opposition parties in Romania are asking for most-favored-nation status. They view our granting MFN not as an endorsement of the current Romanian Government but as our commitment to help the people of Romania prosper. MFN will show our desire to help improve conditions for the people. I believe it will give Americans the opportunity to influence greater reform in Romania.●

ADDITIONAL COSPONSORS

S. 25

At the request of Ms. MOSELEY-BRAUN, her name was withdrawn as a cosponsor of S. 25, a bill to protect the reproductive rights of women, and for other purposes.

S. 27

At the request of Mr. SARBANES, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors 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. 185

At the request of Mr. GLENN, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 185, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the nation, to protect such employees from improper political solicitations, and for other purposes.

S. 265

At the request of Mr. BINGAMAN, his name was added as a cosponsor 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.

At the request of Mr. SHELBY, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 265, supra.

S. 267

At the request of Mr. COCHRAN, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 267, a bill to amend the Fair Labor Standards Act of 1938 to exempt garment and certain other related employees from minimum wage and maximum hour requirements, and for other purposes.

S. 367

At the request of Mr. AKAKA, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 367, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 412

At the request of Mr. EXON, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 412, a bill to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes.

S. 483

At the request of Mr. SHELBY, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Hawaii [Mr. AKAKA], the Senator from Kansas [Mr. DOLE], and the Senator from Oklahoma [Mr. BOREN] 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. 561

At the request of Mr. DODD, the name of the Senator from California [Mrs. BOXER] 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. 636

At the request of Mr. KENNEDY, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 636, a bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.

S. 666

At the request of Mr. DANFORTH, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 666, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the credit for increasing research activities, and for other purposes.

S. 739

At the request of Mr. BUMPERS, the names of the Senator from Michigan [Mr. RIEGLE] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 739, a bill to amend the Internal Revenue Code of 1986 to simplify the limitation on using last year's taxes to calculate an individual's estimated tax payments.

S. 833

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 833, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 834

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 834, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 855

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 855, a bill to authorize the Secretary of the Interior to consolidate the surface and substance estates of certain lands within 3 conservation system units on the Alaska Peninsula, and for other purposes.

S. 971

At the request of Mr. AKAKA, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Wyoming [Mr. WALLOP] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 971, a bill to increase the authorizations for the War in the Pacific National Historical Park, Guam, and the American Memorial Park, Saipan, and for other purposes.

S. 1020

At the request of Mr. WOFFORD, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1020, a bill to promote economic growth and job creation in the United States by facilitating worker involvement in the development and implementation of advanced workplace technologies and advanced workplace practices and by identifying and disseminating information on best workplace practices.

S. 1037

At the request of Mrs. MURRAY, the names of the Senator from Iowa [Mr. HARKIN] and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of S. 1037, a bill to amend the Civil Rights Act of 1991 with respect to the application of such Act.

S. 1045

At the request of Mr. WOFFORD, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1045, a bill to permit States to establish programs using unemployment funds to assist unemployed individuals in becoming self-employed.

S. 1063

At the request of Mr. HATCH, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1093

At the request of Mr. DURENBERGER, the names of the Senator from Oklahoma [Mr. BOREN] and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 1093, a bill to amend the Internal Revenue Code of 1986 to repeal the special rule for treatment of foreign trade income of a FSC attributable to military property.

S. 1105

At the request of Mr. COATS, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 1105, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of individual medical savings accounts to assist in the payment of medical and long-term care expenses, to provide that the earnings on such accounts will not be taxable, to allow rollovers of such accounts into individual retirement accounts, and for other purposes.

S. 1111

At the request of Mr. KERRY, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Nevada [Mr. BRYAN], the Senator from Virginia [Mr. ROBB], the Senator from Arkansas [Mr. BUMPERS], the Senator from Wisconsin [Mr. KOHL], the Senator from Arizona [Mr. DECONCINI], the Senator from Indiana [Mr. LUGAR], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 1111, a bill to authorize the minting of coins to commemorate the Vietnam Veterans' Memorial in Washington, D.C.

At the request of Mr. KERREY, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Idaho [Mr. CRAIG], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of S. 1111, supra.

S. 1115

At the request of Mr. REID, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1115, a bill to amend the Fair Labor Standards Act of 1938 to ensure that minimum wage requirements do not apply to inmates with respect to work done for the incarcerating entity, and for other purposes.

S. 1125

At the request of Mr. DODD, the name of the Senator from Michigan [Mr. LEVIN] 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. 1147

At the request of Mr. KEMPTHORNE, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1147, a bill to prohibit Presidential nominees from performing certain governmental functions, and for other purposes.

S. 1159

At the request of Mr. MURKOWSKI, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Montana [Mr. BURNS], the Senator from Ohio [Mr. GLENN], the Senator from Texas [Mrs. HUTCHISON], the Senator from Virginia [Mr. ROBB], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 1159, a bill to require the Secretary of the Treasury to mint coins in commemoration of women who have served in the Armed Forces of the United States.

SENATE JOINT RESOLUTION 99

At the request of Mr. DECONCINI, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Vermont [Mr. LEAHY], the Senator from Kentucky [Mr. FORD], and the Senator from Maine [Mr. COHEN] 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 Georgia [Mr. NUNN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Ohio [Mr. METZENBAUM], the

Senator from North Carolina [Mr. HELMS], the Senator from Texas [Mr. GRAMM], and the Senator from Minnesota [Mr. WELLSTONE] 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 28

At the request of Mr. RIEGLE, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Indiana [Mr. LUGAR], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Concurrent Resolution 28, a concurrent resolution expressing the sense of the Congress regarding the Taif Agreement and urging Syrian withdrawal from Lebanon, and for other purposes.

SENATE CONCURRENT RESOLUTION 31

At the request of Mr. DODD, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Concurrent Resolution 31, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

SENATE RESOLUTION 128—RELATIVE TO THE URUGUAY ROUND OF TRADE NEGOTIATIONS

Mr. LAUTENBERG (for himself, Mrs. FEINSTEIN, Mr. DECONCINI, Mrs. MURRAY, Mr. HARKIN, Mr. JEFFORDS, and Mr. NICKLES) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 128

Whereas copyright-based industries in the United States, such as those engaged in motion picture and television program production, audio recording, publishing, and computer software development, are an increasingly vital component of the United States economy, having contributed 5.8 percent in value added to the United States gross domestic product in 1990 and having grown at over twice the annual rate of the economy as a whole from 1977 to 1990;

Whereas United States producers of copyrighted works, which sell ingenuity and vision, the products of the future, and make the United States the world's largest exporter of creative materials, earned approximately $34,000,000,000 in foreign sales in 1990;

Whereas during the period between 1970 and 1990—(1) employment in copyright-based industries in the United States rose by over 2,500,000 workers, from 3,000,000 to over 5,500,000, and (2) the total employment in such industries rose from 3.3 percent to 4.8 percent of all United States workers;

Whereas some of the largest trading partners of the United States impose market access barriers and offer subsidies to domestic producers, thereby making it more difficult for United States copyright-based industries to compete in foreign markets;

Whereas many nations fail to provide adequate and effective copyright protection, refuse to afford United States copyright owners the same level of protection that is granted to their nationals, or disallow United States contractual rights governing copyrighted works; and

Whereas the ongoing Uruguay Round of trade negotiations under the General Agreement on Tariffs and Trade provides an opportunity to negotiate improved market access, and equality of treatment and protection from theft, for the United States copyright-based industries: Now, therefore, be it

Resolved, That the United States Trade Representative should insist that any trade agreement negotiated pursuant to the Uruguay Round to which the United States will be a party provide United States copyright-based industries with—

(1) fair and equal access to the markets of the nations that are party to the General Agreement on Tariffs and Trade;

(2) sufficient opportunities to obtain government funding;

(3) adequate and effective copyright protection, including full national treatment and recognition of contractual rights;

(4) adequate and effective protection against piracy and counterfeiting of copyright materials; and

(5) a mechanism to resolve expeditiously disputes concerning market access, national treatment, and copyright protection.

SENATE RESOLUTION 129—NATIONAL SLOVAK AMERICAN HERITAGE MONTH

Mr. WOFFORD (for himself and Mr. PELL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 129

Whereas Stefan Parmenius Stitnicky, a Slovak chronologist and author of the poem "De Navigatione", came to the New World as a member of Sir Humphrey Gilbert's expedition in 1583;

Whereas Jan Boda, Stefan Mada, and other Slovaks were among the first settlers of Jamestown, Virginia in 1609;

Whereas Slovak immigrants came to North America in great numbers seeking religious, economic, and political freedom and, since the birth of this Nation, have labored diligently for the betterment of America;

Whereas the history of the Slovak people in the United States reflects a hard-working and honorable presence for over 200 years and includes service in all of the Nation's wars, including the American Revolution;

Whereas Slovak-Americans, who comprise the second largest Slav ethnic group in America, have distinguished themselves by contributing to the development of the sciences, arts, literature, government, military service, athletics, and education in the United States; and

Whereas in 1993 and 1994, Slovak-Americans celebrate the independence of Slovakia and the centennials of Slovak churches, newspapers, and fraternal organizations in the United States and, in doing so, proudly proclaim their pride in being Americans: Now, therefore, be it

Resolved, That the months of August 1993 and August 1994 are each designated as "National Slovak American Heritage Month". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe these months with appropriate ceremonies and activities.

Mr. WOFFORD. Mr. President, today I am submitting a resolution to recognize the millions of Americans of Slovak descent establishing National Slovak American Heritage Month.

This year, as Slovakia sets forth on its new course as an independent nation, it is fitting that we remind ourselves of the contributions that our two nations have made, and continue to make, to each other. For decades, Americans of Slovak descent have made important contributions to this Nation. And in the years since Slovakia moved away from the former Soviet Union to the Independence it enjoys today, many Slovak-Americans have worked selflessly to improve the home of their ancestors.

Immigrants from Slovakia began to arrive in the United States as early as the 18th century seeking religious, economic, and political freedom. The number of Slovaks immigrating to America increased substantially during the late 1800's when many found work in the coal mines and with the railroads where they received as little as $1.50 to $2 a day for their labor. Later generations of Slovak-Americans moved into a myriad of professions where they have distinguished themselves in business, politics, science, athletics, and the arts.

Early Slovak immigrants identified themselves and their culture primarily in terms of their language and religion and in their distinct music, dances, and cuisine. The first generation continued to speak Slovak at home, in the workplace, in schools, and in places of worship. However, as Slovak-Americans have assimilated and become an essential part of the diverse American fabric, they have sacrificed some of their language and cultures. Since 1886, the number of publications produced in Slovak by Slovak-Americans has steadily declined to almost none. As generations pass, more and more of their proud heritage will be lost unless their children learn about Slovak culture from their elders.

By designating the month of August as "National Slovak American History Month," we encourage education, celebration, and understanding of the traditions and culture of people of Slovak descent.

Mr. PELL. Mr. President, as a longtime friend of Slovakia and of the Slovak people, I am pleased to join the distinguished Senator from Pennsylvania in introducing a resolution designating August as "National Slovak American Heritage Month."

As a young foreign service officer, I was proud to serve as the U.S. consul in Bratislava, Slovakia until its closing during the Communist takeover. During my service in Slovakia, I had the opportunity to become acquainted with that wonderful country and its people. To this day, I have great fondness for the Slovaks with whom I met and worked during that period. Some of my Slovak friends, in fact, have moved to the United States, where like thousands of their ancestors, they have made important contributions to our country. Last year, I was very pleased to return to Bratislava to reopen the

U.S. consulate there, and to renew old friendships.

As Slovakia embarks upon a new chapter in its history as an independent nation, I believe it is fitting to celebrate the ties that bind the United States and Slovakia. Great links between our two countries are continually forged by Slovak-Americans. Accordingly, I am pleased to cosponsor a resolution that will call attention to the contributions that Slovak-Americans are making to the United States and to their ancestral home.

SENATE RESOLUTION 130—RELATIVE TO RULE XXV OF THE STANDING RULES OF THE SENATE

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 130

Resolved, that paragraph 2 of Rule XXV of the Standing Rules of the Senate is amended for the One Hundred and Third Congress as follows:

(1) Strike "20" after "Armed Services" and insert in lieu thereof "22".

(2) Strike "19" after "Foreign Relations" and insert in lieu thereof "20".

Sec. 2. Paragraph 3 of Rule XXV of the Standing Rules of the Senate is amended for the One Hundred and Third Congress as follows, in subparagraph (a) strike "21" after "Small Business" and insert in lieu thereof "22".

SENATE RESOLUTION 131—RELATIVE TO STANDING COMMITTEES FOR THE 103D CONGRESS

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 131

Resolved, That the following shall constitute the minority party's membership on the following standing committees for the 103d Congress, or until their successors are chosen:

Committee on Armed Services: Mr. THURMOND, Mr. WARNER, Mr. COHEN, Mr. MCCAIN, Mr. LOTT, Mr. COATS, Mr. SMITH, Mr. KEMPTHORNE, Mr. FAIRCLOTH, and Mrs. HUTCHISON.

Committee on Commerce, Science, and Transportation: Mr. DANFORTH, Mr. PACKWOOD, Mr. PRESSLER, Mr. STEVENS, Mr. MCCAIN, Mr. BURNS, Mr. GORTON, Mr. LOTT, and Mrs. HUTCHISON.

Committee on Foreign Relations: Mr. HELMS, Mr. LUGAR, Mrs. KASSEBAUM, Mr. PRESSLER, Mr. MURKOWSKI, Mr. BROWN, Mr. JEFFORDS, Mr. COVERDELL, and Mr. GREGG.

Committee on Small Business: Mr. PRESSLER, Mr. WALLOP, Mr. BOND, Mr. BURNS, Mr. MACK, Mr. COVERDELL, Mr. KEMPTHORNE, Mr. BENNETT, Mr. CHAFEE, and Mrs. HUTCHISON.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that two hearings have been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and National Resources.

The first hearing will take place on Thursday, July 22, 1993, beginning at 2 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills:

S. 472, to improve the administration and management of public lands, National Forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands; and

S. 471, to establish a new area study process for proposed additions to the National Park System, and for other purposes.

The second hearing will take place on Thursday, July 29, 1993, beginning at 2 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills:

S. 150, provide for assistance in the preservation of Taliesin in the State of Wisconsin, and for other purposes;

S. 278, To authorize the establishment of the Chief Big Foot National Memorial Park and the Wounded Knee National Memorial in the State of South Dakota, and for other purposes;

S. 492 and H.R. 240, to provide for the protection of the Bodie Bowl area of the State of California, and for other purposes; and

S. 845, to provide for the addition of the Truman Farm Home to the Harry S. Truman National Historic Site in the State of Missouri, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of the their testimony to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, U.S. Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information concerning the July 22 hearing, please contact David Brooks of the subcommittee staff at (202) 224-8115. For further information concerning the July 29 hearing, please contact Dionne Thompson of the subcommittee staff at (202) 224-8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Thursday, July 1, 1993, at 10 a.m. to hold a hearing on the challenges and opportunities for the conduct of monetary policy.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet for a hearing on July 1, at 9:30 a.m., on the subject: Pentagon Finance Management problems.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing, to be chaired by Senator WOFFORD, entitled "Making the Future Work: Technology, Workers and the Workplace," during the session of the Senate on Thursday, July 1, 1993, at 10 a.m.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the nomination of Tom Payzant, to be Assistant Secretary for Elementary and Secondary Education at the Department of Education, during the session of the Senate on Thursday, July 1, 1993, at 2:30 pm.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the nomination of Victor P. Raymond to be Assistant Secretary for Policy and Planning at the Department of Veterans Affairs. The hearing will be held in room 418 of the Russell Senate Office Building at 10 a.m. on Thursday, July 1, 1993.

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

SUBCOMMITTEE ON CLEANWATER, FISHERIES AND WILDLIFE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Clean Water, Fisheries and Wildlife, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, July 1, beginning at 9:30 a.m., to conduct a hearing on reauthorization of the Clean Water Act, focusing on toxic pollution prevention and control.

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

SUBCOMMITTEE ON CONSUMER

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Consumer Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on July 1, 1993, at 10 a.m. on S. 680—toy safety,

and S. 799—Bucket Drowning Prevention Act.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Science, Technology and Space Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on July 1, 1993, at 2:30 p.m. on redesign of the space station.

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

ADDITIONAL STATEMENTS

S. 265—ECONOMIC GROWTH AND REGULATORY PAPERWORK REDUCTION ACT OF 1993

•Mr. BINGAMAN. Mr. President, I am pleased today to be added as a cosponsor to the S. 265, Senator SHELBY's Economic Growth and Regulatory Paperwork Reduction Act of 1993.

Mr. President, I, like many of my colleagues, believe that we will have no real economic recovery until and unless our bankers are involved. I have therefore become increasingly concerned in talking to bankers in my State about the mounting burden of paperwork requirements, and the lack of uniformity in regulators' requirements. Banks throughout my State seem to be devoting an ever-increasing amount of resources and staff time to complying with regulators' paperwork requirements. I am a firm believer in the intent of safety and soundness requirements, consumer protections, and the Community Reinvestment Act. I feel it is necessary, however, to lend my voice to those who are calling for an examination of compliance requirements for these and other important statutes and regulations.

It is for that reason that I am cosponsoring S. 265. I realize that changes may need to be made in this legislation in response to both the administration's regulation recommendations and legitimate concerns raised by consumer and public interest groups. Nevertheless, I believe that it is important for us to begin a clear, constructive, and inclusive examination of which compliance requirements are necessary to ensure the good of the public interest, and which are not. I believe that Senator SHELBY's legislation will move us along in this process, and I am therefore pleased to be a cosponsor of this bill.•

BRIAN KNAB, LANGLEY SENIOR CLASS PRESIDENT'S CLOSING AND FAREWELL REMARKS AT COMMENCEMENT SERVICE

• Mr. WARNER. Mr. President, I recently had the honor of delivering the commencement address at Langley High School graduation, which was held at Constitution Hall. Also speaking during the ceremony was the class president, Brian Robert Knab. For the past 3 years, this young man has worked tirelessly in an extraordinary leadership capacity as his class president. In addition, it should be noted that Brian was awarded top academic honors, being named class salutatorian and also receiving the Langley Faculty Award. I would like to share with my colleagues Brian's inspiring speech:

The speech follows:

Good morning . . .

Class of 1993, after four years, graduation has finally arrived. Before I make my address, I would like to begin on a personal note. Almost four years ago to this day, my older brother David graduated from Langley High School right here at Constitution Hall. I remember sitting in the audience as an eighth grader, as their Class President gave his address to their class. At that moment, I made a promise to myself. I swore that in 4 years, I would be standing up here addressing our class. Thank you for giving me this opportunity to speak this morning. It is both an honor and a dream come true.

When I first began writing this speech, I was plagued by a serious case of writer's block. There were so many things to write about, but I just couldn't find a way to express myself. I first went to my father and asked him what he thought the theme of this address should be. He suggested that I talk about what the future holds for us once we leave Langley High School. I looked at my father, kind of puzzled, and said, "Dad, if I could predict the future, do you think I would still be sitting at Langley High School waiting to graduate?" I don't think so.

I next went to my mother and asked her for her help. She immediately suggested that the theme of this address should be a thank you to mothers. "Let me get this straight Mom. You want me to stand up here for 5 or 10 minutes and praise you the whole time? And she replied in her motherly voice, "That would be wonderful honey." Maybe later Mom.

Next, I went to my little freshman sister Julie and asked her for suggestions. Her only advice to me was to make the address funny—everybody loves to laugh. So I looked at her and said, "Julie, the mere fact that Brady McFalls is up here on stage representing Langley High School is funny enough." Laughing, she replied, "You're right, you don't want to make your speech too funny." Just kidding, Brady.

So, completely bewildered, I began looking through a book of quotations that my mother had given me and I stumbled across this passage, written by General Douglas MacArthur:

"Youth is not a time of life; it is a state of mind; it is not a matter of rosy cheeks and red lips, it is a matter of the will, a quality of the imagination, a vigor of the emotions; it is the freshness of the deep springs of life.

"Whether sixty or sixteen, there is in every human being's heart the love of wonder, the sweet amazement at the stars, and the star-like things, the undaunted challenge of events, the unfailing child-like appetite for what's next, and the joy of the game of living.

"You are as young as your faith in yourself, as old as your doubt. As young as your self-confidence, as old as your fear and as young as your hope."

After reading this passage, I began thinking about youth and what it really means to grow up and become an adult. Although it seems as if everyone is telling us now that we are crossing the threshold to adulthood and leaving behind childhood, I disagree. Graduation from high school does not symbolize our entry into the real adult world, but instead, it symbolizes rejuvenation of our youth and in many ways, a rebirth. As we leave this building today, each and every one of us will be starting life for ourselves. Graduation is such an incredible experience because it represents a rare opportunity to begin all over again. From this day forward, our past mistakes are forgotten, we will be given a chance to make up for missed opportunities, and each of us will be faced with some of the most fantastic adventures of our lives. Just as children, we leave this building today, ready to start all over again.

As we prepare to leave high school behind and enter into a new world, I can't help but compare our current situation to our first day of kindergarten, almost 13 years ago. We have so many days ahead of us, so many new faces to meet, and so many new experiences to encounter. Take advantage of every situation and don't miss this opportunity to start over. Take chances, do the things that make you happy, and when you come back home, have no regrets.

Also remember to cherish the memories, cherish the past, and most importantly, cherish your childhood, or it will leave you. Cherish the lightning bugs, cherish the games of flashlight tag, and as Mary Kate Kelley wrote, cherish those summer nights when you were able to sit on your front steps, watch the world go by, and just think about nothing. By remembering, we will always be able to hold on to our youth.

The most important thing that I can recommend to you now is to keep your family a part of your life. As we leave high school, don't leave mom and dad behind. You will always be that little baby to your mom and dad, so cherish the time you have with your parents, they love you more than you are able to understand. It wasn't until recently when I met Andy Stoppelman's mother that I realized how special we are to our parents. As I listened to Mrs. Stoppelman talk about her relationship with Andy, I could see that each day that our parents have with us is a gift. I beg you, don't ever lose sight of this love and before the end of today, tell Mom and Dad thank you. Today is just as much their graduation as it is ours. To my own mom and dad, thank you, I love you, and I am proud of you.

I would like to end this address with the words to a song by the 10,000 Maniacs. However, before I finish, I would like to thank my teachers, Langley High School, and especially you for the best four years of my life (so far). I couldn't have asked for more.

These are days you'll remember. Never before and never since, I promise, will the whole world be warm as this. And as you feel it, you'll know it's true that you are blessed and lucky. It's true that you are touched by something that will grow and bloom in you.

These are days you might fill with laughter until you break. These days you might feel a shift of light make its way across your face. And when you do, you'll know how it was meant to be. See the signs and know their meaning . . . . Hear the signs and know they're speaking to you.•

IRAQ, LIBYA, AND PAN AM 103

• Mr. MOYNIHAN. Mr. President, I well remember Saddam Hussein's announcement in late 1990 that he was going to release the American and British hostages he had seized. Naturally all Americans shared an enormous sense of relief. But there was a group of Americans for whom this joy was mingled with sorrow. For whom the pictures of returning hostages also brought to mind painful images of American hostages who were not coming home: the Americans still held hostage in Lebanon. It was the Christmas season and as the friends and family members of Terry Anderson and the other Americans held in Lebanon watched the CNN reports of families reunited, how they must have longed for the return of their loved ones!

Likewise, when I learned of the Baghdad attack I was angered, of course, at the reports of the failed attempt on the life of President Bush, a good and honorable man. But I also thought about a different act of state-sponsored terrorism and of a group of Americans who—unlike President Bush—did not and will never come home—the victims of the bombing of Pan Am flight 103.

Mr. President, when asked to explain the purpose of the recent cruise missile attack on Baghdad, Ambassador Madeleine Albright replied that it was to send the message that the United States will not tolerate state-sponsored terrorism. And when asked about the propriety of using force unilaterally, Ambassador Albright repeated President Clinton's dictum that the United States "will act multilaterally where we can, but unilaterally where we must."

Mr. President, it must be difficult for the family and friends of the Americans who died when Pan Am flight 103 was blasted from the skies over Lockerbie to understand why we have retaliated with such devastating effect against Saddam Hussein while the Libyan agents who planned the Lockerbie bombing are at liberty. Sanctions have been imposed on Libya. They have not worked. More is needed. Much more. An oil embargo should be established at once.

And I would cite, as Ambassador Albright did, the President's dictum: We will act multilaterally where we can, but unilaterally where we must. The United States has the right to act in self-defense. It has tried to act through the United Nations. The Security Council took unprecedented steps. I welcome the effort to work through the Council, to show that it can respond effectively to state-sponsored terrorism. But effective it must be. Else we must act alone. There are further steps that the Council can take. Let it take them. And let us consider the very real possibility that ultimately we will have to act alone.•

A TRIBUTE TO CATENARY COAL CO.

• Mr. MCCONNELL. Mr. President, I rise today to congratulate Catenary Coal Co. of Benham, 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 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.

Catenary Coal Co. earned this distinct honor for exemplary reclamation of preexisting underground mine refuse. Before Catenary's reclamation operation, the site was a classic example of land abused by past mining. During the 1950's, coal waste was dumped over the slope and allowed to flow into the valley floor below. Today, 2 years after reclamation, revegetation efforts have produced 98 percent ground cover, including grasses, shrubs and trees.

Mr. President, Catenary Coal Co. 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'm sure that my colleagues will agree that Catenary Coal Co. has shown that it is among the best of the best. I salute their progress, and wish them added success in the future.•

CAPTIONVISION

• Mr. HARKIN. Mr. President, a few hours ago, I attended a news conference and a reception with President I. King Jordan at Gallaudet University to celebrate a new law that will forever change the way America sees television. Today, the Television Decoder Circuitry Act goes into effect. And for 24 million Americans who are deaf or hard of hearing, as well as millions of other consumers, life will never be the same.

I was proud to have been joined at Gallaudet by my colleague, Senator MCCAIN. I always like to say that this law is one of the best examples of bipartisanship in action. When we introduced this bill together back in 1990, there was a lot of resistance to change by some in the industry. But by working together to smooth out the differences, we were able to pass a law that will not only benefit people with disabilities but is proving to be a boon to the industry as well.

Mr. President, let me start by mentioning another testament to bipartisanship in action, the Americans with Disabilities Act. Twenty-five days from today, America will celebrate the third anniversary of the ADA, which passed the Senate by a vote of 91 to 6. As we have said many times on this floor, the ADA is the most critical piece of legislation ever passed affecting people with disabilities. It provides access to jobs, services provided by State and local government, transportation, and telecommunication.

But it does not address access to television. As we all know, TV is not just game shows and sitcoms anymore. For most Americans, it is the No. 1 source for news and information.

But for millions of Americans who hear with their eyes and speak with their hands, television has been a world where the sound is permanently turned off. This new law will make sure that people who are deaf or hard of hearing can listen to Dan Rather, laugh with Jay Leno, learn from Ted Koppel, cook with Julia Child, and nod off to the Senate on C-SPAN, just like the rest of America.

Starting today, all newly manufactured television sets 13 inches or larger made for sale in the United States will be required to have built-in captioning circuitry. In the past, you could get closed captioning if you bought a decoder device that you'd have to hook up to your TV. But it was expensive and complicated, and many people couldn't afford it. And limited use of the decoder in turn limited the incentives to produce closed-captioning programming.

With this new technology, all you will have to do is touch a button on your remote control, and instantly whatever is being said on the program will appear in print on the bottom of your screen. It is kind of like the subtitles you see at a foreign film. The industry calls this captionvision.

And one of the great things about the American system of free enterprise is that business has already found several new applications for closed captioning.

For instance, if you have ever been in a sports bar or restaurant, you know that it is usually too loud to hear the TV. With closed captioning, you will be able to follow along no matter how loud it gets.

Late at night, sometimes you might want to watch television without waking the person next to you. Closed captioning will allow you to do that, too. And the industry is also finding that several applications of captionvision that it resisted only a few years ago are proving to be lucrative.

During hearings 3 years ago, we suggested that this new technology would be a great teaching device. For example, people who immigrate to America can use these television sets to learn English, and adults can used them to overcome illiteracy.

Above all, we suggested that this law would assist children learning to read.

We shared studies that found that captioning can be an extremely effective classroom tool for helping students with vocabulary, spelling, and reading skills. There was some skepticism in the industry, and we were not sure if they would market captionvision for that purpose.

So you can imagine my surprise and joy when I go over to Gallaudet, and one of the first things I saw there was a promotional ad put together by the Electronic Industries Association that read, "Your Kid's New Reading Tutor Just Arrived." And it had a picture of a television with a magician on the screen, with closed captioning on the bottom that said, "and now the magic words." And the ad went on to explain how captionvision can be a great teaching device.

This is a great change, and I would like to commend the Electronic Industries Association for finding new and innovative ways to benefit all Americans with this new technology.

I have also got to applaud the FCC for getting out the rules in record time. Less than 6 months after enactment of the bill, they had the rules in place. Consumer groups, the captioning services, EIA, and their membership all worked together on this, and it goes to show what teamwork can do.

Mr. President, I think there is an important lesson to be learned in this law, and that is: Business and industry do not have to fear change. They can make change work for them.

One of the great concerns the industry had when we introduced this bill was that this new technology was going to cost a lot of money. Some even suggested that this bill was going to add as much as $20 retail to the cost of every TV set over 13 inches sold in the United States. We said it would be much less, and a few "Lone Rangers" in the industry, like Zenith—as well as a bipartisan majority in Congress—agreed with us.

And I am proud to say that now that all has been said and done, and technology costs have been coming down, the cost to consumers will be either nothing or next to nothing. In fact, not only has captivision become a new marketing tool to sell new television sets, but last year Zenith was the first out of the block to have decoder circuitry in their models. And as a result, the company reported very solid sales. I do not want to exaggerate and say it was because of this legislation, but I think it is fair to say that this bill might have been a factor in promoting increased sales.

When all is said and done, this new law is strictly a win-win situation. People with disabilities will be able to enjoy television just like the rest of us for the first time. Millions of other Americans will be able to enjoy the teaching and learning benefits of captionvision as well. And business and industry is not only helping to educate America, it has a whole new marketing device it can use to boost sales.

Mr. President, this new law proves that we do not have to fear change. It proves that Congress can work together in a bipartisan fashion which helps consumers and benefits America. And it proves that business can find innovative new ways to make laws work for them.

We have made great strides the past few years with closed captioning. More and more stations, programs, and local news shows are using closed captioning now. And now that we have this new technology in place, closed captioning is really going to take off.

Finally, Mr. President, let me just say a word to my brother Frank, who is deaf. Frank, I always promised you that someday, it would be just as easy for you to watch television as it is for me. And today, that day has finally arrived. So we will have to get you one of these new television sets sometime soon. And then, just maybe, we can get to work figuring out how to program that VCR.

Mr. President, I yield the floor.•

CHILD HUNGER

• Mr. ROCKEFELLER. Mr. President, the latest study from Tufts University's Center on Hunger, Poverty and Nutrition policy on child hunger estimates that 12 million children in America experience hunger. Such news is shocking and sad.

In my home State of West Virginia, over 25 percent of children go hungry, and several other States face even higher percentages. Across the country, nearly 1 in 5 children go hungry. This is a tragedy. It demands attention and deserves action.

Fortunately, we know how to combat hunger in our country. Effective programs like WIC, school lunch and breakfast programs, and food stamps help to provide basic nutrition to children and families every day.

But we must find the political will to set priorities. We need to push forward with President Clinton's complete budget which calls for full funding for WIC and increased food stamps for families in need.

Hunger robs children of opportunities by jeopardizing their health and hindering their education. Research makes clear the relationship between nutrition and cognitive development in children. Hungry children can develop cognitive deficits which may never be made up. Our society bares a long-term social cost if we ignore the needs of children, especially when it comes to the basics of food, nutrition and health care.

As we consider the reconciliation package, our debate should move beyond rhetoric and ratios. We need to set priorities about what money should be spent to meet basic needs and worthwhile long-term investments. We should differentiate between fundamental priorities and what programs should be cut without inflicting pain on the most vulnerable members of our society.

Alleviating child hunger should be a fundamental priority in America.

Mr. President, I would like to insert into the RECORD a statement issued by Tufts University's Center on Hunger, Poverty and Nutrition Policy, and the State-by-State finding of its child hunger study following my remarks.

The statement follows:

TWELVE MILLION CHILDREN HUNGRY IN U.S.

More than 12 million American children are going hungry, according to a Tufts University study released today. The analysis, based on Census Bureau data for 1991, estimates that 18% of the nation's 66 million children under the age of eighteen experience hunger.

"We now know that a large proportion of the nation's 30 million hungry are children," said Dr. J. Larry Brown, director of the Center on Hunger, Poverty and Nutrition Policy at Tufts University. "For a proud and prosperous country, this is a national disgrace."

Regionally, the South leads the nation in high child hunger rates, particularly Mississippi, Louisiana and New Mexico, while New York and Pennsylvania have the highest rates in the Northeast. But several Midwestern states, Illinois, Ohio and Michigan, are among the ten states with the highest number of hungry children. Moreover, in California and Texas alone, more than 2.5 million children fall victim to hunger.

The study's findings are consistent with data from the Current Population Survey of the U.S. Census Bureau, which show that child poverty itself increased 37% between 1970 and 1991. Some 34 states saw increases in child poverty during that period, with rates in some states increasing 40% to 50%. In April, a Center analysis showed that if current trends continue, 20 million American children will be impoverished by the year 2010.

"The number of hungry children is staggering," Brown noted, "especially because our calculations are conservative. They do not include 1992 and 1993, during which time high unemployment and a stagnant economy have pushed even more families into poverty and hunger."

The study is part of an ongoing series the Center is conducting on domestic hunger and poverty. The child hunger estimates are based on work prepared at the request of a Congressional committee.

ESTIMATED NUMBER OF HUNGRY CHILDREN IN EACH STATE

	Estimated number of children hungry 1991[1]	Rank order based on number of hungry children (worst=1)	Estimated percent of children hungry 1991[1]
United States	12,053		18.3
Alaska	20	50	11.2
Alabama	270	12	24.6
Arkansas	165	26	25.6
Arizona	224	17	22.2
California	1,442	1	18.2
Colorado	136	28	15.4
Connecticut	83	35	10.6
District of Columbia	30	46	25.6
Delaware	20	49	12.0
Florida	552	4	18.7
Georgia	363	10	20.3

ESTIMATED NUMBER OF HUNGRY CHILDREN IN EACH STATE—Continued

	Estimated number of children hungry 1991[1]	Rank order based on number of hungry children (worst=1)	Estimated percent of children hungry 1991[1]
Hawaii	33	43	11.4
Iowa	106	33	14.3
Idaho	51	38	16.2
Illinois	524	5	17.2
Indiana	214	18	14.2
Kansas	98	34	14.2
Kentucky	248	15	25.1
Louisiana	407	9	31.9
Massachusetts	185	25	13.2
Maryland	134	29	11.2
Maine	43	40	13.5
Michigan	475	7	18.6
Minnesota	154	27	12.7
Missouri	242	16	17.8
Mississippi	266	14	34.3
Montana	47	39	20.4
North Carolina	288	11	17.3
North Dakota	32	45	17.3
Nebraska	62	37	13.8
New Hampshire	21	47	7.2
New Jersey	211	19	11.3
New Mexico	130	30	28.2
Nevada	39	42	13.1
New York	845	3	19.2
Ohio	523	6	18.0
Oklahoma	189	23	21.9
Oregon	115	32	15.6
Pennsylvania	455	8	15.8
Rhode Island	32	44	13.8
South Carolina	203	21	21.3
South Dakota	42	41	20.6
Tennessee	267	13	21.2
Texas	1,231	2	24.6
Utah	82	36	12.5
Virginia	207	20	13.3
Vermont	17	51	11.8
Washington	185	24	14.3
Wisconsin	199	22	14.9
West Virginia	122	31	26.5
Wyoming	20	48	14.4

[1] All children below age 18 years.•

NOMINATION OF DR. MORTON H. HALPERIN

• Mr. BOREN. Mr. President, I understand that the Senate will shortly be receiving from President Clinton the nomination of Dr. Morton H. Halperin to be Assistant Secretary of Defense for Democracy and Peacekeeping. I welcome this impending nomination, I hope and expect that Dr. Halperin will be swiftly confirmed by the Senate, and look forward to working with him.

Dr. Halperin, a former Defense Department and National Security Council official, is currently a senior associate at the Carnegie Endowment for International Peace. As many of my colleagues know, Dr. Halperin was for many years an official of the American Civil Liberties Union responsible for their work on issues at the intersection between national security and civil liberties.

In that capacity, Dr. Halperin worked closely with the Senate Intelligence Committee, which I chaired from 1987 through the beginning of this year. During my period as chairman, our committee and staff were in regular contact with Dr. Halperin and his colleagues. We found that he brought to the issues a determination to solve difficult problems in a nonideological manner that reflected commitments not only to the defense of individual liberty but also the requirements of national security.

Over the years, Dr. Halperin has worked with the intelligence oversight committees and with Republican and Democratic administrations in support of critical intelligence legislation including the Foreign Intelligence Surveillance Act, the Classified Information Procedures Act, the Central Intelligence Agency Information Act, and the Intelligence Oversight Act. In each of these cases, with the active involvement of Dr. Halperin, legislation was crafted which had the support of both the intelligence agencies and champions of individuals' rights. He gained not only my respect and that of other committee members, but also the respect of many executive branch officials with responsibility for intelligence law and policy.

Dr. Halperin is a graduate of Columbia College and Yale University. He has taught at both of those institutions, as well as at Harvard, MIT, and the George Washington University.

Dr. Halperin is a person of strong integrity as well as intellect. I believe he would bring to the post of Assistant Secretary for Democracy and Peacekeeping these qualities as well as a commitment to look in an open-minded way for fresh solutions to defense policy issues.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

• Mr. BRYAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Dr. Robert McArthur, a member of the staff of Senator COCHRAN, to participate in a program in Chile, sponsored by the Chilean-American Chamber of Commerce, from May 31–June 3, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Dr. McArthur in this program.

The select committee received notification under rule 35 for Laurie Schultz Heim, a member of the staff of Senator JEFFORDS, to participate in a program in Russia, sponsored by the American Foreign Policy Council and the Russian Parliament, from May 21–June 13, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Heim in this program.

The select committee received notification under rule 35 for Senator PELL and staff members Janice Demers and Richard Kessler; Senator LEVIN and staff member Rick Fieldhouse; and Senator BOREN and staff members Zachariah Messittee, Christopher Straub and Dan Webber, to participate in a program in China sponsored by the Chinese Government during December 1992.

The committee determined that no Federal statute or Senate rule would prohibit participation by Senators PELL, LEVIN, BOREN, and staff members Janice Demers, Richard Kessler, Zachariah Messittee, Christopher Straub, and Dan Webber in this program.

The select committee received notification under rule 35 for Lee Arrowood, a member of the staff of Senator WALLOP, to participate in a program in Germany sponsored by the Hanns Seidel Foundation, from July 3–9, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Arrowood in this program.

The select committee received notification under rule 35 for Mira Baratta, a member of the staff of Senator DOLE, to participate in a program in Germany, sponsored by the Hanns Seidel Foundation, from July 3–9, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Baratta in this program.

The select committee received notification under rule 35 for Jim Jatras, a member of the staff of Senator NICKLES, to participate in a program in Germany, sponsored by the Hanns Seidel Foundation, from July 3–9, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Jatras in this program.

The select committee received notification under rule 35 for Doug Badger, a member of the staff of Senator NICKLES, to participate in a program in France, sponsored by the Franco-American Foundation and the German Marshall Fund of the United States, from July 3–11, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Badger in this program.•

NETWORK AGREEMENT ON TELEVISION VIOLENCE

• Mr. DURENBERGER. Mr. President, nearly 40 years after Congress held its first hearing on television violence—and 20 years after the U.S. Surgeon General issued a report warning of the impact that television violence has on our society—the four major television networks have finally acknowledged that TV does affect viewers, especially children.

That recognition, in and of itself, was truly historic.

I am especially pleased that the networks have voluntarily adopted, as the

vehicle for this agreement, an approach which I outlined earlier this year.

I would like to acknowledge at this point the key contribution of Mark Olson, the young Minnesota State legislator who originally brought this issue to my attention. Mark engineered passage of a bipartisan resolution in the Minnesota House of Representatives calling on Congress to pass my legislation called the Children's Television Violence Protection Act.

As provided in that bill, the networks have agreed to place warning labels on certain programs to help alert parents and safeguard children from televised violence.

But as I have said, repeatedly, warning labels alone are not enough to stem the rising tide of TV violence. True progress would mean a voluntary reduction in violence by both the cable and broadcast industries.

So while I am encouraged by this agreement, I am hopeful that we will see even bolder action by the networks, Hollywood, and the cable industry at the upcoming industrywide conference on TV violence this August. With studies now showing that a typical child watches 8,000 murders and 100,000 acts of violence before finishing elementary school, I think we all agree that this problem is just too serious to bandage over.

Let's be clear. The networks' action yesterday was not enough. There are serious flaws in this type of voluntary system.

NO UNIFORMITY

The networks' standards and practices departments will be determining which programs should carry warning labels and which shows should not. Parents will not have a clear, reliable, uniform standard as to what shows are considered violent.

Neither the cable industry nor independent television stations are covered by yesterday's agreement. If you have cable TV in your house, you know what I'm talking about. You may have 50 or 60 channels coming into your home. But yesterday's agreement covers programs on only four of those channels. That means there is no warning on 95 percent of the stations. Extending this system to cable and independents is crucial, because the proliferation of violence is due in large part to cable TV.

I should mention that Ted Turner has acknowledged televised violence's effect on our children, and has been one clear voice in the industry admitting that something needs to be done. But in the cable industry, his is a lonely voice of sensitivity and responsibility.

My intent in introducing the Children's Television Violence Protection Act was to push the television industry, the cable industry, and Hollywood to do more than just place warning labels on violent programming. It was to convince them that legislative action would be taken if they did not actually reduce the amount of violence on TV, and to make efforts to portray violence in a less gratuitous manner.

The intent of my bill was to say to the TV industry: We won't let you continue to bombard our children with senseless violence.

So if yesterday's action was intended to stave off congressional action, I am here to tell you that it has not pacified this Senator. I will continue to push for passage of the Children's Television Violence Protection Act, and to support the continued efforts of others in this body—including Senator SIMON, Senator CONRAD, and Senator DORGAN—to reduce TV violence.

I have never said that TV violence is the only cause of violence in society. But over 40 years of evidence now shows, as the networks themselves have acknowledged, that TV violence does affect our children. It has contributed, and continues to contribute, to the real violence in American society.

Finally, I want to say to my colleagues that they should not be ashamed or afraid to stand up to TV violence. Nor should they be deterred by television industry executives who wrap themselves in the cloak of the first amendment while they continue to assault our children with gratuitous violence.

The CTVPA is fully consistent with the first amendment. And if it is good enough for some of the television industry, it should be good enough for all. So I want to urge my colleagues to join me and Senator CONRAD, and Senator THURMOND, and Senator DOMENICI in cosponsoring the CTVPA, and standing up to TV violence.•

S. 1182—ARMS CONTROL AND NONPROLIFERATION ACT OF 1993

• Mr. SIMON. Mr. President, yesterday, Senator PELL and I introduced S. 1182, a bill to strengthen the Arms Control and Disarmament Agency. I request that S. 1182 be printed in full in the CONGRESSIONAL RECORD.

The text of S. 1182 follows:

S. 1182

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

SECTION 1. SHORT TITLE; REFERENCES IN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Arms Control and Nonproliferation Act of 1993".

(b) REFERENCES IN ACT.—Except as specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to or repeal of a provision, the reference shall be deemed to be made to the Arms Control and Disarmament Act.

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

Sec. 1. Short title; references in Act; table of contents.
Sec. 2. Congressional declarations; purpose.
Sec. 3. Purposes.
Sec. 4. Definitions.
Sec. 5. Repeals.
Sec. 6. Director.
Sec. 7. Bureaus, offices, and divisions.
Sec. 8. Presidential special representatives.
Sec. 9. Policy formulation.
Sec. 10. Negotiation management.
Sec. 11. Report on measures to coordinate research and development.
Sec. 12. Negotiating records.
Sec. 13. Verification of compliance.
Sec. 14. Role of ACDA with respect to dual-use exports.
Sec. 15. Authorities with respect to nonproliferation matters.
Sec. 16. Appointment and compensation of personnel.
Sec. 17. Security requirements.
Sec. 18. Annual report to Congress; authorization of appropriations.

SEC. 2. CONGRESSIONAL DECLARATIONS; PURPOSE.

(a) CONGRESSIONAL DECLARATIONS.—The Congress declares that—

(1) a fundamental goal of the United States, particularly in the wake of the highly turbulent and uncertain international situation fostered by the end of the Cold War, the disintegration of the Soviet Union and the resulting emergence of fifteen new independent states, and the revolutionary changes in the Eastern Europe, is to reduce and control the large numbers of nuclear and chemical weapons in the former Soviet Union and, more generally, to prevent the proliferation of weapons of mass destruction and of high-technology conventional armaments as well as to prevent regional conflicts and conventional arms races; and

(2) an ultimate goal of the United States continues to be a world in which the use of force is subordinated to the rule of law and international change is achieved peacefully without the danger and burden of destabilizing and costly armaments.

(b) PURPOSE.—The purpose of this Act is—

(1) to strengthen the United States Arms Control and Disarmament Agency; and

(2) to improve congressional oversight of the arms control, nonproliferation, and disarmament activities of the United States Arms Control and Disarmament Agency.

SEC. 3. PURPOSES.

Section 2 (22 U.S.C. 2551) is amended in the text following the third undesignated paragraph by striking paragraphs (a), (b), (c), and (d) and by inserting the following new paragraphs:

"(1) The formulation, conduct, support, and coordination of United States arms control policy, negotiations, and implementation fora.

"(2) The formulation, conduct, support, and coordination of United States nonproliferation policy, negotiations, and implementation fora.

"(3) The conduct, support, and coordination of research for arms control and nonproliferation policy.

"(4) The preparation for, operation of, support for, and direction of the United States support for or participation in such verification or control systems as may be required by arms control or nonproliferation agreements or such verification or control systems that may otherwise become part of United States arms control or nonproliferation activities.

"(5) The dissemination and coordination of public information concerning arms control and nonproliferation.".

SEC. 4. DEFINITIONS.

Section 3 (22 U.S.C. 2552) is amended to read as follows:

"DEFINITIONS

"SEC. 3. As used in this Act—

"(1) the term 'Agency' means the United States Arms Control and Disarmament Agency;

"(2) the term 'agreement' means any bilateral or multilateral legally-binding international agreement, political agreement or understanding, or cooperative security arrangement, such as a confidence- and security-building measure;

"(3) the term 'arms control' means the limitation, reduction, elimination, or verification (including on-site inspection) of armed forces or armaments of all types by agreement and includes all matters relating to disarmament;

"(4) the term 'Government agency' means any executive department, commission, agency, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of Government; and

"(5) the term 'nonproliferation' means any agreement, program, policy, or action to prevent, impede, limit, or discourage nations or subnational groups from acquiring, developing, testing, producing, or exporting weapons of mass destruction and their delivery systems, or advanced conventional weapons or advanced military capabilities, as well as any agreement, program, policy, or action to induce nations or subnational groups not to retain such weapons, capabilities, or delivery systems.".

SEC. 5. REPEALS.

The following provisions of law are hereby repealed:

(1) Section 26 (22 U.S.C. 2566), relating to the General Advisory Committee.

(2) Section 36 (22 U.S.C. 2578), relating to arms control impact information and analysis.

(3) Section 38 (22 U.S.C. 2578), relating to reports on Standing Consultative Commission activities.

(4) Section 52 (22 U.S.C. 2592), relating to reports on adherence to and compliance with agreements.

(5) Section 906 of the National Defense Authorization Act, Fiscal Year 1989 (22 U.S.C. 2592b), relating to an annual report on arms control strategy.

(6) Section 1002 of the Department of Defense Authorization Act, 1986 (22 U.S.C. 2592a), relating to an annual report on Soviet compliance with arms control commitments.

SEC. 6. DIRECTOR.

Section 22 (22 U.S.C. 2562) is amended to read as follows:

"DIRECTOR

"Sec. 22. (a) APPOINTMENT.—The Agency shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Director.

"(b) DUTIES.—(1) The Director shall serve as the principal adviser to the President and other executive branch Government officials on matters relating to arms control and nonproliferation. In carrying out his duties under this Act, the Director shall have primary responsibility within the Government for matters relating to arms control and nonproliferation.

"(2) The Director shall attend all meetings of the National Security Council involving weapons procurement, arms sales, consideration of the defense budget, and all arms control and nonproliferation matters.

"(3) The Director shall carry out his duties under the direction of the President and subject to the foreign policy guidance of the Secretary of State.".

SEC. 7. BUREAUS, OFFICES, AND DIVISIONS.

Section 25 (22 U.S.C. 2565) is amended to read as follows:

"SEC. 25. BUREAUS, OFFICES, AND DIVISIONS.

"The Director may establish within the Agency such bureaus, offices, and divisions as he may determine to be necessary to discharge his responsibilities pursuant to this Act, including a bureau of intelligence and information support and an office to perform legal services for the Agency.".

SEC. 8. PRESIDENTIAL SPECIAL REPRESENTATIVES.

(a) Sections 27 and 28 (22 U.S.C. 2567, 2568) are redesignated as sections 26 and 27, respectively.

(b) Section 26 (as redesignated by subsection (a)) is amended to read as follows:

"PRESIDENTIAL SPECIAL REPRESENTATIVES

"SEC. 26. The President may appoint, by and with the advice and consent of the Senate, Special Representatives of the President for Arms Control and Nonproliferation. Each Presidential Special Representative shall hold the personal rank of ambassador. Presidential Special Representatives shall perform their duties and exercise their powers under direction of the President, acting through the Director. The Agency shall be the Government agency responsible for providing administrative support, including funding, staff, and office space, to all Presidential Special Representatives.".

SEC. 9. POLICY FORMULATION.

Section 33 (22 U.S.C. 2573) is amended to read as follows:

"POLICY FORMULATION

"SEC. 33. (a) FORMULATION.—The Director shall prepare for the President, and the heads of such other Government agencies as the President may determine, recommendations and guidance concerning United States arms control and nonproliferation policy.

"(b) PROHIBITION.—No action shall be taken pursuant to this or any other Act that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner, except pursuant to the treaty-making power of the President set forth in Article II, Section 2, Clause 2 of the Constitution or unless authorized by the enactment of further affirmative legislation by the Congress of the United States.".

SEC. 10. NEGOTIATION MANAGEMENT.

Section 34 (22 U.S.C. 2574) is amended to read as follows:

"NEGOTIATION MANAGEMENT

"SEC. 34. The Director, under the direction of the President, shall have primary responsibility for the preparation, conduct, and management of United States participation in all international negotiations and implementation fora in the fields of arms control and nonproliferation. In furtherance of this responsibility—

"(1) the Director shall have primary responsibility for the preparation, formulation, support, coordination, and transmission of instructions and guidance for all such negotiations and fora, and shall manage interagency groups established within the executive branch of Government to support such negotiations and fora;

"(2) all United States Government representatives, whether or not Special Representatives under section 26, who are conducting negotiations or acting pursuant to agreements in the fields of arms control or nonproliferation shall perform their duties and exercise their powers, under the direction of the President, acting through the Director; and

"(3) Special Representatives of the President for Nonproliferation, established pursuant to section 26, shall, acting under the direction of the President and through the Director, serve as the United States Government representatives to international organizations relating to the field of nonproliferation, including the International Atomic Energy Agency, the Missile Technology Control Regime, the Nuclear Suppliers Group, and the Australia Group with respect to chemical weapons, as well as perform other duties and exercise other powers as the President or Director may prescribe.".

SEC. 11. REPORT ON MEASURES TO COORDINATE RESEARCH AND DEVELOPMENT.

Not later than March 31, 1994, the President shall submit to the Congress a report prepared by the Director of the United States Arms Control and Disarmament Agency, in coordination with the Secretary of State, the Secretary of Defense, the Secretary of Energy, the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence with respect to the procedures established pursuant to section 35 of the Arms Control and Disarmament Act (22 U.S.C. 2575) for the effective coordination of research and development on arms control and disarmament among all departments and agencies of the executive branch of Government.

SEC. 12. NEGOTIATING RECORDS.

(a) IN GENERAL.—The Arms Control and Disarmament Act is amended by inserting after section 35 the following:

"NEGOTIATING RECORDS

"SEC. 36. (a) PREPARATION OF RECORDS.—The Director shall establish a permanent unit within the Agency that shall be responsible for organizing and maintaining a negotiating and implementation record for each arms control or nonproliferation agreement to which the United States is a participating state and which was under negotiation or in force on or after January 1, 1990.

"(b) CONTENTS OF RECORDS.—Each such negotiating and implementation record shall be comprehensive and detailed, and shall include classified and unclassified materials such as instructions and guidance, position papers, reporting cables and memoranda of conversation, working papers, draft texts of the agreement, diplomatic notes, notes verbal, and other internal and external correspondence. Such records shall be maintained both in hard copy and magnetic media. In order to implement effectively this section, the Director shall ensure that Agency personnel participate throughout the negotiation and implementation phases of all arms control and nonproliferation agreements.".

(b) REPORT REQUIRED.—Not later than January 31, 1994, the Director of the United States Arms Control and Disarmament Agency shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a detailed report describing the actions he has undertaken to implement section 36 of the Arms Control and Disarmament Act.

SEC. 13. VERIFICATION OF COMPLIANCE.

Section 37 (22 U.S.C. 2577) is amended to read as follows:

"VERIFICATION OF COMPLIANCE

"SEC. 37. (a) IN GENERAL.—In order to ensure that arms control and nonproliferation

agreements can be adequately verified, the Director shall report to Congress, on a timely basis, or upon request by an appropriate committee of the Congress—

"(1) in the case of any arms control or nonproliferation agreement or treaty that has been concluded by the United States, the determination of the Director as to the degree to which the components of such agreement or treaty can be verified;

"(2) in the case of any arms control or nonproliferation agreement or treaty that has entered into force, any significant degradation or alteration in the capacity of the United States to verify compliance of the components of such agreement or treaty; and

"(3) the amount and percentage of research funds expended by the Agency for the purpose of analyzing issues relating to arms control and nonproliferation verification.

"(b) STANDARD FOR VERIFICATION OF COMPLIANCE.—In making determinations under paragraphs (1) and (2) of subsection (a), the Director shall assume all measures of concealment not expressly prohibited could be employed and that standard practices could be altered so as to impede verification.

"(c) RULE OF CONSTRUCTION.—Except as otherwise provided for by law, nothing in this section may be construed as requiring the disclosure of sensitive information relating to intelligence sources or methods or persons employed in the verification of compliance with arms control or nonproliferation agreements.

"(d) PARTICIPATION OF THE DIRECTOR.—In order to ensure adherence of the United States to obligations or commitments undertaken in arms control and nonproliferation agreements, and in order for the Director to make the assessment required by section 51(a)(6), the Director shall participate in all interagency groups or organizations within the executive branch of Government that assess, analyze, or review United States planned or ongoing policies, programs, or actions that affect or could affect United States adherence to obligations undertaken in arms control or nonproliferation agreements.".

SEC. 14. ROLE OF ACDA WITH RESPECT TO DUAL-USE EXPORTS.

Title III of the Arms Control and Disarmament Act is amended—

(1) by redesignating section 39 as section 38; and

(2) by adding at the end the following new section:

"ROLE OF ACDA WITH RESPECT TO DUAL-USE EXPORTS

"SEC. 39. (a) EXPORT CONTROLS ON NATIONAL SECURITY GROUNDS.—The Director, the Secretary of Defense, and the heads of the other appropriate departments and agencies shall identify goods and technologies for inclusion on the national security control list established pursuant to section 5(c)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(c)(1)). No item shall be added to, or removed from, such list without the concurrence of the Director, the Secretary of Defense, and the Secretary of Commerce. If the Director, the Secretary of Defense, and the Secretary of Commerce are unable to concur, the matter shall be referred to the President for resolution.

"(b) REVIEW.—The Director shall have the right to review any export license application relating to section 5 of such Act if the Director requests such review. No application that the Director has requested to review shall be granted or denied without the concurrence of the Director. If concurrence is unable to be reached, the matter shall be referred to the President for resolution.

"(c) INTERNATIONAL NEGOTIATIONS.—The Director, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Commerce, and the heads of other appropriate departments and agencies shall be responsible for conducting negotiations with other countries regarding their cooperation in restricting the export of goods and technology, including negotiations with respect to which goods and technology should be subject to mutually agreed export restrictions and what conditions should apply for exceptions from those restrictions.

"(d) EXPORT CONTROLS ON FOREIGN POLICY GROUNDS.—The Director, the Secretary of State, and the Secretary of Commerce shall identify goods and technologies for inclusion on the foreign policy control list established pursuant to section 6 of such Act (50 U.S.C. App. 2403(b)). No item shall be added to, or removed from, such list without the concurrence of the Director, Secretary of State, and the Secretary of Commerce. If the Director, Secretary of State, and the Secretary of Commerce are unable to concur, the matter shall be referred to the President for resolution.

"(e) REVIEW.—The Director shall have the right to review any export license application relating to section 6 of such Act that the Director requests to review. No application that the Director has requested to review shall be granted or denied without the concurrence of the Director. If concurrence is unable to be reached, the matter shall be referred to the President for resolution.

"(f) INFORMATION FROM THE DEPARTMENT OF COMMERCE.—The Secretary of Commerce shall furnish to the Agency all information with respect to the foreign availability of any goods or technology subject to export controls pursuant to such Act. Such transfer of information shall be accomplished in a timely manner by electronic means at the expense of the Agency.

"(g) PROHIBITION ON DELEGATION OR TRANSFER OF POWERS.—The President may not delegate or transfer his power, authority, or discretion to overrule or modify any recommendation or decision made by the Secretary of Commerce, the Director, the Secretary of Defense, or the Secretary of State pursuant to the provisions of such Act.

"(h) SUPERSEDING EXISTING LAW.—The provisions of this subsection supersede the provisions of the Export Administration Act of 1979, and any regulation, rule, or order issued thereunder, to the extent that those provisions are inconsistent.".

SEC. 15. AUTHORITIES WITH RESPECT TO NONPROLIFERATION MATTERS.

(a) AMENDMENTS TO THE ARMS EXPORT CONTROL ACT.—(1) Section 38(a)(2) of the Arms Export Control Act (22 U.S.C. 2778(a)(2)) is amended to read as follows:

"(2) Decisions on issuing export licenses under this section shall be made only with the concurrence of the Director of the United States Arms Control and Disarmament Agency, taking into account the Director's assessment as to whether the export of an article would contribute to an arms race, support international terrorism, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control or nonproliferation agreements or other arrangements.".

(2) Section 42(a) of such Act (22 U.S.C. 2791(a)) is amended—

(A) by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively;

(B) by inserting "(1)" immediately after "(a)"; and

(C) by amending clause (C) to read as follows:

"(C) the assessment of the Director of the United States Arms Control and Disarmament Agency as to whether, and the extent to which, such sale might contribute to an arms race, support international terrorism, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control or nonproliferation agreements or other arrangements;"; and

(D) by adding at the end the following:

"(2) Any proposed sale made pursuant to this Act shall be approved only with the concurrence of the Director of the United States Arms Control and Disarmament Agency.".

(3) Section 71(a) of such Act (22 U.S.C. 2797(a)) is amended by inserting "and the Director of the Arms Control and Disarmament Agency jointly" after "The Secretary of State".

(4) Section 71(b)(1) of such Act (22 U.S.C. 2797(b)(1)) is amended by striking "A determination of the Secretary of State" and inserting "A joint determination of the Secretary of State and the Director of the United States Arms Control and Disarmament Agency".

(5) Section 71(b)(2) of such Act (22 U.S.C. 2797(b)(2)) is amended by inserting "and the Director of the United States Arms Control and Disarmament Agency" after "The Secretary of State".

(6) Section 71(c) of such Act (22 U.S.C. 2797(c)) is amended by striking "The Secretary of State shall" and inserting "The Secretary of State and the Director of the Arms Control and Disarmament Agency shall jointly".

(7) Section 73(d) of such Act (22 U.S.C. 2797(d)) is amended by inserting "and the Director of the United States Arms Control and Disarmament Agency" after "The Secretary of State".

(b) AMENDMENTS TO THE ATOMIC ENERGY ACT.—(1) Section 51 of the Atomic Energy Act of 1954 (42 U.S.C. 2071) is amended by adding at the end thereof the following new sentence: "For purposes of this section, any determination that other material is special nuclear material shall be made only with the concurrence of the Director of the Arms Control and Disarmament Agency.".

(2) Section 57 b. of such Act (42 U.S.C. 2077(b)) is amended by striking "and after consultation with the Arms Control and Disarmament Agency," and inserting "and the Director of the United States Arms Control and Disarmament Agency and after consultation with".

(3) Section 109 a. of such Act (42 U.S.C. 2139(a)) is amended by inserting "with the concurrence of the Director of the Arms Control and Disarmament Agency," after "if the Commission".

(4) Section 109 b. of such Act (42 U.S.C. 2139(b)) is amended in the first sentence by inserting ", with the concurrence of the Director of the United States Arms Control and Disarmament Agency" after "Commission".

(5) Section 111 b.(1) of such Act (42 U.S.C 2141(b)(1)) is amended by striking "and has consulted with the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission," and inserting "and the Director of the United States Arms Control and Disarmament Agency and has consulted with the Nuclear Regulatory Commission".

(6) Section 123 a. of such Act (42 U.S.C. 2153(a)) is amended in the undesignated paragraph following paragraph (9)—

(A) in the second sentence, by striking out "negotiated by the Secretary of State" and

inserting "negotiated by the Director of the United States Arms Control and Disarmament Agency";

(B) in the second sentence, by striking out "shall be submitted to the President jointly by the Secretary of State and the Secretary of Energy accompanied by the views and recommendations of the Secretary of State," and inserting "shall be submitted to the President jointly by the Director of the United States Arms Control and Disarmament Agency, the Secretary of State, and the Secretary of Energy accompanied by the views and recommendations of the Director of the United States Arms Control and Disarmament Agency, the Secretary of State,";

(C) in the third sentence, by inserting "jointly" after "any proposed agreement for cooperation shall be";

(D) in the third sentence, by inserting "and the Director of the United States Arms Control and Disarmament Agency" after "by the Secretary of Energy"; and

(E) in the third sentence, by inserting "and the Director of the United States Arms Control and Disarmament Agency" after ", by the Secretary of Defense".

(7) Section 126 a.(1) of such Act (42 U.S.C. 2155(a)(1)) is amended by inserting ", with the concurrence of the Director of the United States Arms Control and Disarmament Agency," after "the Commission has been notified by the Secretary of State".

(8) Section 131 a.(1) of such Act (42 U.S.C. 2160(a)(1)) is amended—

(A) in the first sentence, by inserting "the Director of the United States Arms Control and Disarmament Agency and" after "the Secretary of Energy shall obtain the concurrence of"; and

(B) in the proviso, by striking "the Secretary of State" and inserting "the Director of the United States Arms Control and Disarmament Agency".

(9) Section 131 b.(2) of such Act (42 U.S.C. 2160(b)(2)) is amended by inserting "the Director of the United States Arms Control and Disarmament Agency and" after "unless in his judgment, and that of".

(10) Section 131 b.(3) of such Act (42 U.S.C. 2160(b)(3)) is amended by inserting "the Director of the United States Arms Control and Disarmament Agency and" after "to those which in this view, and that of".

(11) Section 142 of such Act (42 U.S.C. 2162) is amended by adding at the end thereof the following new subsection:

"(g) All determinations under this section to remove data from the Restricted Data category shall be made only after consultation with, and upon the concurrence of, the Director of the United States Arms Control and Disarmament Agency.".

SEC. 16. APPOINTMENT AND COMPENSATION OF PERSONNEL.

Section 41(b) (22 U.S.C. 2581(b)) is amended by striking all that follows "General Schedule pay rates," and inserting in lieu thereof "except that—

"(1) the Director may, to the extent the Director determines necessary, appoint in the excepted service, and fix the compensation of, employees possessing specialized technical expertise without regard to provisions of title 5, United States Code, governing appointment or compensation of employees of the United States,

"(2) an employee who is appointed under this provision may not be paid a salary in excess of the rate payable for positions of equivalent difficulty or responsibility, and in no event, may be paid at a rate exceeding the maximum rate in effect for level 15 of the General Schedule, and

"(3) the number of employees appointed under this paragraph shall not exceed ten percent of the number of positions allowed under the Agency's full-time equivalent limitation.".

SEC. 17. SECURITY REQUIREMENTS.

Section 45(a) (22 U.S.C. 2585) is amended in the third sentence—

(1) by inserting "or employed directly from other Government agencies" after "persons detailed from other Government agencies"; and

(2) by striking "by the Department of Defense or the Department of State" and inserting "by such agencies".

SEC. 18. ANNUAL REPORT TO CONGRESS; AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Title IV of the Arms Control and Disarmament Act is amended—

(1) by striking sections 49 and 50;

(2) by redesignating sections 51 and 53 as sections 49 and 50, respectively;

(3) by inserting after section 50 (as redesignated by paragraph (2)) the following new sections:

"ANNUAL REPORT TO CONGRESS

"SEC. 51. (a) IN GENERAL.—Not later than January 31 of each year, the President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report prepared by the Director, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Energy, the Chairman of the Joint Chiefs of Staff, and Director of Central Intelligence, on the status of United States policy and actions with respect to arms control and nonproliferation. Such report shall include—

"(1) a detailed statement concerning the arms control objectives of the executive branch of Government for the forthcoming year;

"(2) a detailed statement concerning the nonproliferation objectives of the executive branch of Government for the forthcoming year;

"(3) a detailed assessment of the status of any ongoing arms control negotiations, including a comprehensive description of negotiations during the preceding year and an appraisal of the status and prospects for the forthcoming year;

"(4) a detailed assessment of the status of any ongoing nonproliferation negotiations or other activities, including a comprehensive description of the negotiations or other activities during the preceding year and an appraisal of the status and prospects for the forthcoming year;

"(5) a detailed assessment of adherence of the United States to obligations undertaken in arms control and nonproliferation agreements, including information on the policies and organization of each relevant agency or department of the United States to ensure adherence to such obligations, a description of national security programs with a direct bearing on questions of adherence to such obligations and of steps being taken to ensure adherence, and a compilation of any substantive questions raised during the preceding year and any corrective action taken; and

"(6) a detailed assessment of the adherence of other nations to obligations undertaken in all arms control and nonproliferation agreements to which the United States is a participating state, including information on actions taken by each nation with regard to the size, structure, and disposition of its military forces in order to comply with arms control or nonproliferation agreements, and shall include, in the case of each agreement about which compliance questions exist—

"(A) a description of each significant issue raised and efforts made and contemplated with the other participating state to seek resolution of the difficulty;

"(B) an assessment of damage, if any, to the United States security and other interests; and

"(C) recommendations as to any steps that should be considered to redress any damage to United States national security and to reduce compliance problems.

"(b) CLASSIFICATION OF THE REPORT.—The report required by this section shall be submitted in unclassified form, with classified annexes, as appropriate.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 52. (a) AUTHORIZATION OF APPROPRIATIONS.—To carry out the purposes of this Act, there are authorized to be appropriated—

"(1) $62,500,000 for fiscal year 1994 and $64,375,000 for fiscal year 1995; and

"(2) such additional amounts as may be necessary for each fiscal year for which an authorization of appropriations is provided for in paragraph (1) of this subsection for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates.

"(b) TRANSFER OF FUNDS.—Funds appropriated pursuant to this section may be allocated or transferred to any agency for carrying out the purposes of this Act. Such funds shall be available for obligation and expenditure in accordance with the authorities of this Act or in accordance with the authorities governing the activities of the agencies to which such funds are allocated or transferred.

"(c) LIMITATION.—Not more than 12 percent of any appropriation made pursuant to this Act shall be obligated or reserved during the last month of the fiscal year.".

(b) EFFECTIVE DATE.—So much of the amendment made by subsection (a) as inserts section 52 of the Arms Control and Disarmament Act shall take effect on October 1, 1993.●

COAST GUARD YARD AT CURTIS BAY, MD

● Ms. MIKULSKI. Mr. President, I would like to recognize the dedicated workers of the Coast Guard Yard at Curtis Bay, MD, as the recipients of the inaugural Coast Guard Commandant's Quality Award. These hard working men and women prevailed over 15 other Coast Guard facilities in a nationwide competition. The yard at Curtis Bay was selected for this honor because of placing first in four of the seven evaluation criteria: leadership, quality assurance, customer focus, and quality results. As a result of winning this award the yard has been nominated by Commandant Kime as the Coast Guard's entry in the 1994 Department of Transportation Secretary's Annual Quality Award and the President's Council on Management Improvement Awards.

Unfortunately, the yard has been targeted this year for unmerited budget

cuts by the House Appropriations Committee. As a member of the Senate Appropriations Committee, I will continue working to reverse this decision. The Coast Guard Yard at Curtis Bay provides outstanding service at reasonable cost. That is what the taxpayers expect of their Government and that is what the skilled workers at the yard provide. I hope the Senate will join me in recognizing the excellent work done at the Coast Guard Yard—in our appropriations as well as our words.●

REGARDING THE JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS

● Mr. BOREN. Mr. President, for the interest of my colleagues and interested members of the public, I want to provide a report on the activities of the Joint Committee on the Organization of Congress.

Today we held the last in our scheduled public hearings on Congress, its structure and operations, and possible reforms. Since January, we have held 36 days of hearings and heard from 243 witnesses over 114 hours of testimony. Of those witnesses, 37 were Senators, 133 were Representatives, 14 were former Members of Congress, 15 were former or current staff, and 44 were outside experts.

Our extensive hearing schedule began when we heard from the top leaders from both the House and Senate—the first time in Congress' history that any committee heard from the Speaker, the House party leaders, and the Senate party leaders in a single day. Following that opening day, we held general hearings on reform, days on specific areas of Congress' operations, and finally a set of concluding hearings this week.

In January, the joint committee members decided to focus on eight areas of reform: the committee structure, floor procedure, the budget process, ethics, staffing, interbranch relations, information technology, and public understanding of the institution. Our hearings encompassed all but the last two of these areas.

We also held a weekend retreat this past weekend so that the committee members could sift through all of the recommendations and hearings. We focused on the problems facing this institution and possible solutions for reform. In July and August, we will continue that process of sifting through recommendations and building areas of agreement.

Throughout this process, we have enjoyed the strong support of the Senate leadership, including the majority and minority leaders. I personally have benefited from their advice, and on the advice of a wide range of my colleagues. I hope as our work continues through the summer and into the fall that all interested Senators will join in our process and provide their thoughts and recommendations on improving this institution.

As I stated, today ends our hearing schedule. We were honored that for our last hearing, former Senator and Vice President Walter Mondale shared his thoughts and recommendations about this institution. The joint committee greatly benefited from his thoughts and his experience. I want to share with my colleagues his opening statement from this morning's hearing.

Mr. President, I ask that the statement by Vice President Mondale be included in the RECORD following my remarks.

The statement follows:

TESTIMONY OF WALTER F. MONDALE BEFORE THE JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS, JULY 1, 1993

Thank you for inviting me to testify at this final hearing of the Joint Committee. It is truly a rare occasion when I am asked to provide the last word on any subject.

I wish to congratulate this Committee, and the co-chairs, on your ambitious schedule and on the remarkable breadth of your review. Having been here when Congress passed the Legislative Reorganization Act in 1970, I can testify to the value of this kind of effort. What the Legislative Reorganization Act of 1946 began, and the Act of 1970 refined, this Joint Committee can now continue.

It is only reasonable to revisit the basic organization of Congress from time to time. The world always changes faster than its institutions. Rules crafted to accommodate members from the 1970s may not fit the members of today. Committee and subcommittee jurisdictions that fit the issues of the 1970s may not fit the issues of today. When I left the Senate to become Vice President in January 1977, we were still in the midst of the cold war, our nation was still running trade surpluses and our economy was largely unchallenged around the globe. Today, there is hardly an issue that does not have some global economic impact, while the public debate on defense is now more about what bases to close than how to deploy troops. And even in the sunshine of our new world community, the dangerous clouds of terrorism remain.

Like any serious effort at change, legislative reorganization is fraught with challenge. But this Committee can play a unique role in assuring that Congress is organized to address the fundamental questions of our future as a nation. I believe that every reform you consider should be judged by the following question: To what extent will it enhance this institution's ability to think, learn, reflect upon and debate the pressing issues facing our country?

Looking back on my years in the Senate, I realize the tremendous amounts of time I spent on matters that did not really advance the broad national purposes with which this institution should be concerned above all else. The problem has only gotten worse since then.

My complaint is not against inefficiency. Hubert Humphrey always liked to say: "You can read the Constitution from the first word to the last; you can read the Declaration of Independence from the first word to the last; you can read the Bible from the first word to the last . . . and you will never see the word 'efficiency' mentioned even once!"

Hubert was right. But he didn't mean that government should not try to get things done. He meant only that the desire for efficiency should not distract us from the fundamental values of liberty and democracy that are the inspiration and reason for our system of government. To help fulfill these great values, I would agree with Hubert that sometimes our government must err on the side of inefficiency. In fact, what I wish to suggest in this testimony today is that Congress may actually need a more leisurely pace in order to carry out its most important responsibilities.

Looking back at developments in the Congress over the past several decades, I believe time has been the greatest casualty. Here I mean the time to reflect, to read, to discuss, to debate. I do not mean to suggest that the Congress should become a monastery devoted to quiet contemplation or a college debating society that never has to make a decision.

But consider the LaFollette-Monroney Act of 1946, which specified a deadline for Congressional adjournment: "Except in time of war or during a national emergency proclaimed by the President, the two Houses shall adjourn sine die not later than the last day (Sundays excepted) in the month of July in each year unless otherwise provided by the Congress." Those were the good old days—less than 50 years ago. Just imagine: If this law were still in effect, you would be able to leave town in 30 days.

Today's Congress is caught between a rock and a hard place. There may have been a time too long ago when our nation could afford the distractions which members of Congress now face. The issues seemed simpler somehow when I first arrived here, the floor debates more leisurely. There were hard battles and tough votes, of course, but we seemed to have at least some time to give. It also used to be that members specialized in one or two legislative areas on which they could spend an entire career. Today, the overlapping committee jurisdictions and easily accessible information make each member a potential specialist on everything.

I would caution that the answer is not likely to be found in moving boxes around on an organization chart. Instead, the focus must be on results: That means increasing the actual amount of time this institution and its members are able to allocate to discussion and debate of the bit questions. The answer is not necessarily in fixing intricate rules of floor debate, either. Instead, the aim must be to protect members of Congress from being trivialized, even compromised, in the exercise of their very great duties to this nation.

I certainly do not blame members of Congress for these problems. You are trying to respond to huge changes in our political, economic and social life. It is the institution that is not doing enough to protect its own members from the growing pressures.

Because so much of Congress's time for reflection and discussion has evaporated, everything this Joint committee recommends should be directed to improving the bargain in favor of thoughtfulness. In the spirit of concern that has characterized this Committee's work, let me offer a brief overview of four areas that I believe offer the greatest potential for creating the kind of great debates which our nation needs.

First, there is the impact of campaign fundraising. Members of Congress simply spend too much time having to raise money. I commend the Senate for passing a very significant campaign finance reform package earlier this year. But it is not yet adopted—and, in any case, we need to keep working on

it and go even further. In fact, the more I think about it, the single most important thing that could be done to improve Congressional performance may very well be to reduce this increasing pressure to raise money.

Obviously, the growing cost of campaigns is a major source of the problem. When I first arrived here in 1965, it was almost unheard of for a House member to spend more than $200,000 to win election. Now it is routine for individual House campaigns to exceed $500,000. The total amount spent in last year's campaigns is astounding—$314 million, a 41 percent increase of 1990.

The pressures are evident in the Senate, too. when I left this body in 1976, the averaging Senate campaign cost just about $600,000. Now, the average campaign costs several million dollars. Last year, Senate candidates spent a total of more than $190 million. Five of the winners spent more than $6 million, and one more than $10 million. The average Senator now has to raise some $2,600 every day, week after week, month after month, for each year of this term, to pay for his reelection campaign. No wonder Senator Byrd has said that "A Senator now ends up a full-time fundraiser and a part-time Senator."

The need to raise the sums now required for reelection inevitably distorts a member's concentration. The time demands are overwhelming—an unending series of receptions, meetings, phone calls and trips across the country. Even if campaign contributions do not purchase special access, and even if they do not create the appearance of hidden connections between campaign dollars and legislative outcomes (which they unfortunately do), fundraising clearly distracts members from their work. It alters schedules, refocuses travel, gnaws at priorities and crowds out time that should be devoted to making laws and shaping public policy.

Imagine what members of Congress could do with that time. You could conduct the kinds of systematic oversight hearings needed to improve government performance. You could schedule and participate in the kind of floor debates that would illuminate issues and change history. You could devote much greater attention to educating the public on the trade-offs we face on a host of modern policy choices. You could delve more deeply into the issues of tomorrow. You could build deeper relationships with other members. And, most importantly, you could pause for reflection.

There may be no better argument for campaign finance reform than this.

But there is also something else at stake—and that is the public trust on which this institution depends for its effectiveness. Lincoln said: "With public trust, everything is possible; without it, nothing is possible."

There was a time when Congress could tap into a deep reservoir of public trust. Now, the well is nearly dry. There are many Americans who do not see the actions of Congress as credible or honest. I regret this, because I believe most efforts in Congress are honestly motivated. But that is not the popular perception. For many Americans, it looks like public servants can be bought, or rented, or pressured, or intimidated. The mountains of money pouring into the political process are there in plain sight. The American people see it growing, and their trust declines in proportion. That is why this Committee's work is so important—to earn back the public trust for Congress by making this institution as effective as it can be in addressing our nation's problems.

Second, I hope this Committee might be able to help relieve the burdens on Congress caused by an overload of committees and staff. Both have reached proportions that are unwieldy and counterproductive. Each one tends to reinforce the other.

Much of the expansion in committees and subcommittees occurred in the late 1960s to mid-1970s in a legitimate drive for institutional parity with the executive branch. It was part of an effort to strengthen the legislative branch against the "Imperial Presidency." That was the era of budget impoundment, executive privilege, secret bombings and a swelling of the Presidential ego. Congress had little choice, I believe, but to build its own capacity. What we have seen, however, is the accumulation of an unbelievable, and unworkable, range of committees and subcommittees—many created especially for members who are no longer even here.

As Thomas Mann and Norman Ornstein rightly argue in their second volume of Renewing Congress, the result is a rising number of committee assignments which, in turn, leads "to increasing conflicts in scheduling, a frenetic pace of legislative life, and a shorter attention span for members, accompanied by decreasing attendance at committee and subcommittee meetings and hearings and less real focus on important problems . . .."

I recall that Adlai Stevenson once tried to limit members of the Senate to just two committees—one major committee, plus with one other. But many members at the time did not want to live within such limits, and a growing number of exceptions soon undermined the rule. So this is really an old issue, and it will not be solved easily.

Ultimately, this crowding cannot be solved piecemeal. It will only yield, I believe, to a realignment of existing committee jurisdictions. Although the total number of committees and subcommittees has remained relatively stable for the past decade or so, the issues they deal with have not.

Having worked as Vice President to keep our energy package together as it moved through Congress, I know first hand the difficulties of working on today's issues in the context of yesterday's structure. On some issues, the fragmentation is so great as to stymie all but the most tepid responses to pressing public needs. On others, the breadth of issues covered by one or two committees threatens a bottleneck at every turn. It only makes sense to occasionally readjust the road-map to reflect the changing mix of traffic—consolidating some committees, eliminating others, and splitting still others.

The problem is that committees and subcommittees, once established, seem to become eternal, regardless of how much the world changes and how much the membership of Congress itself changes. I know there are notable exceptions. But that is just it—they are exceptions. The rule is that committees do not die natural deaths.

I would hazard to guess that trying to restructure the Congressional committees will be even harder than trying to shut down military bases. But modernizing and streamlining the committee structure for a new world is no less urgent, no less necessary, than modernizing and streamlining our military structure. Thus, I would propose that Congress call upon an outside bipartisan group—with a membership composed of distinguished former members of Congress—to provide advice on the best structure to meet the challenges this institution faces today.

The growth in committees and subcommittees has also contributed to expansion of staff; in fact, there is a reinforcing relationship between the two. Let's be clear: To do the job well, every member of Congress needs good staff, both in numbers and competence. But I discovered that the very size of my staff began to take time away from my duties as a Senator. Bright, hard-working staff inevitably create new demands and new work for a member of Congress. Some of it is necessary and valuable; much of it is not. Staff begins to drive a Congressman's schedule and range of interests in ways that do not support the central tasks of his office. Staff can marginalize a Congressman's interests away from the broad issues that should be at the center of his attention. By the end of my career in the Senate, I had begun to realize that what I really needed was less staff, not more.

I have always benefited from excellent staff, as has this committee. But Congress as an institution may not be well served by having too much of a good thing. Back when I first arrived in the Senate, the 535 members of Congress had roughly 6,000 personal staff. That number has almost doubled today. Back when I arrived, there were roughly 1,000 committee staffers. That number has more than tripled. Even when we acknowledge that the number of personal staff deployed back home has jumped from about 10 percent back in the mid-1960s to almost 40 percent today, the increasing presence of staff in the day-to-day life of this institution is undeniable.

There is nothing magic about a given number of personal or committee staff, and I will try to offer such a number. In fact, I believe that several of your previous witnesses have argued that personal staffs are now stretched to the breaking point. But this is due in part to artificially high expectations for casework and contact fostered by members themselves. It makes little sense to cut Congressional staff without also reducing the workload. The result would only be more burnout. Nonetheless, we must start somewhere. A measured reduction in personal staffs may be the only way to force Congress to deal with workload.

I would add that the increasing emphasis on constituent service in Congressional offices has also contributed to this growth, and overload, in staffing. Good constituent service is, of course, necessary—and honorable—work for any member of Congress and his staff. Citizens must have somewhere to turn for help when they become victims of government bureaucracy. But constituent service can also be a bottomless pit. The danger is that a member Congress will end up as little more than an ombudsman between citizens and government agencies. As important as this work is, it takes precious time away from Congress's central responsibilities as both a deliberative and a law-making body.

A third area I would mark for reform—an area where precious Congressional time is consumed—is with redundant legislative procedures.

We need to clearly separate the authorization and the appropriations functions. One set of committees should authorize the policies and programs; another set should appropriate the funds for those policies and programs. Unfortunately, these two responsibilities have become hopelessly conflated. I would urge this Committee to consider how to re-establish these as two clearly separate processes, so we can cut down on amendment after amendment being attached to appropriations bills. Authorization and appropriation are two separate functions; there are good reasons why they should be separate; and we need firm rules to keep them separate.

In a similar vein, I am a strong believer in tougher germaneness rules. These would make each vote a clearer statement on the legislation at hand. Too many of Congress's most important bills are crowded by unrelated amendments and riders that confuse the issues. This does not mean we should tighten the rules to the point of strangling all alternative paths to passage. We must sometimes err on the side of inefficiency to protect the minority. But germaneness continues to be a simple and useful test for amendments. It should be strengthened as a device for keeping the workflow coherent and for assuring a tigter link between floor votes and legislative results.

Time can also be saved by limiting statutory sunsets—an idea whose time has gone. Congress spends several weeks each year on reauthorizations of existing legislative authority, presumably as a spur to oversight. Oversight is no doubt needed, and I do not mean that Congress should never be allowed to reopen an existing statute. But there are more straightforward paths to reform. The problem is that every two years, every legislative committee and every executive agency is consumed with these proceedings to reauthorize what should be basic legislation. It is better to leave the basic legislation in place and, when necessary, change it by amendment rather than by trying to reinvent the wheel every two years.

I would continue to support the current rules governing filibusters in the Senate. I helped lead the fight to bring about the current 60-vote threshold on cloture. I believe that, from time to time, Senators must be able to use the filibuster, even if it absorbs an inordinate amount of time. This right to carry the fight to the nth degree is essential to the role of the Senate. No other institution in our system of checks and balances can perform this task—not the House, the Presidency, nor the courts.

On the other hand, the increasing use of the filibuster on what appear to be normal, even routine, legislative issues may be weakening public support for the instrument. This is an area where there is absolutely no substitute for self-restraint. If members continue to use the filibuster to fight over issues that are most appropriately resolved through simple majority votes, the body may soon find itself without this important protection. That would be a tragedy.

Finally, let me conclude my testimony by addressing issues of institutional comity. I will not dwell on questions of legislative-judicial relations, and would point you to the work of the Governance Institute and its president, Robert A. Katzmann, for advice in this area. On the executive-legislative relationship, I would urge this committee to address the need for a more trusting relationship regarding the President's duty to faithfully execute the laws.

One place to start is to move away from the highly prescriptive, deadline-laden bills Congress felt obliged to enact during the 1980s. We should prefer broad, general legislation, with systematic oversight of Presidential execution. The emphasis should be on broad legal principles, not minute detail. In this area, the devil is truly in the details. A movement back toward executive discretion should not be interpreted as a blank check for the President, but an opportunity for Congress to set clear goals for executive performance.

This change in statutory philosophy might also lead oversight away from the fragmented micro-management that absorbs so much executive time. As others before me have testified, too many of the President's key appointees are spending too much time before subcommittees and not enough on their own work. Moreover, too much of their time on Capitol Hill is spent defending their agencies against "gotcha" audits and small-scale problems. What Congress ought to be asking is whether the departments of government are delivering the right services in the most efficient manner. The focus should be on setting clear expectations for executive performance, and holding appointees and their agencies accountable.

Separation of powers is, of course, at the heart of our constitutional system. But it does not need to be a "gridlock machine." Historically, this constitutional structure has slowed down government in order to make it better, not to halt it in its tracks. In fact, the division of labor between the executive and legislative branches is an opportunity to share the burdens of governing, to draw upon the distinctive strengths and capabilities of each branch. Given the problems facing our nation, and given the public's yearning for real and substantive change, the Congress and the President have a responsibility to work together.

This is not easy, no matter what political party controls the White House or the Congress. I have served at both ends of Pennsylvania Avenue, and I believe there should be creative tension back and forth between them. When I served in the Senate, I was often frustrated by what the White House was doing. Once I moved to the White House, I found myself often frustrated by what was happening on Capitol Hill. This is as it should be. Yet, most of the time, each branch should stick to its own business. Congress does have a responsibility to check the executive branch. But Congress must also trust the electorate. After all, the voting public remains the ultimate check on the President and the executive branch.

All of my suggestions here today relate back to my foremost concern with making time available for Congress to give due consideration to the broad issues facing our nation. I do not believe Congress is in especially dire need of smarter members, more talented staff or better information. Nor do I think term limits or salary cuts are what is needed to concentrate members' attention.

Nonetheless, there is urgency for action. What Congress needs most is the capacity to address the problems of our nation—and what that requires, above all, is time. Every reform you consider should be measured against this critical standard.

Back when I joined the Senate, Congress could make mistakes and still recover, largely because we had the time to pause and reflect about what we were doing. This is not to say we were particularly efficient. Indeed, I was a member of this august body when we set the record for number of days in session in the Ninety-First Congress. The only reason we didn't stay in session longer than the 350 days we did was that a little thing called the U.S. Constitution got in the way.

What makes today's life in Congress so difficult is that members never stop moving. That is why this Committee must act and be heard. The issues we face are far too complex, even dangerous, that we must not starve members of the time they need to think long and hard about them.

We face a different world, a different nation, with a vast range of unsolved problems. We need your time, thought and talent applied to these questions to the fullest extent possible. This institution should be organized to permit and encourage that to happen. I appreciate this Committee's efforts to help produce that outcome.

I would be happy to answer any questions the Committee might have.•

TRIBUTE TO WESTVACO

• Mr. MCCONNELL. Mr. President, I rise today to pay special tribute to a model corporate citizen. Westvaco Corp., which has operated a paper mill in Wickliffe, KY for over 20 years, has recently been honored by the National Geographic Society. As a recipient of the National Geographic Society 1993 Chairman's Award, Westvaco stands as an example to other corporations.

Mr. President, it is far too often we hear of a story where a business or factory had violated nature. The industry in turn will scream bloody murder that environmental restraints are impeding its pursuit of profit. Too seldom are industry and the environment able to find a comfortable coexistence.

Westvaco, which has facilities throughout the United States, is known for dedicating company property to educational, recreational, and conservation purposes. A wonderful example of the company's commitment to working with the surrounding community is the 32,000-acre wildlife management area near Wickliffe. As I am sure my colleagues remember, it was not long ago that I told them of the U.S. Department of the Interior's National Wetlands Conservation Award, which was presented to this facility. Indeed, Westvaco has proven worthy of many honors and more importantly, the respect of those who live near its facilities.

I ask my colleagues to again join me in paying tribute to Westvaco, a company that has found the proper balance between profit and nature. In addition, I ask that an editorial from the June 30, 1993 Paducah Sun be included in the RECORD at this point.

The editorial follows:

[From the Paducah Sun, June 30, 1993]

WESTVACO'S RECORD SETS HIGH STANDARD

When an organization as environmentally aware as the National Geographic Society singles out for a special honor a company that cuts trees and works with chemicals, someone must be doing many things right, and the Westvaco Corp. surely is.

The New York-based paper, packaging and chemical concern has won the NGS's 1993 Chairman's Award in recognition of programs that "significantly advance knowledge of the world and all that is in it."

The award is all the more noteworthy because it represents such a welcome departure from what has seemingly become the norm in relations between corporations and groups dedicated to the preservation and knowledge of the natural world.

Most often, the public reads and hears of conflict between the two interests. Typically, the private concerns will be accused of some violation of nature, and they in turn will complain that their productive mission is being stymied.

But National Geographic President Gilbert M. Grosvenor had this to say: "Westvaco

goes out of its way to find the right balance between industry and nature."

With Westvaco operating a paper mill at Wickliffe for more than 20 years, we in this region already know the company has been a model corporate citizen. The reputation it enjoys is the result of performance, not public relations, though the latter is strong as well. An organization like National Geographic is not likely to be impressed merely with PR.

Principal among the activities that have brought Westvaco commendation, and not from NGS only, is the commitment of company property in several states to educational, recreational and conservation purposes, including the 32,000-acre wildlife management area near Wickliffe. For that enterprise, Westvaco last year became the first corporation to receive the U.S. Department of the Interior's National Wetlands Conservation Award.

The honor accorded Westvaco by the National Geographic Society is an important one for several reasons, but mainly because it demonstrates that industry and environmentalists are not necessarily natural adversaries. Westvaco demonstrates the point clearly: A company, even one whose business makes it potentially vulnerable to criticism, can operate successfully, in harmony with its neighbors and in a way that helps, not harms, the environment.•

DISABILITY PROFESSIONALS WEEK

• Mr. RIEGLE. Mr. President, I rise today to pay tribute to the hard-working men and women who work in State disability determination services. They read the applications of people who are trying to qualify for Social Security disability benefits. Last week was Disability Professionals Week, a time to pay tribute to these dedicated men and women for a job well done.

Webster's New World Dictionary defines a profession as an occupation requiring advanced education and training, or involving specialized knowledge. Disability workers certainly meet this definition. They are required to have a working understanding of human physiology and psychology, as well as the ability to apply and interpret complicated legal issues. On top of this, they must efficiently and expediently manage large caseloads and treat claimants with courtesy and care.

It's a tough and often thankless job. Disability professionals handle literally thousands of applications. Their task is made even tougher by the fact that the Social Security Administration does not have the flexibility to devote more resources for administrative purposes. Yet these devoted professionals carry on. I know in my State of Michigan, for example, these workers put in hundreds of hours of overtime to meet its Zebley caseloads.

Mr. President, I hope my colleagues will join me in acknowledging the work disability professionals do for the American people. They fit the highest ideals of public service. We do well to thank the people who do so much for so many.

I thank the Chair.•

SEVENTEENTH ANNIVERSARY OF THE SOWETO RIOTS

• Mr. RIEGLE. Mr. President, I rise today to commemorate the anniversary of the Soweto riots which began on June 16, 1976. The Soweto uprising was the manifestation of generations of racial discrimination and intolerance in South Africa. It took this tragedy to finally bring the world's attention to the discriminatory policy of apartheid.

For so long, the majority of South Africans have been denied the freedom to vote or participate in the political process. Apartheid created two societies in the country, one which was able to benefit from the opportunities and the riches of the nation and another which was subjugated by a minority ruling class.

The Soweto riots compelled many people around the world to condemn the acts of the South African Government. Various nations, including the United States, took action—imposing economic and political sanctions against South Africa. This pressure has aided the cause to end apartheid. After 17 years of conflict and fighting, black South Africans have been able to move closer than ever before to achieving true justice and equality.

The hardship and violence that blacks in South Africa have suffered must come to an end. As the talks between the de Klerk government and the leaders of the black community continue, great strides are being made toward repealing the discriminatory laws of apartheid, but much more needs to be accomplished before all South Africans can live in a truly democratic and just society.

By remembering the bloodshed and violence of the past 17 years, we honor the courage and determination of the black majority in South Africa. As a Western democracy that cherishes freedom and equality, we must applaud and support their fight for those fundamental rights and freedoms that are rightfully theirs.•

SENATE CONSIDERATION ON EXTENDING FAST TRACK

• Mr. RIEGLE. Mr. President, yesterday this Chamber passed the legislation extending fast-track authority for 9 months for the GATT Uruguay round negotiations. As I have stated on many occasions, I support the extension of fast track for the Uruguay round. However, I strongly believe that Super 301 should have been included in the legislation extending fast track. But regrettably, the votes to include Super 301 with the fast-track legislation did not exist.

I am also disappointed that we were not able to go forward with a sense of the Senate resolution on Super 301 yesterday. I plan to work closely with Chairman MOYNIHAN to reauthorize Super 301. I believe it is crucial that Congress move forward with passage of Super 301 legislation as quickly as possible.

I have long been supportive of the need to open markets to U.S. exports and combat unfair trade practices around the world. Opening markets, reducing tariffs and nontariff barriers, and ensuring that all our trading partners play by the same trade rules are essential to America's economic interests. I support a GATT process which accomplishes these goals.

However, as I have also stated before, the multilateral GATT negotiations are merely one avenue for opening foreign markets. A second, and I believe complementary, vehicle for opening markets is the Super 301 provisions. Clearly, the United States needs to have strong trade tools available to deal effectively with unfair trade practices around the world. Super 301, which I authored with Senator DANFORTH in 1988, provides the administration with the tools.

The United States has experienced ever-increasing trade deficits with its trading partners over the last decade. The United States cumulative trade deficit since 1980 is more than $1.1 trillion. In 1992, our trade deficit with Japan was $49 billion, up 14 percent from 1991, and our 1992 trade deficit with China was $18 billion, up 44 percent from 1991.

The United States is again experiencing record deficits with Japan. Our trade deficit with Japan for March 1993 was $5.3 billion, an increase of 27 percent over the previous month. Our trade deficit with Japan increased again in April, to $5.5 billion. These trade deficits are largely due to the unfair trade practices of our competitors, resulting in closed markets for U.S. exports.

I am more convinced than ever that passage of Super 301 is crucial. In the few months since taking office, this administration has aggressively pursued negotiations to open markets and combat unfair trade practices around the world. However, many of our trading partners appear unwilling to take meaningful and constructive steps to truly open their markets.

Just last week, negotiations to open Japan's market ended in deadlock. At issue was the administration's proposal for clearly defined, measurable targets, for reducing Japan's bilateral and global trade surplus. In addition, the United States, Japan, Canada, and the European Community, met recently to discuss market access and tariffs cuts under the Uruguay Round.

Those talks also failed to produce any meaningful progress. The United States can no longer afford to allow our trading partners to refuse to take measurable, results oriented steps to

open their markets and eliminate their unfair trade practices, while the United States remains completely open to their products.

The results—or rather lack of results—of our most recent bilateral and multilateral negotiations show how important it is for the United States to have strong trade tools available, such as Super 301, to open markets and eliminate unfair trade practices when negotiations fail.

Passage of a strong Super 301 would accomplish a number of key objectives. Super 301 provides the administration with the ability to address unfair trading practices immediately, without waiting for the conclusion of the Uruguay Round negotiations.

It also gives the administration the ability to deal with closed markets and unfair trade practices of our trade partners who are not GATT members and not participating in the Uruguay Round negotiations. In addition, passage of Super 301 would give the administration additional leverage in the final stages of the Uruguay Round. Super 301 gives the administration the trade tools needed to ensure that our trading partners adhere to the agreements reached in the GATT negotiations.

In the past, Super 301 has been successful in opening markets. The use of Super 301, or the threat of its use, was instrumental in opening markets to United States supercomputers, agriculture, satellites, and other products in Japan, Korea, Brazil, and other countries.

Passage of Super 301 legislation will strengthen the U.S. negotiating position in both our bilateral and multilateral negotiations. The administration has indicated it's support for a strong Super 301 on many occasions. Therefore, I believe it appropriate and necessary that Congress pass Super 301 legislation as soon as possible.●

ON THE FISCAL YEAR 1994 BUDGET RECONCILIATION LEGISLATION

● Mr. KERREY. Mr. President, President Clinton's State of the Union address on February 17th was a wake-up call that told us we had reached the end of business as usual. After 12 years of passing the buck, of gridlock in government, President Clinton was willing to stand before the American people and deliver on his pledge to do something about the out-of-control Federal deficits that threaten our economy.

President Clinton had it right when he told the American people on February 17th that there is enough blame to go around for all of us. He had it right when he called our attention to the need for all of us to shift away from consumption and toward productive investments. He had it right when he drew a direct cause-and-effect relationship between the stock of capital and our standard of living.

Massive deficit financing, which became acceptable under President Reagan, allowed us as a nation to go on a binge of consumption in the 1980's. As Americans saved less, the Federal Government spent more. The deficit as a percentage of national savings grew from a frugal 2 percent in the 1960's and 1970's to nearly 60 percent in 1990. As President Clinton has articulated well and often, this behavior will have a far more negative impact on our children than it does on us.

The reason is that by going into debt, you allow the power of compounding interest to work against you. If you spend less than you earn, and save money, the power is on the side of your future. If you spend more than you earn—and we as a nation have spent far more than we are willing to pay for—the power works against tomorrow in favor of today. Last year, interest on the Federal debt consumed $200 billion in tax revenue. Within 5 years, if we don't begin to reduce the deficit now, that figure will rise to nearly $300 billion. Those expenditures buy nothing—no health care, no roads, no schools. Instead, they limit our ability to meet today's needs because of yesterday's excesses.

In the short run, deficit reduction is a painful exercise. There is no question that we would rather do without the bite of new taxes or spending cuts. But we must recognize that reducing, then eliminating the deficit is the key to long-term prosperity.

The consumption binge of the 1980's reduced America's capital stock by 15 percent and lowered total output—which determines income—by 5 percent. By the end of this decade, if we continue the borrow-and-spend policies of the past 12 years, the cumulative totals will be a 28-percent reduction in capital stock and 10 percent lower output. Ten percent of a $6 trillion economy is $600 billion. That is $600 billion in wealth that will not be created, $600 billion that could put food on the table, cars on the driveway, teachers in the classroom.

By contrast, if we are able to put our expenses in line with our income and balance our budget, a different picture emerges. By placing the Federal Government on a course to a balanced budget, we would increase savings by 3 percent, capital stock by 7.5 percent, and real GDP by 2 percent. The numbers are even better if we could move slightly into surplus by the end of the decade.

Moving into surplus. That should be our eventual goal. The United States should not be a debtor nation. A surplus would give us the kind of future-oriented economy and outlook this Nation once championed. Moreover, it would boost American morale if we knew we were actually reducing our debt.

In that respect, this legislation, for all of its relative boldness, is flawed in two ways. First, its promise of halving our deficit in 5 years is short of what we can and should do. Second, the means to this half-way solution does little to tilt the American mindset from consumption to productive investment.

This bill may appease, but it doesn't excite. It doesn't thrill in the way that a bold and high-risk mission does. I do not feel as if I am participating in something that history will judge as a turning point or that we will come to view as a watershed. It's a half measure and it feels like it.

The late Senator Ed Zorinsky used to tell the same joke on almost every opportunity given to him to speak. He said that when he came home from Washington lots of people in Nebraska would say to him: "Ed, you are a model Senator." "A model Senator," he would repeat pridefully to his audience. "I always thought it was a compliment," he said, "until I looked up the word 'model' in the dictionary and found that it means 'small imitation of the real thing'."

That is the flaw with this bill. It feels like a small imitation of the real thing.

But it's unacceptable simply to say "No" to this package. It's too easy to say "No"—as those on the other side have been amply demonstrating for weeks now. A simple "No" is unacceptable because we all have the responsibility, regardless of party, to pull this country out of the fiscal muck. And as the President has said repeatedly, that responsibility requires that we be specific in our objections and specific in proposing real alternatives.

That's why I say the "real thing" would move us on a deliberate course toward fiscal surplus.

A vote for this legislation does not finish the business of putting our country on the right track. This legislation has to be viewed as the first in a series of major steps that we must take. If we do health care right, if we shrink the size of the Federal Government, if we do more to reward investment and discourage consumption, then maybe we could drag ourselves onto the economic high ground. For now we are asking Americans to trust that we will do more later. That's why it's essential that we do the "real thing," and begin to do it now.

The "real thing" would include comprehensive health care reform to control the skyrocketing cost of health care in this country. I have proposed that we begin with the prompt enactment of legislation that would require pay-as-we-go funding for all health care expenditures. As the most rapidly growing item in our budget, we jeopardize our ability to balance our accounts and our priorities if we continue to borrow for current health care consumption.

The "real thing" would include an immediate 10-percent reduction in the

Federal work force. Such a move—the minimum which is possible—would save $70 billion over the next 5 years. Nothing would give liberal and conservative tax-paying citizens alike more confidence than action to make government smaller. Nibbling at the edges does not count. We need to reassess the role and organization of the entire government, with an eye toward reforms that can make the Federal Government—including Congress—function more efficiently and effectively, and at lower cost.

The "real thing" would include tax reform in tandem with the effort to raise tax revenue.

I do not feel the strength of America is reflected in our narrow debate about whether to impose a 4.3-cent gasoline tax or a 7.7-cent gasoline tax. The fact is that our economy will survive. Americans would pay a much larger tax if they believed it was for the purpose of eliminating the deficit.

The "real thing" would include an effort that not only raised taxes, but in the process rewarded investment as well as discouraged consumption. Such an incentive system would be more likely to snare the revenue of those wealthy Americans who are engaged in conspicuous consumption, but it would also be more apt to provide middle-income Americans with the necessary incentive to save. That goal is more attractive to me than bald appeals to soak the rich.

For all these reasons, it would be easy to say "no" to this bill. But we can't have the "real thing" all at once. Saying "no" to this bill leaves us on the same course that we have been on for a decade, and for the future of the American economy that course must changed. Despite the shortcomings of this legislation, it is a first step, and on that basis I support the reconciliation package.•

NUCLEAR TESTING

• Mrs. BOXER. Mr. President, I am very encouraged that President Clinton has apparently decided not to seek Congressional approval for more nuclear tests. I was one of 36 Senators who earlier this year sent the President a letter stating our opposition to a resumption of testing.

To my mind, there is no issue more fundamental to the future of our great country, no issue where the United States has a better opportunity to demonstrate more leadership and vision, than the issue of nuclear arms control in the post-cold war world.

We stand now at a crossroads. Our choice is to follow a path of prudence and stability, or to start down a road that will lead to uncontrolled weapons proliferation and a renewed arms race. For me, the choice is simple: I choose stability and prudence.

Our obsession with every new layer of costly nuclear sophistication robs our economy of jobs, holds hostage funds which could be invested in our children, in our country, in our future. Our fascination with nuclear arms has forced us to devote our precious resources to feeding an insatiable monster—the arms race—instead of our own people.

Nuclear arms control is a complicated subject, Mr. President. No one denies that. The break-up of the Soviet Union, the alarming number of countries that have mastered the art of nuclear bomb-building, all this has complicated the process and littered the negotiating landscape with obstacles. But, as Winston Churchill once observed, "Not all things must be settled in order to settle some things."

One item on the arms control agenda that merits our prompt attention is nuclear testing. For most of the past year, the United States has observed a self-imposed moratorium and refrained from any nuclear testing provided the Russians show similar restraint. This moratorium is almost unprecedented, and very important.

In May, I signed a letter along with many of my Senate colleagues to President Clinton, urging him to continue the testing moratorium and to resume Comprehensive Test Ban [CTB] negotiations. Nothing is more crucial to worldwide nuclear nonproliferation efforts and the future of the 1978 Nuclear Non-Proliferation Treaty [NPT], which is up for renewal in just 2 years. I believe there must be a major, nultilateral emphasis on the nonproliferation of nuclear weapons. The most dangerous threat to world peace and United States national security in the future may come from a terrorist-controlled nuclear weapon hidden in the hold of a ship, not stored in a Russian missile silo.

And we are obligated to pursue a comprehensive test ban by the terms of President John Kennedy's 1963 Limited Test Ban Treaty. Surely in the thirtieth anniversary year of that pact the United States would not want to be responsible for resumed nuclear testing or increasing the odds of more nations—or even terrorists—developing and acquiring nuclear arms.

Mr. President, I have heard the U.S. Senate described as the most exclusive club in the world. I disagree. The world's most exclusive club is undoubtedly the nuclear club. Membership in this elite circle has been coveted for the last half century. Our country should do nothing to encourage still more countries to join.

Instead, the United States must offer leadership and vision and, by example, lead the world away from the brink of the abyss.

I applaud the Clinton administration's recent efforts to persuade North Korea not to withdraw from the Non-Proliferation Treaty, at least for now. More countries must be persuaded to live by terms of the treaty. Dialogue and the regular sharing of technical data, seismic information, and when and where possible, on-site inspection of a country's nuclear facilities—all this increases confidence and discourages renegade activity, and all this is provided for in the NPT.

We must support and work closely with the International Atomic Energy Agency [IAEA] to monitor the production of fissile material worldwide, and to bolster the IAEA's ability to adequately inspect reactors and suspected weapons facilities.

One of the chief obstacles encountered by President Kennedy to concluding a comprehensive nuclear test ban was the understandable concern that a nuclear test conducted halfway around the world could not be detected, much less monitored with confidence on a regular basis. We no longer have that problem, Mr. President.

Just as our ability to produce ever more sophisticated nuclear weapons has grown, so has our ability to monitor the tests necessary to create them. In this day and age, a comprehensive nuclear test ban is verifiable.

And I believe a comprehensive nuclear test ban is achievable. But not without dialogue, and not without a willingness on the part of all parties to negotiate in good faith. The United States can and should pursue resumed CTB negotiations, and help chart a course toward sanity and stability.

I look forward to working with President Clinton, and with my colleagues in the Senate and the House, toward that goal. Let us move forward in discharging our responsibilities as a superpower, and set an example of common sense and clear-headed policy that is the envy of the world.•

THE SMELL OF HATE

• Mr. JEFFORDS. Mr. President, I rise today to draw your attention to a very moving poem which was composed by 13-year-old Jennie Gartner of Rutland, VT. Jennie's visit to the new Holocaust Memorial Museum in Washington, DC inspired her to write this poem.

Like the memorial which inspired her, Jennie recounts the agonizing history of the holocaust, which will not, and should not, give our souls rest. At the foundation of the holocaust, Jennie perceives a human desire for meaning and purpose in life which is fraught with dangers. Seeking direction for their country, too many people in Hitler's domain chose hatred and destruction of the weak or the different as the solution to their personal and collective ills. As Jennie observes, the dreadful consequences of this hatred linger in our memories and tear our souls apart. Do we have the will and take the time to recognize hatred when it occurs in our world today? Do we accept the responsibility that each one of us has towards the rest of humankind?

Jennie's insight into the events of the holocaust are a powerful reminder that our capacity to choose between good and evil is a grave responsibility, and her poem warns against the ongoing dangers of succumbing to hatred and prejudice. Jennie has already presented her poem personally to Hillary Clinton, and I am honored to have the opportunity to introduce her work into the CONGRESSIONAL RECORD today.

THE SMELL OF HATE

(By Jennie Gartner)

1928, The danger started.
As he would rise, he would take followers
Lots of followers.
People, with nothing to believe in.
Lost, in their own country, no one to believe in.
So, they chose the largest of evils.
"The people," he would say, "are filled with racial impurities. Let us cleanse them."
As he would say, there is only one people to blame for our troubles.
Let us burn them.
And so it began.
To rid the country of its troubles, we must rid ourselves of these swine.
Let us murder them. All of them.
Homosexuals, gypsies, crippled, and one. One religion.
Sought out for who they were, and what they did wrong.
Nothing. But that's not what he would say.
They were loaded into boxcars for animals.
But that's what they were, correct?
No. Traveled, by day, by night.
In boxcars. For animals. For swine.
No food. Air. Water. Dignity.
They arrived. Families. Towns. Children, babies. Men, women.
Most were killed. Gassed. Then burned.
Burned dead or alive. Piles. Piles of ashes.
Made to dig their own graves. Shot.
Mass graves. Buried alive. Dead or alive.
No one cares how you kill filth, just as long as it's gone.
Dead. But the smell, it lingers.
And some outsiders did not know. Know what was going on.
And some did. And did not care.
Still more knew; and did not do anything.
Some found out after.
They saw the graves. The ashes.
The souls that were dead, before they were killed. They cried.
I'm glad. They should cry.
The feeling, the sight of it all, should tear their souls apart.
It should make them sick.
And it did. It still does.
For the smell of hate, it lingers.•

COMMENDING ROCKY TSAI

• Mr. BUMPERS. Mr. President, earlier, this week Rocky Tsai of Fayetteville, Arkansas, was victorious in the National Citizen Bee.

Rocky Tsai, a 1993 graduate and the valedictorian of Fayetteville High School, received $12,000 for his first-place finish. He had finished second nationally last year and came in fifth in 1991.

The Citizen Bee, sponsored by the Close-Up Foundation of Washington, is a national competition that focuses on citizenship and covers topics in written and oral exams ranging from history and government to economics to politics and current events.

Tsai scored 212.5 out of a possible 225 in the 2-day competition. His closest competitor scored 210 points.

Rocky plans to use his winnings from this competition to attend Harvard University.

Mr. President, I want to add my congratulations to those Rocky Tsai has already received. He is a shining example of the caliber of student that Arkansas high schools are producing. I wish him well at Harvard.•

COMMENDING DENNIS FALK

• Mr. CONRAD. Mr. President, on Friday, June 18, 1993, Dennis Falk, president and general manager of Prairie Public Broadcasting, was honored by his peers and named the Public Broadcasting System's Outstanding Manager of the Year. Only five other managers have been so honored. For the last 22 years Dennis Falk has led North Dakota's public broadcasting system and has been responsible for its impressive growth. When he arrived in Fargo in 1971, North Dakota had one public television station; today, Prairie Public Television consists of seven stations that serve three States and one Canadian Province. Under his watch public radio has grown from no coverage at all to a system that covers nearly the entire State.

In North Dakota, where the distance between communities is often great, public broadcasting serves as a vitally important educational and cultural resource. We applaud his efforts to provide instructional services, particularly foreign languages and advanced science and math courses, to our rural students. We are proud of his efforts to encourage debate about public policy and economic development issues through two award-winning series, "A Prairie Town Meeting" and "Prairie News Journal."

We in North Dakota have long recognized Dennis Falk's innovative leadership, and congratulate him on this richly-deserved national honor. I am pleased to share with my Senate colleagues the proud announcement that Dennis Falk of Prairie Public Broadcasting has become the PBS Outstanding Manager of the Year.•

HUNGRY FOR KNOWLEDGE

• Mr. BUMPERS. Mr. President, I would like to share with my colleagues letters I have received from a teacher and a student in Arkansas about the Close-Up Program.

Letters like these give me hope that this generation is hungry for knowledge and will play a vital role in our political system if we will only provide them the opportunity to be exposed to our political process.

I commend these letters to my colleagues.

The letters follow:

GURDON, AR, *April 22, 1993.*

Senator DALE BUMPERS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR BUMPERS: As a teacher in the Gurdon Public Schools, I wish to take this opportunity to share some thoughts with you regarding the Close Up program. Having accompanied approximately 170 students to Washington, DC, the last dozen years, I know we have had a rare opportunity—and privilege—to participate in a special educational experience. The actual on-site learning that happens during the week students are on the program is incomparable and the effects continue to ripple. Parents tell me that six months after a "Close Up" week their children will spot a news story on television from Washington, and will recall a "Close-Up experience" they had not related before.

Last month I crossed paths with a former student, now twenty eight years of age and coaching in a near by school district. He began our brief visit by saying, "Mrs. Kuhn, I wish I had the opportunity to repeat my Close-Up week now that I have gained ten years of maturity since I was there." This student had participated actively while on program; yet he realized that he had probably overlooked or failed to absorb much that was available for his learning. I remember fondly the year my students had Boston, Massachusetts, hotel mates and feeling somewhat anxious about a South Arkansas/Boston mix at the beginning of that week. By the end of the week my students were calling water fountains "bubblers" and their new friends had incorporated "you all" (with their clipped north eastern accents) into their vocabulary. It was a delightful experience. I could relate pages of anecdotes from our several years of participation. Parents tell me, once we are back from DC, that their children take time to watch the news on television and I often receive reports that students have become genuinely interested in current events. Relevance gives meaning.

Senator BUMPERS, as a recipient of these fantastic experiences, the thought occurs to me that they are worth sharing. Without assistance from Congress many students would be unable to achieve this incredible experience. At best, most parents of the paying students from our community make sacrifices to see that their child (or children, I had twins on program this year) has the opportunity to participate. Therefore I say thank-you for your support of Close Up—not only for your influence in terms of Congressional funding—but for the inspiring comments you always share with students while they are on program. The effects of these experiences are incalculable.

My students and I participated on program in February this year. Recently the student who had received the fellowship came to me, prior to our class time together and said some of the kindest things a student could ever say to a teacher. He concluded by saying, "Thank you for making my senior year perfect." Without the fellowship, he would have never been a Close-Up participant. I told him that I was planning to write a letter to you and asked if he would mind writing some of his thoughts to you. Enclosed is his letter, unedited, of course. He is a fine young man who has discovered many things about himself, including the fact that he can make decisions and act on them. He has decided (because of this recent program experience) that he wants to attend college and has

begun talking about specific goals. Because of your support of the Close Up program and continued Congressional funding similar discoveries will continue to be made. Thank you for your interest and efforts on behalf of all Close Up students.

Sincerely,

CAROLYN URSERY KUHN.

DEAR SENATOR BUMPERS: My name is Howard Bell, and I am a senior at Gurdon High School. I went to Washington, D.C. last February (Feb. 21–27), on the Close-Up program and I enjoyed it. I went with 20 other students. I was on the Fellowship program and I really appreciate the Congress for making it possible for me to do something that I never did before. My plane trip was wonderful, I really loved the take off, on one of our planes, I went into a cock-pit and the pilot explained everything to me and he said we was going 170 mph take off. My trip to Washington, D.C. made me aware that there is so much I can do, and that it is important that everyone can see how Congress and the government work. I even met President Clinton and Senator Gore in the oval office. I am the second child of four, and I have two sisters and one brother, and I have my real parents I live with. My teacher, Mrs. Kuhn, also enjoyed the trip, and she was happy, that I went on the trip with her. If it wasn't for you and the Congress, I would have not been able to go on the trip, because my financial situation was not possible, so I really do appreciate you for making me happy in my senior year of 1993.

Sincerely yours,

HOWARD BELL.●

UKRAINE AND NUCLEAR WEAPONS

● Mr. DECONCINI. Mr. President, quite recently, Secretary of Defense Aspin visited Kiev for talks with Ukrainian leaders concerning the status of nuclear weapons in Ukraine. This issue is rightly one of great concern to the United States and the rest of the international community.

It is also a critical issue for Ukraine itself—a newly independent country struggling to achieve the parallel tasks of building a society, a nation and a State while at the same time overcoming the crippling legacy of Soviet Rule. These efforts by Ukraine are complicated by a disconcerting tendency among some Russian officials to question Ukraine's territorial integrity, and even its right to exist as an independent State.

Painful reminders of Ukraine's lengthy domination by Russia have led to an understandable sense of insecurity in Kiev—an insecurity that manifests itself in a reluctance on the part of some to eliminate the nuclear arsenal on its territory. Of immediate concern to the Ukrainians is that nuclear tipped missiles on their territory, which are effectively controlled by Russia, not be launched without Ukraine's explicit permission. In the longer term, however, Ukrainian caution in ratifying the Start I and Nuclear Non-Proliferation [NPT] Treaties stems from its strong desire to safeguard its independence.

Mr. President, Defense Secretary Aspin traveled to Germany and Ukraine and met separately with both Russia's and Ukraine's Defense Ministers. Secretary Aspin offered United States assistance in mediating differences between Ukraine and Russia over nuclear, territorial, and other issues. I command Secretary Aspin for his constructive attempts to settle these disputes. Regrettably, Russian Defense Minister Pavel Grachev apparently rejected United States offers to mediate—specifically, expressing skepticism at the United States plan to place Ukraine's nuclear warheads under international control. Nevertheless, I hope that the Clinton Administration will continue to vigorously pursue these efforts.

President Kravchuk reiterated to Secretary Aspin Ukraine's commitment to rid itself of nuclear weapons. It is, in my view, in the interests of the international community to settle this issue and dismantle these weapons. I can't think of a more prudent way to do this than to place these weapons under international control.●

THE SENATE'S CONSTITUTIONAL AUTHORITY TO ADVISE AND CONSENT TO THE APPOINTMENT OF FEDERAL OFFICERS

Mr. MITCHELL. Mr. President, I had hoped today to offer a resolution to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in a case pending in the U.S. District Court for the District of Columbia on a matter of considerable importance to the responsibilities of the Senate under the Constitution. I had hoped that the resolution would receive bipartisan support because it concerns the Senate as an institution. Unfortunately, the resolution has been blocked by Republican opposition. I will briefly describe the matter involved.

The United States District Court for the District of Columbia is considering the constitutionality of a recess appointment to the Board of Governors of the U.S. Postal Service that President Bush made less than 2 weeks before leaving office. On January 8, 1993, while the Senate was recessed for 12 days between organizing and the inauguration of President Clinton, President Bush attempted to confer a recess appointment on Thomas Ludlow Ashley to replace Crocker Nevin, a Governor who had been appointed by President Reagan by and with the advice and consent of the Senate for a term ending on December 8, 1992. In accordance with the holdover provision of the postal law, Mr. Nevin's appointment by President Reagan would have enabled him to remain as a Governor until no later than December 8, 1993.

The Constitution provides, in Article II, section 2, clause 3, that "The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session." In 1901, Attorney General Knox advised President Roosevelt that it is the "period following the final adjournment for the session which is the recess during which the President has power to fill vacancies by granting commissions which shall expire at the end of the next session. Any intermediate temporary adjournment is not such recess, although it may be a recess in the general and ordinary use of that term." 23 Op. Att'y Gen. 599, 601 (1901).

Beginning in 1921, however, the Department of Justice has departed from Attorney General Knox's sound counsel, and has sought to justify recess appointments during intrasession adjournments. At first, the Department justified the exercise of the recess power during an intrasession adjournment that lasted nearly a month. Now the Department is supporting a recess appointment during an intrasession adjournment of less than 2 weeks. The Department's brief in the district court goes further, beyond any previous assertion of Presidential recess appointment authority, by arguing not only that the President may make intrasession recess appointments, but that the Constitution contains, to quote the Department's brief, "no lower time limit" on the length of a recess during which the President may make those appointments.

The logical consequence of the Department's argument is that a President may unilaterally appoint an officer, without Senate confirmation, any time that the Senate is in adjournment or recess, even for a 1-week break or over a long weekend. In a footnote, the Department says that it could be argued that the constitutional requirement that both Houses consent to adjournments of more than three days might place 1, 2, or 3 day intrasession adjournments off limits to the recess appointment power. Nevertheless, the Department cites in support of its argument that there is no lower time limit to the recess power an 1828 dictionary, which, in defining the word "recess," uses as one illustration the recess of a House of Congress for "half an hour." In his 1901 opinion, Attorney General Knox carefully distinguished between the several ordinary meanings of "a" recess, as one might find in a dictionary, and the meaning of "the" recess in the Constitution's limited exception to appointment through advice and consent.

Mr. President, the issue before us is not a personal dispute between the Senate and President Bush or President Clinton. Nor does it involve any reflection on the relative qualifications of Mr. Nevin or Mr. Ashley to be Postal Governors. It certainly should not be

an issue which divides Democrats and Republicans in the Senate. Rather, the question is the design of the Framers of our Constitution. The joint participation of the President and the Senate in the process of appointing high officials of the Government is fundamental to our system of checks and balances. To aid in preserving the balance struck by the Framers, which has served the Nation well for more than 200 years, the resolution which I had hoped to offer would have directed the Senate Legal Counsel to appear as amicus curiae in the name of the Senate to defend against an unjustified expansion of the recess appointment power.

The Senate Legal Counsel had been prepared to file a brief tomorrow. As the draft brief presents views which I believe merit the support of the Senate, I would now like to share that draft with the Senate by asking unanimous consent that it be printed in the RECORD.

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

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

BERT H. MACKIE, et al., Plaintiffs,
versus
WILLIAM J. CLINTON, et al., Defendants.

C.A. No. 93-0032-LFO

MEMORANDUM OF UNITED STATES SENATE AS AMICUS CURIAE IN SUPPORT OF PLAINTIFFS' MOTION, AND IN OPPOSITION TO DEFENDANTS' MOTIONS, FOR SUMMARY JUDGMENT ON COUNT TWO

INTEREST OF AMICUS

The recess appointment of Thomas Ludlow Ashley to be a Governor of the United States Postal Service, without obtaining the advice and consent of the Senate, raises fundamental questions about the roles of the President and the Senate under the constitutional separation of powers.[1]

The basic interest of the Senate in this matter is in protecting the Framers' determination, through the instrument of advice and consent, to divide between the President and the Senate the power to appoint the principal officers of the national government. This check and balance is especially critical in regard to the officials of boards and agencies who, once appointed, act independently of the political branches. Before vesting extraordinary authority in those officials, it is highly important, whenever possible, that their qualifications and probity be examined by both the President and the Senate.

As a competing interest the Executive advances the need to keep offices filled in order to avoid a hiatus in the administration of the government. That is not an interest of the Executive alone, however, but a mutual interest that the Senate shares with the Executive and with the House. The Congress, which has the power to make necessary and proper laws to carry into execution all powers vested in any department or officer, has provided for continuity in administration through vacancy legislation and through holdover provisions for boards and agencies, including for the Postal Service Board of Governors. Plaintiffs describe how that holdover provision furnishes a nonconstitutional ground for deciding this case. The holdover provision also demonstrates that this case offers no warrant for expanding unilateral Executive power beyond the Framers' intent.

Finally, the Senate has an interest in assuring that stability, including reasonable predictability, in executive and legislative relations is not jeopardized by the Executive's assertions in this case. For a substantial time, the Senate had sought to coexist with the Executive through an understanding that, if the recess power were ever to be used outside of intersession recesses, it would be utilized only, and rarely, during substantial intrasession breaks. The disruption of that understanding by the Executive's argument that there is no lower time limit to the recess power threatens to produce a high level of uncertainty, with regard to appointments, into the relationship between the branches. Unless the Executive's argument is rejected, no Senate will ever be able to know if it recesses for a weekend or a week, or perhaps even an evening, whether a President will use that break as an opportunity to place an individual into office, without the Senate's advice and consent, for the remainder of the year and the duration of its session the succeeding year. While watchfulness among the branches serves useful purposes, the Framers could not have intended to require that the Senate remain in perpetual meeting during a session in order to preserve the responsibilities vested in it by the Constitution.

STATEMENT OF FACTS

Only public record facts are relevant to the constitutional question posed by the President's appointment of defendant Thomas Ludlow Ashley as a Governor of the Postal Service without complying with the requirement of 39 U.S.C. §202(a) (1988) that Governors "shall be appointed by the President, by and with the advice and consent of the Senate." The term of the incumbent Governor, plaintiff Crocker Nevin, expired on December 8, 1992, after the final adjournment of the 102d Congress.[2] Upon the expiration of his statutory term, Nevin remained in office pursuant to 39 U.S.C. §202(b) (1988), which authorizes a Governor to "continue to serve after the expiration of his term until his successor has qualified, but not to exceed one year."

The 103d Congress convened on January 5, 1993 at noon, in accordance with Pub. L. No. 102-475, 106 Stat. 2296 (1992). In the Senate, credentials were presented and the oath was administered to newly elected Members. 139 Cong. Rec. S1-7 (daily ed. Jan. 5, 1993). The Senate appointed a committee composed of its Leaders to join a like committee of the House of Representatives, "to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make." S. Res. 1, 103d Cong. (1993), 139 Cong. Rec. S8 (daily ed. Jan. 5, 1993). The Senate also authorized the Secretary of the Senate, at any time during the 103d Congress when the Senate is in recess or adjournment, to receive messages from the President and to refer them to the appropriate committees. *Id.* at S9.

On the same day, January 5, the Senate addressed an appointment issue when it approved legislation reducing the salary of the Secretary of the Treasury, to establish eligibility, consistently with Article I, section 6, clause 2 of the Constitution, for then-Senator Lloyd Bentsen, whom President-elect Clinton had expressed his intention to nominate, to serve in that office.[3]

That day, President Bush sent to the Senate for confirmation scores of nominations to civilian and military offices, including members of the Defense Base Closure and Realignment Commission and the Copyright Royalty Tribunal, members of the Boards of Directors of the Corporation for Public Broadcasting and the Legal Services Corporation, and an Assistant Secretary of Transportation.[4] The President sent no nomination to succeed Postal Governor Nevin.

On January 6, 1993, the Senate met in joint session with the House of Representatives to count the electoral ballots for the election of the President and Vice President. 139 Cong. Rec. S43 (daily ed. Jan. 6, 1993). President Bush sent further nominations to the Senate for confirmation on January 6. 139 Cong. Res. S49, S53 (daily ed. Jan. 7, 1993).[5]

The Senate met on January 7 to continue organizing for the new Congress. The Majority Leader explained that there would be no roll call votes that day on the Senate floor because the Senate was primarily engaged in its constitutional duty to consider presidential nominations:

"Senate committees are meeting in hearings to consider nominees by the President-elect, and I am grateful to the Senate chairmen and ranking Republican Members for their cooperation in organizing these hearings in the period between the swearing in of the new Senate and the inauguration of the next President."

139 Cong. Rec. S45. Indeed, the Senate Commerce Committee had held a hearing on the nomination of the Secretary-designate of Commerce on January 6, see 139 Cong. Rec. D38 (daily ed. Jan. 6, 1993), and, on January 7, Senate committees conducted hearings on the nominations of the Secretary-designates of Defense, Transportation, Labor, and Veterans' Affairs. 139 Cong. Rec. D42 (daily ed. Jan. 7, 1993).

President Bush sent additional nominations to the Senate on January 7, but not including a successor to Governor Nevin. Id. at S49, S53-54.

On Thursday, January 7, at 8:10 p.m., pursuant to concurrent resolution, the Senate recessed until Wednesday, January 20, at 3 p.m., following the inauguration of President Clinton. Id. at S53; S. Con. Res. 3, 103d Cong. (1993); 139 Cong. Rec. S11 (daily ed. Jan. 5, 1993).

During the recess, Senate committees continued to conduct executive appointment business. On Monday, January 11, the Governmental Affairs Committee and the Environment Committee held hearings on the prospective nominations of the Director of the Office of Management and Budget and Administrator of the Environmental Protection Agency, respectively. 139 Cong. Rec. D47 (daily ed. Jan. 20, 1993). Throughout the balance of that week, those committees were joined by the Committees on Agriculture, Banking, Energy, Finance, Foreign Relations, and Labor, all of which held hearings on prospective presidential nominees. Id. at D46-48.

On Tuesday, January 19, seven committees met to report for confirmation by the Senate prospective nominees of President Clinton, and three committees held confirmation hearings. Id. On that same day, the Labor Committee favorably reported to the full Senate the nominations for promotion in the Public Health Service that the Senate had received from President Bush on January 5. Id. at D48. The Senate confirmed these nominations, along with other nominations that President Bush had sent to the Senate on January 5 and 6, on January 28, 1993. 139 Cong. Rec. S887.

Footnotes at end of article.

Thus, through its committees, the Senate conducted executive appointment business on six of the seven work days during the 12-day January recess. (January 9 and 10 and January 16 and 17 were weekends, and January 18 was a federal holiday.) The only weekday on which no formal appointment business was conducted was the first day of the recess, Friday, January 8.

President Bush nominated additional officials for appointment during the January recess, sending scores of military nominations to the Senate on January 19. 139 Cong. Rec. S79-80 (daily ed. Jan. 20, 1993).

President Bush did not, however, send to the Senate for confirmation a nomination to succeed Governor Nevin. Rather, on January 8, 1993, the President acted to replace Governor Nevin, by conferring on Thomas Ludlow Ashley, without the advice and consent of the Senate, a recess appointment, lasting through the end of the second session of the 103d Congress in late 1994.

ARGUMENT

THE RECESS APPOINTMENTS CLAUSE DID NOT EMPOWER THE PRESIDENT TO MAKE APPOINTMENTS DURING THE BRIEF JANUARY 1993 ADJOURNMENT

Plaintiffs have made two constitutionally based arguments challenging the President's use of the recess appointment power during Congress' brief adjournment in January 1993. They argue that the Recess Appointments Clause applies only during the recess between the annual sessions of Congress and, alternatively, that if the recess power may be used in some intrasession adjournments, it was not available under circumstances prevailing during the brief adjournment in January 1993.

Although we join their alternative argument, this memorandum focuses on plaintiffs' principal constitutional challenge. As we describe, the text and purpose of the Recess Appointments Clause both demonstrate that the recess power is limited to Congress' annual recess between sessions. This understanding is supported by the subsequent interpretation of, and historical practice under, the Recess Appointments Clause.

A. The Text of the Recess Appointments Clause Manifests That It Applies Only to Congress' Annual Break Between Sessions

The starting point for constitutional interpretation is the text of the Constitution. The Recess Appointments Clause states, "The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session." U.S. Const. art. II, §2, cl. 3. The text of the Clause manifests in three ways that the recess power exists only during the break between Congress' annual sessions, which is referred to as the "intersession" recess or adjournment, not to the more numerous, and typically more abbreviated, "intrasession" recesses or adjournments that occur over the course of each congressional session.[6]

The first manifestation that the Recess Appointments Clause applies only to the break between Congress' annual sessions is that in the phrase "the Recess of the Senate," the word "recess" is worded in the singular, not the plural. Although they expressly anticipated Congress' taking additional shorter breaks within an annual session,[7] the Framers chose not to draft the Recess Appointments Clause to permit the President to make appointments to fill Vacancies "during the Recesses and Adjournments of the Senate," as they easily could have, and logically would have, if that were their intent. Instead, the Framers drafted the Clause in the singular to refer to "the Recess of the Senate," which strongly suggests that they were referring only to the single break between Congress annual sessions.[8]

Further, it is telling that, although in the immediately preceding grammatical clause of the Recess Appointments Clause the Framers specified that the Clause applies to "all Vacancies," the Framers chose not to state similarly that the Clause applies "during all Recesses." The logical inference from their conspicuous avoidance of the word "all" is that the Framers did not intend the recess appointment power to apply during each and every possible adjournment of the Senate, but only during the anticipated major break between annual sessions.[9]

Third, this construction of the word "recess" is compelled by the Clause's provision that recess appointments "shall expire at the End of their next Session." Ever since President Washington's initial use of the recess power during the adjournment between sessions of the First Congress, it has been consistently understood that the word "session" in the Clause refers to Congress' annual meetings.[10] Thus, a recess appointment made in the interval between the first and second sessions of a Congress expires at the conclusion of the second session, and an appointment after the final adjournment of a Congress lasts until the end of the first session of the succeeding Congress.

Consistent interpretation of the Clause, which is a single sentence that must be read as an integrated whole, requires that the words "recess" and "session" be given parallel and equivalent constructions. *Cf. Virginia* v. *Tennessee*, 148 U.S. 503, 519 (1893) (words in Constitution should be interpreted "by reference to associated words). If "session" refers to the entire period of a Congress' annual meeting, as all (including defendants) agree, then logic dictates that "recess" similarly means the interval between those two annual meetings. If, on the other hand, "recess" were construed to encompass every 10- or 12-day break, then "session" would need to be interpreted consistently as referring to only the reciprocal period, when the Senate is continuously sitting, before taking its next brief "recess."[11]

In this case, for example, if the President could unilaterally appoint Mr. Ashley to office during the "recess" between January 7 and January 20, 1993, then Mr. Ashley's recess commission necessarily "expire[d] at the End of the [Senate's] next Session," namely, on February 4, 1993, when the Senate adjourned until February 16, for Presidents' Day,[12] or, depending upon how brief a "recess" defendants believe to be constitutionally cognizable, on January 22, 1993, when the Senate adjourned until January 26,[13] or, if defendants truly believe that the Clause contemplates recesses of "half an hour,"[14] then on January 21, 1993, when the Senate recessed for 85 minutes for Members to attend party conference luncheons.[15]

The use of the recess power during brief adjournments within a session, each appointment lasting only through the period while the Senate meets before taking its next break, has never been understood to be contemplated by the Constitution and should not be indulged now. Adherence to the sensible historical understanding that recess appointments last until the end of Congress' next annual meeting requires a parallel construction of the word "recess" as referring to the break between those annual meetings.[16]

B. The Purpose of the Clause Requires That the Recess Appointment Power Be Returned to Its Original Intended Use During Congress' Annual Break

The President's claimed power to make unilateral appointments, of almost two years' duration, during brief, interim adjournments like the mid-January recess, is irreconcilable with the purpose of the Recess Appointments Clause. The assertion of the recess power in this instance slights the Framers' deliberate and considered decision to share the appointing power between the Executive and the President, which they recorded in the Appointments Clause, immediately preceding the Recess Appointments Clause.

1. The Framers Determined To Divide the Appointment Power Between the President and the Senate

The Appointments Clause[17] is central among "the checks and balances" that the Framers "built into the tripartite Federal Government as a self-executing safeguard against the encroachment or aggrandizement of one branch at the expense of the other." *Buckley* v. *Valeo*, 424 U.S. 1, 122 (1976) (per curiam). Designed to "ensure that those who wielded [the appointment power] were accountable to political force and the will of the people, . . . the Clause bespeaks a principle of limitation by dividing the power to appoint the principal federal officers . . . between the Executive and Legislative Branches." *Freytag* v. *Commissioner*, 111 S.Ct. 2631, 2641-42 (1991).

The development of the Appointments Clause at the Convention reflects this principle. "An interim version of the draft Constitution had vested in the Senate the authority to appoint Ambassadors, public Ministers, and Judges of the Supreme Court," while empowering the President to "'appoint officers in all cases not otherwise provided for by the Constitution.'"[18] However, this proposal did not meet with the Convention's approval. "Roger Sherman objected to the draft language of §2 because it conferred too much power on the President," *Buckley*, 424 U.S. at 130, and could enable him to "set up an absolute government." 2 Farrand at 405.

When the Committee of Eleven reported back to the Convention the language that became the Appointments Clause, "[i]t would seem a fair surmise that a compromise had been made." *Buckley*, 424 U.S. at 131. One change, to be sure, was that "the Senate is shorn of its power to appoint Ambassadors and Judges of the Supreme Court." Id. In return, however, "[t]he President is given, not the power to *appoint* public officers of the United States, but only the right to *nominate* them, and a provision is inserted by virtue of which Congress may require Senate confirmation of his nominees." Id. (emphasis in original).

Responding to objections against this blending of the appointing power, Gouverneur Morris explained that the benefit of the shared authority was "that as the President was to nominate, there would be responsibility, and as the Senate was to concur, there would be security." 2 Farrand at 539. The delegates approved the proposed compromise. Id. at 539-40. The Convention then agreed, without discussion or opposition, to add the Recess Appointments Clause following the Appointments Clause. Id. at 540.

Alexander Hamilton described in the Federalist Papers why the Convention had withdrawn from the President "the absolute power of appointment."[19] Under the constitutional plan,

"the necessity of [the Senate's] concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity. In addition to this, it would be an efficacious source of stability in the administration."

The Federalist No. 76, at 483. "The possibility of rejection would be a strong motive to care in proposing" and would deter the President from naming "candidates who had no other merit than that of coming from the same State to which he particularly belonged, or of being in some way or other personally allied to him, or of possessing the necessary insignificance and pliancy to render them the obsequious instruments of his pleasure." Id.

2. The Limited Supplemental Purpose of the Recess Appointments Clause Is Served by Limiting Its Use to Intersession Adjournments

Describing the Recess Appointments Clause, Hamilton stated that "[t]he relation in which that clause stands to the other [the Appointments Clause], which declares the general mode of appointing officers of the United States, denotes it to be nothing more than a supplement to the other, for the purpose of establishing an auxiliary method of appointment, in cases to which the general method was inadequate."[20] As Justice Story described, the recess power was intended to achieve "convenience, promptitude of action, and general security" and to avoid the burden and expense of requiring "that the senate should be perpetually in session." 2 Joseph Story, Commentaries on the Constitution §1557, at 380 (5th ed. 1905). Story termed "[t]he propriety of this grant . . . so obvious that it can require no elucidation." Id.

The limited "supplement[al]" purpose of the Recess Appointments Clause is best achieved if its scope is confined to the Framers' original intent, during the often prolonged recess following completion of the Senate's annual session. Congress did not even take intrasession adjournments until 1800 and, for many years after, Congress adjourned only occasionally over the Christmas holidays.[21] As the D.C. Circuit has noted, historical "evidence indicat[es] that the Framers envisioned that Congress would convene its annual session, complete its business within several months, and adjourn for the remaining three-fourths of the year."[22]

The need for an "auxiliary" appointing method arose from the Framers' expectation that, because Congress would be away for an extended period between its annual sessions, during that period the "general method" would be "inadequate." The Federalist No. 67, at 438. The Clause was not drafted with short holiday breaks in mind, but the extended recess, when a "vacancy may paralyze a whole line of action" causing "ruinous . . . consequences . . . to the public." 1 Op. Att'y Gen. 631, 632 (1823). There is no historical evidence that the Framers believed that it was necessary or advisable to empower the President to make unilateral appointments while the Senate was adjourned, within its session, for a matter of only hours, days, or weeks.

Moreover, the development of statutory means of ensuring continuity in government offices eliminates any potential need to expand the Recess Appointments Clause beyond its originally intended scope to match the contemporary congressional calendar. As this case reflects, Congress has legislated to minimize disruption of government business as a result of interim vacancies in offices. For the Postal Governors, as for many other multi-member boards and commissions, Congress has authorized incumbent officers, who were appointed by the President with Senate confirmation, to continue in office for a specified period (in this case up to one year) past the expiration of their statutory terms, until their successors have qualified. 39 U.S.C. §202(b) (1988).[23]

For individual heads of executive agencies and bureaus, Congress has provided through the Vacancies Act for the President to fill vacancies caused by death, illness, or resignation by detailing another confirmed executive officer to perform the duties on a temporary basis, usually up to 120 days. 5 U.S.C. §§3347–3348 (1988). There is no need to stretch the scope of the Recess Appointments Clause beyond its intended operation to encompass intrasession adjournments, as Congress has provided the President with the statutory tools necessary to ensure the continuity of governmental functions during any such breaks.

The Vacancies Act is itself an outgrowth of the Appointments Clause's careful restriction of the President's power to appoint officers unilaterally. Other than during the Senate's annual recess, the Appointments Clause requires statutory authority for each appointment by the President alone and limits the exercise of that power to the appointment of "inferior officers."[24] The Supreme Court has stressed the importance of these efforts by the Framers "to limit the distribution of the power of appointment." *Freytag* v. *Commissioner*, 111 S. Ct. at 2641. A broad reading of the Recess Appointments Clause would permit the President to do unilaterally what the Framers stipulated could be done only with authorization from Congress (and what, in the case of principal officers, they prohibited Congress and the President from doing even jointly), namely, transferring appointment authority from the President and the Senate to the President alone.

3. Expanding the Recess Appointment Power to Intra-session Adjournments Would Negate the Framers' Considered Division of the Appointing Power

The Supreme Court has repeatedly stressed the need for "vigilance against the 'hydraulic pressure inherent within each of the separate Branches to exceed the outer limits of its power.'" *Mistretta* v. *United States*, 488 U.S. 361, 382 (1989) (quoting *INS* v. *Chadha*, 462 U.S. 919, 951 (1983)). The Court has "not hesitated" to invalidate assertions of power that seek to "accrete to a single Branch powers more appropriately diffused among separate Branches." *Id.* Use of the recess appointment power during the January recess is just such an action. By invoking the recess power, which is intended as "nothing more than a supplement, . . . an auxiliary method of appointment, in cases to which the general method was inadequate," *The Federalist* No. 67, at 438, during this 12-day break, the President avoided the Senate's constitutional function to advise and consent on presidential appointments. The appointments provisions of the Constitution, no less than the lawmaking provisions, "represent[ ] the Framers' decision that the . . . power of the Federal Government be exercised in accord with a single, finely wrought and exhaustively considered, procedure." *Chadha*, 462 U.S. at 951. Preservation of the Constitution's delicate sharing of appointment authority between the branches requires rejection of the President's attempt to "accrete" those powers "to a single Branch." *Mistretta*, 488 U.S. at 382.

The extent to which validating the recess appointment of Mr. Ashley would distort the Framers' considered constitutional plan is evident from the defendants' submissions. The Executive has explicitly taken the position here that "the Recess Appointments Clause does not require that the Recess of the Senate last for any minimum length of time" and that "[t]he length of a recess is not a ground upon which the Court may distinguish between and among recesses." DOJ Memo. at 14, 16. Mr. Ashley likewise states that "there is no [constitutional] provision which defines a 'Recess' as being a certain minimum number of days." Ashley Memo. at 10.[25]

Thus, defendants ask this Court to sustain Mr. Ashley's appointment on the ground that *no* recess of the Senate could ever possibly be too abbreviated to support use of the President's recess appointment power. If defendants' construction of the Clause were credited, then any weekend when the Senate is in recess, or the wee hours of any morning when the Senate is adjourned "from day to day," indeed any thirty minutes during which the Senate has called a recess, would be sufficient to trigger the President's unilateral appointment power.[26] This is not a fanciful extrapolation, or *reductio ad absurdum*, of the defendants' argument: *it is their argument*. Relying upon an 1828 dictionary, the Executive implies quite plainly that a legislative recess of "half an hour" is a constitutionally significant recess for purposes of triggering the Recess Appointments Clause.[27]

Acceptance of defendants' position would utterly undo the compromise forged by the Framers at the Constitutional Convention. For example, under defendants' unbounded construction of the Recess Appointments Clause, a new President need never seek Senate confirmation of his Cabinet. He could simply wait for an early Senate recess and give recess appointments to his entire Cabinet, if he wished to do so. Then, once those commissions had expired almost two years later with the end of that Congress, the President could, through a second round of recess appointments, maintain his entire Cabinet in office for virtually his entire Presidency, without once submitting a name for Senate confirmation. It is insufficient to respond that no President is likely to use the recess appointment power in such a way: before Mr. Ashley's appointment, no President had ever made a recess appointment during a 12-day intrasession adjournment. The Court should resist the Executive's "hydraulic pressure . . . to exceed the outer limits of its power," *INS* v. *Chadha*, 462 U.S. at 951, before that pressure leads to even greater excesses.

The need to limit the recess appointment power to its original intended application, during intersession adjournments only, is evinced by the practical effect that would result from use of the power during adjournments such as the January recess. The statutory term of the incumbent Governor, Mr. Nevin, expired on December 8, 1992, after the final adjournment of the 102d Congress in October 1992. Assuming that Mr. Nevin's office was vacant for constitutional purposes after the expiration of his statutory term,[28] the President indisputably could have given Mr. Ashley a recess appointment at any point during the sine die adjournment, from December 8, 1992 until the new Congress convened at noon on January 5, 1993.[29]

Had the President made such an appointment during that period, Mr. Ashley's recess commission would have expired at the end of the first session of the 103d Congress, later this year. However, by eschewing use of the recess appointment power during the final adjournment, when the Framers contemplated that recess appointments would be made, and waiting until the January break following the meeting of the 103d Congress, the President gave Mr. Ashley a commission lasting through the second session of the Congress, until late 1994.

Thus, deferral of the recess appointment by one month, from the intersession to the intrasession adjournment, resulted in prolonging Mr. Ashley's commission by an entire year and lengthening his appointment to a total period of almost two years.[30] Condoning such use of the recess appointment power during intrasession adjournments may encourage a President to invoke the recess power strategically and to time recess appointments to minimize the Senate's opportunity to advise and consent to presidential appointments. Such potential manipulation of the recess power operates in derogation of fundamental constitutional principles and does not merit the Court's approval.

C. Use of the Recess Appointment Power During Intrasession Adjournments Is Not Justified by Historical Practice

In adjudicating issues about the scope of the recess appointment power, as for other constitutional questions about the structure of the government, courts give "considerable weight . . . to an unbroken practice, which has prevailed since the inception of our nation and was acquiesced in by the Framers of the Constitution when they were participating in public affairs." *United States* v. *Woodley*, 751 F.2d at 1012 (citing Supreme Court cases). Use of the recess appointment power during short intrasession adjournments has no such venerable historical pedigree or record of acceptance.

1. Use of the Recess Appointment Power During Intrasession Adjournments Is a Recent Practice That Has Not Been Accepted

The limited historical precedent for intrasession recess appointments is like that of "the relatively young legislative veto," *id.* at 1012, whose "use does not reach back to the days of the Framers," but represents "a recent practice, barely 50 years old." *Id.* at 1011. Like the legislative veto, the intrasession recess appointment constitutes no "unbroken practice, which has prevailed since the inception of our nation," but merely "'the most recent episode in a long tug of war between the Executive and Legislative Branches.'" *Id.* at 1012 (quoting *Buckley* v. *Valeo*, 424 U.S. at 140 n.176).

Specifically, there is no record of any President's having made a recess appointment during an intrasession adjournment until July 1867, when President Andrew Johnson recess-appointed a district judge during a three-month congressional adjournment.[31] Defendants have identified only one other intrasession recess appointment prior to the end of World War II, President Coolidge's appointment of an ICC commissioner during a 13-day intrasession adjournment in 1928.[32]

The only intrasession recess appointment practice of any appreciable magnitude has developed solely within the past fifty years.[33] Defendants' statistics reflect that Presidents Truman, Eisenhower, and Nixon each made recess appointments during intrasession adjournments, while there is no record of any such appointments by Presidents Kennedy, Lyndon Johnson, or Ford.[34]

Only in the past fifteen years have recess appointments during intrasession adjournments become an aspect of each President's appointments, rather than a sporadic and extraordinary practice. Thus, President Carter made 17 recess appointments during intrasession adjournments, President Reagan made 75, and President Bush made 37 intrasession recess appointments.[35] The Supreme Court's observation in *Chadha* that its "inquiry is sharpened rather than blunted by the fact that congressional veto provisions are appearing with increasing frequency," 462 U.S. at 944, applies forcefully in the context of intrasession recess appointments.

Not only has the frequency of the Executive's use of intrasession recess appointments mushroomed in recent years, but the circumstances in which recent Presidents have resorted to the recess power have also expanded correspondingly. During the first 190 years under the Constitution, only two recess appointments appear to have been made during an intrasession adjournment lasting less than one month.[36]

In the past decade, however, at least 64 such appointments have been made. President Reagan made 1 recess appointment during an 18-day intrasession adjournment, 4 appointments during a 21-day adjournment, 2 during a 13-day adjournment, 17 during a 23-day adjournment, and 3 during a 26-day adjournment.[37] President Bush made 4 recess appointments during a 26-day adjournment, 15 during a 17-day adjournment, 4 during a 26-day adjournment, 10 during the 12-day adjournment at issue in this case, and apparently 4 on a day when the Senate was in session.[38]

Nor has the Senate acquiesced in this steady expansion of presidential power. Recent Presidents' assertions of power to make recess appointments during interim adjournments within a session of Congress have prompted strong constitutional objections from Members of the Senate as intruding into the Senate's constitutional role in advising and consenting on appointments.[39] Mr. Ashley's appointment prompted a letter from the Senate President pro tempore, the Majority Leader, and the Chairmen of the Committees on Rules and Administration and Governmental Affairs and the Subcommittee on Federal Service, Post Office, and Civil Service, requesting the President to withdraw the appointment. *See* Attachment A to Plaintiffs' Memo.

2. The Opinions of the Attorney General Do Not Support Use of the Recess Appointment Power During Intrasession Adjournments

The reason that recess appointments during intrasession adjournments are virtually a 20th-century invention is evident from the historical analyses of the recess power by Attorneys General. Before 1921, there is no record of any Attorney General's ever having concluded that the President had power to make recess appointments during any intrasession adjournments.

In 1901, the Attorney General formally opined that the President has no such power. Attorney General Knox responded to an inquiry from President Theodore Roosevelt whether the Constitution authorized him to make appointments during the 17-day Christmas holiday recess during the first session of the 57th Congress, which would "have the effect of an appointment made in the recess occurring between two sessions of the Senate." 23 Op. Att'y Gen. 599, 599 (1901). The Attorney General advised that the recess appointment power applies only during "the period after the final adjournment of Congress for the session, and before the next session begins." *Id.* at 601. He explained,

"It is this period following the final adjournment for the session which is the recess during which the President has power to fill vacancies by granting commissions which shall expire at the end of the next session. Any intermediate temporary adjournment is not such recess, although it may be a recess in the general and ordinary use of that term."

Id. (emphasis in original). Knox found his conclusion supported by "the clear implications . . . from the uniform practice of the Executive and the various opinions of my predecessors," which "relate only to appointment during the recess of the Senate between two sessions of Congress." *Id.* at 603, 602.

Attorney General Knox reasoned that "[i]f a temporary appointment could in this case be legally made during the current adjournment as a recess appointment, I see no reason why such an appointment should not be made during any adjournment, as from Thursday or Friday until the following Monday." *Id.* at 603. Rejecting out-of-hand this possibility (which apparently now commends itself to the Executive as the correct construction of the Clause), the Attorney General concluded that "[t]here have always been two sittings, sessions or assemblings of each Congress," that the Constitution "contemplates the continuance of the session notwithstanding the adjournment" for interim breaks such as holidays, and, hence, that recess appointments may not be made during such adjournments. *Id.*[40]

Twenty years later, President Harding reiterated President Roosevelt's inquiry during a four-week summer adjournment during the first session of the 67th Congress. Departing from his predecessor's opinion, Attorney General Daugherty stated that "the real question, as I view it, is whether in a *practical* sense the Senate is in session so that its advice and consent can be obtained." 33 Op. Att'y Gen. 20, 21–22 (1921) (emphasis in original). Drawing upon concepts of inherent Executive authority and the need to avert potential "catastrophe" should an unfilled vacancy "prevent the exercise of governmental functions," Daugherty inferred power to make recess appointments "when there is a real and genuine recess making it impossible for [the President] to receive the advice and consent of the Senate." *Id.* at 23, 25.

However, Attorney General Daugherty concurred with his predecessor that the President does not have power to make a recess appointment any time that the Senate is out of session:

"[D]oes it not necessarily follow that the power exists if an adjournment for only 2 instead of 28 days is taken? I unhesitatingly answer this by saying no. . . . [N]o one, I venture to say, would for a moment contend that the Senate is not in session when an adjournment of the duration just mentioned is taken. *Nor do I think an adjournment for 5 or even 10 days can be said to constitute the recess intended by the Constitution.*"

Id. at 24–25 (emphasis added). Finding that "the line of demarcation can not be accurately drawn," Daugherty opined that "the President is necessarily vested with a large, although not unlimited, discretion." *Id.* at 25. "But there is a point, necessarily hard of definition, where palpable abuse of discretion might subject his appointment to review." *Id.*[41]

Freed from the restraint of constitutional text, the views of the Justice Department—

that recess appointments could be made during lengthy, but not short, intrasession adjournments—remained about the same for sixty years.[42] By the mid-1980s, however, the difficulties anticipated by Attorneys General Knox and Daugherty in drawing that "line of demarcation" began to manifest themselves. In 1984 the Office of Legal Counsel "advised that recess appointments could be made during a 24-day intrasession summer recess," but six months later the same office "cautioned against a recess appointment during an 18-day intrasession recess." 13 Op. Off. Legal Counsel 325, 327 & n.2 (1989). Then, in 1992, the office approved use of the recess appointment power during an 18-day intrasession adjournment. 16 Op. Off. Legal Counsel 15, 16 (1992).

Notwithstanding the Department's earlier "caution[ing]" and Attorney General Daugherty's assurance that 10 days was clearly insufficient to justify use of the recess power, since 1985 Presidents Reagan and Bush made 27 recess appointments during intrasesion adjournments of 13, 16, and now 12 days. Whatever deference may normally be given to consistent and well-reasoned opinions of the Attorney General, the "checkered background" of the Executive's views on this issue, 3 Op. Off. Legal Counsel 315, which leave the Court searching for constitutional principle somewhere between the 10th and 12th day of a congressional adjournment, eliminates any entitlement to judicial deference on this important constitutional question.

The reversals and inconsistencies manifest in the Executive's historical consideration of the recess appointment power vividly demonstrate the risk of constitutional interpretation guided more by institutional self-interest than by text and purpose. As the unworkability of its earlier attempts to distinguish between intrasession adjournments of different lengths became apparent in the context of Congress' contemporary scheduling patterns, the Executive ultimately has come in this case to advance an interpretation of the Recess Appointments Clause that would eviscerate the central decision that the Framers made about the appointment of federal officers: that the appointing power should not be conferred upon the President alone, but should be checked by the Senate. A return to guiding constitutional principle compels confining the President's recess appointment power to the limited role for which it was designed: when the Senate's annual recess, following its conclusion of business for the session, creates a need in the President's view for the immediate filling of a vacancy so that the public business may continue uninterrupted until an officer can be appointed with Senate confirmation at the Senate's next session.[43]

CONCLUSION

For the above reasons, the Court should grant plaintiffs' motion for partial summary judgment, and deny defendants' summary judgment motions, on count two of the amended complaint.

FOOTNOTES

[1] The appearance of the Senate in litigation is authorized by 2 U.S.C. §288e(a) (1988), which provides that the Senate may direct its Legal Counsel to appear as amicus curiae in its name "in any court of the United States * * * in which the powers and responsibilities of Congress under the Constitution of the United States are placed in issue."

[2] The Senate and House had adjourned on October 8 and October 9, 1992, respectively. 138 Cong. Rec. S18258 (daily ed. Oct. 8, 1992); 138 Cong. Rec. H12606 (daily ed. Oct. 9, 1992).

[3] 139 Cong. Rec. S9–10; Pub. L. No. 103–2, 107 Stat. 4 (1993). Defendant's suggestion that the Senate "conducted only routine organizational business" in early January, Statement of Points and Authorities in Support of Defendant Thomas Ludlow Ashley's Motion for Summary Judgment on Count Two of the First Amended Complaint ("Ashley Memo.") at 8 n.*, is simply incorrect. The Treasury salary statute was one of two laws that Congress enacted in this period. See also Pub. L. No. 103–1, 107 Stat. 1 (1993).

[4] 139 Cong. Rec. S27–42. The President gave recess appointments to the Base Closure commissioners on January 8, 1993, the same day as the Ashley appointment at issue in this case. 29 Weekly Comp. Pres. Doc. 29 (Jan. 11, 1993). No constitutional issue presently arises with regard to these recess appointments, because the Senate subsequently confirmed the nominations of the recess-appointed commissioners to full terms. 139 Cong. Rec. S2415 (daily ed. Mar. 4, 1993).

[5] The official record of presidential action indicates that President Bush also made four recess appointments to the National Security Education Board on January 6, 1993. 29 Weekly Comp. Pres. Doc. 28 (Jan. 11, 1993). The asserted constitutional basis for these recess appointments is mystifying, as the Senate was in session on January 6, the day the appointments were reportedly made, as well as the day before and the day after.

[6] In current Senate practice, a "recess" and an "adjournment" have different parliamentary consequences. For example, particular legislative business that is mandated upon convening after an adjournment does not occur following a recess. See Riddick's Senate Procedure, S. Doc. No. 28, 101st Cong., 2d Sess. 1, 1080 (Alan S. Frumin ed., rev. ed. 1992). There is no reason to believe that this distinction is constitutionally significant.

[7] See U.S. Const. art. I, §5, cl. 4 ("Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days.").

[8] When Congress held a third session, in addition to the two annual constitutionally mandated meetings, there could be a second intersection recess of the Senate. Under its modern calendar, each Congress holds only two sessions. See 1991–1992 Official Congressional Directory, S. Pub. No. 102–4, at 590–94 (1991), reprinted as Attachment B to Memorandum of Points and Authorities in Support of Plaintiffs' Motion for Partial Summary Judgment ("Plaintiffs' Memo.").

[9] The Clause's textual reference to "the Recess" differentiates the scope of the recess appointment power from the President's pocket veto power. The D.C. Circuit has agreed with Congress's view that, for purposes of interpreting the pocket veto provision, intersession "adjournments do not differ in any practical respect from the intrasession adjournments." *Barnes* v. *Kline*, 759 F.2d 21, 36 (D.C. Cir. 1985), vacated as moot sub nom. *Burke* v. *Barnes*, 479 U.S. 361 (1987). The pocket veto provision does not, however, refer to "the Recess of the Senate," as does the Recess Appointments Clause, but rather expressly incorporates a condition, "unless the Congress by their Adjournment prevent its Return," U.S. Const. art. I, §7, cl. 2, which could apply to either intersession or intrasession adjournments—or to neither—depending upon prevailing conditions, such as the contemporary practice of granting authority to congressional officers to receive presidential messages during adjournments. The Recess Appointments Clause has no such conditional language.

Also, the intersession adjournment differs from intrasession breaks in that Congress traditionally does not adjourn its annual session until "notify[ing] the President * * * that the two Houses have completed their business of the session and are ready to adjourn unless he has some further communication to make to them." S. Res. 227, 101st Cong. (1989), 135 Cong. Rec. 31716 (1989). No such action is taken for interim intrasession breaks.

[10] See U.S. Const. art. I, §4, cl. 2 (amended by amend. XX) ("The Congress shall assemble at least once in every Year, and such Meeting * * * *"); id. art. I, §5, cl. 4 ("Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.") (emphasis added); 2 Op. Att'y Gen. 336 (1830).

[11] "Typically, there are several recesses of approximately five days for various holidays and a summer recess (or recesses) lasting about one month." *Kennedy* v. *Sampson*, 511 F.2d 430, 441 (D.C. Cir. 1974). Since the 1970s, holiday recesses often last ten or twelve days, but the pattern is otherwise similar.

[12] See 139 Cong. Rec. S1512 (daily ed. Feb. 4, 1993).

[13] See 139 Cong. Rec. S641 (daily ed. Jan. 22, 1993).

[14] See Memorandum of Points and Authorities in Support of Defendants' Motion for Summary Judgment on Count II ("DOJ Memo.") at 7–8.

[15] See 139 Cong. Rec. S139 (daily ed. Jan. 21, 1993).

[16] The practice of the Continental Congress, which served under the Articles of Confederation and many of whose members were delegates to the Constitutional Convention, supports this construction of the Recess Appointments Clause. The Articles, which authorized Congress to appoint officers of the government, provided for establishment of a committee of delegates from each state to appoint officers and to execute other assigned powers "in the recess of Congress." Articles of Confederation art. IX–X. Congressional practice shortly before the Constitution's drafting reflects the understanding that "the recess of Congress" referred to the lengthy intervals between Congress's sessions, not to short, interim adjournments within a session. Thus, the Continental Congress appointed a committee, which exercised the power of appointment, to sit during its five-month recess between sessions in 1784. See 26 Journals of the Continental Congress 1774–1789, at 295–96 (Gaillard Hunt ed. 1928). In contrast, there is no record of such a committee's being named to sit or make appointments during the Congress's intrasession adjournments of several days or weeks. See, e.g., 24 id. at 410 (4-day adjournment in 1783); 25 id. at 807, 809 (21-day adjournment in 1783); 27 id. at 710 (17-day adjournment in 1784–85).

The text of the statute enacted by the First Congress under the Constitution to compensate its Members and officers reflects a like understanding of the words "session" and "recess." Congress provided, for example, for payment to the Senate engrossing clerk of "two dollars per day during the session, with the like compensation to such clerk while he shall be necessarily employed in the recess." Act of Sept. 22, 1789, ch. 17, §4, 1 Stat. 70, 71 (emphasis added). The phrase "in the recess" evidently referred to the interval between the Senate's annual sessions, not to each day during a session when the Senate was adjourned. "Session" similarly referred to the entire period of the Senate's annual meeting, not to each particular day when the Senate sat. See id. §1, 1 Stat. 70 (Senators allowed travel expenses "at the commencement and end of every such session and meeting").

[17] The Appointments Clause (art. II, §2, cl. 2) reads: "[The President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

[18] *Buckley*, 424 U.S. at 129, 130 (quoting report of Committee of Detail, art. X, §2, reprinted in 2 The Records of the Federal Convention of 1787, at 185 (Max Farrand ed., rev. ed. 1966) [hereinafter Farrand]).

[19] The Federalist No. 76, at 482 (Benjamin F. Wright ed. 1961). The Federalist "'has always be[en] considered as of great authority'" on constitutional issues, including recess appointment questions. *United States* v. *Woodley*, 751 F.2d 1008, 1010 n.3 (9th Cir. 1985) (en banc) (quoting *Cohens* v. *Virginia*, 19 U.S. (6 Wheat.) 120, 187 (1821)), cert. denied, 475 U.S. U.S. 1048 (1986).

[20] The Federalist No. 67, at 438 (emphasis added). One historian has termed the recess appointment provision one of the "loose ends [that] remained to be tied up" near the end of the Convention. Clinton Rossiter, The Grand Convention 224 (1966). "[O]n the few occasions when the [Recess Appointments] clause was mentioned in the state ratifying conventions, the delegates clearly seemed to understand its function as an interim, extraordinary method of appointment." Thomas A. Curtis, Note, Recess Appointments to Article III Courts: The Use of Historical Practice in Constitutional Interpretation, 84 Col. L. Rev. 1758, 1768 (1984).

One need not dispute Judge Greene's statement that it is "not appropriate to assume that this Clause has a species of subordinate standing in the constitutional scheme," *Staebler* v. *Carter*, 464 F. Supp. 585, 597 (D.D.C. 1979), to believe that the Clause must be construed in accord with the Framers' intent and the overall system of separated powers that they designed. *Cf. Reid* v. *Covert*, 354 U.S. 1, 44 (1957) (Frankfurter, J., concurring) ("The Constitution is an organic scheme of government to be

dealt with as an entirety. A particular provision cannot be dissevered from the rest of the Constitution."); *Barnes* v. *Kline*, 759 F.2d at 32 ("The manifest purpose of the pocket veto clause has guided application of the clause by the Supreme Court, as well as this circuit.").

[21] "[O]nly four intrasession adjournments in the history of the Congress have exceeded sixty days in duration. . . . Until 1932, practically every one of these [intrasession] adjournments was a Christmas holiday recess." *Kennedy* v. *Sampson*, 511 F.2d at 441; *see 1991–1992 Official Congressional Directory*, Attachment B to Plaintiffs' Memo., at 586–88.

[22] *Barnes* v. *Kline*, 759 F.2d at 38–39. Through the early part of this century, "intersession adjournments of five or six months were still common." *Kennedy* v. *Sampson*, 511 F.2d at 441.

[23] The Postal Service notes that, since the holdover provision was added to Postal Governors' tenure in 1983, no haituses have resulted from the expiration of Governors' terms. *See* Initial Memorandum of United States Postal Service as Amicus Curiae at 13. Such provisions thereby eliminate quorum difficulties, which are the principal problem that can result from turnover on multi-member commissions.

[24] "[T]he Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments." U.S. Const. art. II, §2, cl. 2.

[25] The Executive notes the three-day limit for adjournments for which concurrent congressional approval is not required, U.S. Const. art. I, §5, cl. 4, but states that "the Court need not reach" the question whether that provision has any bearing on the Recess Appointments Clause. DOJ Memo. at 19 n. 18. We see no relationship between the two provisions. The purpose of the three-day limitation was, in Madison's words, "[t]hat it would be very exceptionable to allow the senators, or even the representatives, to adjourn, without the consent of the other house, at any season whatsoever, without any regard to the situation of public exigencies." 3 *Debates on the Adoption of the Federal Constitution* 368 (Jonathan Elliot ed., photo. reprint 1974) (2d ed. 1836). Thus, the three-day provision serves bicameralism by enabling either House to insist on the presence of the other House to perform duties requiring bicameral action. This provision has no bearing on recess appointments, as the House of Representatives' lack of any role in confirming presidential appointments renders its presence or absence irrelevant for appointments. *Cf. Barnes v. Kline*, 759 F. 2d at 40 (for purposes of pocket veto provision, "choice of three days as a bright line thus appears to have no textual grounding at all," because "we cannot agree that any special connection exists between the pocket veto clause and the clause governing adjournments by one house").

[26] The word "adjournment" derives from the French and Latin words for "daily," as in the French word "jour." The Senate has adjourned for periods as brief as ten seconds and two seconds. *See Riddick's Senate Procedure*, *supra* note 6, at 16.

[27] DOJ Memo. at 7–8. It should be noted that this extreme position is inconsistent with every prior opinion of the Attorney General on the scope of the recess appointment power. *See infra* pp. 31–35. The Executive has never before taken this position, and, as recently as 1985, the Office of Legal Counsel "cautioned against" use of the recess appointment power during brief recesses. 13 Op. Off. Legal Counsel 325, 327 n.2 (1989).

Attorney General Knox noted in 1901 that, while dictionaries give to the word "'recess,' when used in reference to deliberative assemblies, the meaning of the remission or suspension of business or procedure," in the Recess Appointments Clause the phrase "*the recess*" has a narrower meaning than "the general and ordinary use of that term" 23 Op. Att'y Gen. 599, 601 (1901) (emphasis in original).

In fact, the dictionary cited by defendants, which postdated the Framing of the Constitution by forty years, as well as others more contemporaneous with the Framing, reflect that "session" had dual meanings of both the actual period when a legislature was conducting business and the entire period from convening to disbanding, and that "recess" similarly referred to the period of a legislature's suspension of business, without distinguishing between interim breaks and more substantial breaks between legislative sessions. *See* 2 Noah Webster, *An American Dictionary of the English Language* (1828) (pages headed REC-REC, SES-SET); 2 Samuel Johnson, *Dictionary of the English Language* (7th ed. 1785) (pages headed REC-REC, SES-SET); John Marchant, *A New Complete English Dictionary* (1760) (pages headed REC-REC, SER-SET). Further, the dictionary closest to the Framing, which the Supreme Court uses in constitutional adjudication, *see, e.g., Nixon v. United States*, 113 S. Ct. 732, 736 (1993); *Morrison v. Olson*, 487 U.S. 654, 719 (1988) (Scalia, J., dissenting), defines "session" as "the space for which an assembly sits, *without intermission or recess*." Samuel Johnson, *supra* (page headed SER-SET) (emphasis added). Thus, to the extent that 18th-century dictionary definitions provide any guidance, they show that it is unlikely that the word "recess" was intended in the Constitution to refer to the breaks *within* a session of Congress.

[28] The question whether, in light of Mr. Nevin's statutory holdover status, his office was vacant and, therefore, amenable to filling by recess appointment is also an issue in this case. We rely on plaintiffs' demonstration that Mr. Nevin's holdover status renders it unnecessary for the Court to reach the constitutional question. *See* Plaintiffs' Memo. at 15–22.

[29] Defendants point to prior recess appointments that were made shortly before the Senate convened, but during an intersession adjournment (including the morning of Congress's return), as support for what they call the "functionally equivalent" use of the recess power during brief intrasession adjournments. *See* DOJ Memo. at 15, 16–17; Ashley Memo. at 34–37. As the Justice Department has recognized, the President's use of the recess power hours before Congress's return from an intersession adjournment raises important "policy" issues. 16 Op. Off. Legal Counsel 15, 17 (1992). However, as long as the appointment power is exercised during "the recess" between the Senate's annual sessions, constitutional requirements are satisfied. The fact that Presidents have used their constitutional power in cases where "pruden[ce]," 13 Op. Off. Legal Counsel 325, 327 (1989), would counsel against its use does not provide any justification for expanding the power beyond constitutional limits.

[30] Thus, contrary to defendants' suggestion, *see supra* note 29, appointments near the end of intersession adjournments and appointments during brief intrasession adjournments are not "functional equivalents."

[31] *See* Exhibit 3 to DOJ Memo. at 1. The lack of a published comprehensive record of early presidential actions makes it difficult to identify recess appointments with precision, but President Andrew Johnson may have made additional intrassession recess appointments. President Andrew Johnson's presidency was, of course, the period in American history of greatest discord between the President and the Congress, focusing principally on appointments and removals. Congress's disagreement with President Johnson's appointment decisions is manifest in its enactment, over his veto, of the Tenure of Office Act, ch. 154, 14 Stat. 430 (1867). This law, the disobedience of a provision of which led to the only presidential impeachment in American history, also sought to regulate the President's use of the recess appointment power. *Id.* §3, 14 Stat. 430–31. Whether President Johnson made one or more intrasession recess appointments, his actions can hardly be offered as a model of historical "acceptance of the President's use of the recess power . . . by the three branches of government," *Woodley*, 751 F.2d at 1011, warranting deference.

[32] *See* Exhibit 3 to DOJ Memo. at 6. In computing lengths of adjournments, we count each day the Senate did not meet. Defendants also count the day the Senate reconvened, which adds one day to the length of the adjournments.

[33] *Cf. Kennedy* v. *Sampson*, 511 F.2d at 441–42 ("[T]he precedents cited by appellants [for intrasession pocket vetoes] are not strong. Of only thirty-eight intrasession pocket vetoes in the nation's history, thirty (or 78%) have occurred since the inauguration of President Franklin Roosevelt. None occurred prior to 1867. The intrasession pocket veto is, therefore, a relatively modern phenomenon.") (footnote omitted).

[34] *See* Exhibit 3 to DOJ Memo. at 1, 2, 6.

[35] *See* Appendix *infra*, Intrasession Recess Appointments, 1970–1993, at A1–A9.

[36] In addition to the Coolidge appointment described above, President Nixon made one recess appointment during a 16-day intrasession adjournment. *See id.* at A1. The shortest intrasession adjournments during which Presidents Truman and Eisenhower made recess appointments appear to have lasted 35 days each. *See* Exhibit 3 to DOJ Memo. at 1, 6. The shortest intrasession adjournment for President Carter's recess appointments was 32 days. *See* Appendix *infra*, Intrasession Recess Appointments, 1970–1993, at A1–A2. When the Executive cites other brief adjournments as having occasioned recess appointments, *see* DOJ Memo. at 14–15, it is referring to *intersession* adjournments, which the Department intermingles with *intrasession* adjournments, but which raise no constitutional issue under the Recess Appointments Clause.

[37] *See* Appendix *infra*, Intrasession Recess Appointments, 1970–1993, at A3–A6.

[38] *See id.* at A6–A9. The January 1993 recess appears to be the shortest intrasession adjournment in the nation's history during which a President has made a recess appointment. *Cf. Kennedy v. Sampson*, 511 F.2d at 442 ("The present case arises from the shortest intrasession recess ever relied upon by any President as having prevented the return of a disapproved bill,").

[39] *E.g.*, S. Exec. Rep. No. 1, 99th Cong., 1st Sess. 11–17 (1984) (views of Senators objecting to President's recess appointment of Federal Reserve Board governor during 23-day intrasession adjournment), *reprinted with revisions in* 130 Cong. Rec. 22778–80 (1984); *id.* at 22767, 22782 (amendment, which was tabled by 53–43 vote, expressing sense of Congress that President should withdraw intrasession recess appointment); *id.* at 23234–36 (remarks of Sen. Byrd, Sen. Sarbanes, and Sen. Mitchell on introduction of S. Res. 430, 98th Cong. (1984) to express sense of Senate that no recess appointment should be made during intrasession adjournment shorter than 30 days). Although Senate Resolution 430 sought as an accommodation to implement the prior understanding that a 30-day line reasonably distinguished brief from more substantial intrasession adjournments for purposes of the recess power, the Executive's subsequent, steady chipping away at the length of recess sufficient for making recess appointments has demonstrated the need to return to the Framers' original intent and limit the power to intersession adjournments.

[40] Knox rejected a contrary conclusion of the Court of Claims, *Gould* v. *United States*, 19 Ct. Cl. 593 (1884), noting that the decision focused on "the officer's right to receive pay rather than the power of the President, the function of the Senate, or the nature of the adjournment." 23 Op. Att'y Gen. 603.

[41] We have found no record of President Harding's having, in fact, made a recess appointment during the 1921 intrasession adjournment.

Daugherty relied, as defendants do, *see* DOJ Memo. at 8; Ashley Memo. at 10–13, on a 1905 Senate Judiciary Committee report responding to President Roosevelt's assertion of the recess appointment power, despite the lack of *any* recess between the first and second sessions of the 58th Congress. Rejecting the suggestion that, in the single instant when the first session ended and the second session began, a "constructive recess" had occurred, the Judiciary Committee stated that the word "recess" meant "something real, not something imaginary; something actual, not something fictitious." S. Rep. No. 4389, 58th Cong., 3d Sess. 2 (1905), *reprinted* in 39 Cong. Rec. 3823 (1905).

The Committee's explanation why the President may not make a recess appointment if there is no recess between the first and second sessions of Congress is not relevant, and should not be applied, to the wholly different issue of whether the President may make a recess appointment during an intrasession adjournment. *Cf. Cohens* v. *Virginia*, 19 U.S. (6 Wheat.) at 399 ("It is a maxim, not to be disregarded, that general expressions, in every opinion, are to be taken in connection with the case in which those expressions are used."). No controversy about intrasession recess appointments existed at the time when the Judiciary Committee was writing, as the Executive had expressly recognized only four years earlier that the recess power applies only during intersession adjournments. 23 Op. Att'y Gen. 599.

Nor is the opinion of the Comptroller General, 28 Comp. Gen. 30 (1948), also cited by defendants, of independent significance. The Comptroller General was primarily addressing a statutory, not the constitutional, question, and, for his analysis of the constitutional issue, the Comptroller General relied almost exclusively on Attorney General Daugherty's opinion.

[42] In 1960, Acting Attorney General Walsh advised President Eisenhower that it had become "the accepted view" since Daugherty's 1921 opinion that the President could make recess appointments during intrasession adjournments. 41 Op. Att'y Gen. 463, 468 (1960). In 1979 the Office of Legal Counsel stated that, although "Presidents have been reluctant to make recess appointments during an intrasession adjournment of the Senate, * * * it is our opinion

that the President is constitutionally authorized to make recess appointments during the forthcoming [month-long summer] recess." 3 Op. Off. Legal Counsel 311, 313 (1979). Three days later, the same office stated that, although the Department's opinion about intrasession recess appointments "has a checkered background," it had "concluded that we should follow the opinions of Attorney General Daugherty and Acting Attorney General Walsh, which hold that the President is authorized to make recess appointments during a summer recess of the Senate of a month's duration." 3 Op. Off. Legal Counsel 314, 315, 316 (1979). The Office of Legal Counsel reaffirmed its view in 1982. 6 Op. Off. Legal Counsel 585 (1982).

[43] Mr. Ashley argues that, if recess appointments may be made during some, but not all, intrasession adjournments, then this 12-day recess sufficed for use of the recess power. *See* Ashley Memo. at 31–33. To the extent that the Court credits Mr. Ashley's alternative argument, we rely upon plaintiffs' demonstration why the January 1993 recess was too abbreviated to permit use of the recess power. *See* Plaintiffs' Memo. at 29–34.

This table compiles all recess appointments made during intrasession adjournments of the Senate since 1970 that have been cited by any party or that we are otherwise aware of. Defendants rely in their memoranda upon a number of recess appointments that were made during intersession, rather than intrasession, adjournments. No constitutional issue exists with regard to recess appointments during intersession adjournments. Therefore, intersession recess appointments are not included in this compilation.

APPENDIX: INTRASESSION RECESS APPOINTMENTS, 1970–1993

Name	Office	Appointment date	Dates of recess	Length of recess	Citation
		PRESIDENT NIXON (8)			
Andrew E. Gibson	Commerce	10/21/70	10/15/70–11/16/70	32 days	1970 Pub. Pap. A. 94
C. Langhorne Washburn	Commerce	10/21/70	10/15/70–11/16/70	32 days	1970 Pub. Pap. A. 94
Hubert B. Pair	Judge	10/24/70	10/15/70–11/16/70	32 days	1970 Pub. Pap. 939
Gerard D. Reilly	Judge	10/24/70	10/15/70–11/16/70	32 days	1970 Pub. Pap. 939
J. Walter Yeagley	Judge	10/24/70	10/15/70–11/16/70	32 days	1970 Pub. Pap. 939
Robert C. Mardian	Asst. Att'y Gen.	11/11/70	10/15/70–11/16/70	32 days	Sen. Exec. Journal 612
Philip A. Loomis	SEC	8/13/71	8/6/71–9/8/71	32 days	Sen. Exec. Journal 431
Thomas B. Curtis	Corp. for Pub. Broadcasting	7/14/72	6/30/71–7/17/72	16 days	1972 Pub. Pap. A. 16
		PRESIDENT FORD (0)			
		PRESIDENT CARTER (17)			
Neil Goldschmidt	Sec'y of Transportation	8/10/79	8/4/79–9/5/79	32 days	1979 Pub. Pap. 1423
Hannah D. Atkins	Rep. to U.N.	10/3/80	10/2/80–11/12/80	41 days	1980–81 Pub. Pap. 2070
Nathan Landow	Alt. Rep. to U.N.	10/3/80	10/2/80–11/12/80	41 days	1980–81 Pub. Pap. 2070
H. Carl McCall	Alt. Rep. to U.N.	10/3/80	10/2/80–11/12/80	41 days	1980–81 Pub. Pap. 2070
Donald F. McHenry	Rep. to U.N.	10/3/80	10/2/80–11/12/80	41 days	1980–81 Pub. Pap. 2070
Barbara Newsom	Alt. Rep. to U.N.	10/3/80	10/2/80–11/12/80	41 days	1980–81 Pub. Pap. 2070
Richard W. Petree	Alt. Rep. to U.N.	10/3/80	10/2/80–11/12/80	41 days	1980–81 Pub. Pap. 2070
William H. vanden Heuvel	Rep. to U.N.	10/3/80	10/2/80–11/12/80	41 days	1980–81 Pub. Pap. 2070
Catherine Blanchard Cleary	Synthetic Fuels Corp.	10/4/80	10/2/80–11/12/80	41 days	1980–81 Pub. Pap. 2074
John D. DeButts	Synthetic Fuels Corp.	10/4/80	10/2/80–11/12/80	41 days	1980–81 Pub. Pap. 2074
Joseph Lane Kirkland	Synthetic Fuels Corp.	10/4/80	10/2/80–11/12/80	41 days	1980–81 Pub. Pap. 2074
Frank Savage	Synthetic Fuels Corp.	10/4/80	10/2/80–11/12/80	41 days	1980–81 Pub. Pap. 2074
John C. Sawhill	Synthetic Fuels Corp.	10/4/80	10/2/80–11/12/80	41 days	1980–81 Pub. Pap. 2074
Laird F. Harris	Community Services Administration	10/17/80	10/2/80–11/12/80	41 days	1980–81 Pub. Pap. 2332
Harold Lafayette Thomas	Community Services Administration	10/17/80	10/2/80–11/12/80	41 days	1980–81 Pub. Pap. 2332
Alex P. Mercure	Under Sec'y of Administration	10/23/80	10/2/80–11/12/80	41 days	1980–81 Pub. Pap. 2453
John C. Truesdale	NLRB	10/23/80	10/2/80–11/12/80	41 days	1980–81 Pub. Pap. 2453
		PRESIDENT REAGAN (75)			
Joseph Robert Wright, Jr.	Federal Cochairman of regional commissions	8/6/81	8/4/81–9/9/81	36 days	Ex. 2 to DOJ Opening Memo at 17
Terry Chambers	Alt. Fed. Cochairman of regional commissions	8/7/81	8/4/81–9/9/81	36 days	1981 Pub. Pap. 1249
Robert P. Hunter	NLRB	8/13/81	8/4/81–9/8/81	36 days	1981 Pub. Pap. 1249
John R. Van de Water	NLRB	8/13/81	8/4/81–9/9/81	36 days	1981 Pub. Pap. 1249
Richard M. Murphy	Amb. to Saudi Arabia	8/19/81	8/4/81–9/9/81	36 days	1981 Pub. Pap. 1250
Kenneth L. Adelman	Rep. to U.N.	9/8/81	8/4/81–9/9/81	36 days	1981 Pub. Pap. 765
Bruce F. Caputo	Alt. Rep. to U.N.	9/8/81	8/4/81–9/9/81	36 days	1981 Pub. Pap. 765
George Christopher	Alt. Rep. to U.N.	9/8/81	8/4/81–9/9/81	36 days	1981 Pub. Pap. 765
John Sherman Cooper	Rep. to U.N.	9/8/81	8/4/81–9/9/81	36 days	1981 Pub. Pap. 765
John M. Fowler	Nat'l RR Passenger Corp.	9/8/81	8/4/81–9/9/81	36 days	1981 Pub. Pap. 765
Benjamin A. Gilman	Rep. to U.N.	9/8/81	8/4/81–9/9/81	36 days	1981 Pub. Pap. 765
Andy Ireland	Rep. to U.N.	9/8/81	8/4/81–9/9/81	36 days	1981 Pub. Pap. 765
Jeanne J. Kirkpatrick	Rep. to U.N.	9/8/81	8/4/81–9/9/81	36 days	1981 Pub. Pap. 765
Mark S. Knouse	Exec. Asst. to Sec'y of Transportation	9/8/81	8/4/81–9/9/81	36 days	1981 Pub. Pap. 765
Charles M. Lichenstein	Alt. Rep. to U.N.	9/8/81	8/4/81–9/9/81	36 days	1981 Pub. Pap. 765
William Courtney Sherman	Alt. Rep. to U.N.	9/8/81	8/4/81–9/9/81	36 days	1981 Pub. Pap. 765
Jose S. Sorzano	Alt. Rep. to U.N.	9/8/81	8/4/81–9/9/81	36 days	1981 Pub. Pap. 765
Charles Swinburn	Dep. Asst. Sec'y of Transportation	9/8/81	8/4/81–9/9/81	36 days	1981 Pub. Pap. 765
Arthur E. Teele	Urban Mass Transp. Admin.	9/8/81	8/4/81–9/9/81	36 days	1981 Pub. Pap. 765
Darrell Trent	Nat'l RR Passenger Corp	9/8/81	8/4/81–9/9/81	36 days	1981 Pub. Pap. 765
Lee L. Verstandig	Nat'l RR Passenger Corp	9/8/81	8/4/81–9/9/81	36 days	1981 Pub. Pap. 765
Richard V. Backley	Federal Mine Safety and Health Review Commission.	9/7/82	8/20/82–9/8/82	18 days	18 Weekly Comp. Pres. Doc. 1093 (Sept. 13, 1982)
L. Clair Nelson	Fed. Mine Safety and Health Review Comm.	10/6/82	10/2/82–11/29/82	58 days	18 Weekly Comp. Pres. Doc. 1279 (Oct. 11, 1982)
Orville G. Bentley	Ass't Sec'y of Agriculture	10/14/82	10/2/82–11/29/82	58 days	18 Weekly Comp. Pres. Doc. 1322 (Oct. 18, 1982)
Martin S. Feldstein	Council of Econ. Advisors	10/14/82	10/2/82–11/29/82	58 days	18 Weekly Comp. Pres. Doc. 1322 (Oct. 18, 1982)
Caroline H. Hume	National Museum Services Board	10/22/82	10/2/82–11/29/82	58 days	18 Weekly Comp. Pres. Doc. 1378 (Oct. 25, 1982)
William G. Lesher	Nat'l Consumer Coop Bank	10/22/82	10/2/82–11/29/82	58 days	18 Weekly Comp. Pres. Doc. 1378 (Oct. 25, 1982)
Frank J. Donatelli	Legal Services Corp	10/23/82	10/2/82–11/29/82	58 days	18 Weekly Comp. Pres. Doc. 1406 (Nov. 1, 1982)
Daniel M. Rathbun	Legal Services Corp	10/23/82	10/2/82–11/29/82	58 days	18 Weekly Comp. Pres. Doc. 1406 (Nov. 1, 1982)
Manuel H. Johnson, Jr.	Ass't Sec'y of Treasury	11/2/82	10/2/82–11/29/82	58 days	18 Weekly Comp. Pres. Doc. 1441 (Nov. 8, 1982)
Edward A. Knapp	Nat'l Science Found.	11/2/82	10/2/82–11/29/82	58 days	18 Weekly Comp. Pres. Doc. 1441 (Nov. 8, 1982)
Donald P. Hodel	Sec'y of Energy	11/5/82	10/2/82–11/29/82	58 days	18 Weekly Comp. Pres. Doc. 1438 (Nov. 8, 1982)
Martha O. Hesse	Ass't Sec'y of Energy	11/10/82	10/2/82–11/29/82	58 days	18 Weekly Comp. Pres. Doc. 1451 (Nov. 15, 1982)
Mastin Gentry White	Judge	11/10/82	10/2/82–11/29/82	58 days	18 Weekly Comp. Pres. Doc. 1473 (Nov. 15, 1982)
Jean B.S. Gerard	Rep. to UNESCO	11/19/82	10/2/82–11/29/82	58 days	18 Weekly Comp. Pres. Doc. 1506 (Nov. 22, 1982)
James D. Phillips	Alt. Rep. to UNESCO	11/19/82	10/2/82–11/29/82	58 days	18 Weekly Comp. Pres. Doc. 1506 (Nov. 22, 1982)
Milton M. Masson	Legal Services Corp.	1/21/83	1/4/83–1/25/83	21 days	19 Weekly Comp. Pres. Doc. 94 (Jan. 24, 1983)
Robert E. McCarthy	Legal Services Corp.	1/21/83	1/4/83–1/25/83	21 days	19 Weekly Comp. Pres. Doc. 94 (Jan. 24, 1983)
Donald Eugene Santarelli	Legal Services Corp.	1/21/83	1/4/83–1/25/83	21 days	19 Weekly Comp. Pres. Doc. 94 (Jan. 24, 1983)
E. Donald Shapiro	Legal Services Corp.	1/21/83	1/4/83–1/25/83	21 days	19 Weekly Comp. Pres. Doc. 94 (Jan. 24, 1983)
Linda Chavez Gorsten	Civil Rights Commission	8/16/83	8/5/83–9/12/83	38 days	19 Weekly Comp. Pres. Doc. 1150 (Aug. 22, 1983)
J. William Middendorf	Inter-American Foundation	9/6/83	8/5/83–9/12/83	38 days	19 Weekly Comp. Pres. Doc. 1207 (Sept. 12, 1983)
Langhorne A. Motley	Inter-American Foundation	9/6/83	8/5/83–9/12/83	38 days	19 Weekly Comp. Pres. Doc. 1207 (Sept. 12, 1983)
William L. Hanley, Jr.	Corp. for Pub. Broadcasting	9/12/83	8/5/83–9/12/83	38 days	19 Weekly Comp. Pres. Doc. 1233 (Sept. 19, 1983)
Erich Bloch	Nat'l Science Found.	7/2/84	6/30/84–7/23/84	23 days	20 Weekly Comp. Pres. Doc. 995 (July 9, 1984)
William Barclay Allen	National Council on Humanities	7/2/84	6/30/84–7/23/84	23 days	20 Weekly Comp. Pres. Doc. 995 (July 9, 1984)
Robert N. Broadbent	Ass't Sec'y of Interior	7/2/84	6/30/84–7/23/84	23 days	20 Weekly Comp. Pres. Doc. 995 (July 9, 1984)
Mary J.C. Cresimore	National Council on Humanities	7/2/84	6/30/84–7/23/84	23 days	20 Weekly Comp. Pres. Doc. 995 (July 9, 1984)

APPENDIX: INTRASESSION RECESS APPOINTMENTS, 1970–1993—Continued

Name	Office	Appointment date	Dates of recess	Length of recess	Citation
Melvin A Ensley	Federal Farm Credit Board	7/2/84	6/30/84–7/23/84	23 days	20 Weekly Comp. Pres. Doc. 995 (July 9, 1984)
Marianne M. Hall	Copyright Royalty Tribunal	7/2/84	6/30/84–7/23/84	23 days	20 Weekly Comp. Pres. Doc. 995 (July 9, 1984)
Leon R. Kass	National Council on Humanities	7/2/84	6/30/84–7/23/84	23 days	20 Weekly Comp. Pres. Doc. 995 (July 9, 1984)
Kathleen S. Kilpatrick	National Council on Humanities	7/2/84	6/30/84–7/23/84	23 days	20 Weekly Comp. Pres. Doc. 995 (July 9, 1984)
Robert Laxalt	National Council on Humanities	7/2/84	6/30/84–7/23/84	23 days	20 Weekly Comp. Pres. Doc. 995 (July 9, 1984)
Dodie T. Livingston	Chief of Children's Bureau, HHS	7/2/84	6/30/84–7/23/84	23 days	20 Weekly Comp. Pres. Doc. 995 (July 9, 1984)
James V. Schall	National Council on Humanities	7/2/84	6/30/84–7/23/84	23 days	20 Weekly Comp. Pres. Doc. 995 (July 9, 1984)
Martha R. Seger	Federal Reserve Board	7/2/84	6/30/84–7/23/84	23 days	20 Weekly Comp. Pres. Doc. 995 (July 9, 1984)
Helen M. Taylor	National Council on Humanities	7/2/84	6/30/84–7/23/84	23 days	20 Weekly Comp. Pres. Doc. 995 (July 9, 1984)
Donald I. MacDonald	Admin. of Alcohol, Drug Abuse, & Mental Health Admin..	7/3/84	6/30/84–7/23/84	23 days	20 Weekly Comp. Pres. Doc. 996 (July 9, 1984)
Lando W. Zech, Jr.	NRC	7/3/84	6/30/84–7/23/84	23 days	20 Weekly Comp. Pres. Doc. 995 (July 9, 1984)
Carol G. Dawson	CPSC	7/5/84	6/30/84–7/23/84	23 days	20 Weekly Comp. Pres. Doc. 996 (July 9, 1984)
Robert A. Rowland	Ass't Sec'y of Labor	7/20/84	6/30/84–7/23/84	23 days	20 Weekly Comp. Pres. Doc. 1053 (July 23, 1984)
John A. Bohn, Jr	Ex-Im Bank	1/21/85	1/8/85–1/21/85	13 days	21 Weekly Comp. Pres. Doc. 85 (Feb. 4, 1985)
Richard H. Hughes	Ex-Im Bank	1/21/85	1/8/85–1/21/85	13 days	21 Weekly Comp. Pres. Doc. 85 (Feb. 4, 1985)
Vance L. Clark	Farmers Home Administration	8/9/85	8/1/85–9/9/85	38 days	21 Weekly Comp. Pres. Doc. 975 (Aug. 12, 1985)
Thomas J. Josefiak	FEC	8/9/85	8/1/85–9/9/85	38 days	21 Weekly Comp. Pres. Doc. 975 (Aug. 12, 1985)
Raymond D. Lett	Ass't Sec'y of Agriculture	8/9/85	8/1/85–9/9/85	38 days	21 Weekly Comp. Pres. Doc. 976 (Aug. 12, 1985)
Hugh Montgomery	Alt. Rep. to UN	8/9/85	8/1/85–9/9/85	38 days	21 Weekly Comp. Pres. Doc. 976 (Aug. 12, 1985)
Herbert S. Okun	Dep. Rep. to UN	8/9/85	8/1/85–9/9/85	38 days	21 Weekly Comp. Pres. Doc. 976 (Aug. 12, 1985)
Robert E. Rader, Jr.	OSHA Review Comm	8/9/85	8/1/85–9/9/85	38 Days	21 Weekly Comp. Pres. Doc. 976 (Aug. 12, 1985)
John R. Wall	OSHA Review Comm	8/9/85	8/1/85–9/9/85	38 days	21 Weekly Comp. Pres. Doc. 976 (Aug. 12, 1985)
Robert B. Oakley	Amb. to Pakistan	8/26/88	8/11/88–9/7/88	26 days	24 Weekly Comp. Pres. Doc. 1090 (Aug. 29, 1988)
John E. Higgins, Jr.	NLRB	8/29/88	8 /11/88–9/7/88	26 days	24 Weekly Comp. Pres. Doc. 1100 (Aug. 29, 1988)
Wilford W. Johansen	NLRB	8/29/88	8/11/88–9/7/88	26 days	24 Weekly Comp. Pres. Doc. 1100 (Aug. 29, 1988)
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Alan Greenspan	Federal Reserve Board	8/10/91	8/3/91–9/10/91	38 days	27 Weekly Comp. Pres. Doc. 1126 (Aug. 12, 1991)
Mary F. Wieseman	Special Counsel, Office of Special Counsel	8/21/91	8/3/91–9/10/91	38 days	27 Weekly Comp. Pres. Doc. 1185 (Aug. 26, 1991)
Ford Barney Ford	Fed. Mine Safety and Health Review Comm.	9/4/91	8/3/91–9/10/91	38 days	27 Weekly Comp. Pres. Doc. 1232 (Sept. 9, 1991)
Norman D. Shumway	Legal Services Corp.	9/5/91	8/3/91–9/10/91	38 days	27 Weekly Comp. Pres. Doc. 1232 (Sept. 9, 1991)
Howard H. Dana, Jr.	Legal Services Corp.	1/10/92	1/4/92–1/21/92	17 days	28 Weekly Comp. Pres. Doc. 78 (Jan. 13, 1992)
J. Blakeley Hall	Legal Services Corp.	1/10/92	1/4/92–1/21/92	17 days	28 Weekly Comp. Pres. Doc. 78 (Jan. 13, 1992)
William Lee Kirk, Jr.	Legal Services Corp.	1/10/92	1/4/92–1/21/92	17 days	28 Weekly Comp. Pres. Doc. 78 (Jan. 13, 1992)
Jo Betts Love	Legal Services Corp.	1/10/92	1/4/92–1/21/92	17 days	28 Weekly Comp. Pres. Doc. 78 (Jan. 13, 1992)
Guy Vincent Molinari	Legal Services Corp.	1/10/92	1/4/92–1/21/92	17 days	28 Weekly Comp. Pres. Doc. 78 (Jan. 13, 1992)
Penny L. Pullen	Legal Services Corp.	1/10/92	1/4/92–1/21/92	17 days	28 Weekly Comp. Pres. Doc. 78 (Jan. 13, 1992)
Thomas D. Rath	Legal Services Corp.	1/10/92	1/4/92–1/21/92	17 days	28 Weekly Comp. Pres. Doc. 78 (Jan. 13, 1992)
Basile J. Uddo	Legal Services Corp.	1/10/92	1/4/92–1/21/92	17 days	28 Weekly Comp. Pres. Doc. 78 (Jan. 13, 1992)
George W. Wittgruf	Legal Services Corp.	1/10/92	1/4/92–1/21/92	17 days	28 Weekly Comp. Pres. Doc. 78 (Jan. 13, 1992)
Jeanine E. Wolbeck	Legal Services Corp.	1/10/92	1/4/92–1/21/92	17 days	28 Weekly Comp. Pres. Doc. 78 (Jan. 13, 1992)
Albert V. Casey	Resolution Trust Corp.	1/15/92	1/4/92–1/21/92	17 days	28 Weekly Comp. Pres. Doc. 129 (Jan. 20, 1992)
Lawrence U. Costiglio	Federal Housing Finance Board	1/15/92	1/4/92–1/21/92	17 days	28 Weekly Comp. Pres. Doc. 130 (Jan. 20, 1992)
Daniel F. Evans, Jr.	Federal Housing Finance Board	1/15/92	1/4/92–1/21/92	17 days	28 Weekly Comp. Pres. Doc. 129 (Jan. 20, 1992)
William C. Perkins	Federal Housing Finance Board	1/15/92	1/4/92–1/21/92	17 days	28 Weekly Comp. Pres. Doc. 130 (Jan. 20, 1992)
Marilyn R. Seymann	Federal Housing Finance Board	1/15/92	1/4/92–1/21/92	17 days	28 Weekly Comp. Pres. Doc. 129 (Jan. 20, 1992)
Edward H. Damich	Copyright Royalty Tribunal	9/3/92	8/12/92–9/8/92	26 days	28 Weekly Comp. Pres. Doc. 1569 (Sept. 7, 1992)
Bruce D. Goodman	Copyright Royalty Tribunal	9/3/92	8/12/92–9/8/92	26 days	28 Weekly Comp. Pres. Doc. 1569 (Sept. 7, 1992)
James H. Grossman	Foreign Claims Settlement Commission	9/3/92	8/12/92–9/8/92	26 days	28 Weekly Comp. Pres. Doc. 1569 (Sept. 7, 1992)
David J. Ryder	Director of the Mint	9/3/92	8/12/92–9/8/92	26 days	28 Weekly Comp. Pres. Doc. 1569 (Sept. 7, 1992)
Steven Muller	National Security Education Board	1/6/93	IN SESSION		29 Weekly Comp. Pres. Doc. 28 (Jan. 11, 1993)
S. William Pattis	National Security Education Board	1/6/93	IN SESSION		29 Weekly Comp. Pres. Doc. 28 (Jan. 11, 1993)
John P. Roche	National Security Education Board	1/6/93	IN SESSION		29 Weekly Comp. Pres. Doc. 28 (Jan. 11, 1993)
Richard F. Stolz	National Security Education Board	1/6/93	IN SESSION		29 Weekly Comp. Pres. Doc. 28 (Jan. 11, 1993)
Thomas Ludlow Ashley	U.S. Postal Service Governor	1/8/93	1/8/93–1/20/93	12 days	29 Weekly Comp. Pres. Doc. 29 (Jan. 11, 1993)
Peter B. Bowman	Defense Base Closure and Realignment Commission.	1/8/93	1/8/93–1/20/93	12 days	29 Weekly Comp. Pres. Doc. 29 (Jan. 11, 1993)
Beverly Butcher Byron	Defense Base Closure and Realignment Commission.	1/8/93	1/8/93–1/20/93	12 days	29 Weekly Comp. Pres. Doc. 29 (Jan. 11, 1993)
Marion G. Chambers	Institute of American Indian and Alaska Native Culture and Arts Development.	1/8/93	1/8/93–1/20/93	12 days	29 Weekly Comp. Pres. Doc. 29 (Jan. 11, 1993)
James A. Courter	Defense Base Closure and Realignment Commission.	1/8/93	1/8/93–1/20/93	12 days	29 Weekly Comp. Pres. Doc. 29 (Jan. 11, 1993)
Rebecca Gernhardt Cox	Defense Base Closure and Realignment Commission.	1/8/93	1/8/93–1/20/93	12 days	29 Weekly Comp. Pres. Doc. 29 (Jan. 11, 1993)
Hansford T. Johnson	Defense Base Closure and Realignment Commission.	1/8/93	1/8/93–1/20/93	12 days	29 Weekly Comp. Pres. Doc. 29 (Jan. 11, 1993)
Arthur Levitt, Jr.	Defense Base Closure and Realignment Commission.	1/8/93	1/8/93–1/20/93	12 days	29 Weekly Comp. Pres. Doc. 29 (Jan. 11, 1993)
Harry C. McPherson, Jr.	Defense Base Closure and Realignment Commission.	1/8/93	1/8/93–1/20/93	12 days	29 Weekly Comp. Pres. Doc. 29 (Jan. 11, 1993)
Robert D. Stuart, Jr.	Defense Base Closure and Realignment Commission.	1/8/93	1/8/93–1/20/93	12 days	29 Weekly Comp. Pres. Doc. 29 (Jan. 11, 1993)

FINANCE COMMITTEE CONFEREES TO H.R. 2264

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senators PRYOR and DURENBERGER be added to the list of Finance Committee conferees for H.R. 2264, the reconciliation bill.

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

STATEMENTS IN TRIBUTE TO THE LATE PATRICIA NIXON

Mr. MITCHELL. Mr. President, I ask unanimous consent that all Senators have until the close of business on Thursday, July 22, 1993, to submit statements in tribute to the late Mrs. Patricia Nixon.

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

ROSS BASS POST OFFICE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 123, S. 464, a bill to designate the Ross Bass Post Office in Pulaski, TN; that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements, thereon, appear in the RECORD at the appropriate place, as though read.

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

So the bill (S. 464) was deemed read the third time and passed, as follows:

S. 164

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

SECTION 1. REDESIGNATION OF PULASKI POST OFFICE AS ROSS BASS POST OFFICE.

The building in Pulaski, Tennessee that houses the primary operations of the United States Postal Service (as determined by the

Postmaster General) shall be known and designated as the "Ross Bass Post Office Building". Any reference in a law, map, regulation, document, paper, or other record of the United States to the building shall be deemed to be a reference to the "Ross Bass Post Office Building".

ABE MURDOCK UNITED STATES POST OFFICE BUILDING

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 126, H.R. 588, a bill to designate the U.S. postal facility in Beaver, UT, as the Abe Murdock U.S. Post Office Building; that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements thereon appear in the RECORD at the appropriate place, as though read.

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

So the bill (H.R. 588) was deemed read the third time and passed.

NATIONAL LITERACY DAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of House Joint Resolution 213, designating "National Literacy Day"; that the Senate then proceed to its immediate consideration; that the joint resolution be deemed read a third time, passed and the motion to reconsider be laid upon the table; that the preamble be agreed to; and that any statements related to the measure appear in the RECORD as if given.

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

So the bill (H.J. Res. 213) was deemed read the third time, and passed.

The preamble was agreed to.

Mr. MITCHELL. Mr. President, I further ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 106, the Senate companion resolution, and that the measure then be indefinitely postponed.

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

IMMIGRATION AND NATIONALITY TECHNICAL CORRECTIONS ACT OF 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1197, the Immigration and Nationality Technical Corrections Act of 1993, introduced earlier today by Senators KENNEDY and SIMPSON, that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table.

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

Mr. KENNEDY. Mr. President, I am pleased to join today with Senator SIMPSON in encouraging the passage of the Immigration and Nationality Technical Corrections Act of 1993.

This legislation is remedial in nature, and represents a consensus on some minor but important technical corrections that should be made in our immigration and consular laws. It was fashioned in a bipartisan spirit, beginning in the last Congress, and reflects not only the work of our Subcommittee but the cooperation of our colleagues on the House Subcommittee, particularly Chairman MAZZOLI.

Mr. President, most of the corrections contained in this bill were pending last year before we adjourned and have already been adopted by one House or the other, or reported favorably from the Judiciary Committees. Most were cleared for action in the waning days of the last Congress but time and other issues intruded and no final action was taken.

I am pleased we have been able to clear this legislation for expeditious Senate action today because it truly is remedial in scope and long overdue.

For the benefit of my colleagues, I ask unanimous consent that a summary of the bill, section-by-section, be printed at this point in the RECORD.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF THE IMMIGRATION AND NATIONALITY TECHNICAL CORRECTIONS ACT OF 1993

TITLE I—TECHNICAL CORRECTIONS OF IMMIGRATION LAWS

SEC. 101. AMERICAN INSTITUTE IN TAIWAN.

This section broadens the definition of special immigrant to accord employees of the American Institute in Taiwan the same treatment as is accorded employees of the United States Government abroad.

Under the current law, employees of the United States Government abroad are granted special immigrant status if (1) they have performed faithful service for at least 15 years; (2) the principal officer of the foreign service post has recommended the granting of such status in exceptional circumstances; and (3) the Secretary of State has approved that recommendation in the national interest.

Employees of the American Institute in Taiwan who became employed after normalization of relations with the People's Republic of China have not been considered to be employees of the United States Government abroad within the meaning of the current law. Pursuant to this amendment, however, they will be treated in the same manner as employees of the United States Government abroad and will be eligible to qualify for special immigrant status.

SEC. 102. SPECIAL IMMIGRANT STATUS OF RETIRED OFFICERS AND EMPLOYEES OF INTERNATIONAL ORGANIZATIONS.

The effect of this section is to eliminate the requirement that retired officers or employees of certain international organizations must file a petition for nonimmigrant status described in section 101(a)(15)(I) of the Immigration and Nationality Act before January 1, 1993, in order to be eligible for such status. This provision requires such petitions to be filed within 6 months of the individual's retirement or within 6 months of the date of enactment of this legislation, whichever is later.

SEC. 103. TREATMENT OF TIBET UNDER PER COUNTRY LEVELS.

This section accords Tibet the status of a separate foreign state for purposes of United States immigration laws.

SEC. 104. AUTHORITY FOR SECRETARY OF STATE TO MAKE REFUGEE DETERMINATIONS.

This section directs the Secretary of State and the Attorney General jointly to develop procedures defining situations where the Secretary may make refugee determinations because the Attorney General does not have immediate access to the individuals.

SEC. 105. CLARIFICATION OF CERTAIN GROUNDS FOR EXCLUSION AND DEPORTATION.

Subsection (a) amends section 212 of the Immigration and Nationality Act to make clear that an "attempt" or "conspiracy" to commit certain criminal offenses serve as a basis for exclusion of aliens from issuance of a visa and admission to the United States.

Subsection (b) amends section 241 of the Immigration and Nationality Act to ensure that an "attempt" or "conspiracy" to commit a firearm offense or for failure to register or falsification of a document are deportable offenses.

SEC. 106. LABOR MARKET INFORMATION PILOT PROGRAM FOR EMPLOYMENT-BASED IMMIGRANTS.

This section amends section 122 of the Immigration Act of 1990 to make discretionary the Department of Labor's pilot program for employment-based immigrants.

SEC. 107. UNITED STATES CITIZENS ENTERING AND DEPARTING ON UNITED STATES PASSPORTS.

This section clarifies the current statute and brings it into conformity with administrative practice. Section 215(b) of the Immigration and Nationality Act requires United States citizens to carry a valid passport when entering or leaving the United States, unless otherwise provided by the President. Consistent with congressional intent, longstanding administrative practice has interpreted this as meaning that United States citizens must carry valid United States passports. The amendment codifies this interpretation.

This section will also forestall technical challenges to application of the Travel Control Regulations by United States citizens who enter or leave the United States using foreign passports.

SEC. 108. APPLICATIONS FOR VISAS.

This section amends section 222(a) of the Immigration and Nationality Act, which lists comprehensively and in great detail all the items that must be set forth in the immigrant visa application form, but also allows the form to include such additional necessary information as may be prescribed by regulation.

The current listing, as recited in statute, contains requests for information that the Department of State feels are unnecessary. Moreover, the listing is so detailed that statutory amendments to other sections of the Immigration and Nationality Act relating to substance or procedure often require the amendment of section 222(a).

The amendment of section 222(a) will delete most of the statutorily enumerated list, leaving the information to be provided to be specified by regulation. This change will greatly reduce the necessity of amending

section 222(a) of the Immigration and Nationality Act when other pertinent substantive or procedural amendments are made in the Immigration and Nationality Act. In addition, the change will provide greater flexibility by allowing the Secretary of State to promulgate necessary regulations to eliminate from the application unnecessary items and to update the items as may be required by statutory amendments to other sections of the Immigration and Nationality Act.

SEC. 109. LIMITATIONS ON PERFORMANCE OF LONGSHORE WORK BY ALIEN CREWMEMBERS—ALASKA EXCEPTION.

This section amends section 258 of the Immigration and Nationality Act to permit the admission to the United States on a temporary basis of certain alien crewmen who would perform specific longshore work at particular locations in Alaska if the employer of such crewmen meets certain requirements regarding efforts to hire local longshore workers.

SEC. 110. NATIONALS BUT NOT CITIZENS OF THE UNITED STATES AT BIRTH.

This section substitutes the term "physically present" for "residence" (the former being a more precise concept) in order to be consistent with the requirements in other subsections of section 308 of the Immigration and Nationality Act.

SEC. 111. CHILDREN BORN OUT OF WEDLOCK.

Subsection (c) of this section permits a United States national who is a mother to count time spent as a dependent unmarried daughter and a member of the household of a period during periods of that person's—

(1) service with the Armed Forces of the United States, or

(2) employment with the United States Government or an international organization,

for the purpose of transmitting citizenship. This provision tracks language used in section 301(g) of the Immigration and Nationality Act.

SEC. 112. CHILD BORN OUTSIDE THE UNITED STATES OF AN ALIEN PARENT AND THE CONDITIONS UNDER WHICH CITIZENSHIP IS AUTOMATICALLY ACQUIRED.

This section clarifies the custody requirement for automatic naturalization of certain children. There is an increasing tendency on the part of the courts to award joint custody, or even to fail to address the issue of custody, in divorce decrees. The change in the statute makes it clear that, in the case of certain children, the naturalization of a parent having either sole or joint legal custody of a child would qualify the child for United States citizenship.

SEC. 113. EXPEDITIOUS NATURALIZATION.

As currently written, section 322 of the Immigration and Nationality Act contains numerous amendments and has become quite convoluted. While requiring that a child undergo the naturalization process it then, understandably, exempts the child from many of the requirements of the naturalization statutes. Moreover, subsection (b), by allowing adopted children to be naturalized, establishes for them a procedure similar to the administrative process found in section 341(c) of the Immigration and Nationality Act which results in a certificate of citizenship. It is unclear what purpose is served by two virtually parallel statutory procedures, each of which results in the conferral of citizenship on an adopted child. This also raises questions as to why an administrative procedure is at present not available for biological children.

The amendment proposed by subsection (a) seeks to establish a single, relatively simple, administrative procedure whereby citizen parents who are willing to make the effort to come to the United States to acquire citizenship for their children will be able to do so with a certain knowledge of the specific requirements. No period of residence is required. The custody requirement merely ensures that there is a valid parent-child relationship. Biological and adoptive children are subject to the same conditions.

Although the number of cases processed under section 322 of the Immigration and Nationality Act is expected to be small, some of them may involve circumstances which so far have proven troubling. These include, for example, children who would otherwise be stateless. It is difficult to accept a situation where a child would be born to a United States citizen parent yet not acquire United States citizenship because the parent is required to spend a protracted period abroad.

An administrative process was chosen because no valid purpose appears to be served by requiring a child to become a part of the judicial process.

While the proposed amendment is not fully retroactive, it is desirable to allow persons not yet age 18 as of its enactment to take advantage of it. Again, the numbers are small and some particularly deserving cases seem to exist.

Because the proposed amendment would render the existing section 341(c) redundant, that section is repealed.

SEC. 114. INTENT TO RESIDE PERMANENTLY IN THE UNITED STATES AFTER NATURALIZATION.

This first part of this amendment removes the highly confusing and difficult to enforce "requirement" in section 338 of the Immigration and Nationality Act that persons live in the United States following their naturalization. While the requirement that persons live for a specified period before naturalization is well understood, the notion of residence afterwards is not well publicized and has proven extremely frustrating to interpret and enforce.

This section would repeal section 340(d) because it has been of no real significance and tends to confuse the naturalization issue. In recent years, less than 5 cases a year have been filed for prosecution under violation of section 340(d). Typically, after the Government has invested considerable time and effort into investigating and documenting these cases, the cases are dropped when the defendant moves back to the United States. In the few cases that have gone before juries, the defendants have been acquitted. The presumption that the defendant established a permanent residence abroad has been rebutted in virtually every case.

SEC. 115. TERMINOLOGY RELATING TO EXPATRIATION.

This section removes references to repealed sections of the law and makes section 351 of the Immigration and Nationality Act consistent with section 349(a) by substituting the term "loss of nationality" for "expatriation".

SEC. 116. ADMINISTRATIVE AND JUDICIAL DETERMINATIONS RELATING TO LOSS OF CITIZENSHIP.

This section responds to the court decision *Whitehead* v. *Haig*, 794 F.2d 115 (3d Cir. 1986), which held that the statute of limitations for seeking adjudication of citizenship ran only from the denial of a passport application, and not from approval of a Certificate of Loss of Nationality, and to an INS General Counsel opinion of January 6, 1989, which appears to question the finality of approved Certificates of Loss of Nationality.

This amendment would make clear that issuance of a Certificate of Loss of Nationality is a final administrative action subject to judicial review. It is in the clear interest of the individual and all United States Government agencies to know when final action has been taken by the operational office in the Department in a loss of citizenship case.

SEC. 117. CANCELLATION OF UNITED STATES PASSPORT AND CONSULAR REPORT OF BIRTH.

This section of the bill provides for the cancellation of a statutory proof of citizenship which was illegally, fraudulently, or erroneously obtained from the Department of State.

SEC. 118. FAMILY UNITY AND TEMPORARY PROTECTED STATUS.

This section conforms the treatment of relatives of legalized special agricultural workers to that for relatives of other legalized aliens, for purposes of eligibility for temporary protected status.

SEC. 119. ADJUSTMENT OF STATUS OF CERTAIN REPRESENTATIVES OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS.

This section of the bill eliminates a procedure by which one House of Congress may disapprove the action of the Attorney General in adjusting the status of certain representatives of foreign governments and international organizations. This change in law was made necessary by the Supreme Court's decision in *Chadha* v. *INS*, 462 U.S.C. 919 (1983), invalidating a veto of executive branch action by one House of Congress.

SEC. 120. PRIORITY DATES FOR ALIENS REGISTERED ON THE WESTERN HEMISPHERE WAITING LIST.

This section repeals section 9(b) of Public Law 94-571, the Immigration Act of 1976. That Act applied to the Western Hemisphere system of preferences and per country ceilings which had, up until then, applied only to the Eastern Hemisphere immigration system.

Section 9 of that law was a "savings clause" for immigrants registered under the old Western Hemisphere system.

Section 9(b) provided that such registrants were deemed to be nonpreference immigrants and were entitled to retain, as their nonpreference priority dates, their old Western Hemisphere registration dates. Section 9(b) gave these aliens the additional benefit of allowing them to use their old Western Hemisphere registration dates as "constructive" filing dates for any preference petition that might be approved in their behalf.

The rationale for section 9(b) was that these aliens had been registered for a period of time under a system that had no preferences and that, equitably, their time on the old waiting list should be taken into account. Allowing them to use their old registration dates in connection with preference petitions did that. At the time, and for some years thereafter, this provision served a useful purpose and achieved the result intended.

The passage of time has significantly reduced the utility of this provision, although there remains a small but steady flow of cases in which it expedites the immigration of a preference petition beneficiary. The enactment of the Immigration Act of 1990 seriously complicates matters, however, because the revised preference system, which took effect on October 1, 1991, has no nonpreference classifications.

Until October 1, 1991, the nonpreference classification continued to exist, even

though no visa numbers had been available for nonpreference immigrants since 1978. Thus, all old registration records still in existence had to be maintained. The most recent available report shows about 160,000 such registrations, over 90 percent from Western Hemisphere countries.

The abolition of the nonpreference immigrant classification effectively eliminates any possibility that any of those registrants will ever be able, under any circumstances, to immigrate as nonpreference immigrants. This fact should permit a purge of consular records and files to eliminate these now useless records and their associated file materials. The continuing existence of section 9(b), however, prevents doing so for Western Hemisphere-born registrants, since claims to a "constructive" petition filing date can arise at any time.

The Department of State believes that 15 years is a sufficient period for the granting of this benefit, which was conceived initially as being a short-term one. Moreover, the Department of State believes that the operational benefit derived from purging the old otherwise useless nonpreference registration records far outweighs any residual benefit to potential individual petition beneficiaries.

SEC. 121. OTHER MISCELLANEOUS AND TECHNICAL CORRECTIONS TO IMMIGRATION-RELATED PROVISIONS.

Subsection (a) makes aliens for whom a court has "legally committed to, or placed under the custody of an agency or department of a State", as well as aliens dependent on a juvenile court, eligible for special immigrant status under section 101(a)(27) of the Immigration and Nationality Act.

Subsection (b) extends "immediate relative" status to a child of a United States citizen for a period of 2 years after the citizen's death to conform with the treatment accorded spouses of such citizens under current law.

Subsections (c), (s), and (y) correct spelling errors.

Subsection (d) corrects the inadvertent omission of the article "the".

Subsections (e), (k), and (bb) make grammatical corrections.

Subsections (f), (g), and (w) correct cross references.

Subsections (h), (i), (n), and (o) make clerical corrections.

Subsection (j) makes a clerical correction and ensures that none of several grounds of exclusion may be waived with respect to granting temporary protected status.

Subsection (l) corrects a clerical error and three cross references.

Subsection (m) strikes language involving the constitutionally impermissible use of a concurrent resolution as a congressional veto mechanism.

Subsection (p) conforms language relating to the unlawful bringing of aliens into the United States to ensure that consistent reference is made to the Commissioner of Immigration, not the collector of customs.

Subsection (q) corrects the error in section 274B(g)(2)(C) of the Immigration and Nationality Act which refers to filing "charges" of unfair immigration-related employment practices with "an administrative law judge". In fact, section 274B(b) of such Act requires that such charges be filed with the "Special Counsel".

Subsection (r) corrects a legal citation.

Subsections (t), (v), and (z) correct errors committed in the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 in the "freestanding" language which made amendments to the Immigration and Nationality Act. By stating that these corrections are "[e]ffective as if included" in the 1991 Act, the corrections are made retroactive to the date of enactment of the 1991 Act.

Subsection (u) corrects an error in the capitalization of "district court".

Subsection (x) makes a conforming change made necessary by the October 1, 1991, amendment to section 414 of the Immigration and Nationality Act (by section 5 of Public Law 102-110).

Subsection (aa) makes clear, for purposes of a transition rule, that the "aliens described in section 203(a)(3) or 203(a)(6)" refers to aliens admitted in those preference categories as the Immigration and Nationality Act was in effect before October 1, 1991.

Subsection (cc) provides the effective date for amendments made by this section.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. SECRETARY OF STATE TO ISSUE PASSPORTS TO UNITED STATES CITIZENS AND NATIONALS ONLY.

This section provides that a United States passport, as proof of United States citizenship/nationality, is only available to citizens or nationals of the United States. This change brings section 2 of the Act of June 14, 1902 (22 U.S.C. 212), into conformity with section 33 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705), and eliminates any possibility of certain categories of aliens claiming entitlement to a passport.

SEC. 202. FRAUD AND MISUSE OF TRAVEL DOCUMENTS.

Sections 911, 1001, 1541, 1542, 1543, 1544, and 1545 of title 18 of the United States Code, which deal with visa and passport fraud, all too often are overlooked as part of the Federal prosecutorial arsenal. Their penalties for violation have not been increased since they were enacted on June 25, 1948. As a result, the statutes have lost their deterrent value because the sanctions have not kept pace either with the increasing seriousness of the crimes committed or the harsh realities of the economics of international crime and punishment. As a result, they are often incorrectly considered to establish relatively minor and unimportant offenses which rarely result in prosecutions.

Given the criminal gains that often accrue to the perpetrators, these laws must be updated if they are to continue to serve as effective deterrents to the commission of such crimes which threaten the integrity of United States borders.

SEC. 203. BORDER PATROL MUSEUM AND MEMORIAL LIBRARY FOUNDATION.

This section authorizes the transfer of certain personal and real property held by the Immigration and Naturalization Service to the Border Patrol Museum and Memorial Library Foundation in Texas and the extension of certain technical assistance services by the Service to the Museum.

SEC. 204. SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS EMPLOYED ABROAD.

This section permits aliens lawfully admitted for permanent residence who are employed by Beirut University College to return to the United States as special immigrants. This section also merges the provisions of a private law relating to special immigrant status, for purposes of facilitating legal research.

ALASKA EXCEPTION

Mr. STEVENS. Mr. President, I rise in support of the Immigration Act technical corrections bill, and in particular section 110 which is especially important to the State of Alaska. This section corrects a significant continuing problem that first arose early last year with the implementation of section 1288 of the Immigration and Nationality Act.

Section 1288 was added in 1990 for the purpose of establishing a general prohibition on the performance of longshore work by alien crewmen in the United States. Longshore work is broadly defined under the statute to include any activity relating to the loading and unloading of cargo, operation of cargo-related equipment, and handling of mooring lines whether or not on board the vessel. The statute provides for a "prevailing practice exception" at ports where there is a well-established practice of using alien crewmen to perform particular longshore activities.

The Alaskan fishing industry is a critical part of my State's economy and provides employment for tens of thousands of Alaskans in the harvesting and processing of fish as well as in the longshore work related to the handling of fisheries products. Due to the remoteness of the fishing grounds and the sparsely populated communities, our fishing industry has special transportation needs.

For example, in certain herring fisheries, which occur in remote areas of my State and last for 1 or 2 weeks, several hundred small catcher boats harvest herring for immediate delivery to larger U.S.-flag processing vessels which are at anchor in a bay or sound. These processing vessels operate continuously during the brief season and rely on the immediate availability of refrigerated carrier vessels that pull alongside the operating processor to offload the product and transport it to export markets. During this time all available able-bodied American workers are employed in the actual harvest of the herring and are not available for the necessary longshore work. U.S. workers are used on board the processing vessels and, historically, the foreign crews on board the carrier vessels have been used to stow the cargo on board their vessels. Delays in this offloading process can start a chain reaction which can shut down the processing line, which in turn means fewer fish purchased from fishermen.

A similar scenario occurs in our salmon and other fisheries on a seasonal basis. Overall, Alaska exports hundreds of millions of dollars of fisheries products worldwide, with Japan being a principal market. Our industry has historically relied on Japanese refrigerated carriers to transport these fisheries products to market.

With the implementation of section 1288 early last year, the fishing industry and the carriers worked together to comply with the law by filing the necessary "attestations" to qualify under the prevailing practice exception. The International Longshoremen's and

Warehousemen's Union [ILWU] responded to protect the jurisdiction of American longshore workers by challenging the attestations and seeking cease and desist orders.

The lack of flexibility under the act, particularly with respect to remote areas, prevented the various interests from reaching the logical agreement to allow employment of U.S. longshore workers to the extent available while filling in with alien crew from the carriers as needed. As a result, the costly process continued of filing attestations for every potential transshipment location, with the ILWU filing challenges.

The basic problem is that the system established under the Immigration Act to determine the prevailing practice was apparently designed for established port areas throughout the entire United States but it has proven peculiarly unworkable in remote locations in Alaska. A technical amendment to the act is necessary if there is to be a mechanism to allow alien crew to perform longshore work on board their vessels in remote fishing grounds in Alaska where there is little or no infrastructure or available U.S. labor but where product transfers from fish processing vessels to the carriers have historically and necessarily occurred. Under current law, it is unclear whether alien crew may be used in these locations, even if there are no U.S. longshore workers available for this particular employment.

The flexibility to use alien crew, after making bona fide attempts to employ U.S. workers, is needed to avoid costly disruptions—and the potential loss of American jobs—in the U.S. fishing industry. Implementation of section 1288 and the new regulations have already eliminated service to some areas because they prevent the carriers from calling at remote locations not considered to be ports or because there has been insufficient activity in recent months to qualify for the prevailing practice exception. Further reductions in transportation service to the fishing industry and in longshore jobs are a virtual certainty without this legislation.

The amendment to section 1288 establishes a new Alaska exception which is modeled after the existing prevailing practice exception and is narrowly tailored to the unique circumstances in the State of Alaska. Under this amendment, employers would be permitted to use alien crewmembers only after: First, requesting a dispatch of U.S. longshoremen from qualified stevedoring companies and private dock operators, and second, determining that U.S. longshore workers are not available in sufficient numbers from those sources in response to a request for dispatch. This amendment addresses problems presently encountered with the application of the prevailing practice exception in Alaska, particularly in the fishing industry, where longshore work is frequently performed in remote locations far from established population bases. The amendment is intended to provide a preference for hiring American longshoremen in my State over foreign crew. This amendment should not undermine the wages and benefits of traditional longshoremen nor change the historic relationships labor organizations have developed with employers in my State.

The following section-by-section analysis explains the detailed provisions of what, in principle, is a straightforward concept: U.S. longshore workers are employed first, to the extent available.

Subparagraph (d)(1). Subparagraph (d)(1) outlines the procedures for filing attestations under the Alaska exception and the item to which an employer or its agent must attest. An attestation must be filed with the Secretary of Labor at least 30 days before the expected date of the first performance of longshore work unless the employer or its agent could not have reasonably anticipated the need to file an attestation for the location at that time. The term "could not have reasonably anticipated" is intended to be a broader and more flexible standard than appears in the Act now which permits such a late filing only under "emergency" circumstances. Thus, delays occasioned by weather conditions, changes in commercial requirements or other unforeseen circumstances would be sufficient to file less than 30 days in advance. In any event, attestations must be filed no later than 24 hours prior to the performance of the longshore work. As under current prevailing practice exception procedures, the Secretary is to review the attestations for technical errors, and if correct and complete on its face, the attestation is to be accepted.

The ability to file an attestation at "a particular location in the State of Alaska" is also intended to be broader than the current terminology which is limited to a "port". The difficulty is that many of these locations where fish products have been traditionally transferred, or where they may in the future be transferred, are not necessarily ports in the conventional sense. The new standard is intended to include any location where a fisheries-related transfer occurs in the State of Alaska or the waters within its jurisdiction, *i.e.*, the 3-mile territorial sea, which can be described by recognized geographical reference points or in some other manner with enough specificity so that the particular location can be reasonably identified. The broadening of these provisions is intended to preserve and increase the opportunities for fishing and longshore employment and is not intended to create a loophole which permits the employment of alien crew when qualified U.S. longshore workers are available, within the meaning of the new provision.

Subparagraph (d)(1)(A). (1st attestation element). The employer or its agent must attest that it will make a bona fide request for dispatch of U.S. longshore workers who are qualified and available in sufficient numbers to perform the activity at the particular time and location from qualified stevedoring companies and private dock operators. A bona fide request is intended to be one that is made in good faith for the purpose of actually employing U.S. workers to perform the longshore work. Such a request is to be made to the stevedoring companies and private dock operators, rather than to the State job placement service, primarily because they are in a better position to assess the labor force availability in these remote locations so as to provide a work force on a timely basis. Private dock operators and stevedore companies in turn have an obligation to make a bona fide attempt to locate and hire American longshoremen. Because of the vagaries in the fishing industry, being able to respond quickly is essential if unnecessary interruptions are to be avoided. Private dock operators need only be contacted if the longshore work is to be performed at their docks.

Subparagraph (d)(1)(B). (2nd attestation element). The employer or its agent must attest that it will employ all U.S. longshore workers dispatched in response to a request made under the first attestation element who are qualified and available in sufficient numbers and who are needed to perform the longshore activity at the particular time and location.

Subparagraph (d)(1)(C). (3rd attestation element). Based on a provision in the existing prevailing practice exception, this subparagraph requires the employer or its agent to attest that the use of alien crewmembers will not be intended or designed to influence an election of a bargaining representative for workers in the State of Alaska.

Subparagraph (d)(1)(D). (4th attestation element). Also based on a provision in the existing prevailing practice exception, this subparagraph requires the employer or its agent to attest that notice of the attestation has been provided to: 1) qualified labor organizations which dispatch or intend to dispatch workers to the location where the work is to be performed; 2) contract stevedoring companies which employ or intend to employ U.S. longshore workers at that location; and 3) operators of private docks at which the employer will use longshore workers.

Subparagraph (d)(2). This subparagraph provides that an employer has a continuing obligation to request dispatch of U.S. longshore workers during the validity period of the attestation and to employ U.S. longshore workers dispatched pursuant to those requests prior to using alien crewmen to perform longshore work. However, if a stevedoring company or private dock operation notifies the employer or its agent that it does not intend to dispatch workers to the location where the work is to be performed, the employer need not request dispatch from that party. The employer's obligations will not resume until such time as the party that has provided such notice subsequently notifies the employer or its agent that it is prepared to dispatch workers to the location. In that event, the employer's obligations to request dispatch from that party will recommence 60 days after issuance of such notice.

Subparagraph (d)(3). This subparagraph provides that employers will not be required to hire less than full work units of U.S. longshore workers or to provide overnight accommodations for the workers. It also states the conditions under which employers will be required to transport longshore workers. Specifically, the amendment sets forth a thirty-minute travel time limit and five-mile travel distance limit, except for work to be performed in Wide Bay and Klawock/Craig, Alaska, where, because of geographic considerations, the limits are extended to forty-five minutes and seven and one-half miles unless the party responding to the request for dispatch agrees to the lower time

and distance limitations. The time and distance limitations are intended to define the employer's obligation to provide transportation to the place of work. If the longshore worker gets to the place of work at his or her own expense and in a manner which exceeds these time and distance limitations the employer will still be obligated to hire the worker, assuming the other criteria are met, but the employer will not be obligated to pay for the transportation costs. The fact that the distance limitations exceed three miles is not intended to suggest any jurisdictional consequence with respect to the three-mile territorial sea but rather is intended to be descriptive as to how many actual miles may be traveled from some other location to the place of work at the expense of the employer.

Subparagraph (d)(4). This subparagraph provides that, subject to the provisions regarding the receipt, investigation, and disposition of complaints outlined in the existing prevailing practice exception, attestations filed under the Alaska exception will be valid for one year from the anticipated start date listed on the attestation and will apply to aliens arriving during that period provided that the crew list contains a statement indicating continued compliance with the conditions in the attestation.

Subparagraph (d)(5). This subparagraph provides that the provisions in the existing prevailing practice exception governing (1) the scope of crew lists, (2) the availability of attestations and crew lists for public examination, (3) procedures for receiving, investigating and disposing of complaints, (4) administrative hearings, and (5) application of penalties shall apply to attestations filed under the Alaska exception. This subparagraph also provides that the use of alien crewmen to perform longshore work involving automated self-unloading conveyor belts or vacuum-actuated systems on vessels shall continue to be governed by the existing prevailing practice exception.

Subparagraph (d)(6). This subparagraph defines "contract stevedoring companies" as those stevedoring companies licensed to do business in the State of Alaska that meet the insurance requirements of the Longshore and Harbor Workers Compensation Act (33 U.S.C. §932). It defines the term "employer" to include the employer's agent or designated representative. It also provides that the terms "qualified" and "available in sufficient numbers" shall be defined by reference to industry standards in the State of Alaska, including safety standards. Industry standards are intended to be those that are generally understood by the industry and in certain areas could include, for example, reference to the All-Alaska Longshore Agreement.

In order to avoid significant disruption of our State's fishing industry, it will be necessary to have the new Alaska exception provisions in place by the time current attestations expire, the first of which will do so on December 23, 1993. It is our intention that the Department of Labor have at least interim final regulations in place by that date. In the event that they do not, however, the amendment provides for the extension of existing attestations for the limited purpose of avoiding a gap between the current scheme and the one that will come into effect with the enactment of this legislation. Alaska is the only State in which attestations under the prevailing practice exception have been filed to date.

Finally, I wish to emphasize that this amendment has been made necessary by the unique geographical considerations in the State of Alaska. The fact that our State has more coastline than the rest of the Nation combined dramatically illustrates the point. Moreover, the unusual nature of our fisheries and the vessel-to-vessel transfers that allow our fishing industry to function constitute circumstances which are simply not present anywhere else in the country.

The bill (S. 1197), which was deemed to have been read three times and passed, is as follows:

S. 1197

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 "Immigration and Nationality Technical Corrections Act of 1993".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—TECHNICAL CORRECTIONS OF IMMIGRATION LAWS
Sec. 101. American Institute in Taiwan.
Sec. 102. Special immigrant status of retired officers and employees of international organizations.
Sec. 103. Treatment of Tibet under per country levels.
Sec. 104. Authority for Secretary of State to make refugee determinations.
Sec. 105. Clarification of certain grounds for exclusion and deportation.
Sec. 106. Labor market information pilot program for employment-based immigrants.
Sec. 107. United States citizens entering and departing on United States passports.
Sec. 108. Applications for visas.
Sec. 109. Limitations on performance of longshore work by alien crewmembers—Alaska exception.
Sec. 110. Nationals, but not citizens, at birth based on use of physical presence instead of residence.
Sec. 111. Children born out of wedlock.
Sec. 112. Child born outside of the United States of an alien parent; conditions for automatic citizenship.
Sec. 113. Expeditious naturalization.
Sec. 114. Intent to reside permanently in the United States after naturalization.
Sec. 115. Terminology relating to expatriation.
Sec. 116. Administrative and judicial determinations relating to loss of citizenship.
Sec. 117. Cancellation of United States passports and consular reports of birth.
Sec. 118. Family unity and temporary protected status.
Sec. 119. Adjustment of status of certain representatives of foreign governments and international organizations.
Sec. 120. Priority dates for aliens registered on the Western Hemisphere waiting list.
Sec. 121. Other miscellaneous and technical corrections to immigration-related provisions.
TITLE II—MISCELLANEOUS PROVISIONS
Sec. 201. Secretary of State to issue United States passports to United States citizens and nationals only.
Sec. 202. Fraud and misuse of travel documents.
Sec. 203. Border Patrol Museum and Memorial Library Foundation.
Sec. 204. Special immigrant status for certain aliens employed abroad.

TITLE I—TECHNICAL CORRECTIONS OF IMMIGRATION LAWS

SEC. 101. AMERICAN INSTITUTE IN TAIWAN.

Section 101(a)(27)(D) (8 U.S.C. 1101(a)(27)(D)) is amended—

(1) by inserting "or of the American Institute in Taiwan," after "of the United States Government abroad,"; and

(2) by inserting "(or, in the case of the American Institute in Taiwan, the Director thereof)" after "Foreign Service establishment".

SEC. 102. SPECIAL IMMIGRANT STATUS OF RETIRED OFFICERS AND EMPLOYEES OF INTERNATIONAL ORGANIZATIONS.

Section 101(a)(27)(I)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(I)(iii)) is amended by striking subclause (II) and inserting in lieu thereof the following: "(II) files a petition for status under this subparagraph no later than six months after the date of such retirement or six months after the date of enactment of the Immigration and Nationality Technical Corrections Act of 1993, whichever is later.".

SEC. 103. TREATMENT OF TIBET UNDER PER COUNTRY LEVELS.

(a) APPLICATION OF IMMIGRATION AND NATIONALITY ACT.—The approval referred to in the first sentence of section 202(b) of the Immigration and Nationality Act shall be considered to have been granted, effective beginning with fiscal year 1994, with respect to Tibet as a separate foreign state, and not as a component or dependent area of another foreign state.

(b) DEFINITION.—For purposes of this section, the term "Tibet" refers to the territory encompassed by Tibet as of October 1, 1949.

SEC. 104. AUTHORITY FOR SECRETARY OF STATE TO MAKE REFUGEE DETERMINATIONS.

Section 207(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(1)) is amended—

(1) by inserting "(A)" immediately after "(1)";

(2) by inserting "and subject to subparagraph (B)," after "subsections (a) and (b),"; and

(3) by adding at the end thereof the following:

"(B) The Secretary of State, together with the Attorney General, shall develop procedures under which the Secretary may determine individuals to be qualified for admission to the United States as refugees. Such determinations may be made by the Secretary of State in situations (defined by the Attorney General together with the Secretary of State) in which the Attorney General does not have immediate access to the individual under consideration for admission as a refugee and cannot expeditiously determine whether such individual is qualified for refugee admission.".

SEC. 105. CLARIFICATION OF CERTAIN GROUNDS FOR EXCLUSION AND DEPORTATION.

(a) EXCLUSION GROUNDS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)(2)(A)(i)(I), by inserting "or an attempt or conspiracy to commit that crime" after "offense)",

(2) in subsection (a)(2)(A)(i)(II), by inserting "or attempt" after "conspiracy", and

(3) in the last sentence of subsection (h), by inserting ", or an attempt or conspiracy to commit murder or a criminal act involving torture" after "torture".

(b) DEPORTATION GROUNDS.—Section 241(a) of such Act (8 U.S.C. 1251(a)) is amended—

(1) in paragraph (2)(C)—

(A) by striking "in violation of any law," and inserting ", or of attempting or conspiring to purchase, sell, offer for sale, exchange, use own, possess, or carry,", and

(B) by inserting "in violation of any law" after "Code)"; and

(2) in paragraph (3)(B), by inserting "an attempt or" before "a conspiracy" each place it appears in clauses (ii) and (iii).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to convictions occurring before, on, or after the date of the enactment of this Act.

SEC. 106. LABOR MARKET INFORMATION PILOT PROGRAM FOR EMPLOYMENT-BASED IMMIGRANTS.

(a) PROGRAM MADE DISCRETIONARY.—Section 122(a)(1) of the Immigration Act of 1990 is amended by striking from the first sentence "shall" and inserting "may".

(b) CONFORMING AMENDMENT.—Section 122(a)(4) of such Act is amended by striking "By" and inserting "In the event a pilot program is established pursuant to this subsection, by".

SEC. 107. UNITED STATES CITIZENS ENTERING AND DEPARTING ON UNITED STATES PASSPORTS.

(a) IN GENERAL.—Section 215(b) of the Immigration and Nationality Act (8 U.S.C. 1185(b)) is amended by inserting "United States" after "valid".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to departures and entries (and attempts thereof) occurring on or after the date of enactment of this Act.

SEC. 108. APPLICATIONS FOR VISAS.

(a) IN GENERAL.—The second sentence of section 222(a) of the Immigration and Nationality Act (8 U.S.C. 1202(a)) is amended—

(1) by striking "the immigrant" and inserting "the alien", and

(2) by striking "present address" and all that follows through "exempt from exclusion under the immigration laws;".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications made on or after the date of the enactment of this Act.

SEC. 109. LIMITATIONS ON PERFORMANCE OF LONGSHORE WORK BY ALIEN CREWMEMBERS—ALASKA EXCEPTION.

(a) ALASKA EXCEPTION.—Section 258 of the Immigration and Nationality Act (8 U.S.C. 1288) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) STATE OF ALASKA EXCEPTION.—(1) Subsection (a) shall not apply to a particular activity of longshore work at a particular location in the State of Alaska if an employer of alien crewmen has filed an attestation with the Secretary of Labor at least 30 days before the date of the first performance of the activity (or anytime up to 24 hours before the first performance of the activity, upon a showing that the employer could not have reasonably anticipated the need to file an attestation for that location at that time) setting forth facts and evidence to show that—

"(A) the employer will make a bona fide request for United States longshore workers who are qualified and available in sufficient numbers to perform the activity at the particular time and location from the parties to whom notice has been provided under clauses (ii) and (iii) of subparagraph (D), except that—

"(i) wherever two or more contract stevedoring companies have signed a joint collective bargaining agreement with a single labor organization described in subparagraph (D)(i), the employer may request longshore workers from only one of such contract stevedoring companies, and

"(ii) a request for longshore workers to an operator of a private dock may be made only for longshore work to be performed at that dock and only if the operator meets the requirements of section 32 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 932);

"(B) the employer will employ all those United States longshore workers made available in response to the request made pursuant to subparagraph (A) who are qualified and available in sufficient numbers and who are needed to perform the longshore activity at the particular time and location;

"(C) the use of alien crewmembers for such activity is not intended or designed to influence an election of a bargaining representative for workers in the State of Alaska; and

"(D) notice of the attestation has been provided by the employer to—

"(i) labor organizations which have been recognized as exclusive bargaining representatives of United States longshore workers within the meaning of the National Labor Relations Act and which make available or intend to make available workers to the particular location where the longshore work is to be performed,

"(ii) contract stevedoring companies which employ or intend to employ United States longshore workers at that location, and

"(iii) operators of private docks at which the employer will use longshore workers.

"(2)(A) An employer filing an attestation under paragraph (1) who seeks to use alien crewmen to perform longshore work shall be responsible while the attestation is valid to make bona fide requests for United States longshore workers under paragraph (1)(A) and to employ United States longshore workers, as provided in paragraph (1)(B), before using alien crewmen to perform the activity or activities specified in the attestation, except that an employer shall not be required to request longshore workers from a party if that party has notified the employer in writing that it does not intend to make available United States longshore workers to the location at which the longshore work is to be performed.

"(B) If a party that has provided such notice subsequently notifies the employer in writing that it is prepared to make available United States longshore workers who are qualified and available in sufficient numbers to perform the longshore activity to the location at which the longshore work is to be performed, then the employer's obligations to that party under subparagraphs (A) and (B) of paragraph (1) shall begin 60 days following the issuance of such notice.

"(3)(A) In no case shall an employer filing an attestation be required—

"(i) to hire less than a full work unit of United States longshore workers needed to perform the longshore activity;

"(ii) to provide overnight accommodations for the longshore workers while employed; or

"(iii) to provide transportation to the place of work, except where—

"(I) surface transportation is available;

"(II) such transportation may be safely accomplished;

"(III) travel time to the vessel does not exceed one-half hour each way; and

"(IV) travel distance to the vessel from the point of embarkation does not exceed 5 miles.

"(B) In the cases of Wide Bay, Alaska, and Klawock/Craig, Alaska, the travel times and travel distances specified in subclauses (III) and (IV) of subparagraph (A) shall be extended to 45 minutes and 7½ miles, respectively, unless the party responding to the request for longshore workers agrees to the lesser time and distance limitations specified in those subclauses.

"(4) Subject to subparagraphs (A) through (D) of subsection (c)(4), attestations filed under paragraph (1) of this subsection shall—

"(A) expire at the end of the 1-year period beginning on the date the employer anticipates the longshore work to begin, as specified in the attestation filed with the Secretary of Labor, and

"(B) apply to aliens arriving in the United States during such 1-year period if the owner, agent, consignee, master, or commanding officer states in each list under section 251 that it continues to comply with the conditions in the attestation.

"(5)(A) Except as otherwise provided by subparagraph (B), subsection (c)(3) and subparagraphs (A) through (E) of subsection (c)(4) shall apply to attestations filed under this subsection.

"(B) The use of alien crewmen to perform longshore work in Alaska consisting of the use of an automated self-unloading conveyor belt or vacuum-actuated system on a vessel shall be governed by the provisions of subsection (c).

"(6) For purposes of this subsection—

"(A) the term 'contract stevedoring companies' means those stevedoring companies licensed to do business in the State of Alaska that meet the requirements of section 32 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 932); and

"(B) the term 'employer' includes any agent or representative designated by the employer; and

"(C) the terms 'qualified' and 'available in sufficient numbers' shall be defined by reference to industry standards in the State of Alaska, including safety considerations.".

(b) CONFORMING AMENDMENTS.—

(1) Section 258(a) (8 U.S.C. 1288(a)) is amended by striking "subsection (c) or subsection (d)" and inserting "subsection (c), (d), or (e)".

(2) Section 258(c)(4)(A) (8 U.S.C. 1288(c)(4)(A)) is amended by inserting "or subsection (d)(1)" after "paragraph (1)" each of the two places it appears.

(3) Section 258(c) (8 U.S.C. 1288(c)) is amended by adding at the end the following new paragraph:

"(5) Except as provided in paragraph (5) of subsection (d), this subsection shall not apply to longshore work performed in the State of Alaska.".

(c) IMPLEMENTATION.—(1) The Secretary of Labor shall prescribe such regulations as may be necessary to carry out this section.

(2) Attestations filed pursuant to section 258(c) (8 U.S.C. 1288(c)) with the Secretary of Labor before the date of enactment of this Act shall remain valid until 60 days after the date of issuance of final regulations by the Secretary under this section.

SEC. 110. NATIONALS, BUT NOT CITIZENS, AT BIRTH BASED ON USE OF PHYSICAL PRESENCE INSTEAD OF RESIDENCE.

(a) IN GENERAL.—Section 308(2) of the Immigration and Nationality Act (8 U.S.C.

1408(2)) is amended by striking "have had a residence" and inserting "were physically present".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to persons born on or after the date of the enactment of this Act.

SEC. 111. CHILDREN BORN OUT OF WEDLOCK.

(a) IN GENERAL.—Section 309(c) of the Immigration and Nationality Act (8 U.S.C. 1409(c)) is amended—

(1) by inserting "(1)" immediately after "(c)"; and

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

"(2) For the purpose of satisfying the physical presence requirements of this subsection, the mother may include any period during which she is physically present abroad as the dependent unmarried daughter and a member of the household of a person—

"(A) honorably serving with the Armed Forces of the United States; or

"(B) employed by the United States Government or an international organization, as defined in section 1 of the International Organizations Immunities Act (59 Stat. 669; 22 U.S.C. 288).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(2) shall apply to mothers of persons born on or after the date of the enactment of this Act.

SEC. 112. CHILD BORN OUTSIDE OF THE UNITED STATES OF AN ALIEN PARENT; CONDITIONS FOR AUTOMATIC CITIZENSHIP.

(a) IN GENERAL.—Section 321(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1432(a)(3)) is amended by inserting "sole or joint" before "legal custody of the child".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to the awarding of custody before, on, or after the date of enactment of this Act.

SEC. 113. EXPEDITIOUS NATURALIZATION.

(a) IN GENERAL.—Section 322 of the Immigration and Nationality Act (8 U.S.C. 1433(a)) is amended to read as follows:

"CHILD BORN OUTSIDE THE UNITED STATES; APPLICATION FOR CERTIFICATE OF CITIZENSHIP

"SEC. 322. (a) A child who is born outside of the United States, one or both of whose parents is a citizen of the United States, either by birth or naturalization, shall be furnished by the Attorney General with a certificate of citizenship in accordance with section 341(a) if—

"(1) the child is physically present in the United States pursuant to lawful admission for permanent residence;

"(2) the child is under the age of eighteen years and in the joint or sole custody of the citizen parent; and

"(3) the citizen parent makes application to the Attorney General for the issuance of the certificate.

"(b) For purposes of this section, the terms 'child' and 'parent' include an adoptive child and an adoptive parent, respectively.".

(b) REPEAL.—Section 341(c) of such Act (8 U.S.C. 1452(c)) is repealed.

(c) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 321 the following new item:

"Sec. 322. Child born outside the United States; application for certificate of citizenship.".

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any application for a certificate of citizenship filed with the Attorney General on behalf of a child before, on, or after the date of enactment of this Act.

SEC. 114. INTENT TO RESIDE PERMANENTLY IN THE UNITED STATES AFTER NATURALIZATION.

(a) IN GENERAL.—Section 338 of the Immigration and Nationality Act (8 U.S.C. 1449) is amended by striking "intends to reside permanently in the United States, except in cases falling within the provisions of section 324(a) of this title,".

(b) CONFORMING REPEAL.—Section 340(d) of such Act (8 U.S.C. 1451(d)) is repealed.

(c) CONFORMING REDESIGNATION.—Section 340 of such Act (8 U.S.C. 1451) is amended—

(1) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (d), (e), (f), (g), and (h), respectively; and

(2) in subsection (d) (as redesignated), by striking "subsections (c) or (d)" and inserting "subsection (c)".

(d) CONFORMING AMENDMENT.—Section 405 of the Immigration Act of 1990 is amended by striking subsection (b).

(e) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to persons admitted to citizenship on or after the date of enactment of this Act.

SEC. 115. TERMINOLOGY RELATING TO EXPATRIATION.

(a) IN GENERAL.—Section 351 of the Immigration and Nationality Act (8 U.S.C. 1483) is amended—

(1) in the heading, by striking "EXPATRIATION" and inserting "LOSS OF NATIONALITY";

(2) in subsection (a)—

(A) by striking "expatriate himself, or be expatriated" and inserting "can lose United States nationality", and

(B) by striking "expatriation" and inserting "loss of nationality"; and

(3) in subsection (b), by striking "expatriated himself" and inserting "lost United States nationality".

(b) CLERICAL AMENDMENT.—The item in the table of contents of such Act relating to section 351 is amended to read as follows:

"Sec. 351. Restrictions on loss of nationality.".

SEC. 116. ADMINISTRATIVE AND JUDICIAL DETERMINATIONS RELATING TO LOSS OF CITIZENSHIP.

(a) FINAL ADMINISTRATIVE DETERMINATIONS.—Section 358 of the Immigration and Nationality Act (8 U.S.C. 1501) is amended by adding at the end the following new sentence: "Approval by the Secretary of State of a certificate under this section shall constitute a final administrative determination of loss of United States nationality under this Act, subject to such procedures for administrative appeal as the Secretary may prescribe by regulation, and also shall constitute a denial of a right or privilege of United States nationality for purposes of section 360.".

(b) JUDICIAL PROCEEDINGS.—Subsections (a) and (b) of section 360 of such Act (8 U.S.C. 1503) are each amended by inserting ", including approval of a certificate in accordance with section 358," after "official thereof,".

SEC. 117. CANCELLATION OF UNITED STATES PASSPORTS AND CONSULAR REPORTS OF BIRTH.

(a) IN GENERAL.—Title III of the Immigration and Nationality Act is amended by adding at the end the following new section:

"CANCELLATION OF UNITED STATES PASSPORTS AND CONSULAR REPORTS OF BIRTH

"SEC. 361. (a) The Secretary of State is authorized to cancel any United States passport or Consular Report of Birth, or certified copy thereof, if it appears that such document was illegally, fraudulently, or erroneously obtained from, or was created through illegality or fraud practiced upon, the Secretary. The person for or to whom such document has been issued or made shall be given at such person's last known address written notice of the intention to cancel such document, together with the reasons therefor, and shall be given at least 60 days in which to show, pursuant to such regulation as the Secretary may prescribe, why such document should not be canceled. The cancellation under this section of any document purporting to show the citizenship status of the person to whom it was issued shall affect only the document and not the citizenship status of the person in whose name the document was issued.

"(b) For purposes of this section, the term 'Consular Report of Birth' refers to the report, designated as a 'Report of Birth Abroad of a Citizen of the United States', issued by a consular officer to document a citizen born abroad.".

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 360 the following new item:

"Sec. 361. Cancellation of United States passports and Consular Reports of Birth.".

SEC. 118. FAMILY UNITY AND TEMPORARY PROTECTED STATUS.

(a) IN GENERAL.—Section 301(a) of the Immigration Act of 1990 is amended by inserting after "May 5, 1988" the following: "(in the case of a relationship to a legalized alien described in subsection (b)(2)(B) or (b)(2)(C)) or as of December 1, 1988 (in the case of a relationship to a legalized alien described in subsection (b)(2)(A))".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be deemed to have become effective as of October 1, 1991.

SEC. 119. ADJUSTMENT OF STATUS OF CERTAIN REPRESENTATIVES OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS.

Section 13(c) of the Act of September 11, 1957 (8 U.S.C. 1255b(c)) is amended—

(1) by striking the third sentence; and

(2) in the fourth sentence, by striking "If neither the Senate nor the House of Representatives passes such a resolution within the time above specified the" and inserting "The".

SEC. 120. PRIORITY DATES FOR ALIENS REGISTERED ON THE WESTERN HEMISPHERE WAITING LIST.

Section 9(b) of the Immigration and Nationality Act Amendments of 1976 (Public Law 94-571) is hereby repealed.

SEC. 121. OTHER MISCELLANEOUS AND TECHNICAL CORRECTIONS TO IMMIGRATION-RELATED PROVISIONS.

(a) Section 101(a)(27)(J)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)(i)) is amended by striking "and has" and inserting "or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State and who has".

(b)(1) The second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by inserting "(and each child of the alien)" after "the alien".

(2) The second sentence of section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)) is amended—

(A) by inserting "spouse" after "alien", and

(B) by inserting "of the alien (and the alien's children)" after "for classification".

(c) Section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)) is

amended by striking "TARGETTED", "TARGETTED", and "targetted" each place each appears and inserting "TARGETED", "TARGETED", and "targeted", respectively.

(d) Section 210(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1160(d)(3)) is amended by inserting "the" before "Service" the first place it appears.

(e) Section 212(d)(11) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(11)) is amended by striking "voluntary" and inserting "voluntarily".

(f) Section 217(e)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1187(e)(1)(A)) is amended by striking "(a)(1)(A)" and inserting "(a)(1)".

(g) Section 241(c) of the Immigration and Nationality Act (8 U.S.C. 1251(c)) is amended by striking "or (3)(A) of subsection 241(a)" and inserting "and (3)(A) of subsection (a)".

(h) Section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)) is amended by striking "Parole,," and inserting "Parole,".

(i) Section 242B(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1252b(c)(1)) is amended by striking the comma after "that".

(j) Section 244A(c)(2)(A)(iii)(III) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(2)(A)(iii)(III)) is amended—

(1) by striking "Paragraphs" and inserting "paragraphs", and

(2) by striking "or (3)(E)" and inserting "and (3)(E)".

(k) Section 245(h)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1255(h)(2)(B)) is amended by striking "or (3)(E)" and inserting "and (3)(E)".

(l)(1) Subparagraph (C) of section 245A(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(7)), as added by Public Law 102-140, is amended—

(A) by indenting it 2 additional ems to the right; and

(B) by striking "subsection (B)" and inserting "subparagraph (B)".

(2) Section 610(b) of Public Law 102-140 is amended by striking "404(b)(2)(ii)" and "404(b)(2)(iii)" and inserting "404(b)(1)(A)(ii)" and "404(b)(2)(A)(iii)", respectively.

(m) Effective as of the date of the enactment of this Act, section 246(a) of the Immigration and Nationality Act (8 U.S.C. 1256(a)) is amended by striking the first 3 sentences.

(n) Section 262(c) of the Immigration and Nationality Act (8 U.S.C. 1302(c)) is amended by striking "subsection (a) and (b)" and inserting "subsections (a) and (b)".

(o) Section 272(a) of the Immigration and Nationality Act (8 U.S.C. 1322(a)) is amended by striking the comma after "so afflicted".

(p) The first sentence of section 273(b) of the Immigration and Nationality Act (8 U.S.C. 1323(b)) is amended by striking "collector of customs" and inserting "Commissioner".

(q) Section 274B(g)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1324b(g)(2)(C)) is amended by striking "an administrative law judge" and inserting "the Special Counsel".

(r) Section 274C(b) of the Immigration and Nationality Act (8 U.S.C. 1324c(b)) is amended by striking "title V" and all that follows through "3481)"and inserting "chapter 224 of title 18, United States Code".

(s) Section 280(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1330(b)(1)(C)) is amended by striking "maintainance" and inserting "maintenance".

(t) Effective as if included in the enactment of Public Law 102-395, subsection (r) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as added by section 112 of such Public Law, is amended—

(1) in the subsection heading, by striking "Breached Bond/Detention Fund" and inserting "BREACHED BOND/DETENTION FUND";

(2) in paragraph (1), by striking "(hereafter referred to as the Fund)" and inserting "(in this subsection referred to as the 'Fund')";

(3) in paragraph (2), by striking "the Immigration and Nationality Act of 1952, as amended," and inserting "this Act";

(4) in paragraphs (4) and (6), by striking "the Breached Bond/Detention";

(5) in paragraph (4), by striking "of this Act" and inserting "of Public Law 102-395";

(6) in paragraph (5), by striking "account" and inserting "Fund"; and

(7) in paragraph (6), by striking "Breached Bond/Detention" each of the two places it appears.

(u) Section 310(b)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1421(b)(5)(A)) is amended by striking "District Court" and inserting "district court".

(v) Effective December 12, 1991, section 313(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1424(a)(2)) is amended by striking "and" before "(F)" and inserting "or".

(w) Section 333(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1444(b)(1)) is amended by striking "249(a)" and inserting "249".

(x) Section 412(e)(7)(D) of the Immigration and Nationality Act (8 U.S.C. 1522(e)(7)(D)) is amended by striking "paragraph (1) or (2) of".

(y) Section 302(c) of the Immigration Act of 1990 is amended by striking "effect" and inserting "affect".

(z) Effective as if included in the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991—

(1) section 303(a)(7)(B)(i) of such Act is amended by striking "paragraph (1)(A)" and inserting "paragraph (1)(A)(i)";

(2) section 304(b)(2) of such Act is amended by striking "paragraph (1)(B)" and inserting "subsection (c)(1)(B)";

(3) paragraph (1) of section 305(j) of such Act is repealed (and section 407(d)(16)(C) of the Immigration Act of 1990 shall read as if such paragraph had not been enacted);

(4) paragraph (2) of section 306(b) of such Act is amended to read as follows:

"(2) Section 538(a) of the Immigration Act of 1990 is amended by striking the comma after 'Service'.";

(5) section 307(a)(6) of such Act is amended by striking "immigrants" the first place it appears and inserting "immigrant aliens";

(6) section 309(a)(3) of such Act is amended by striking "paragraph (1) and (2)" and inserting "paragraphs (1)(A) and (1)(B)";

(7) section 309(b)(6)(F) of such Act is amended by striking "210(a)(1)(B)(1)(B)" and inserting "210(a)(B)(1)(B)";

(8) section 309(b)(8) of such Act is amended by striking "274A(g)" and inserting "274A(h)"; and

(9) section 310 of such Act is amended—

(A) by adding "and" at the end of paragraph (1);

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2) and by striking "309(c)" and inserting "309(b)".

(aa) Effective as if included in section 4 of Public Law 102-110, section 161(c)(3) of the Immigration Act of 1990 is amended—

(1) by striking "alien described in section 203(a)(3) or 203(a)(6) of such Act" and inserting "alien admitted for permanent residence as a preference immigrant under section 203(a)(3) or 203(a)(6) of such Act (as in effect before such date)"; and

(2) by striking "this section" and inserting "this title".

(bb) Section 599E(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended by striking "and subparagraphs" and inserting "or subparagraph".

(cc) Except as otherwise specifically provided in this section, the amendments made by this section shall be effective as if included in the enactment of the Immigration Act of 1990.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. SECRETARY OF STATE TO ISSUE UNITED STATES PASSPORTS TO UNITED STATES CITIZENS AND NATIONALS ONLY.

Section 2 of the Act of June 14, 1902 (32 Stat. 386; 22 U.S.C. 212) is amended by striking "for any other persons than those owing allegiance, whether citizens or not, to the United States" and inserting "for any person other than a citizen or national of the United States.".

SEC. 202. FRAUD AND MISUSE OF TRAVEL DOCUMENTS.

(a) IN GENERAL.—Title 18 of the United States Code is amended—

(1) in section 911—

(A) by striking "not more than $1,000" and inserting "under this title"; and

(B) by striking "three years" and inserting "six years";

(2) in section 1001—

(A) by striking "not more than $10,000" and inserting "under this title"; and

(B) by striking "five years" and inserting "ten years";

(3) in section 1541—

(A) by striking "not more than $500" and inserting "under this title"; and

(B) by striking "one year" and inserting "ten years";

(4) in section 1542—

(A) by striking "not more than $2,000" and inserting "under this title"; and

(B) by striking "five years" and inserting "ten years";

(5) in section 1543—

(A) by striking "not more than $2,000" and inserting "under this title"; and

(B) by striking "five years" and inserting "ten years";

(6) in section 1544—

(A) by striking "not more than $2,000" and inserting "under this title"; and

(B) by striking "five years" and inserting "ten years"; and

(7) in section 1545—

(A) by striking "not more than $2,000" and inserting "under this title"; and

(B) by striking "three years" and inserting "five years".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to offenses committed on or after the date of enactment of this Act.

SEC. 203. BORDER PATROL MUSEUM AND MEMORIAL LIBRARY FOUNDATION.

(a) AUTHORITY.—Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or any other provision of law, the Attorney General is authorized to transfer to the Border Patrol Museum and Memorial Library Foundation, incorporated in the State of Texas—

(1) such equipment, artifacts, and memorabilia held by the Immigration and Naturalization Service, and

(2) such real property of the United States, as the Attorney General may determine is necessary to further the purposes of the Museum and Foundation.

(b) TECHNICAL ASSISTANCE.—The Attorney General is authorized to provide technical assistance, through the detail of personnel of the Immigration and Naturalization Service, to the Border Patrol Museum and Memorial Library Foundation for the purpose of demonstrating the use of the items transferred under subsection (a).

SEC. 204. SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS EMPLOYED ABROAD.

(a) IN GENERAL.—An alien lawfully admitted to the United States for permanent residence shall be considered, for purposes of section 101(a)(27)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(A)), to be temporarily visiting abroad during any period before, on, or after the date of enactment of this Act in which the alien is employed by the American University of Beirut or by Beirut University College.

(b) REPEAL.—Private Law 98-53 (8 U.S.C. 1101 note) is hereby repealed.

FLUID MILK PROMOTION ACT AMENDMENTS OF 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1205, the Fluid Milk Promotion Act Amendments of 1993, introduced earlier today by Senator LEAHY, that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table and that any statements appear in the RECORD as if read.

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

The bill (S. 1205), which was deemed to have been read three times and passed, is as follows:

S. 1205

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 "Fluid Milk Promotion Amendments Act of 1993".

SEC. 2. DEFINITION OF FLUID MILK PROCESSOR.

(a) FLUID MILK PROCESSOR.—Paragraph (4) of section 1999C of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6402(4)) is amended to read as follows:

"(4) FLUID MILK PROCESSOR.—The term 'fluid milk processor' means any person who processes and markets commercially more than 500,000 pounds of fluid milk products in consumer-type packages per month.".

(b) CONFORMING AMENDMENT.—Section 1999J(e) of such Act (7 U.S.C. 6409(e)) is amended by inserting after "4504(g))" the following: ", and that are fluid milk processors,".

STAR PRINT OF S. 20

Mr. MITCHELL. Mr. President, I ask unanimous consent for a star print on the committee report to accompany S. 20, the Government Performance and Results Act of 1993, due to many typographical errors in the report including the title page carrying an incorrect name for the Governmental Affairs Committee and 1992 for the year instead of 1993. I now send the changes to the desk.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Is there further morning business?

STANDING RULES OF THE SENATE AMENDMENT

Mr. MITCHELL. Mr. President, I send a resolution to the desk and ask that it be immediately considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 130) to amend paragraphs 2 and 3 of rule XXV.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

The resolution (S. Res. 130) is as follows:

S. RES. 130

Resolved, That paragraph 2 of Rule XXV of the Standing Rules of the Senate is amended for the One Hundred and Third Congress as follows:

(1) Strike "20" after "Armed Services" and insert in lieu thereof "22".

(2) Strike "19" after "Foreign Relations" and insert in lieu thereof "20".

SEC. 2. Paragraph 3 of Rule XXV of the Standing Rules of the Senate is amended for the One Hundred and Third Congress as follows, in subparagraph (a) strike "21" after "Small Business" and insert in lieu thereof "22".

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

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

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I will yield to the distinguished Republican leader for a statement at this time regarding the resolution just adopted and then I will make a brief comment following his statement.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, the resolution just adopted, did that identify the committee changes or just give numbers?

The PRESIDING OFFICER. It changed the numbers.

REPUBLICAN MEMBERSHIP ON CERTAIN STANDING COMMITTEES

Mr. DOLE. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 131) to constitute the minority party's membership on certain of the standing committees for the 103d Congress or until their successors are chosen.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

The resolution (S. Res. 131) is as follows:

S. RES. 131

Resolved, That the following shall constitute the minority party's membership on the following standing committees for the 103d Congress, or until their successors are chosen:

Committee on Armed Services: Mr. Thurmond, Mr. Warner, Mr. Cohen, Mr. McCain, Mr. Lott, Mr. Coats, Mr. Smith, Mr. Kempthorne, Mr. Faircloth, and Mrs. Hutchison.

Committee on Commerce, Science, and Transportation: Mr. Danforth, Mr. Packwood, Mr. Pressler, Mr. Stevens, Mr. McCain, Mr. Burns, Mr. Gorton, Mr. Lott, and Mrs. Hutchison.

Committee on Foreign Relations: Mr. Helms, Mr. Lugar, Mrs. Kassebaum, Mr. Pressler, Mr. Murkowski, Mr. Brown, Mr. Jeffords, Mr. Coverdell and Mr. Gregg.

Committee on Small Business: Mr. Pressler, Mr. Wallop, Mr. Bond, Mr. Burns, Mr. Mack, Mr. Coverdell, Mr. Kempthorne, Mr. Bennett, Mr. Chafee, and Mrs. Hutchison.

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

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I thank the majority leader. We have worked out what I think, with maybe some minor exceptions, is a fair agreement on committee assignments. There is still some negotiation going on with reference to one possibility.

Mr. MITCHELL. Mr. President, I confirm the statement of the Republican leader that we have reached an agreement to deal with the question of committee assignments following the change in the composition of the Senate as a result of the recent special election in Texas, and we made every effort to accommodate the desires of the newly elected Senator. We think it is a fair agreement. There are some aspects of it which are still under consideration and the Republican leader and I have agreed to continue our discussions following our return from the Independence Day recess.

HATCH ACT REFORM

Mr. MITCHELL. Mr. President, it had been my intention and is my intention to attempt to have the Senate next take up for consideration Calendar No. 95, S. 185, the Hatch Act reform bill, and I understand that the Republican leader is not able to grant consent to proceed to that matter, that is, Calendar No. 95, S. 185, the Hatch Act reform bill, when the Senate reconvenes on July 13.

Mr. DOLE. Mr. President, the majority leader is correct, but let me indicate it is my hope—we tried to put together a meeting today. We need to meet about a dozen of my colleagues.

So we postponed the meeting until Tuesday, July 13. It is my hope that at that time we can reach some accommodation where it will not be necessary to

have a cloture vote on a motion to proceed. But if not, it is my understanding that the majority leader would proceed, on Tuesday, to have that cloture vote.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, the minority leader is correct. It is our hope that we can proceed to the bill on that day. Senator DOLE has advised me that he is not able to give us that consent today. Maybe he can do so on Tuesday. However, in order that we not then be faced with a 2-day delay when we return, in the event he cannot then agree to that consent, I will now file cloture motions on the motion to proceed so that, one way or the other, we will be able to either begin on that Tuesday or at least have a vote on the cloture motion on Tuesday. I hope that there will be the opportunity to proceed, but I recognize that because of the need for further consultation, no decision can be made now.

So my purpose in doing this is, in the event we get to that and we cannot get that request, we will at least have taken this step and not have to wait 2 additional days in that week. Therefore, Mr. President, I move to proceed to Calendar No. 95, S. 185, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to S. 185, Hatch Act reform legislation:

John Glenn, Wendell Ford, Barbara Boxer, Bob Kerrey, Joseph Lieberman, Tom Daschle, Chris Dodd, Paul Simon, Don Riegle, Frank R. Lautenberg, Byron L. Dorgan, John F. Kerry, Patrick Leahy, Ben Nighthorse Campbell, Daniel K. Akaka, Carol Moseley-Braun.

VOTE ON CLOTURE MOTION ON TUESDAY, JULY 13, 1993, AT 4 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the cloture vote on this motion occur on Tuesday, July 13, at 4 p.m., with the mandatory live quorum being waived.

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

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a second cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to S. 185, Hatch Act reform legislation:

John Glenn, Wendell Ford, Barbara Boxer, Bob Kerrey Joseph Lieberman, Tom Daschle, Chris Dodd, Paul Simon, Frank R. Lautenberg, Don Riegle, Byron L. Dorgan, John F. Kerry, Patrick Leahy, Ben Nighthorse Campbell, Daniel K. Akaka, Carol Moseley-Braun.

VOTE ON CLOTURE MOTION ON WEDNESDAY, JULY 14, 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote to accompany this cloture motion, if necessary, occur on Wednesday, July 14, at a time to be determined by the majority leader after consultation with the Republican leader, with the mandatory live quorum being waived.

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

VITIATION OF SENATE ACTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senate action on Executive Calendar No. 248 be vitiated.

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

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I understand that Senator SMITH wishes to address the Senate. I know of no other Senator who wishes to do so.

So I now ask unanimous consent that Senator SMITH be recognized to address the Senate, and that upon the completion of his remarks the Senate stand in recess as under House Concurrent Resolution 115.

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

Senator SMITH is recognized.

THE ROBERT GARWOOD SITUATION

Mr. SMITH. Mr. President, thank you.

I apologize for having to delay the proceedings of the Senate somewhat this evening. That was not my intention. In fact, I was supposed to be en route to New Hampshire about an hour ago.

But I must say that given the remarks just made on the Senate floor by Senator KERRY of Massachusetts regarding the Robert Garwood situation, I felt compelled to come down here on the floor and respond.

It is absolutely amazing to me that all of this flurry of verbal activity comes about as a result of the proposed visit to Vietnam by Robert Garwood who, as you know, Mr. President, was a POW, who came out of Vietnam in 1979, 6 years after the Vietnamese said they returned them all.

It does seem odd that not only after Garwood came out he was not merely questioned thoroughly on the knowledge of POW's, he was charged with desertion in collaboration with the enemy. There was very little attempt if any to get answers about what he might know about the prison system in Vietnam, or what he might know about American POW's, or missing people.

But it seems interesting, I have spent the last 9 years of my life trying to get this Government to show some interest in Robert Garwood, enough interest to be able to depose him thoroughly, to get whatever information he had to tell. As you know, we deposed thousands of other people, refugees, boat people, activists, and others who have had their stories to tell.

But it took a long time to get Mr. Garwood deposed, not because Mr. Garwood was refusing to come, but because there did not seem to be any interest in deposing Garwood, which always struck me as being odd. Now we get to a time where Mr. Garwood says, "I am willing to go to Vietnam, and confront the Vietnamese with what I saw." I feel he is also willing to do that, as you know, and is doing that, not at taxpayer expense, and so I felt that we had an obligation in search of the truth on this issue to try to make that happen.

I have put myself on the line, if you will, personally, have said many times that, in my personal opinion, Mr. Garwood is telling the truth. That does not mean he is telling the truth. That means that is my opinion.

But be that as it may, what my opinion is, or what Senator KERRY's opinion is of Robert Garwood is irrelevant. What is relevant is whether or not we are willing, as a country, to make some accommodation to have Mr. Garwood get the facts on the record as to what he said he saw.

We tried to do that, Mr. President, in the POW-MIA Select Committee. We made every attempt to do that. No one was interested in deposing Robert Garwood. I personally arranged for the deposition to be taken in my office. Some on the committee had already formed their opinions on Robert Garwood and were not interested in that. That is not an open-minded way to conduct an investigation. So Garwood did give a huge deposition which is some probably 500 pages thick, of testimony, under oath.

I just think it is somewhat odd, and to a large degree outrageous, that all of this flurry of verbal activity now is taking place because Mr. Garwood wants to go to Vietnam. What is wrong with that? Who does that hurt? He is not going at taxpayer expense. He is not inconveniencing anybody but me. I

am the one that is going. No other Senator is inconvenienced. Senator KERRY is certainly not inconvenienced.

So what is the problem? Why is it a problem for Mr. Garwood to go at nontaxpayer expense, to go over and show me and others where he says he saw people?

This Government has accused Robert Garwood of lying for the past 15 years. I can tell you as a fact that many of the things that this Government has accused Garwood of lying about, he has not lied about; he has told the truth, such as certain locations where he said he was, where he said he was doing something. We have substantiated that he was telling the truth in that, even though I have been told by Government officials that what he said was false. We have proven that it is accurate, absolutely accurate and truthful.

Regarding the live sightings of Americans, no, we have not proven that at this point. That is in testimony, and that is his explanation. That is what he says. Have we proven it? No. But I have an obligation, in trying to pursue the truth of this issue, to try to use every avenue available to me to get at the truth. One of those avenues is Robert Garwood.

It is in the best interest of the families, and the prisoners who are missing, the MIA's, the American people and, frankly, the country itself to seek the truth. What Garwood did or did not do during the war, or even after the war, is totally irrelevant to the purpose of this mission—totally irrelevant. He is a resource. He says he saw live Americans. Does it really matter what his background was? Yes, we can question his credibility if we want to; that is perfectly appropriate, and many have—way over the line in terms of his credibility. They have tried to punish him in many ways.

The point is: What did Garwood know? Is he telling the truth or not. The purpose of this mission—this is an invitation, I might add, and in direct contrast to what has been said on the floor of the Senate. Robert Garwood was personally invited to Vietnam. I was present in the discussion, and I will show that with the actual transcript of that discussion in a few moments, and on two other occasions in conversations that I had with the Vietnamese. Garwood was personally invited by Vietnamese officials to come to Vietnam. They would be more than happy to welcome him.

One of the comments that has been made here by the previous speaker, Senator KERRY, was that Garwood somehow came over here in 1979, after not having been a prisoner, but as a deserter, I think the term used was "collaborator"; deserter was not used—but that he was not held; he was staying there on his own vocation. And in 1979 he got out and then he made no claim whatsoever of American POW's.

That statement was made here on the floor of the Senate, that he did not say he saw POW's. Suddenly, he got access to all of the activists in America. Bill Hendon and all these other people were mentioned, and that suddenly he saw the light and started talking about live American POW's.

Well, Mr. President, I am a very modest man, to be honest with you, but I consider myself an expert on Robert Garwood, and I do not think there is anybody in the Senate that knows more about him than I, because I have studied him for the past nine years. I have read every page of his trial. I was the only person who asked for a copy of it. There were six or eight boxes full of it. I also read his deposition, cover to cover, that he gave before this committee. I think it behooves those who criticize to read the documents and determine what the truth is.

Let me go through a few documents. Mr. President, I can do this in any way that might be easier for the chair. I would like to enter some of these into the RECORD.

I ask unanimous consent to have printed at the end of my comments portions of the documents I will be reading from.

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

(See exhibit 1.)

Mr. SMITH. On March 7, 1979, there was a National Security Council memorandum from Michel Oksenberg to David Aaron. The subject was: League of Families Meeting with the President of the United States. I am not going to read it all.

The middle paragraph says:

> A live American defector has been sighted in Hanoi and has indicated that he wishes to return to the United States. The Vietnamese had previously given no indication that there were any live Americans in Vietnam—although they clearly knew about this case. The defector has also claimed that he knows of other Americans, apparently, who are alive in Vietnam. It is politically wise perhaps for the President to protect himself on this issue by reasserting his continued interest in a full accounting.

Mr. President, Robert Garwood was not out of Vietnam yet when this document was written. He was not even out of Vietnam yet, which means that somebody talked to him, and he indicated in the note that he was not the last American. So our own country, our own Government, on March 7, 1979, before Mr. Garwood came out, knew that Garwood himself, personally, was talking about live Americans. Statements made on the floor of the U.S. Senate saying that that was not the case is simply inaccurate, and here is the documentation to prove it.

On April 4, 1979, a few days after Garwood did come out of Vietnam, there was a hearing. There was an article entitled "Congressmen to Quiz Bob Garwood on MIA's." I will read a couple of phrases from that.

It really is a shame, frankly, that one has to come down on the floor and defend comments and react to comments that simply are not accurate to set the record straight. I regret having to do this, but it is important that it be done, especially on the eve of this trip, because I believe that in many ways people are somehow associating me as somebody who is placing Mr. Garwood on some pedestal. I am not placing Mr. Garwood on a pedestal. He is a source, and I intend to pursue that source until I am satisfied that I have the truth, whatever it is and wherever it leads.

In this article, a press clipping of April 4, 1979, titled "Congressmen to Quiz Bob Garwood on MIAs" it says:

> Garwood's civilian lawyer, Dermot G. Foley, said it was unlikely the Greensburg native would say anything of significance to the Congressmen because of the legal charges against him.

So his lawyer, on April 4, a few days after Garwood returned, where he was met, by the way, and placed under arrest and read his rights, while others who came home from Vietnam, by the way, were given psychiatric evaluations and medical exams, he was put under House arrest and read his rights.

He said, "I am not going to let Mr. Garwood talk about anything he saw in Vietnam. That is my legal advice to him."

The article says further:

> The Congressional delegation decided on the trip to Illinois after the commandant of the Marine Corps denied a request to have Garwood appear this week at a subcommittee hearing. The other member who went to question Garwood was a Republican from New York, Benjamin Gilman.

In the April 10, Daily News, front page, Greensburg, IN, it states:

> Garwood claims he was not the only American GI left behind after the prisoners of war were released in 1973.

So we have it in two newspaper articles and in a National Security Council document thus far, and we are only 10 days after Garwood's release. I do not think any activists had gotten a hold of Garwood at this point.

In the Raleigh News on the 16th of May of 1979, about a month since Garwood returned, there was an article entitled "Garwood, Marines Getting Back in Step."

In an excerpt from the article, Dermot Foley, Garwood's civilian attorney, said:

> At my request, Bobby has gone into a shell, and he will stay there, Foley said, but when this is over, our approach is geared in the direction of a complete, candid accounting to the whole damn country. He has a hellava lot to say that is extremely important.

On the 25th of May in the Raleigh News, there was an article entitled "Pfc. Garwood's Return Renews Families' Hopes," with reference to live sightings.

One paragraph says:

Although Garwood has hinted at the existence of other Americans still in Vietnam, Foley has directed him not to speak plainly on the question, according to representative Benjamin A. Gilman, a Republican of New York, who visited him in search of information on additional missing Americans.

Another paragraph states:

Gilman expects Garwood's testimony on any additional missing Americans will be taken after the charges against him are resolved.

So, again, a clear reference was made to the Gilman debriefing. There are clear references here in three newspaper sources, and there are many more; there are dozens more. I picked just three. In a NSC document, also, we have statements that Garwood saw live Americans. Let us get a little bit more specific.

He talked to Roger Shields in 1979. Here is a portion of that testimony form the committee deposition of Garwood:

Question: And would Mr. Shields have been one of the people?

Answer: Yes, I met Mr. Shields, I didn't know who he was. I met Mr. Shields within just a month, maybe a month—not even a month, probably about a month of my return to the United States.

This is a Defense Department official, Roger Shields, and he met with him a month after he returned from Vietnam in 1979.

Question: That was back in 1979?

Answer: That's correct. That would have been around April of 1979, yes.

Question: Who did you know Mr. Shields to be?

Answer: I thought he was a friend of Dermot Foley, my counsel at the time.

Question: Have you since learned who Mr. Shields was?

Answer: Yes, I have.

Question: Who did you learn him to be?

Answer: That Dr. Roger Shields, former head of NSC during the time of Operation Homecoming.

Question: Did you meet him in person, or did you meet him or was there a telephone conversation?

Answer: In person.

Question: Where did the meeting take place?

They go on to say it took place in New York.

Question: What took place at that meeting?

Answer: He was there, he introduced himself to me and told me he was an employee—he worked for the World Bank, and it didn't mean a whole bunch to me. And but anyway I started, we just—Dermot started talking and I was there for the purpose of giving Dermot information, a debriefing and Roger Shields was right there.

Dermot got called out of the office. We weren't in the office, we were in the library room of the law offices there, that is where we were doing the debriefing. Dermot had his tape recorder out and all of that, and we had just gotten started and Dermot got called out of the office and then Roger Shields told me that—he asked me, he says, do you have knowledge of other prisoners? I said yes.

He said, American? I said yes. He said, I didn't hear that, and you didn't say that. I said why. He said there was a very good chance that nothing is going to happen, and he said that will open a whole new can of worms. He said, you don't talk to anybody, he said, including Dermot, about any other Americans that you saw, and I thought it was kind of strange.

But again, I thought he was a lawyer or something, and I was told by my parents to cooperate fully, anything they told me to say, say it, and anything not to say, don't say it.

Dermot came back and Roger left the room.

These were National Security Council officials.

Now we have this document entitled "Hearings and Markup Subcommittee on Asian and Pacific Affair," House of Representatives, 1979.

This was on the subject of Robert Garwood. Two Members of the Congress spoke to Garwood.

This is Lester Wolff, Congressman Lester Wolff.

Two Members of Congress spoke to Garwood. I was one of them; Mr. Gilman was the other Member. I believe there are proceedings that are taking place. However, I must say at this point the information that Private Garwood gave to us was different, obviously, than the information you debriefers received. As Private Garwood indicated, he felt there were other members that were alive.

1979—Congressman Lester Wolff.

January 1981, JAG Navy, Judge Advocate, this case pending in the U.S. Court of Military Appeals. Case of Robert Garwood. The following clipping appeared in Morning Star Wilmington, NC, January 31, 1981:

Witness says Garwood told of POW's who stayed behind. Marine Private Garwood reported seeing a couple of hundred other Americans still in captivity in Vietnam and complained of being unable to make that information public, a Navy psychiatrist testified Thursday.

After listening to Ogborn's testimony, Presiding Judge Col. R.E. Switzer ruled that his statements about POW's remaining in Vietnam were irrelevant and should be stricken from the record and disregarded by jurors.

"Statements about American POW's were irrelevant and should be stricken from the record." What do you think this man, who has been accused of so many things, would think when he comes back when he says to everybody he is talking to, he has seen Americans. He says it to the press, he says it to his attorney, he says it to the National Security Council official, and now he says it here to a presiding judge in his testimony, and the judge says in his presence, "It is irrelevant." "It is not relevant." What does he think about his country?

Direct examination. This is a psychiatrist and this is the transcript of the court martial of Robert Garwood. Psychiatrist testimony by Ogburn, Benjamin Ogburn.

Q. Would you state for the court, please, your full name, rank, and duty station?

A. Benjamin Rivers Ogburn, Captain, U.S. Navy Reserve, stationed at Naval Aerospace Regional Medical Center, Pensacola, Florida.

Q. Thank you. Now, sir, what is your profession?

A. I'm a—my profession is physician and psychiatrist and a Naval officer.

Q. Let the record reflect that the witness accurately identified the accused. Sir, were you appointed by this court to evaluate the accused?

A. I was.

Q. At the time that Captain O'Connell advised you of the situation, did he also notify you of the purpose of the Board?

A. Yes.

Q. And what was that purpose?

A. The purpose was to do a psychiatric evaluation on Private First Class Garwood. There were several questions posed to the Board; one was to determine if he had a mental illness. We were to determine if he was responsible at the time of the alleged criminal acts. We were asked to determine if he was competent to stand trial at this time.

MJ: Doctor Ogburn, before the court members were asked to retire from the courtroom, you were asked whether or not the accused had indicated—or you discussed with him, rather, any debriefing; is that right?

A. He brought it up spontaneously as I recall, and was very upset and concerned about the fact that he had not been debriefed as had the other POW's.

In other words, they did not debrief him formally as they did other witnesses about what they saw in prison.

MJ: And did you explore that further with him? Did you make any inquiry as to why he would volunteer that or become upset over that particular factor?

A. As I recall, he discussed it from the standpoint that he felt like he did have . . . he knew that there were other people still in Vietnam and he thought that knowledge should be brought out. I think the other things he was indicating was that he felt that as soon as he got back, that he was treated differently than everyone else, and that he wondered why he had not been debriefed as the others had.

Here we even have it in the testimony of the court martial. The truth of the matter is at that time for some reason which is still unanswered, the American Government had no interest in what he knew or what he said he knew about American POW's.

Q. So you have no way of assessing whether he was telling you the truth or not if what I stated is actually true, isn't that correct?

A. All I know is he told me he did not have a debriefing, and that he was concerned about it because he had knowledge which he thought should be given out.

That is knowledge about lives of American POW's.

This question again to Dr. Ogburn in the same testimony:

Q. Now, in those conversations, is it not true that PFC Garwood's main concern was the fact that he indicated to you that he had information about other Americans in Vietnam?

A. The, as I recall, he stated that he was aware that there were other people over there, that he had not seen them personally or had seen them at a distance and certainly did not know exactly who they were but that there were others there.

So the point is that in this testimony again we have a situation running continuously from 1979 through 1981 before any activist ever talked to him about

Mr. Garwood's testimony about live Americans. Anybody who says otherwise is simply incorrect.

Our committee deposed Mr. Ogburn. This was something that was very, very difficult and very touchy. This is a psychiatrist. He does not have to get that information on the record unless Garwood agrees. And Garwood did agree. He said let the psychiatrist's testimony go out on the record. He was agreeable to that. He did not have to agree to that.

Our committee deposed Ogburn, and he confirmed it in absolute detail in 1992, and still had his notes from the meeting. There was no reference to that in the remarks of the Senator from Massachusetts in his own committee deposition of the psychiatrist.

The bottom line is the psychiatrist, Mr. Ogburn, confirmed under oath in deposition that Garwood had told him that. This is not the issue of whether or not Garwood is telling the truth. That is not the issue I am talking about right here at this moment. What I am talking about is what was formally put on the record before the Select Committee, of which I was the vice-chairman and Senator JOHN KERRY was the chairman. The issue was whether there was any confirmation that Mr. Garwood had said something about live American POW's. The answer is, yes, he did. He said it early. He said it often. And the psychiatrist, with the consent of Garwood, told us that in his deposition.

Now, let me reference this alleged invitation business, whether or not Garwood was invited to Vietnam.

A general, Deputy Director of the General Political Directorate, invited him at the end of this meeting. I do not recall the names of the other Vietnamese officials but at least in two cases he was invited directly by the comments to me. "Sure, Mr. Garwood is absolutely welcome here. You can bring him any time. He can come any time on his own. We are glad to have him back."

Colonel Y, after this question of whether or not Garwood said he saw Americans, Colonel Y told the Government official many times regarding this question. "I was not a high ranking officer in Vietnam at that time, but I suggest to you that the best idea is to bring Garwood to Vietnam."

So Colonel Y was one of Garwood's guards and he says bring Garwood, bring him, because we were discussing this business of the sightings that Garwood alleges to have in Vietnam.

Again whether we choose to believe Garwood or not, if we can prove otherwise is a matter for all of us to decide. That is our own decision. But when you start distorting facts and we start getting information that is incorrect out in the public domain, that is simply not fair.

We tried to do an extensive investigation. I had to fight, without mentioning names, for 3 hours in the deliberations in writing the summary for the report—all of us, and the Senator in the Chair knows how hard we worked to put that report together—I had to fight 3 hours to get Garwood mentioned in the summary because there were those on the committee who did not want Garwood mentioned.

I can understand the feelings and the debate that centers around Mr. Garwood, but history should not be rewritten because of someone's feelings or emotion. Garwood was a witness. He was a source. He was a source of information. Whether we choose to believe him, or whether or not he is even telling the truth is something else. He is a source. But we have only had this committee to take his deposition, which we did. And if his deposition reflects something, we ought to put that in the RECORD.

To get the name mentioned in the summary, let alone any detail of the summary, was a hard fight.

Mr. President, I know that my colleague from Nebraska is here and wishes to speak. I will yield the floor in just a moment to the Senator.

I just want to say, in conclusion, that I am very much looking forward to the trip that is before me. I want to point out again for the public record that no one in the Government, not the President, or me, or anyone else, no taxpayer dollars, no one is directly involved in that. He is not going at taxpayer expense. He has offered to help me when I get there to ferret out information, and I think it is the right thing to do.

I do not know what in the world anybody would be afraid of. If Garwood goes over there and he makes a fool out of himself or falls flat on his face, then those people who disagree with me can take the Senate floor when we come back and say, see, I told you, SMITH made a fool of himself. He went to Vietnam; Garwood did not turn up anything.

That is fine. I am prepared for that option as well. I think whether or not someone looks good or bad is not the issue here. The issue is whether or not we can determine the truth.

Garwood is a source. I intend to pursue that source and, frankly, the U.S. Government was negligent in not pursuing it for the past 15 years. They should have pursued it in 1979 diligently. They did not. I think there is other information, which I am not going to go into at the moment, which will shed more light on just what the Government did and did not do to Robert Garwood. And we have testimony on the record about that as well. That is another topic for another couple of hours of debate.

So I am looking forward to the trip. I will report back to the Senate and to the country on what we find. I would encourage people to keep an open mind on it, as I am.

If Mr. Garwood is not telling the truth and that could be proven, I will be the first one to say so. But if he is telling the truth, then I will also be out here to say that. So I hope we will get further progress on this issue as a result of Mr. Garwood.

I might also say, just a few years ago, one of the highest ranking officials in the Defense Intelligence Agency recommended hiring Robert Garwood as a consultant, understanding the debate over what his past was, but realizing he is a tremendous resource. He spent 6 years after the war in Vietnam. He traveled around. He knew where a lot of the camps were. He was in many of those camps during the war. He knows the country better than any American.

He is a valuable resource, and we chose to ignore that until it was almost too late. So we tried to make up for lost ground in the committee with the deposition that we took.

This is the final chapter in it. As a matter of fact, the recommendation of the committee was to pursue the Garwood issue, and that was recommended and signed off on by all Senators.

I thank the Chair and also apologize to my colleague for being a little longer than I wanted to be.

At this time, I yield the floor.

EXHIBIT 1

NATIONAL SECURITY COUNCIL,
March 7, 1979.

Memorandum for: David Aaron.
From: Michel Oksenberg.
Subject: League of Families Meeting with the President.

For well over a year, the National League of Families of American Prisoners and Missing in Southeast Asia have sought a meeting with the President. The NSC has consistently turned down these requests.

Two reasons now exist for altering our recommendation to the President and for responding favorably to the most recent League request:

—A live American defector has been sighted in Hanoi and has indicated that he wishes to return to the U.S. The Vietnamese had previously given no indication that there were any live Americans in Vietnam—although they clearly knew about this case. The defector has also claimed that he knows of other Americans, apparently, who are alive in Vietnam. It is politically wise perhaps for the President to protect himself on this issue by reasserting his continued interest in a full accounting.

—In the light of the most recent turn of events in Indochina, in my opinion, the time is particularly propitious for a carefully considered Presidential statement on our policy toward Vietnam—whether we wish to proceed toward normalization, to resume our talks with Hanoi, and if so under what circumstances.

Recommendation:

That you instruct Christine Dodson to submit the memorandum at Tab I to Fran Voorde.

☐ Approve
☐ Disapprove

CONGRESSMEN TO QUIZ BOB GARWOOD ON MIAS

(By Doug Kamholz)

WASHINGTON, DC.—Two members of Congress flew to Great Lakes Naval Training Center in Illinois, Tuesday, to ask Marine PFC Robert R. Garwood, recently returned from 14 years in Vietnam, if he knows of any other Americans in Southeast Asia.

The delegation is part of the House subcommittee on Asian and Pacific Affairs and is headed by sub-committee chairman Lester Wolff, D-NY. According to a Wolff aid, they are only seeking MIA information and not interested in Garwood's own activities. The ex-POW is accused of wartime desertion and is now a patient at Great Lakes Naval Hospital.

Garwood's civilian lawyer, Dermot G. Foley, said it was unlikely the Greensburg native would say anything of significance to the Congressmen because of the legal charges against him. Foley this week renewed his threat to sue the Marine Corps for the $146,000 paid to Garwood's military savings account. The Marine's have denied Garwood access to the money.

Foley said he was also planning to seek a court order which would allow his client to receive medical and psychiatric treatment without the doctors involved being subject to subpoena in a court martial. There is no doctor-patient privilege in military law.

The Congressional delegation decided on the trip to Illinois after the commandant of the Marine Corps denied a request to have Garwood appear this week at a sub-committee hearing. The other member who went to question Garwood was Benjamin Gilman, R-NY.

[From the Daily News, Apr. 10, 1979]

PFC. ROBERT GARWOOD

GREENSBURG, IND. (AP)—Marine Pfc. Robert Garwood, denying he ever abandoned the United States during the Vietnam War, says he will let the American people judge his actions during the nearly 14 years he was in Southeast Asia.

"I never deserted. I never broke any of the rules," Garwood said in an interview Monday. "Can anyone who's ever grown up in America believe I actually volunteered to stay in that God-forsaken country?

"This thing, I just leave up to the judgment of the American people. I don't worry about it. If anything happens, it can't be worse than what I've been through," Garwood said.

Marine authorities have accused the 33-year-old Garwood of desertion after his capture by the Vietcong in 1965.

He is scheduled to report to Camp Lejeune next month to await a decision on whether he will be tried for desertion.

Garwood was granted a 30-day convalescent leave on Saturday.

Maj. John Woggon of the Camp Lejeune Joint Public Affairs Office said authorities had not determined what kind of duties Garwood will be assigned when he arrives. He could report for duty any time between now and May 8, when the leave expires.

Lt. Col. Art Brill, a Marine spokesman in Washington, said Lt. Col. David Brahms, a staff officer at Marine headquarters, had filed a complaint accusing Garwood of desertion.

Garwood has denied the accusation and maintained he was held against his will by the North Vietnamese.

"These people had the power of life and death over me. If they sent me back in a box, they wouldn't lose anything," he said.

"I was a gung-ho Marine. You give me an order and I did it," Garwood, on a 30-day convalescent leave from the Great Lakes Naval training Center in Illinois, said. "I guess I believed too much in the U.S. government, that everything it did was right."

Shaking his head in disappointment, the lanky, chain-smoking Garwood recalled his thoughts when he stepped off the plane in Bangkok, Thailand, and was advised of the allegations against him.

After he was advised of his legal rights, Garwood received another shock.

"I asked about my family. They said my mother had passed away. That really tore me up. She died without ever knowing if I was alive or dead," he said. "I was her pride and joy, so to speak. She worshipped me."

A steady diet of rice—"same thing, every day, no change"—and a combination of mental and physical torture pared 40 pounds from his frame, Garwood said.

The Naval Intelligence Service is investigating Brahms' complaint and will report its findings to Brig. Gen. David B. Barker, commanding officer at Camp Lejeune.

Barker and his legal advisers will study the NIS report and decide whether to dismiss the charges, convene a pre-trial hearing similar to a grand-jury investigation in civilian courts or take some other action in between the two extremes:

Any decision for Garwood to stand trial before a board of court martial would be made following the pre-trial hearing.

Barker said the kind of duty Garwood will draw at Camp Lejeune will depend in large measure on a doctor's report on his physical condition.

[From the Raleigh News, May 16, 1979]

GARWOOD, MARINES GETTING BACK IN STEP

(By Ginny Carroll)

CAMP LEJEUNE.—Pfc. Robert R. Garwood returned to Marine Corps duty Tuesday to await the unraveling of charges that he had deserted to collaborate with his Vietnamese captors.

Gaunt and withdrawn after 14 years as a prisoner of war, Garwood checked in to Camp Lejeune at 8 a.m. after spending the night in Jacksonville, his military attorney, Capt. Dale W. Miller, said at a press briefing.

Garwood, 33, of Adams, Ind., was assigned to clerical work in the Headquarters and Service Batallion, Administrative Control Unit.

His job was described by his supervisor, Master Sgt. Joseph Harrington of Wilmington, Mass., as sorting personnel records or "licking stamps" for 241 Marine units in North Carolina and Virginia.

He will remain on the job until charges against him are resolved, a process that could take six to eight months, estimated Dermot Foley, a civilian lawyer hired by Garwood's family to defend him.

"I feel quite confortable about the outcome, and I think Bobby does too." Foley said in a telephone interview from his New York office. "We're not asking anybody for favors, but I think we will win."

Foley said he hoped the case would lead to a court-martial. "I would prefer a trial," he said. "There is something more final about an acquittal. I don't want the charges dropped with a stupid apology, that 'we know he did it, but we can't prove it.' "

Foley believes the charges will vanish because he said, the Marine Corps does not have a case against Garwood. "What the government has is a big vacuum," he said, based on erroneous reports.

For that reason, Foley said, he would not allow Garwood to talk to reporters because it might fill gaps in that vacuum.

"At my request, Bobby has gone into a shell, and he will stay there, Foley said. "But when this is over, our approach is geared in the direction of a complete, candid accounting to the whole damn country. He has a helluva lot to say that is extremely important."

Foley, 48, has represented numerous POWs and their families. His own brother, Brendan, is listed among Vietnam's Missing in Action.

Foley said his defense tactics would be straight forward. "Bobby is innocent. He did not violate any code of conduct."

Garwood arrived at the Jacksonville Airport minutes before midnight Monday, after passing a physical examination at Great Lakes Naval Regional Medical Center outside Chicago earlier in the day.

After initial paperwork Tuesday morning, Garwood settled into his three-man quarters in Building 53, a motel-like barracks near the center of Camp Lejeune.

Wherever Garwood walked Tuesday around the base, he was escorted by a sergeant from his unit. But Maj. John Woggon, Camp Lejeune public affairs officer, said the escort was not a guard.

"It's not because of who he is," Woggon said, adding that the escort was intended to aid Garwood in his orientation.

The base hierarchy does not fear for Garwood's safety, Woggon said. "There are a few of the young ones that have been saying some (bitter) things because they think that is the way they should feel," he said. No special protective measures have been taken, he said.

Pvt. Tim Johnson of Indianapolis, Ind., who lives in Garwood's barracks, said he felt no ill will, but was unsure of whether Garwood's presence would cause trouble on the base.

"I've heard a few guys in the chow line say he should be shot," Johnson said. The more general feeling, said Johnson and other Marines, is to let the military corps air the facts and render a judgment.

[From the Raleigh News, May 25, 1979]

PFC. GARWOOD'S RETURN RENEWS FAMILIES' HOPES

The unexpected return of Pfc. Robert R. Garwood of the Marines this spring after 16 years in Vietnam has touched off hopes among the families of some other men still unaccounted for in Southeast Asia that their husbands and sons may still be alive.

Garwood, who is at the Marine Corps base at Camp Lejeune, N.C., pending a resolution of charges of desertion and other misdeeds, has hinted broadly to congressional inquirers that there may, indeed, be other Americans left behind in Southeast Asia from the Vietnam War.

The Pentagon says, however, that beyond one known Army deserter who is believed to be still in the area and possibly two more unidentified American soldiers, there is "no creditable evidence" that any Americans are still being held against their will in the area.

The Pentagon still carries the names of 120 servicemen as "missing in action" in Southeast Asia and is still paying millions of dollars in tax-free salaries and benefits on behalf of these men to their families.

More than 2,000 others whose bodies have never been found have been declared "presumed dead" and their salaries have been cut off. Garwood's return, however, brought renewed pressure on several Congressmen to reopen the sensitive question of Americans missing in Southeast Asia.

Rep. Thomas M. Hagedorn, R-Minn., is working with a group of women in his district who, like many others, are afraid that some Americans may be forgotten.

"We're trying to get information on the status of each missing person," Hagedorn said, "but for some reason the State Department has trouble getting the information together."

Hagedorn complained that while the Pentagon said there were no more prisoners in Southeast Asia, the State Department had a computer list of somewhat fewer than 100 names of persons described as "detainees" in the area.

He conceded that security reasons involving United States spies in the area might account for the discrepancy.

Dermot Foley, a New York lawyer who is Garwood's civilian counsel, does not think so, however. Foley, who is also counsel to the National League of Families of American Prisoners and Missing in Southeast Asia, said he believed the federal government was trying to "sweep under the rug" the possibility that more Americans were still languishing in Vietnam. He has brought four lawsuits against the government, including one that is still pending, seeking to block the periodic status reviews of the missing in action that lead to the presumptive findings of death.

Foley, whose brother Brendan was listed as missing after his Air Force jet was shot down over North Vietnam in 1967, became Garwood's lawyer by seeking out the marine's father, Jack Garwood, who hired him.

"There are aspects of it that I can't discuss," Foley said this week, "but it's fair to say that Bobby has a belief that there are men still over there."

Although it has not been widely reported, the Pentagon has carried the name of McKinley Nolan, a former Army private, as a deserter who was known to be alive and in the company of the Communists as late as 1971 but about whom nothing more recent is known.

The Pentagon carries intelligence reports on two other men, one black, one white, who are believed to be American deserters in Vietnam.

TESTIMONY

First he asked, do you understand. Can you understand me? And I said, yes. And he says, I don't know how to really put this in words, but during your time in hostile hands your mother, your grandmother, your uncle Bud, and your niece have all passed away, and this album here is to show you how your family as you remember them and how they are today. I took the album and it shook me up right there.

Q. Did you take your lawyer's advice and not talk to anybody about what had happened?

A. Yes.

Q. In fact you didn't talk to anyone about the live Americans you had seen until some time in 1984, or 1985?

A. Correct.

Q. Who had you talked to?

A. I had talked to briefly, but not in detail, only because I was asked not to go in those parameters and in detail by a military psychiatrist, Dr. Ogburn, I believe his name was—San Antonio.

Q. But you had followed your lawyer's instructions not to talk to anybody else except the psychiatrist?

A. I wasn't even supposed to talk to him about that. My lawyer's advice really was to, basically what they wanted to center around the time era of 1967 to 1973 and not beyond that because it was a government psychiatrist and it would be made part of the record. They didn't want to open a new can of worms.

Q. Okay, I don't want you to go into a lot of detail about what your lawyers told you, but it serves the purpose to say that you were supposed to stop at '73 and you weren't supposed to go on and explain what happened after that?

A. That's correct. But I did. I did tell Dr. Ogburn.

Q. Yeah, so you told your psychiatrist?

A. Yes.

Q. And at a certain time you told Bill Paul from the Wall Street Journal?

A. Yes, well I told quite a few other people, nongovernment related. I had spoken occasionally to Donald Long about it, about some of the people. I had talked to Dermot Foley.

Q. He was your attorney?

A. Yes. I talked to him at length about it. Actually it was Dermot Foley—

Q. Again, I don't want to get into anything you talked to your lawyer about.

A. Well, I told him about the Americans and my sightings. This was just in the matter of a few days.

Q. After you arrived?

A. Yes, and when I told him about it. When I told Dermot about the other Americans and the camps that I knew about it was only a matter of a day or 2 days after that, that people who I guess were NIS brought in some maps—I was still at Great Lakes Naval Hospital—brought in some maps and wanted me to circle spots on the maps where I thought other Americans were being held.

Q. Did you try to do that?

A. Dermot Foley told me that not to give definite—do not say, I think they are here, et cetera, because he said that was important. He didn't want me to give definite answers to any questions.

Q. Was it explained to you that you could be charged with offenses for—if you identified certain things that you did and so you were acting on your attorney's advice. Is that what he told you?

A. I just, anything he told me to do I did. My family told me to follow any and all instructions.

Q. And that's what you did?

A. Yes.

Q. Now there came a time when you saw an individuals' picture in the paper.

Mr. Taylor. Before we get into that, let me clear up one thing for the record, and obviously we can do this in a

A. Yes.

Q. And would Mr. Shields have been one of those people?

A. Yes, I met Mr. Shields, I didn't know who he was, I met Mr. Shields within, just a month, maybe a month—not even a month, probably about a month of my return to the United States.

Q. That was back in 1979?

A. That's correct. That would have been around April, I believe it was April 1979, yes.

Q. Who did you know Mr. Shields to be?

A. I thought he was a friend of Dermot Foley, my counsel at the time.

Q. Have you since learned who Mr. Shields was?

A. Yes, I have.

Q. Who did you learn him to be?

A. That Dr. Roger Shields, former head of NSC during the time of Operation Homecoming.

Q. Did you meet him in person or did you meet him or was there a telephone conversation?

A. In person.

Q. Where did the meeting take place?

A. In the office of Dermot Foley in New York City.

Q. Who was present at that meeting?

A. Myself, Dermot Foley and Roger Shields.

Q. What took place?

A. He was there, he introduced himself to me, and told me that he was an employee—he worked for the World Bank and it didn't mean a whole bunch to me. And but anyway I started, we just—Dermot started talking and I was there for the purpose of giving Dermot information, a debriefing and Roger Shields was right there.

Dermot got called out of the office. We weren't in the office, we were in the library room of the law offices there, that is where we were doing the debriefing. Dermot had his taperecorder out and all of that, and we had just gotten start and Dermot got called out of the office and then Roger Shields told me that—he asked me, he says, do you have knowledge of other prisoners? I said yes.

He said, American? I said yes. He said, I didn't hear that and you didn't say that. I say why? He said, there was a very good chance that nothing is going to happen, and he said that will open a whole new can of worms. He said, you don't talk to anybody, he said, including Dermot about any other Americans that you saw and I thought it was kind of strange.

But again, I thought he was a lawyer or something, and I was told by my parents to cooperate fully, anything they told me to say, say it, and anything not to say, don't say it.

Dermot came back and Roger left the room, Mr. Shields left the room and I asked Dermot who he was.

THIS CASE PENDING IN UNITED STATES COURT OF MILITARY APPEALS

The court was called to order at 0903 22 January 1981.

MJ: Court will come to order, and the record will show that all parties who were present when the court recessed are again present including all members are present. Mrs. Zona HARGRAVES has been detailed as reporter for this session and she has previously been sworn. Trial counsel, you may call in your next witness.

TC WRIGHT; We would at this time call Captain Benjamin OGBURN to the stand.

(The witness entered the courtroom and was sworn.)

TC WRIGHT: Please be seated. And first of all, I'll ask that you speak up so that all the members and the court reporter can hear very clearly what you are saying. Lots of times we have some interference from outside, and also that if you want to take a break or need some water, just please stop me and we'll take a recess.

DIRECT EXAMINATION

Questions by Captain Wright.

Q. Would you state for the court, please, your full name, rank, and duty station?

A. Benjamin Rivers OGBURN, Captain, U.S. Navy Reserve, stationed at Naval Aerospace Regional Medical Center, Pensacola, Florida.

Q. And sir, would you spell your last name, please, for the court reporter?

A. OGBURN, O G B U R N.

Q. Thank you. Now, sir, what is your profession?

A. I'm a—my profession is physician and psychiatrist and a Naval officer.

Q. And where, sir, are you licensed to practice as physician?

A. Licensed in the State of Virginia and the State of Florida.

Q. When were you licensed in each state?

A. Licensed in Virginia 1957 and Florida in 1969.

Q. And in what area are you currently specializing?

A. Specialist in the field of psychiatry.

Q. How long have you been engaged in that specialty?

A. I finished my psychiatric training in 1967 and have essentially worked in that field since that time.

Q. Are you board certified in that specialty?

A. Yes, I am.

Q. And when did you receive that board certification?

A. 1970.

Q. What type of examination did you undergo for that board certification?

A. It was—there were two parts to the exam; the initial part was written, the second is an oral exam. You have to pass the first before you're allowed to take the second part.

Q. Do you know the accused in this case. Private First Class Robert R. GARWOOD?

A. Yes, I do.

Q. If he is present in the courtroom today, would you please point him out?

A. Yes: he's at the far end of the table.

Q. Let the record reflect that the witness accurately identified the accused. Sir, were you appointed by this court to evaluate the accused?

A. I was.

Q. And would you share with us how you came to examine him in that regard?

A. I was called by Captain O'CONNELL, saying he had been asked to convene a 121 Board and asked if I would be on it with him and I said yes, I would. The other member was Captain HARRIS. We discussed the case, or discussed the request, read all the material that was given to us, and then decided on a procedure by which we would evaluate him.

Q. Now, sir, the way in which you were approached by Captain O'CONNELL, is that standard operating procedure?

A. Yes, it is.

Q. How many 121 Boards have you participated in in the past, prior to this one?

A. I haven't kept count; it's been very limited in the Navy. I would say one or two.

Q. At the time that Captain O'CONNELL advised you of the situation, did he also notify you of the purpose of the Board?

A. Yes.

Q. And what was that purpose?

A. The purpose was to do a psychiatric evaluation on Private First Class GARWOOD. There were several questions posed to the Board; one was to determine if he had a mental illness. We were to determine if he was responsible at the time of the alleged criminal acts. We were asked to determine if he was competent to stand trial at this time.

Q. Now, sir, prior to approximately the commencement of one month ago, did you at any time during the course of your evaluation have any contact with Major HELLMER or myself? A. No, I didn't. I don't remember the exact time when I first had contact; I think it was sometime in the first or second week in December, as I recall.

Q. And have you in fact been present as a spectator in this court observing some of the psychiatric testimony?

A. Yes, I was. I heard most of the testimony of the psychiatrists, I think, Doctor TANAY, Doctor ROLLINS, Doctor CORCORAN, Doctor WHEATLEY. I didn't hear the last part of Doctor CORCORAN'S testimony.

Q. Alright, sir, after your appointment to the Board with the other two gentlemen, would you explain to us how the three of you elected to proceed in terms of evaluating the accused?

DC LOWE: Judge, just so you understand; Mr. TAYLOR was speaking about—I think you don't need to look any further. But if you want to see the debrief, we can show you what this debrief was, what the document was. There really wasn't a debrief in the sense of the normally used term, but in addition to that, I think you can see by now that even if there's any arguable probative value that the counsel could argue what the word "debrief" meant at that time and in that context which really gets us far afield, that certainly any probative value is far outweighed by prejudicial value because we're fighting over, first of all, what a debriefing is. And is order to go into that issue, Judge, in order to properly go into the issue as to whether he thought it was a debrief or not, you're going to have to get into the fact that he talked about other Americans in Vietnam, what he knew about them or whatever the information was in there, and that's going to get into an area that you've ruled is irrelevant and inadmissible. And it's going to be highly prejudicial, particularly since we have been precluded from putting evidence in on that issue. So that is any event, the bottom line is that whatever little probative value there might be, it is certainly far outweighed by prejudicial value. And we would ask that if you don't feel that way on its face, certainly look at the debrief first, or the document that is called a debrief, which really isn't.

MJ: I think, first, I'd like to ask a few questions of Doctor OGBURN. Would you ask Doctor OGBURN to come in?

(The witness entered the courtroom.)

MJ: Doctor OGBURN, before the court members were asked to retire from the courtroom, you were asked whether or not the accused had indicated—or you discussed with him, rather, any debriefing; is that right?

A. He brought it up spontaneously as I recall, and was very upset and concerned about the fact that he had not been debriefed as had the other POWs.

MJ: And did you explore that further with him? Did you make any inquiry as to why he would volunteer that or become upset over that particular factor?

A. As I recall, he discussed it from the standpoint that he felt like he did have . . . he knew that there were other people still in Vietnam and he thought that knowledge should be brought out. I think the other things he was indicating was that he felt that as soon as he got back, that he was treated differently than everyone else, and that he wondered why he had not been debriefed as the others had.

MJ: And then did you subsequently learn that there was a limited debrief?

A. I learned that there was a debrief; I really don't, I don't have any knowledge of debriefings and cannot really state how limited they were, or if it is.

MJ: Well, subsequently, have you been shown a debriefing of the . . .

A. Yes, sir.

MJ: And would it be fair to say that that debriefing, albeit limited, contained information that he expressed some concern to you about?

A. I can't say that, Your Honor. I have not read the debriefing; I was shown it and I have it but I have not read it.

MJ: So you don't know whether it contained information that he expressed concern to you about, that he got upset because he had information that no one asked him about?

A. I don't know from my own personal knowledge. I was told that it contained that information.

MJ: Would that have any psychiatric significance to you?

A. The significance of it is that, from my standpoint, would be to look at his truthfulness, so to speak, that he denied having had something done which he indeed did have done.

MJ: I'm going to allow. . . .

DC TAYLOR and DC LOWE: Can we ask some questions, Your Honor?

MJ: Sure; alright.

DC TAYLOR: Based on your questions, first?

QUESTIONS BY DEFENSE COUNSEL

DC LOWE: Doctor OGBURN, as I understand it, PFC GARWOOD's concern was that he had not been debriefed as the other POWs had been, is that correct?

A. Yes.

Q. If I told you that it is factually correct that he was not debriefed in the same manner that the other POWs had been, would that make a difference to you in your perception as to whether he was telling you the truth or not? If that was factually correct, that he had not been debriefed as the other POWs had been?

A. I'd have to know whether he knew exactly how the others had been debriefed.

Q. And you don't know that, do you?

A. I don't know that.

Q. So you have no way of assessing whether he was telling you the truth or not if what I stated is actually true, isn't that correct?

A. All I know is he told me he did not have a debriefing, and that he was concerned about it because he had knowledge which he thought should be given out.

Q. Who showed you the debrief?

A. Major HELLMER.

Q. Did they indicate to you that this was a typical debrief of those POWs that came back?

A. No. He told me that it covered certain issues, that it had not covered the entire experiences as had—as the other debriefs had.

Q. Well, then, you know from Major HELLMER himself that he was not debriefed in the same manner as the other POWs had been debriefed, isn't that true?

A. I know that, yes.

Q. Well, isn't what PFC GARWOOD told you factually correct, that he was not debriefed as the other POWs?

A. He said he had not be debriefed as had the other, in this—he said he had not been debriefed.

Q. As the other POWs. Now finished your sentence that you've said four times already, Doctor. You said that four times now; he said he was objecting because he was not debriefed as the other POWs had been; isn't that correct?

A. Well, it depends on how you, the context you put that in.

DC LOWE: Alright.

A. You can say, "as the others had been," which means that he had not been debriefed at all; or I think what you're saying is that he had not been debriefed as they had been, which means . . . .

DC LOWE: In the same manner.

A. The same manner, yes.

DC LOWE: And that's a possible interpretation, and you now recognize that.

A. That's a possible interpretation, yes.

DC LOWE: And that would affect your judgment of whether he was lying or whether you just misunderstood him, wouldn't it?

A. Certainly, it would.

DC LOWE: That's all.

QUESTIONS BY TRIAL COUNSEL

TC HELLMER: Doctor Ogburn, can you tell this court specifically the area PFC

GARWOOD talked about why he was upset that he wasn't debriefed, any one area?

A. About an area of being debriefed?

Q. Yes. Did he tell you why his concern, his most prevalent concern was about not having been debriefed? Why did he tell you that he was so concerned about that?

A. It was my feeling that he was expressing that because he thought he was being treated differently than anyone else.

Q. Did he ever give you the impression or indicate to you his concern that he—did he ever ask you—excuse me, I—let me rephrase that. Did he ever tell you whether or not . . . .

DC LOWE: Objection to the leading questions, Your Honor. This is their witness.

Q. . . . was . . . .

MJ: Overruled.

Q. Excuse me, Sir?

MJ: Overruled.

Q. Alright. Doctor OGBURN, you and I talked about this, and—isn't that right?

A. Yes.

Q. I've talked to you about the debrief.

A. Yes.

Q. Isn't that right; and I've also showed some concern when you told me that PFC GARWOOD had indicated that he had not been debriefed; isn't that correct?

A. Yes.

Q. Now, in those conversations, is it not true that Pfc. GARWOOD's main concern was the fact the he indicated to you that he had information about other Americans in Vietnam?

A. The, as I recall, he stated that he was aware that there were other people over there, that he had not seen them personally or had seen them at a distance and certainly did not know exactly who they were but that there were others there.

Q. But did he not express a concern to you that he had not been at least debriefed on those aspects?

A. I can't, I really can't say what the specific concern . . . I think the overwhelming concern was that the context in which he told me was that he had been treated differently from everyone else.

DC LOWE: We have nothing further, Your Honor. I think it's quite obvious, in light of this last colloquy between both counsel and the witness, that it's most likely, if not overwhelmingly likely that the concern was "I'm being treated differently, and not being debriefed as the other POWs had been." I understand that Doctor OGBURN, with the very limited knowledge Your Honor allowed the Board to have in order that they not be influenced unduly, would not be able to put that in the proper context. And the fact that this had been on advice of counsel, the fact that he had been asked less than the other POWs, would lead to such speculation that the probative value is clearly outweighed.

MJ: I think at this particular stage, an instruction to tell the members to disregard would not cover the subject so I will allow a last question, whether or not there was a debrief, what the psychiatric significance of it, but certainly not the contents of the debrief or anything like that, unless the door is opened and you want to explore it further on cross examination.

DC LOWE: Well, as I understand it now, Your Honor, the doctor has not acknowledged that recognizing that he may have misunderstood that, that he would not be able to give an opinion of psychiatric significance unless he gives the two possibilities, if it meant that he was lying, it would have psychiatric significance, but if . . .

MJ: Well, as I say. . . .

DC LOWE: . . . it is just a misunderstanding, it wouldn't have; and that's why it's so prejudicial, to let him offer that opinion. Unless he's going to now say, "Well, I can't gauge because it might have been a misunderstanding."

MJ: It can be covered in cross examination, but not the subject matter of the particular debriefing, but that it was a limited debriefing and qualified in that sense.

DC LOWE: Well, we object very strongly, Your Honor. We think it's very prejudicial.

MJ: Ask the court members to re-enter the courtroom.

Please be seated. The Article 39a session is adjourned; the court members have come back into the courtroom. All court members are present.

TC WRIGHT: Alright, sir, let's go on to something new.

POW/MIA'S: U.S. POLICIES AND PROCEDURES

(Hearings and Markup Before the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives, Ninety-Sixth Congress, First Session on H. Con. Res. 10, April 10, May 7, and June 5, 1979)

Mr. WOLFF. With unanimous consent you can do almost anything in Congress, Mr. Guyer.

Mr. GUYER. We do have conflicts in committees this morning. I know the rest would like to be here and I would like to have it show it is unanimous.

Mr. WOLFF. If there is no objection we will keep this matter open for the other members of the task force to participate.

On that basis the resolution will be passed onto the Asian and Pacific Affairs Subcommittee for consideration.

I should—just before we get to the statements of Miss Griffiths and Mr. Shields—indicate to the task force that Mr. Gilman and I met with Marine Robert Garwood this past week. The meeting was held in Great Lakes, at the Great Lakes Naval Hospital. We spent about 2½ hours with him. He provided the members with a dissertation on the question of missing in action generally.

We did specifically limit our questioning of Mr. Garwood to whatever information he had relative to the missing in action generally, rather than his particular case. This committee has no desire to influence any action that is pending against him one way or the other by interfering in the judicial process that is taking place.

Therefore we specifically limited our questioning to the overall situation of the missing in action.

We, on advice of Mr. Garwood's counsel, have not given details of the conversations that we held with Mr. Garwood. I see, however, Mr. Garwood has already gone to the press and given some information.

I do believe however that the Subcommittee on Asian and Pacific Affairs will be availed of the information that was secured by Mr. Gilman and myself at another meeting.

This is a sensitive matter and because of its sensitivity, because of the charges that have been made against Mr. Garwood, we have to treat this with great care so that there is no attempts made to influence the decision of the charges that have been made.

I can say that Mr. Garwood gave us some interesting information which we are going to pursue, and check on its validity, so that we can further inform the families of the MIA's as to its content.

With this in mind, although we have ERA and everything else that says everybody is equal in our society, this committee still believes in gallantry. Therefore, we would ask Miss Griffiths to proceed.

STATEMENT OF ANN MILLS GRIFFITHS, EXECUTIVE DIRECTOR, NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

Ms. GRIFFITHS. Thank you, Mr. Chairman, and distinguished members of the committee.

Thank you for the opportunity to provide testimony as a representative of the National League of Families of American Prisoners and Missing in Southeast Asia.

It is extremely important to have a congressional forum available to express our views.

Several major points will be mentioned in my remarks, all of which are intertwined to some degree. Distinctly separate areas upon which to concentrate do not occur. If there is overlap, it will be due to the fact that the rationale is applicable to other than a unique problem area.

REPORTS OF PRISONERS ALIVE

It has been reported by refugee sources and recently by Pfc. Robert Garwood that it is common knowledge in Vietnam that American prisoners are still being held for negotiating purposes.

Mr. WOLFF. May I interrupt you. Where did the information come from on Garwood?

Ms. GRIFFITHS. From Mr. Garwood to different people he has spoken with. Not firsthand eyewitness statement or any specifics or any locations, just it is commonly accepted. This is something not new to us. We have heard it from many, many Vietnamese refugees from North and South.

Mr. WOLFF. I understand Mr. Garwood has not spoken to anyone.

Ms. GRIFFITHS. He is speaking more, apparently. He has spoken to the press and he talked to a friend of mine in Indiana yesterday, while on convalescent leave.

Mr. WOLFF. Thank you.

VIETNAM'S ASSURANCES

Ms. GRIFFITHS. Other than to opinionize, can anyone in the U.S. Government provide assurance that Americans are not being held prisoner?

Thus far, the only statements to that effect have come from Socialist Republic of Vietnam officials who have a long history of dishonesty on this issue as well as their involvement in and invasion of Cambodia and other policy matters.

The State Department has strongly stated that there is no possibility of forward movement on the normalization question at this time. How long is that stance going to hold true? Is the only basis the Vietnamese invasion of Cambodia? Are there other reasons for the present position?

The accounting for missing U.S. personnel is a humanitarian problem. Humanitarian considerations are legislatively mandated in foreign policy decisions and should be appropriately interjected into the normalization question.

The League has been told that the accounting is not a precondition to normalizing relations with the SRV but is a hoped for byproduct of that process. In short, the administration has assured the League that the accounting is a matter of high priority, intrinsically involved with the normalization process.

In what way does our Government anticipate improved cooperation? Has there been any assurance from the SRV that cooperation will improve if normal relations occur? What specific consideration is being given as to how the accounting might be achieved?

PRESUMPTIONS AND SPECULATIONS

Presumptions and speculations have figured prominently in the POW/MIA situation. The U.S. Government presumes that there are no American still held captive.

PFC GARWOOD

I should like to start off. On page 5, General, you say:

"U.S. Marine Corps debriefers have informed DIA that Pfc. Robert Garwood, USMC, upon his recent return from Vietnam provided them no POW/MIA information of substance, but only rumor, hearsay or speculation."

Two Members of the Congress spoke to Garwood; I was one of them and Mr. Gilman was the other Member. I believe that there are proceedings that are taking place, however, I must say at this point the information that Private Garwood gave to us was different obviously than the information your debriefers received. As Private Garwood indicated, he felt there were other Americans that were alive.

Now, the one point on this is the fact that he said that he would not testify to any of this until his trial had been completed. He indicated at that time he felt there were other Americans in his position, let me put it that way, but I think he may well have been referring to Nolan or someone else. I would like to ask whether or not in open session you can give us any information on this as to the results of the information that you have taken from him?

General TIGHE. First, I would like to acknowledge, Mr. Chairman, the fact that we are talking about what he has provided the Marine Corps, and to the best of my knowledge they would stand on this if I asked them right down to the moment. I don't know what the Marine Corps has done as far as interrogating him today, for example. He may have given them some additional data, but when this information was passed to DIA, he had not given them any. That does not mean that he will not do so after his trial or at some future date but what he had spoken to them about, as I understand it, was judged to be rumor, hearsay, or speculation. He may be preserving other data for a later time.

OTHERS LIKE GARWOOD

The Garwood case in particular highlights, again, the question we have constantly before us of whether there are other Americans like Private First Class Garwood in Vietnam and, if so what we can do to effect their departure. This possibility was raised with the Vietnamese during the Woodcock commission visit to Hanoi. At that time, in response to numerous direct questions, the Vietnamese assured us that all Americans who had been taken prisoners and were alive had been returned to the United States under article 8(a) of the Paris Accord, and that all Americans who remained in Vietnam after April 30, 1975, and who registered themselves with Vietnamese authorities had been allowed to leave Vietnam. This response obviously leaves a loophole which can be made to fit a case like Garwood's. Obviously, we do not consider helpful the use of this sort of debating tactic rather than a frank full response.

DEBRIEFING GARWOOD

In conjunction with our efforts to obtain Private First Class Garwood's departure, we again asked the Vietnamese whether there were any other Americans living in that country, voluntarily or otherwise. As you know, they categorically denied the existence of any such Americans, dropping the reference to any qualifiers. Since we take nothing on faith in this area and have no means of directly determining whether this latest Vietnamese statement is accurate, the next step will have to be to evaluate whatever information Private First Class Garwood might have on possible Americans in Vietnam.

If, as in his own case, there is specific information provided which appears credible on MIA remains or living Americans, we will again be in a position to approach the Vietnamese with the expectation of getting a satisfactory response. However, before this can be done, we will have to await a thorough debriefing of Mr. Garwood which, we understand, will not occur until his situation with the Marine Corps has been clarified.

In concluding, Mr. Chairman, I would like to stress again that we believe the Vietnamese could be doing more to resolve the MIA issue, which has caused so much anguish for so many American families for too long. We have reiterated our position in this regard both directly to the Vietnamese and publicly to the American people and will continue to do so. At the same time, it is important to keep in mind that past experience has demonstrated, unfortunately that the problem of obtaining a full MIA accounting is never an easy one.

I would like to thank the subcommittee for the opportunity to discuss the important subject and will be very happy to respond to any questions you might have, Mr. Chairman, or to those of other members of the subcommittee.

Mr. WOLFF. We thank you very much, Mr. Oakley.

We will reserve questions until we have had the opportunity of hearing both statements. Therefore, General Pinckney, if you would please proceed.

STATEMENT OF BRIG. GEN. T.C. PINCKNEY, DIRECTOR, EAST ASIA AND PACIFIC REGION, DEPARTMENT OF DEFENSE

General PINCKNEY. Is this all right on the microphone?

Mr. WOLFF. As long as you project.

General PINCKNEY. I will use my best parade ground voice.

Mr. Chairman, I am grateful for the opportunity to represent the Department of Defense here today because we deeply appreciate your efforts on behalf of our servicemen missing in Southeast Asia.

The Department of Defense, more than any other part of the Government, is aware of the sacrifice made by these men and understands the sorrow, anguish, and frustration that the families of these missing men have endured. We share their sorrow and frustration because these are men with whom we have lived and fought side by side. Therefore, because the goal of this committee is to obtain the fullest possible accounting for our fallen friends and comrades. we are committed to assist you to the fullest and welcome this opportunity to exchange views.

You have requested our comments of various aspects of U.S. policy with regard to the MIA issue within the purview of OSD/ISA. Those points are the reinstitution of status reviews and the distribution of information to families and next of kin. I will also describe the current realinement of PW/MIA responsibilities within OSD/ISA and discuss our purposes and intentions as we proceed under that realinement.

REINSTITUTE STATUS

In August 1977, the Department of Defense announced plans to reinstitute individual status reviews for those American servicemen listed as prisoner of war or missing in action as a result of the conflict in southeast Asia. This is our obligation, but nevertheless, one undertaken reluctantly. That determination to reinstitute status reviews followed unprecedented efforts by the executive and legislative branches to account for missing U.S. servicemen. These efforts included a congressional committee investigation, a Presidential commission, and diplomatic approaches by the State Department.

The Secretaries of the armed services have endeavored to conduct casualty matters with full respect for the rights of the missing members, with compassion for the families and, in accordance with the Missing Persons Act, the decree issued by the District Court in New York in *McDonald* v. *McLucas*, and service regulations. Under these legal requirements, status reviews are conducted by the missing serviceman's respective service on a case-by-case basis, starting with those who have been missing the longest. There has not been any attempt to deviate from these established procedures.

While we have made every attempt not to delay these reviews due to a shortage of DOD manpower or resources, the reviews have been proceeding more slowly than originally anticipated because of the unanticipated volume of Freedom of Information requests.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I thank my friend and colleague for his courtesy.

I have been listening with great interest to the comments he has been making about a very, very important matter that he has taken a leadership position on. I thank him for his service and efforts in regard to our POW's and MIA's.

UNDERCHARGE EQUITY ACT OF 1993

Mr. EXON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 120, S. 412, the Undercharge Equity Act; that the committee amendments be agreed to; that the bill, as amended, be deemed read three times, passed, and the motion to reconsider laid upon the table; that statements by Senator EXON, Senator HOLLINGS, Senator PRESSLER, Senator GORTON, Senator DANFORTH, and Senator BURNS be printed in the RECORD at the appropriate place in the RECORD; and that a colloquy between myself and Senator HELMS in this regard be printed in the RECORD.

I simply advise the Senate that this measure has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Without objection, it is so ordered.

The committee amendments agreed to en bloc are as follows:

So the bill (S. 412), as amended, was deemed passed, 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.)

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 "Undercharge Equity Act of [1992"] *1993*".

SEC. 2. DETERMINATIONS OF REASONABLENESS OF CERTAIN RATES.

[(a) IN GENERAL.—SECTION] *Section* 10701 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (10) of this subsection, when a claim is made by a motor carrier of property (other than a household goods carrier) or by a nonhousehold goods freight forwarder, or by a party representing such carrier or freight forwarder, regarding the collection of rates or charges in addition to the rates or charges originally billed and collected by the carrier or freight forwarder, the person against whom the claim is made may elect to satisfy such claim under paragraph (4) or (5) of this subsection, upon showing that—

"(A) such carrier or forwarder is no longer transporting property or is transporting property for the purpose of avoiding the application of this subsection; and

"(B) as to the claim at issue, (i) the person was offered a transportation rate or charge by the carrier or forwarder other than the rate or charge legally on file with the Commission for that shipment, (ii) the person tendered freight to the carrier or forwarder in reasonable reliance upon the offered transportation rate or charge, (iii) the carrier or forwarder did not properly or timely file with the Commission a tariff providing for such transportation rate or charge or failed to execute a valid contract for transportation services, (iv) such transportation rate or charge was billed and collected by the carrier or forwarder, and (v) the carrier or forwarder demands additional payment of a higher rate or charge filed in a tariff.

Satisfaction of the claim under paragraph (4) or (5) of this subsection shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(2) If there is a dispute as to paragraph (1)(A) of this subsection, such dispute shall be resolved by the court in which the claim is brought. If there is a dispute as to paragraph (1)(B) (i) through (v) of this subsection, such dispute shall be resolved by the Commission. Pending the resolution of any such dispute, the person shall not have to pay any additional compensation to the carrier or forwarder.

"(3) In the event that a dispute arises as to the rate or charge that was legally applicable to the shipment, such dispute shall be resolved by the Commission within 1 year after the dispute arises.

"(4) A person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if the shipment weighed 10,000 pounds or less, by payment of 20 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge and the rate or charge originally billed and collected.

"(5) A person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if each shipment weighed more than 10,000 pounds, by payment of 10 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge and the rate or charge originally billed and collected.

"(6) Notwithstanding paragraphs (4) and (5) of this subsection, when a claim is made by a carrier or forwarder described in paragraph (1)(A) of this subsection, or by a party representing such carrier or forwarder, regarding the collection of rates or charges in addition to the rate or charge originally billed and collected by the carrier or forwarder, and the person against whom the claim is made is a small-business [concern,] *concern or charitable organization*, that person shall not be required to pay the claim and the claim shall be deemed satisfied. Satisfaction of the claim under this paragraph shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(7) When a person from whom the additional legally applicable rate or charge is sought does not elect to use the provisions of paragraph (4), (5), or (6) of this subsection, the person may pursue all rights and remedies existing under this title.

"(8)(A) When a person proceeds under paragraph (7) of this subsection to challenge the reasonableness of the legally applicable rate or charge being claimed by the carrier or forwarder in addition to the rate or charge originally billed and collected, the person shall not have to pay any additional compensation to the carrier or forwarder until the Commission has made a determination (which shall be made within 1 year after such challenge) as to the reasonableness of the challenged rate or charge as applied to the shipment of the person against whom the claim is made. Subject to subparagraph (B) of this paragraph, the Commission shall require the person to furnish a bond, issued by a surety company found acceptable by the Secretary of the Treasury, or to establish an interest bearing escrow account.

"(B) The surety bond or interest bearing escrow account required under subparagraph (A) of this paragraph shall be set or established in an amount equal to—

"(i) 20 percent of the amount claimed by the carrier or forwarder for the additional rate or charge, in the case of a shipment weighing 10,000 pounds or less; and

"(ii) 10 percent of such claimed amount, in the case of a shipment weighing more than 10,000 pounds.

"(9) Except as authorized in paragraphs (4), (5), and (6) of this subsection, nothing in this subsection shall relieve a motor carrier or freight forwarder of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762 of this title.

"(10) If a carrier or forwarder or party representing such carrier or forwarder makes a claim for additional rates or charges as described in paragraph (1) of this subsection, the person against whom the claim is made must notify such carrier, forwarder, or party as to the person's election to proceed under [paragraph (2) or (3)] *paragraph (4) or (5)* of this subsection. Such notification—

"(A) with respect to a claim made before the date of enactment of this subsection, shall be not later than the 30th day after such date of enactment; and

"(B) with respect to any claim not described in subparagraph (A) of this paragraph, shall be not later than the 60th day after the filing of an answer to a complaint in a civil action for the collection of such rates or charges, or not later than the 90th day after the date of enactment of this subsection, whichever is later.

["(11) In this subsection, 'small-business concern' means a person who would qualify as a small-business concern under the Small Business Act (15 U.S.C. 631 et seq.).".]

"(11) In this subsection—

"(A) 'charitable organization' means an organization which is exempt from taxation under section 503(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 503(c)(3)); and

"(B) 'small-business concern' means a person who would qualify as a small-business concern under the Small Business Act (15 U.S.C. 631 et. seq.).".

SEC. 3. STATUTE OF LIMITATIONS.

(a) MOTOR CARRIER CHARGES.—Section 11706(a) of title 49, United States Code, is amended by striking the period at the end and inserting in lieu thereof the following: "; except that a common carrier providing transportation *or* service subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title—

"(1) must begin, within 24 months after the claim accrues, a civil action to recover charges for such transportation or service if such transportation or service is provided by the carrier on or after the date of enactment of this exception and before the date that is 1 year after such date of enactment; and

"(2) must begin such a civil action within 18 months after the claim accrues if such transportation or service is provided by the carrier on or after the date that is 1 year after such date of enactment.".

(b) MOTOR CARRIER OVERCHARGES.—Section 11706(b) of title 49, United States Code, is amended by striking the period at the end of the first sentence and inserting in lieu thereof the following: "; except that a person must begin within 24 months after the claim accrues a civil action to recover overcharges from a carrier subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title for transportation or service taking place on or after the date of enactment of this exception and before the date that is 1 years after such date of enactment, and for transportation or service taking place on or after the date that is 1 year following such date of enactment, a person must begin such a civil action within 18 months after the claim accrues.".

(c) CONFORMING AMENDMENT.—Section 11706(d) of title 49, United States Code, is amended by striking "3-year period" each place it appears and inserting in lieu thereof "limitations period".

SEC. 4. TARIFF RECONCILIATION RULES FOR MOTOR COMMON CARRIERS OF PROPERTY.

(a) IN GENERAL.—Chapter 117 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 11712. Tariff reconciliation rules for motor common carriers of property

"(a) Subject to Interstate Commerce Commission review and approval, motor carriers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title and shippers may resolve, by mutual consent, overcharge and undercharge claims resulting from billing errors or incorrect tariff provisions arising from the inadvertent failure to properly and timely file and maintain agreed upon rates, rules, or classifications in compliance with sections 10761 and 10762 of this title. Resolution of such claims among the parties shall not subject any party to the penalties of section 11901, 11902, 11903, 11904, or 11914 of this title.

"(b) Nothing in this section shall relieve the motor carrier of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762, except as provided in subsection (a) of this section.

"(c) The Commission shall, within 90 days after the date of enactment of this section, institute a proceeding to establish rules pursuant to which the tariff requirements of section 10761 and 10762 of this title shall not apply under circumstances described in subsection (a) of this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 117 of title 49, United States

Code, is amended by adding at the end the following:

"11712. Tariff reconciliation rules for motor common carriers of property.".

SEC. 5. EFFECTIVE DATE; APPLICABILITY.

(a) GENERAL RULE.—Except as provided in subsection (b), the provisions of this Act (including the amendments made by this Act) shall take effect on the date of enactment of this Act.

(b) APPLICABILITY OF SECTION 2.—The amendments made by section 2 shall apply to any proceeding before the Interstate Commerce Commission, and to any court action, which is pending or commenced on or after the date of enactment of this Act and which pertains to a claim arising from transportation shipments tendered any time prior to the date that is 18 months after such date of enactment. Unless Congress determines a continuing need for section 2 and enacts additional legislation, section 2 shall not apply to any such proceeding which pertains to a claim arising from transportation shipments tendered on or after the date that is 18 months following such date of enactment.

(c) REPORT.—The Interstate Commerce Commission shall submit a report to Congress, within 1 year after the date of enactment of this Act, regarding whether there exists a justification for extending the applicability of section 2 beyond the limitation period specified in subsection (b).

Mr. EXON. Mr. President, I am pleased to support for Senate passage S. 412, the Undercharge Equity Act of 1993. I note that this measure now has 27 cosponsors, and that in the last Congress, the Senate unanimously approved nearly identical legislation. As reported recently by the Commerce Committee, S. 412 therefore should be noncontroversial.

As chairman of the Surface Transportation Subcommittee, I have worked to resolve the so-called undercharge crisis since the Supreme Court ruled in 1990 that trustees of bankrupt trucking companies could attempt to collect undercharges from customers who negotiated and paid their trucking bills in good faith. The undercharge crisis began when trustees for these bankrupt carriers sued shippers, claiming that freight rates agreed to years ago were invalid because the carrier never filed its rates in a tariff with the Interstate Commerce Commission [ICC] as required by the Interstate Commerce Act [ICA], and that the higher, undiscounted tariff rates then on file retroactively applied. Trustees for bankrupt carriers made this claim despite the fact that under the ICA, the duty to file rates has always been the responsibility of trucking companies and not their customers. Most shippers had no reasonable way to check whether a quoted rate was on file with the ICC or not.

Unfortunately, during the deregulation fever of the Reagan era, the ICC did a less than thorough job of enforcing the filed rate doctrine and essentially looked the other way as many trucking firms failed to file their rates. When a number of these firms went bankrupt, trustees sought to collect the difference between the rate charged and paid and the last rate on file with the ICC. It is as if you bought a discount airplane ticket from Washington to Omaha for $200 and several years later were sued by a bankruptcy trustee for an additional $200 because the airline failed to file the discount rate with the appropriate authorities.

In recent months, the undercharge crisis has expanded to near epidemic proportions as bankrupt trucking company trustees have pursued new legal theories of undercharge liability. Trustees have attempted, for example, to invalidate past contracts with shippers, alleging technical errors. Having unilaterally declared a past contract to be invalid, the trustee then seeks to collect the higher, filed common carrier tariff rate which allegedly now applies in the absence of a valid contract. Under another theory, a trustee finds a loophole in the discount tariff provisions which formerly applied, so that the higher, undiscounted tariff rate now becomes due. And, in perhaps the most pervasive undercharge collection effort of all, trucking company trustees have asserted that because certain shipper account codes appearing in the former carriers' filed tariffs are invalid, the higher, undiscounted common carrier rate applies retroactively. Taken together, these undercharge collection claims amount to billions of dollars.

In passing undercharge resolution legislation in the last Congress, the Senate has recognized the huge potential burden of this crisis for thousands of businesses, and for small businesses in particular. Some small concerns have already experienced difficulty securing credit because of pending undercharge litigation and others will be forced into liquidation unless this matter is resolved. Approving this bill will lift a huge cloud from American businesses and help boost our national economy.

The U.S. Supreme Court has clearly pointed to the Congress to resolve this problem. S. 412 offers a fair and equitable compromise and is the product of countless hours of hearings, negotiations, and discussions with all affected parties.

To summarize the bill, S. 412 establishes a procedure for resolving disputes, based on collection of undercharges from shippers or other persons by trustees for bankrupt trucking companies or nonhousehold goods freight forwarders. The legislation intends that shippers facing additional charges for past shipments, based on a carrier's tariff rate asserted to be in effect at the time of shipment, could satisfy these obligations pursuant to the bill, provided that the undercharge claim meets certain threshold criteria.

Under S. 412, a person or entity against whom a claim is made must show: First, that the carrier or forwarder making the claim is no longer transporting property; and second, regarding the disputed claim, that the rate or charge offered was different from the applicable tariff rate on file, that this rate was relied upon but was never properly or timely filed, that this rate was billed and collected by the carrier, and that additional payment of the higher rate or charge in the tariff is demanded.

If a dispute arises in applying these criteria, the court in which the claim is brought will determine whether the carrier is still transporting property for the purposes of this legislation. S. 412 provides that the ICC shall resolve disputes concerning the remaining criteria addressing whether the claim constitutes an eligible undercharge. Pending resolution of any such dispute, the person or entity shall not have to pay any additional compensation to the carrier or freight forwarder.

Assuming that the undercharge claim meets the above criteria for application of the resolution provisions, the legislation provides that, if the person or entity against whom the claim is made is a small business concern (as defined by the Small Business Administration [SBA] or a charitable organization (defined as a person or entity exempt from taxation pursuant to section 503(c)(3) of the Internal Revenue Code [IRC], that person or entity shall be exempt from all further undercharge liability.

For shippers which do not qualify as small businesses as defined by the SBA or charitable organizations under the IRC, the specific settlement procedure to be used pursuant to the legislation depends upon the type of shipment in question. If the shipment in question was a less-than-truckload [LTL] shipment of 10,000 pounds or less, the shipper may elect to settle the undercharge claim by payment of 20 percent of the difference between the rate originally billed and collected and the total amount of the applicable undercharge claim. If the shipment in question was a truckload [TL] shipment of more than 10,000 pounds, the shipper may elect to settle the undercharge claim by payment of 10 percent of the difference between the rate originally billed and collected and the total amount of the applicable undercharge claim.

If the shipper or other person does not elect to resolve a claim by use of the LTL or TL resolution procedures set forth in this legislation, that person or entity may pursue all rights and remedies available under existing law, including a request for a determination by the ICC as to whether the rates claimed are unreasonably high. S. 412 provides that the ICC shall make such a determination within 1 year after such a challenge is filed. In addition, the ICC shall require any shipper making such a challenge to furnish a bond

or establish an interest-bearing escrow account, in an amount not to exceed 20 percent of the undercharge amount sought if an LTL shipment is at issue, and 10 percent of the amount sought in the case of a TL shipment. This provision is imposed in lieu of requiring shippers to pay any amount claimed prior to the ICC's rate reasonableness determination.

Notwithstanding the special procedures created to resolve certain undercharge disputes, S. 412 explicitly affirms the filed rate doctrine by stating that no carrier is relieved of its duty to file and adhere to its rates, rules, and classifications as required under the ICA.

In order to ensure that the undercharge resolution process moves forward expeditiously, S. 412 would require a shipper, with respect to claims pending before the date of enactment of the legislation, to respond within 30 days as to whether to proceed under the undercharge resolution procedures in the bill, or to request a rate reasonableness determination by the ICC. Shippers facing undercharge claims made after the date of enactment of the legislation must decide how to proceed within 60 days of the carrier trustee's complaint, or 90 days after the date of enactment of the legislation, whichever is later.

S. 412 further would establish a 2-year statute of limitations for the filing of undercharge or overcharge claims. This period would be reduced to 18 months, 1 year after the date of enactment of the legislation. The legislation also would permit motor carriers, freight forwarders, and shippers to resolve overcharge or undercharge claims by mutual consent, if the parties agree that there had been a billing error or a ministerial error in establishing the tariff, or that it would be unreasonable to charge the filed rate retroactively.

Finally, the undercharge resolution procedures included in S. 412 would apply to all applicable undercharge claims pending or filed on or after the date of enactment of the legislation and to claims arising from transportation shipments tendered up to 18 months after the date of enactment of the bill. The undercharge resolution procedures that are set forth in the legislation would not apply to shipments tendered 18 months or more after the date of enactment, unless Congress determines that there is a continuing need for the provisions and enacts additional legislation. The reported bill also would require the ICC to submit a report to Congress 1 year after the date of enactment of the legislation on whether there exists a justification for continuing the undercharge resolution procedures set forth in this legislation.

Mr. President, the Undercharge Equity Act of 1993 is fair to the creditors of bankrupt trucking firms. This legislation will promote settlements and reduce the huge legal, collection, and accounting expenses which currently accompany every undercharge recovery.

At this point, I wish to mention the concerns of certain transportation intermediaries such as warehouses. Various undercharge measures currently being considered in the House of Representatives take a different approach to intermediaries and when this legislation moves to conference it may be necessary further to address this issue.

Let us put the undercharge dispute behind us. I ask my colleagues to join me in voting for S. 412, the Undercharge Equity Act of 1993. This bill is fair, equitable, and deserves the strong support of the U.S. Senate.

Mr. HOLLINGS. Mr. President, as chairman of the Committee on Commerce, Science, and Transportation, I am pleased that the Senate is considering S. 412, the Undercharge Equity Act of 1993. This legislation was introduced by my colleague, Senator EXON, chairman of the Surface Transportation Subcommittee, and now has more than 25 cosponsors, including Senators PRESSLER, DANFORTH, DORGAN, BURNS, GORTON, LOTT, PACKWOOD, KERRY, MCCAIN, and GREGG on the Commerce Committee. On May 25, 1993, the committee ordered S. 412 favorably reported to the Senate, without objection.

By now, all my colleagues should be familiar with the undercharge litigation crisis which has been gripping businesses across the Nation for several years. This issue is not a new one: S. 412 is similar to S. 1675, the Undercharge Equity Act of 1992, which the Senate passed unanimously in the last Congress, but which the House did not consider prior to adjournment. Over the past 3 years, since the Supreme Court's Maislin decision in 1990, the chairman of the Commerce Committee's Surface Transportation Subcommittee, Senator EXON, has worked tirelessly to forge a bipartisan consensus on this legislation, and I am pleased to support final Senate passage of the bill before the Senate today.

S. 412 is intended to alleviate the freight motor carrier undercharge litigation crisis by establishing a statutory procedure for resolving disputes resulting from efforts by trustees for bankrupt motor carriers or nonhousehold goods forwarders to collect additional amounts for past transportation provided, in certain instances where the agreed-upon rate or charge allegedly was not properly or timely filed in a tariff with the Interstate Commerce Commission [ICC], as required by the Interstate Commerce Act. As the Commerce Committee has recognized for some time, the undercharge crisis reflects a broad spectrum of efforts by trustees for bankrupt motor carriers to collect from shippers additional payments for shipments which moved and were paid for years ago. Trustees have argued, for example, that, because a former carrier never filed with the ICC the specific rates then negotiated with shippers, a higher tariff rate which was filed retroactively applies now to the shipments at issue. In other cases, trustees have asserted that shippers violated tariff discount provisions, making the discounted rate inapplicable, or have proclaimed that transportation contracts signed by both parties were invalid and that the higher tariff rate on file at the ICC now applies. Trustees also have asserted that certain numerical account codes contained in the former carrier's tariff were unlawful, so that the higher, undiscounted rate retroactively applies to freight traffic which may have moved years before.

I recognize the compelling nature of the unsecured claims of former drivers of bankrupt trucking companies seeking unpaid wages, the pension funds left with unfunded liabilities, and the demands of other creditors. At the same time, the continually escalating undercharge litigation and collection spiral serves no useful purpose, and makes clear the long overdue need for a legislative solution to this problem. The Senate recognized this mandate for action in passing equitable undercharge resolution legislation in the last Congress, and now has the opportunity in the 103d Congress to address once again this significant issue through legislation that is intended to balance many competing interests.

As reported by the Commerce Committee, S. 412 would establish a statutory procedure for resolving eligible undercharge disputes intended to promote the equitable settlement of such claims. The legislation would treat separately small shippers, defined as entities meeting Small Business Administration [SBA] guidelines, and under an amendment adopted by the Committee, charitable organizations, defined as organizations exempt from taxation under section 503(c)(3) of the Internal Revenue Code of 1986 [IRC], by absolving them of all undercharge liability for claims meeting the threshold standard established. For shippers not meeting the applicable SBA or IRC criteria, the legislation would permit these larger business entities to satisfy applicable undercharge claims pursuant to a statutory formula, depending upon whether the shipment at issue was a less-than-truckload [LTL] shipment of 10,000 pounds or less, or a truckload [TL] shipment of more than 10,000 pounds.

S. 412 would preserve existing statutory rights and remedies of shippers, which may decline to settle claims pursuant to the formula in the legislation and, instead, challenge the reasonableness of the legally applicable rate or charge being claimed. If a shipper challenges the reasonableness of a rate, the

bill as reported would provide that the shipper must post a surety bond or establish an interest-bearing escrow account in the amount of the otherwise applicable statutory settlement amount. S. 412 would establish a 2-year statute of limitations, reduced to 18 months within 1 year after the date of enactment of the legislation, on the filing of undercharge claims—and would provide for the future sunset of the undercharge resolution procedure.

The undercharge situation requires the immediate attention of Congress. In 1992, in the 102d Congress, the Commerce Committee reported and the Senate passed equitable undercharge resolution legislation. That same measure, with the addition of an amendment meeting the needs of charitable organizations, is before the Senate today as S. 412, and I urge my colleagues to join me in voting for passage of this important and necessary legislation.

Mr. PRESSLER. Mr. President, today I wish to speak for freight shippers in my home State of South Dakota and across the country. Recently, an article appeared in the Sioux Falls, SD, Argus Leader regarding a local furniture business plagued by the negotiated rate problem. According to this article, "Spencer Furniture in Sioux Falls thought the shipping costs were taken care of when [the business] paid a $35 bill when the merchandise was delivered. Now it has 14 different freight bills that total $28,000 in charges that it is being asked to pay because the trucking company that delivered the furniture went bankrupt." This story is just one of many.

Small shippers across the country are being additionally charged for bills previously paid according to rates agreed to months before. The undercharge fraud crisis is destroying many small businesses, and costing our economy upward of $32 billion. I am here to express my strong support for relief for shippers from fraudulent negotiated rate claims. Small businesses should not be burdened unfairly by undercharges any longer.

In the early 1980's, common freight carriers began offering legally discounted freight rates to shippers. To avoid revealing these rates to their business rivals, many truckers did not list the discounts with the Interstate Commerce Commission. When several big trucking companies went bankrupt, their trustees tried to collect from shippers the monetary difference between the legally discounted rate and the official tariff as filed with the ICC. These monetary differences have become known as an "undercharge."

When the first undercharges were billed, the ICC granted relief to shippers, ruling in effect that it was unreasonable for carriers to negotiate a rate not filed with the ICC and then collect the difference between it and old tariffs. However, in Maislin Industries versus Primary Steel the U.S. Supreme Court upheld the right of a bankrupt trucker to collect undercharges even though the shipper and carrier had negotiated a lower rate.

In an 8 to 1 decision issued March 8, 1993, the U.S. Supreme Court in Maislin ruled that shippers do not have to pay undercharges to bankrupt motor carriers while the ICC is weighing the claims' validity. The Court held that undercharge claims must be referred to the ICC for reasonableness determination after they were filed against shippers, but left it to the courts to rule ultimately on the validity of the claims. The Supreme Court's decision clarifies some important points and likely will help shippers. However, the decision's complicated wording also ensures that costly, drawn out litigation will continue. Congress should step in to set a clear standard. We can do just that and bring financial relief to unfairly burdened shippers by passing the current undercharge reform bill.

During the last session of the 102d Congress, the Senate Commerce Committee unanimously reported S. 1675, the Undercharge Equity Act of 1992, which created a procedure for resolving claims against shippers brought by trustees of bankrupt trucking companies attempting to collect undercharges. The Undercharge Equity Act passed the Senate last Congress, but it failed to leave the House of Representatives.

I am pleased the Senate today is reaffirming its support for shippers by passing S. 412, which is almost the same as the bill we passed in the 102d Congress. While S. 412 does not eliminate the undercharge problem, it is a first step in the right direction. I urge my colleagues in both the House and Senate to support actions designed to alleviate the heavy financial burdens being placed on freight shippers across America. Mr. President, I ask unanimous consent that the article I referred to from the Sioux Falls, SD, Argus Leader be printed in the RECORD.

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

FURNITURE STORES FIGHT CHARGES

(By Brenda Wade Schmidt)

For Karen Spencer, a $2,090 shipping bill on a $199 foot stool defies logic.

The co-owner of Spencer Furniture in Sioux Falls thought the shipping costs were taken care of when she paid a $35 bill when the merchandise was delivered. Now she has 14 different freight bills that total $28,000 in charges that she is being asked to pay because the trucking company that delivered the furniture went bankrupt.

"They are charging us for the whole semi truck. They are sending these out to everybody who had anything on this truck," she said Wednesday.

Several Sioux Falls and area furniture companies are banding together to fight the bills sent to them under a federal law that permits the courts to collect from businesses that were charged too little by trucking companies that go bankrupt. The group includes 12 stores in the Midwest.

The bills are bogus, businesses said, and they don't intend to pay them. It is standard in the industry to be charged for the weight of freight that is delivered, the store owners said. Now they are being asked to pay mileage.

But a Bloomington, Minn., audit company said the businesses must pay, negotiate a lower charge or face a lawsuit.

Trans-Allied Audit Co., which has billed Spencer Furniture for $28,000 and other stores in the area for additional shipping charges, says the law says people who receive shipments of merchandise are responsible for knowing what the correct tariffs are.

"It's not logical, nor is it fair. Unfortunately, it is the law. We're willing to go to the court and ask for a reduction," said Rod Johnson, co-owner of Trans-Allied, which was started about four years ago to audit and collect money for bankrupt trucking companies. "I understand their complaint," he said of the retailers. "That very complaint has made it to the Supreme Court."

But the Maislan Industries vs. Primary Steel case confirms that collecting on underpayments is allowable, he said. The audit company is allowed to collect additional shipping charges from as much as three years earlier.

"I'm afraid these people are stuck. I would suggest it would behoove them to give us a call and try to settle," Johnson said. "They will be better off trying to resolve them because we have to sue these if we can't collect them."

The national trade magazine, Furniture World, is advising stores not to pay because many of the bills are inaccurate and the retailers may not be liable. The tactics used to collect have brought in millions of dollars from companies, the magazine said.

Legislation to ban the charges against retailers such as furniture stores hasn't gotten far in Congress. Sen. Larry Pressler, R–S.D., is in favor of giving relief to retailers. Rep. Tim Johnson, D–S.D. said the burden to bill accurately should be on the trucking companies. "The more that we hear, the clearer the issue becomes for us out here," said Sarah Dahlin, legislative assistant for Johnson.

Local furniture store owners worry that if they settle a bill, they will only be billed for more.

"They're probably going by the law, I don't know. If that's the law, that's ridiculous," said Larry Endres, co-owner of Zimmels Furniture and L&L Discount Furniture in Watertown. "You can sit here in business for 26 years, and they can start sending you extra freight bills that can bankrupt you."

Darwin VerHoeven, manager of Inwood Furniture in Inwood, Iowa, said Luvern Austin offered them lower rates. In the future, he is going to be more careful in who he allows to ship furniture.

The audit company's method of billing by the mile would bring in hundreds of thousands of dollars in shipping fees on each truck load of merchandise, VerHoeven said. "If there was that much profit in hauling furniture or in hauling anything, everyone in the world would be driving trucks."

Mr. GORTON. Mr. President, I am pleased to lend my strong support to the passage of the Undercharge Equity Act which will resolve a crisis affecting thousands of businesses across America.

For many years, discounts offered by truckers were never filed with the

Interstate Commerce Commission. Trucking companies and shippers routinely negotiated deals for the carriage of goods. Deals were struck, goods were delivered, and bills were paid. It seemed simple—a transaction was contracted for and completed. But then, in 1990, the Supreme Court ruled that the precise letter of the law was not being followed. Tragically, this opened the floodgates to the estates of bankrupt trucking companies which have since been attempting to collect payments for the shipment of goods that happened years earlier on the grounds that the shipper was undercharged. This crisis is costing the economy an astounding amount—an estimated $32 billion. It is draining small businesses of their meager profits and putting others out of business altogether. People are losing their jobs; families are being thrown into disarray. It is imperative that Congress step in and right this wrong. I urge the Senate to adopt this measure and it is my sincere hope that the House will soon follow so that this much needed measure can finally be signed into law.

Mr. DANFORTH. Mr. President, last fall, "60 Minutes" ran a story entitled "You're Kidding." This story involved interviews with small businessmen hit with large freight bills related to shipments for which they had paid years ago. These shippers were asking how this could happen. The explanation is that the continued enforcement of outdated laws leads to bizarre results.

THE PROBLEM

The Motor Carrier Act of 1980 substantially deregulated the trucking industry by eliminating most price and entry requirements. One significant regulation retained was the requirement that trucking companies file with the Interstate Commerce Commission [ICC] all tariffs governing shipments. Since enactment of the 1980 Act, however, carriers frequently negotiate lower rates with shippers but do not file those rates with the ICC. In 1990, the Supreme Court, in Maislin Industries versus Primary Steel, held that shippers are required to pay the filed rate when the shipper and carrier have privately negotiated a lower rate, regardless of the equities involved. The trustees of bankrupt trucking companies that had negotiated such rates are now suing shippers for the difference. These suits are being brought years after payment for and delivery of the shipments.

Let me use a hypothetical to illustrate the absurdity of this situation. In my example, you bought a discounted airline ticket from Pam Am several years ago for $300. Subsequently, Pan Am liquidates. Pan Am's bankruptcy trustee notifies you that the nondiscounted price of the ticket you purchased was $600. The trustee says that Pan Am was supposed to file the discounted ticket price, $300, with a government agency, but he failed to do so. Thus, Pan Am's trustee says that you owe the difference between the agreed upon price and the nondiscounted fare. The bottom line is that those who are suffering are the ones who made a deal and fulfilled their obligations.

This problem spares no shipper no matter how noble its effort. In recent months, organizations such as the Red Cross, that use trucks to ship emergency relief supplies, have been hit with these unexpected bills.

The Maislin case has placed a heavy burden on many of our Nation's small businesses. In some instances, these suits are causing small businesses to enter bankruptcy. The ICC estimates that these claims may be worth $32 billion. The beneficiaries are not, however, the creditors or pension funds of the bankrupt carriers. According to the ICC, the attorneys and collection agents who have devised the rebilling suits collect between 55 to 80 percent of the proceeds.

THE LEGISLATION

This legislation establishes settlement formulas for a variety of situations. Different approaches are taken with respect to truckload and less than truckload shipments, since carriers usually give shippers larger discounts on truckload shipments.

Claims relating to truckload shipments may be settled by simply paying 10 percent of the claims undercharge. Claims relating to less than truckload shipments may be settled by paying 20 percent of the claimed undercharge. Furthermore, the legislation makes a distinction on the basis of the size of the shipper, totally exempting small shippers from undercharge claims. In addition, the bill was amended in Committee to provide a complete exemption to charitable organizations from these claims.

This legislation also preserves a shipper's right to pursue an ICC determination of the reasonableness of the rate charged, if a shipper elects not to use the settlement formulas. The bill requires shippers who elect to bypass the settlement procedures and opt for an ICC review to post a security bond, or place funds into an interest bearing escrow account, not to exceed 10 percent of the claimed undercharge for truckload shipments or 20 percent for less than truckload shipments.

THIS LEGISLATION IS A REASONABLE COMPROMISE

This legislation is the result of negotiations that have occurred over the last two Congresses. Twice, the Senate Commerce Committee has reported legislation to remedy this problem. On both occasions, the legislation was "stonewalled" after being reported. In the closing days of the 102d Congress, a breakthrough occurred. After extensive negotiations, an agreement was reached and the legislation passed the Senate on a voice vote. Unfortunately, the House adjourned before taking action. This year we are getting an earlier start. With Senator EXON's leadership, we have moved this bill rapidly through the Senate Commerce Committee. Quick Senate passage is important so that the House has ample time to act.

Mr. President, I urge my colleagues to move quickly to remedy a problem that is hurting thousands of small businesses around the country.

Mr. BURNS. Mr. President, I rise today to support the Undercharge Equity Act of 1992, S. 412.

Since 1991 I have been working with my colleague, Senator EXON, to remedy the problems that have plagued the shipping industry since the deregulation of the trucking industry in 1980. At that time the ICC did not enforce the requirement that a shipper must pay the tariff rate that had been filed with the ICC, even if the shipper and the trucking company negotiated an unfiled rate.

During the following years a number of trucking firms negotiated rates with shippers which were below the filed rates. Later on, various firms filed bankruptcy. The trustees of the bankrupted companies are now suing shippers for the difference in rates. Many of these suits are being brought up several years after the fact. Some estimates have reported outstanding undercharge claims may cost shippers as much as $32 billion.

Six U.S. Circuit Courts of Appeal agreed with the ICC's rejection of these undercharge claims, but the Eighth Circuit ruled in favor of the bankruptcy trustee in Maislin Industries versus Primary Steel. In June of 1990, the Supreme Court upheld the Eighth Circuit's position by a vote of 7 to 2. The Court invalidated the ICC's policy of relieving "a shipper of the obligation of paying the filed rate when the shipper and carrier have privately negotiated a lower rate."

In S. 412, we have worked out an agreeable solution. One that has the support of ICC, Coalition for an Undercharge Relief Bill [CURB], which includes the National Industrial Transportation League, the American Trucking Associations, The National Associations of Manufacturers, and various shipper groups around the country.

I yield the floor.

Mr. HELMS. Mr. President, will the Senator from Nebraska [Mr. EXON] yield for a question?

Before stating my question, I wish to remind my good friend that I supported a bill last year that was identical to S. 412 this year. This legislation will remedy a crisis that is affecting a number of large and small shippers in my State. I promise my good friend that I will do everything in my power to assist with passage of his bill.

However, I do have concern about the bill as it relates to a situation in which

a non-operating but non-bankrupt trucking company is seeking to collect what might best be described as inadvertent billings. By inadvertent, I mean billings resulting from clerical error, and similar situations that are known to occur in the freight business every year. Trucking companies routinely seek to recoup for these inadvertent errors all the time just as shippers routinely seek to recover inadvertent overcharges by the trucking companies.

Does S. 412 apply to claims based on such inadvertent billings, by non-operating but non-bankrupt carriers?

Mr. EXON. Section 2 of the bill requires that a shipper tender freight while reasonably relying upon an offered transportation rate that was given—either orally or in writing—prior to the transportation of the shipment in order to have access to the remedial provisions of that section. This requirement will protect a carrier's right to collect for inadvertent billing errors.

Moreover, the bill makes it clear that parties are free to settle claims involving inadvertent errors of the sort you describe.

Mr. HELMS. I thank the Senator for his clarification of this issue.

May I have the Senator's assurance that in conference if necessary he will make an effort to clarify this point in the bill itself in conference or in the conference report's language.

Mr. EXON. I assure my good friend that I will look further into this issue to see that his concerns in this regard are considered in conference.

Mr. HELMS. I will take that to the bank. I thank the Senator.

ECONOMIC GROWTH AND REGULATORY PAPERWORK REDUCTION ACT OF 1993

Mr. EXON. Mr. President, I have asked the sponsors of S. 265, the Economic Growth and Regulatory Paperwork Reduction Act of 1993, to add my name as a cosponsor. However, I want to take this opportunity to explain my reasons for cosponsoring this legislation and my reservations regarding some of its contents.

I have personally visited with many bankers in my State and their number one concern over the past many months has been the amount of regulations that they are forced to understand and whose dictates they must follow.

On the basis of those many conversations and on my own observations from an on-site visit at a Nebraska bank, I am convinced that many of the claims of my State's bankers are legitimate. The Federal Deposit Insurance Corporation Improvement Act of 1991, which I supported, as well as our expanding consumer protection laws have combined to heap an inordinate amount of paperwork and related expense upon our banking industry.

This burden surely has hampered our bankers' ability to meet the needs of the communities where they are located. Money and time that is being spent on regulatory compliance could be put to better use elsewhere. I am aware of the Clinton administration's efforts to ease the credit crunch through some regulatory changes but believe that more can be done in this area and that our economy would benefit as a result.

But, a more important reason, in my view, for forging ahead in this area is that our current regulatory structure over banks either inadvertently or deliberately will likely accelerate the current trend away from community banking and toward banking consolidation. I am concerned for the many small communities in my State should they lose their local banks which in my view are vital to their area.

Larger banks are inherently more capable of complying with the myriad of banking laws and regulations. Small operations with a handful of employees are placed at a competitive disadvantage and the result may well be an erosion of our smaller financial institutions.

As such, I am cosponsoring S. 265 to send a clear signal to the Senate Banking Committee and its members that I would like to see some legislation in this area move forward. There are other proposals on this issue and I believe hearings should be conducted. I am sure my local bankers would welcome an opportunity to participate by expressing their frustrations over our current situation.

S. 265 is far from a perfect bill and I could not vote for it in its current form. While I agree with the banking industry's concerns that our reporting requirements require that too much time be spent on compliance instead of the business of banking, I am concerned that we not take away the ability of our regulators to require adequate capital levels. In addition, I remain concerned about brokered deposits and insider lending. Just as FDICIA may have over-regulated the industry, I am concerned that S. 265 overreaches in the above and several other provisions. Yet, I remain convinced that we must lighten some of the reporting and regulations that we have placed on the banking industry.

Having seen many of the requirements and disclosures required by our numerous consumer protection laws, I am convinced that many of our regulations in this area are effective only so far as they require additional paperwork. Our laws here need to be examined and streamlined so that unnecessary and useless requirements can be rooted out. In addition, the benefit to consumers of some of the provisions are surely outweighed by the costs incurred by our banks in complying with them. Those costs are ultimately transferred right back to the very consumers we are hoping to assist.

Although it may be difficult to get advocates for both sides in the same room, it strikes me that there should be some common ground between our bankers and consumer interests. Disclosures that are not read or that are too complicated to be understood help neither bankers nor consumers. In addition, I urge the Clinton administration to carefully analyze these regulations to see if changes could be made to streamline our regulations.

As with some of the provisions concerning the safety and soundness of our banking industry, I find that many of the consumer provisions in S. 265 overreach in the opposite direction. A better solution to the problems in our money laundering laws can be found other than to require the money launderer to report his or her actions. Rather than eliminating liability for bankers for violating the Truth in Savings Act, let's simplify its requirements and take a look at placing the banking industry's competitors under the same requirements.

Although I have concerns about the above consumer provisions and others, I heartily agree with Section 401 of S. 265 which requires the Federal Reserve to conduct a study on how the credit granting process can be streamlined. In addition, S. 265 is correct in calling for a new look at placing more responsibility on consumers for properly using automatic teller machines and using credit cards.

Our community bankers are bound up in red tape which is hampering their ability to serve their customers and their community. We need to get away from emphasis on quantity and towards an emphasis on quality. Our regulators are now so overwhelmed with paperwork and routine that I am concerned that the emphasis on "safety and soundness" has been lost.

Changes need to be made and I am cosponsoring S. 265 in order to move this process forward. While safety and soundness must remain the most important goals of banking regulation, and must not be compromised, I am hopeful that Congress can deliberately and thoughtfully act to address this problem and in doing so take some of the chains off of our banks so that they and their communities can thrive.

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

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

The Senator from West Virginia is recognized.

A DAY ON WHICH TO REFLECT

Mr. BYRD. Mr. President, this Sunday is July 4—more approximately, the Fourth of July—a day on which many Americans will celebrate in a fashion unique to our country and unique to the Fourth of July itself.

Across our country, masses of people will assemble for expensive and grand fireworks displays.

Across our country, literally, truckloads of watermelons will be consumed with gusto unequalled at any of our other great feasts—sometimes without spoons or forks, with seeds being swallowed, saltshakers working overtime, and watermelon juices spilling down the chins and T-shirts of thousands of gleeful children.

Across our country, millions of people will take to the water—oceans, lakes, or swimming pools, it makes no difference.

Across our country, other millions of people will take to the highways, motoring to the Great Smokey Mountains, Yellowstone Park, Niagara, West Virginia hills, or wherever, as in the Middle Ages, countless Europeans marched off periodically on religious pilgrimages.

And across our country, more millions of Americans will observe special family ceremonies that have grown up over the generations and that are unique to the Smiths or the Joneses or the O'Tooles or the Dumbrowskis and to none other.

I hope, Mr. President, that in all of this going and coming, swimming and eating, and watching and celebrating—that in all of this hectic activity, people will stop to reflect on the real meaning and purpose of the Fourth of July.

The Fourth of July marks the most successful revolution in human history—successful not in terms of military victories alone, but successful more as the single most important moment in human political history—the moment in which hundreds of thousands of everyday men and women assert a God-given right to self-government.

Note, Mr. President, I did not say "freedom," "liberty," or even "independence."

Certainly, those abstractions—freedom, liberty, and independence—were all elements of America's revolution against the British Crown, and I thank God for the place that those abstractions have played in making America great, mighty, and precious in the eyes of her citizens.

But the Founding Fathers did not overthrow the British Crown as much as they replaced government by a privileged aristocracy thousands of miles away with a government native to American soil, chosen by American citizens, and responsible to the men and women who had elected that government.

In the break with the British Crown, the Founding Fathers asserted, as no people in history before them ever had in such numbers, that the citizens of Thirteen former British Colonies had achieved a significant degree of political maturity and that they were willing to wager their happiness, their livelihoods, their fortunes, their happiness, and their very lives on their ability to determine their own destinies, to bridle their own passions, to use their own wisdom, and to place curbs on their own behavior, as opposed to being governed like brutes and underlings from afar.

In effect, July 4, 1776, marks the date on which the American people declared their willingness to take responsibility for their own lives, and their willingness to pay the price that such self-responsibility demanded of them.

That, Mr. President, was the real shot heard round the world, and I rejoice that, give or take a stumble and a fall here or there since 1776, the experiment launched on July 4 that year has worked reasonably well thus far.

On this day, however, allow me to reflect a bit more deeply on the responsibilities that our Forefathers accepted for themselves and bequeathed to us.

As we use the word "freedom" in America, we usually mean an absence of government interference in most areas of our personal lives, and the ability to make a wide range of choices touching our destiny as individuals, families, groups, and communities, as long as those choices do not violate the freedoms of others or damage their legitimate interests.

Thus, I have freedom to say whatever I want to say, but I do not have the liberty to spread lies about my neighbors, for which I might be sued in court. I have the freedom to own firearms in my own home, but I do not have the liberty of shooting my neighbor, firing on passing automobiles, or killing my neighbor's dog for no good reason. I have freedom of religion and can worship in whichever way I want, but I do not have the liberty of practicing human sacrifice.

In our country, our freedoms allow us to follow whatever career we choose, live wherever we can afford to live, travel wherever we want to travel, make friends of whomever we want or make no friends at all, and elect those people who can best govern us according to our own vision and information and impression.

The reverse side of our freedoms in America are our responsibilities. In some countries, the people are subjects of their government. In America, we are citizens. That means that the government belongs to us, and that if our Nation, State, and county are to work, we must fulfill certain duties, such as paying our taxes, voting, making our views known to our elected public officials, and living by the laws that our representatives pass for our good and for the good of our communities. Good American citizenship also requires that we work diligently, live honestly, and cooperate with others to make our neighborhoods, towns, and States healthier, safer, and more prosperous places in which to live.

I believe that our ideas of freedom and citizenship make America the best place in the world in which to live, at least I think so. A hardworking, disciplined, wise, and skilled or educated American can make his or her fondest dreams a reality, and more millions of men and women have turned their dreams into realities in our country over the past two centuries than in any other place in the world.

Thus, Mr. President, in the midst of the firecrackers, swim suits, T-shirts, watermelon, hot dogs, and the commotion of this upcoming, most American of holidays, I hope that some of our citizens will pause to reflect on the sober implications that our ancestors accepted on our behalf when they successfully alienated an American empire from King George the Third and forever changed the flow of history.

Mr. President, let us all thank God for this great country of ours, and for our Forefathers, and for the men and women who have sacrificed and worked throughout the years to preserve the land of the free and the home of the brave.

Long live the United States of America.

I yield the floor.

ORDERS FOR TUESDAY, JULY 13, 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Tuesday, July 13; 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 11 a.m., with Senators permitted to speak therein for up to 5 minutes each; with the first hour of morning business under the control of Senator BYRD; that the time from 11 a.m. to 12:30 p.m., and the time between 2:15 to 4 p.m., be for debate on the motion to proceed to S. 185, with the time equally divided and controlled between Senators GLENN and ROTH; that on Tuesday, July 13, the Senate stand in recess from 12:30 p.m. to 2:15 p.m., in order to accommodate the respective party conference luncheons.

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

RECESS UNTIL TUESDAY, JULY 13, 1993, AT 9:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate now

stands in recess pursuant to House Concurrent Resolution 115, until 9:30 a.m., Tuesday, July 13, 1993.

Thereupon, at 7:48 p.m., the Senate recessed until Tuesday, July 13, 1993, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 1, 1993:

DEPARTMENT OF JUSTICE

JANET ANN NAPOLITANO, OF ARIZONA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF ARIZONA FOR THE TERM OF 4 YEARS VICE LINDA A. AKERS, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

M. JOYCELYN ELDERS, OF ARKANSAS, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE, FOR A TERM OF 4 YEARS, VICE ANTONIA COELLO NOVELLO.

DEPARTMENT OF TRANSPORTATION

GORDON J. LINTON, OF PENNSYLVANIA, TO BE FEDERAL TRANSIT ADMINISTRATOR, VICE BRIAN W. CLYMER, RESIGNED.

DEPARTMENT OF DEFENSE

JOHN H. DALTON, OF TEXAS, TO BE SECRETARY OF THE NAVY, VICE SEAN CHARLES O'KEEFE, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 1, 1993:

DEPARTMENT OF DEFENSE

FRANK G. WISNER, OF THE DISTRICT OF COLUMBIA TO BE UNDER SECRETARY OF DEFENSE FOR POLICY.

EDWIN DORN, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

CHAS. W. FREEMAN, OF RHODE ISLAND, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PHILIP R. LEE, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

TENNESSEE VALLEY AUTHORITY

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.

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.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE OF MAJOR GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. GEORGE K. ANDERSON [redacted] REGULAR AIR FORCE.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE OF MAJOR GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. JOSEPH E. HURI [redacted] REGULAR AIR FORCE.

BRIG. GEN. KENNETH R. ISRAEL [redacted] REGULAR AIR FORCE.

BRIG. GEN. JAMES E. MCCARTHY [redacted] REGULAR AIR FORCE.

BRIG. GEN. JIMMEY R. MORRELL [redacted] REGULAR AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. THOMAS A. BAKER [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. JAMES B. DAVIS [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN G. LORBER [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JAMES L. JAMERSON [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. MARTIN J. RYAN, JR. [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. RICHARD J. TRZASKOMA [redacted] U.S. AIR FORCE.

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8373, AND 8374, TITLE 10, UNITED STATES CODE:

To be brigadier general

COL. WILFRED HESSERT [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JOHNNIE H. CORNS [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JAMES D. STARLING [redacted]

IN THE NAVY

THE FOLLOWING NAMED CAPTAINS IN THE LINE OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. WILLIAM "V" CROSS, I [redacted] U.S. NAVY.
CAPT. THOMAS BOULTON FARGO [redacted] U.S. NAVY.
CAPT. WIRT ROSS FLADL [redacted] U.S. NAVY.
CAPT. DENNIS VINCENT MCGINN [redacted] U.S. NAVY.
CAPT. EDWARD MOORE, JR. [redacted] U.S. NAVY.
CAPT. PATRICIA ANN TRACEY [redacted] U.S. NAVY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370.

To be vice admiral

VICE ADM. EDWARD W. CLEXTON, JR., U.S. NAVY [redacted]

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. HENRY G. CHILES, JR., U.S. NAVY [redacted]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) GEORGE W. EMERY, U.S. NAVY, [redacted]

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

LT. GEN. ROBERT B. JOHNSTON [redacted] U.S. MARINE CORPS.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. GEORGE R. CHRISTMAS [redacted] U.S. MARINE CORPS.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. RICHARD D. HEARNEY [redacted] U.S. MARINE CORPS.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING LAURA BOONE, AND ENDING THERESA M. ZOLNINGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 16, 1993.

AIR FORCE NOMINATIONS BEGINNING ALAN R. WESTROM, [redacted] AND ENDING CHARLES T. MILLER, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1993.

AIR FORCE NOMINATIONS BEGINNING MAJOR FRANKLIN C. ALBRIGHT [redacted] AND ENDING MAJOR MELANIE G. FREEL [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1993.

AIR FORCE NOMINATIONS BEGINNING MAJOR JIMMY L. DAVIS, JR., [redacted] AND ENDING MAJOR PAUL E. MAGUIRE, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1993.

AIR FORCE NOMINATIONS BEGINNING MAJOR THOMAS E. ALLEN, [redacted] AND ENDING MAJOR TIMOTHY B. MALAN, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1993.

AIR FORCE NOMINATIONS BEGINNING GERALD S. BEILSTEIN, AND ENDING RODNEY L. WINN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1993.

IN THE ARMY

ARMY NOMINATIONS BEGINNING CHARLES W. ABSHER, AND ENDING 999, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

ARMY NOMINATIONS BEGINNING JEFFREY F. ADDICOTT, AND ENDING DALE N. WOODLING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 16, 1993.

ARMY NOMINATIONS BEGINNING JOHN B. ALUMBAUGH, AND ENDING PETER C* ZOLPER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE ON MAY 14, 1993, AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 18, 1993.

ARMY NOMINATIONS BEGINNING RICHERT AUHOY, AND ENDING JULIAN M. MOUNT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1993.

ARMY NOMINATIONS BEGINNING STEPHEN L. GOFF, AND ENDING DONALD E. RICKS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1993.

ARMY NOMINATIONS BEGINNING JAMES B. CICHANSKI, AND ENDING JUDY A. WALZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1993.

ARMY NOMINATIONS BEGINNING JOYCE ARNOLD, AND ENDING BRUCE E. TAKALA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1993.

EXTENSIONS OF REMARKS

OPENING OF CONGRESSIONAL HIGH SCHOOL ART EXHIBITION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Ms. SLAUGHTER. Mr. Speaker, as Chair of the Congressional Arts Caucus, it was my great honor and pleasure this past Tuesday, June 29, to welcome to the Capitol—along with Senator JAMES M. JEFFORDS, Vice Chair of the Caucus, and Speaker THOMAS FOLEY—winning student artists and their families from across the country for the opening of the Congressional High School Art Exhibition.

Now in its 12th year, the exhibition showcases the work of talented young artists who have competed in art competitions sponsored by Members of Congress in their districts. This year, I am proud to say, was the largest and most successful competition held to date, with 262 Members participating. Once again, General Motors was generous enough to sponsor the opening festivities.

We were also pleased to welcome and pay tribute to a gifted young actress, Sarah Jessica Parker, who was presented with the Congressional Arts Caucus Award for her longstanding commitment to the competition and her efforts to involve young people in their country's future. Ms. Parker inspired everyone present with her heartfelt comments and words of encouragement.

Mr. Speaker, I urge all of my colleagues, each staff assistant and every visitor to the Capitol to walk through the Cannon corridor to the Capitol and view these extraordinary artworks. They are impressive testimony to the great reservoir of talent which exists throughout the Nation.

I include the remarks of those who participated in the opening ceremony of the exhibition at this point in the RECORD.

STATEMENT OF CHAIRMAN SLAUGHTER BEFORE THE CONGRESSIONAL HIGH SCHOOL ART COMPETITION, JUNE 29, 1993

As Chair of the Congressional Arts Caucus, it is my great pleasure to welcome all of you to this particular event—the opening of the Twelfth Annual Congressional High School Art Exhibition.

For what has now been twelve years, Members of Congress have sponsored local high school art competitions, involving talented young people, arts educators, families and local business and community leaders. Each year, we in the Capitol are treated to a panorama of outstanding artworks. The thousands of visitors who view these works are simply awed that the art is created by high school students. Each of us are overwhelmed not only by the talent contained in the works, but by the vision and humanity which they express.

Congress can truly be proud of this bipartisan effort to recognize and encourage the arts and education throughout the country. Every student benefits from involvement in the arts, for these programs teach our young people self-expression, discipline and creativity. For our part, through this project we are helping to discover the next generation of outstanding American artists.

There are a countless number of people who have worked hard to make "An Artistic Discovery" such a success. Speaker of the House Tom Foley and Minority Leader Bob Michel have been steadfast supporters and participants in this project throughout the years. In addition, the 262 Members of Congress who also conducted contests—the largest number of participating Members to date—and their staffs deserve much praise. We are grateful to George White, Architect of the Capitol, and his staff in facilitating this professional exhibit. We would also like to recognize General Motors for providing both resources and guidance for what has now been a decade.

Special recognition must also go to Patrick Lippert, President of "Rock the Vote," for all of his passion and commitment to this project for many years as well as to Sarah Jessica Parker, who has showed a remarkable loyalty and commitment to this Competition.

Most importantly, though, we wish to thank the student artists themselves for sharing their enormous talent with us. We celebrate you today—your creativity and vision.

It is a privilege now to introduce Speaker of the House Tom Foley, who has once again generously agreed to join us in opening this Exhibition.

AN ARTISTIC DISCOVERY—REMARKS OF THE HONORABLE THOMAS S. FOLEY

First, let me congratulate all the winners of the twelfth annual competition of the Congressional Arts Caucus, and to welcome each of you to your first "opening".

We should all be grateful to Congresswoman Louise Slaughter, and Senator Jim Jeffords, of the Congressional Arts Caucus, and to my friend, Bob Michel, the distinguished Minority Leader—who has continually offered his support—for their hard work and dedication to this program. We should recognize that this program is a private/public partnership that has brought together not only the Arts Caucus and government leaders, but leaders of corporate America like Jack Smith, CEO of General Motors and Chairman of "An Artistic Discovery". Mr. Smith is represented here today by James Johnston of General Motors, with whom we have proudly shared this occasion in the past. And I especially thank this year's award recipient, Sarah Jessica Parker, for her participation in this program, for her work to register young voters with "Rock the Vote", and for her dedication to American youth.

Every year this "partnership for the arts" encourages young people across America to look beyond the hard facts of mathematics and science to something equally important, to imagination and creativity. In a world that seems to grow more reliant on pragmatic education which is, no doubt, essential in an ever expanding technological world, we must not forget the timelessness of the arts. We must not forget that art is not a diversion, but an essential part of a well rounded society. We must not forget that, for many of you, art may become your life's craft, your life's skill, your life's science.

This program may be the first opportunity for future artists to realize the importance of artistic imagination to the rest of society. To encourage the arts is to encourage the dreams of young visionaries who, through their art, interpret our world and give perspective to our time.

Let me say, it is not just the visual arts that we must continue to encourage, but all the arts, for in the arts are the lessons of the ages. Civilization will always struggle with life and death, war and peace, love and hate, but, through the ages, the unique interpretations of artists have captured the struggles of civilization for all time. What I mean is that the arts can explain the triumphs and tragedies of history as well as science—sometimes, perhaps, even better.

The Congressional Arts Caucus, the business community, and all those in every state who have participated in this program, have understood the power of your talent and the importance of artistic creativity in a well rounded society. Remember, you are young American artists, and each of you is as much a part of the future of this nation as all the scientists and mathematicians. You are America.

REMARKS BY JAMES D. JOHNSTON, 1993 CONGRESSIONAL ARTS CAUCUS, TUESDAY, JUNE 29, 1993

General Motors is pleased once again to participate in the 12th Annual Congressional High School Art Competition. And what an exhibition! I'm told it's the largest ever with some 262 works of arts representing the ideas and impressions of some of our nation's brightest and most talented young artists.

As I browsed the exhibition, I was truly amazed at the diversity and vivid expressions depicted in many of the works of art.

I was reminded of the words of one of our world's greatest thinkers * * *.

Aristotle said that the goal of art is to represent not the outward appearance of things, but their inward significance.

Someone else said, perhaps more simply—art is much less important than life, but what a poor life without it.

To the 150 students here today, I thank you for your ability to say so much without words and for making the lives of so many rich by your unique abilities of expression.

I, on behalf of General Motors, wish you much success in all you set out to do.

INTRODUCTION OF SARAH JESSICA PARKER/ PRESENTATION OF ARTS CAUCUS AWARD

We are so honored and pleased today to welcome and pay tribute to a special friend of the Congressional Arts Caucus and a truly remarkable young woman, Sarah Jessica Parker. In 1988, Sarah first participated in these opening ceremonies and spoke to the winning students with such eloquence and sincerity. She honored us again in 1989 by attending, so this year marks Sarah's third and most charmed time with us.

In a remarkably short amount of time, Sarah has become one of America's leading young actresses. Successful in film, television and theatre, she brings a special presence and exuberance to all of her roles. Best known for her popular motion picture performances, she starred in such films as last summer's hit comedy, "Honeymoon in Vegas," as well as "L.A. Story" and "Footloose." In July, she will be appearing with Bette Midler in "Hocus Pocus" and in the fall will be starring opposite Bruce Willis in the action adventure film "Striking Distance."

On television, she struck a chord with critics and audiences alike starring in several major series, including "Equal Justice," "A Year in the Life" and "Square Pegs" along with a host of made-for-television films. Sarah has carefully honed her talent since starring in Broadway as "Annie." Her theatre performances in Lincoln Center's "A Substance of Fire" and Wendy Wasserstein's "The Heidi Chronicles" demonstrated her enormous range and striking ability.

But, this impressive acting career is only the start. Sarah, literally since childhood, has been what can only be described as an ideal citizen—one who cares deeply about her country and others around her and who has devoted a significant portion of her life to making a difference. She also discovered her love for the arts as a young girl in Ohio and never forgot how important it was that she was given the opportunity to develop her talent in school. As a result, much of Sarah's energies have been to empower younger Americans, to involve them in the arts and to encourage them to dream, to participate and to achieve whatever they desire.

Sarah has worked for many years registering young voters for Rock the Vote and has spoken to students who deal with the daily realities of drugs, crime and poverty through Young Artists United. Of course, her devotion to the Congressional High School Art Competition has been heartfelt and unwavering.

In short, Sarah is a leader and a consummate example of the manner in which these gifted with talent can be a positive force of change and social conscience.

It is our honor, on behalf of all of the Members of the Congressional Caucus to present Sarah Jessica Parker with the Congressional Arts Caucus Award which reads: "Who, by her longstanding dedication to promoting the involvement of young people in the creative life and future of our nation, her commitment to projects such as the Congressional High School Art Competition and by her own example, has inspired a generation of young people to civic participation and artistic excellence."

STATEMENT OF SARAH JESSICA PARKER AT OPENING OF CONGRESSIONAL HIGH SCHOOL ART EXHIBITION, JUNE 29, 1993

I would first like to thank the Speaker for uttering my name. Thank you Congresswoman Slaughter, Senator Jeffords and all the Members of the Congressional Arts Caucus so much for this incredible honor. It means a great deal to me.

It is because of the efforts of two people that I am here today. Patrick Lippert and Rhoda Glickman brought me here for the exhibition for the first time in 1989 and then in 1990. I am proud to call them my friends and I thank them.

I was very excited to come here today and especially thrilled to be invited to take part in the opening ceremony once again. I feel particularly honored to be among so many exciting young artists. Your work is simply amazing. The talent that each of you possess is a gift, something to be nurtured and treasured by you, your families and your teachers. But your vision, your ability and your talent is also a gift to our country.

With the exception of viewing your work and meeting all of you, the thing that most excites me about the exhibition is that so many Members of Congress from both the Democratic and Republican Parties and every corner of the country are able to join together in this effort to celebrate your talent. As you know, the two rarely agree; however, their unified presence here today and their nonpartisan commitment to this event shows the importance not only of your art but of your perspective, your voice and your vision. That each of you are being encouraged to develop your talent and that Congress is doing the encouraging is extremely important.

From my own experience, I know that not everyone excels in every single academic subject. All of us express ourselves in various ways and have different abilities and talents. The ability to communicate and create through one's art is a special power, something that every student should have the opportunity to take part in.

I cannot articulate how moved and impressed I am by your artwork, how much joy it gives me to see the varied, complicated and beautiful works. Walking through the exhibition has always been an incredible experience, one that has brought me back to the opening for the third time.

Your work speaks for so many of your peers and represents so much—your creativity, your view of the world, your dreams, your passion. Your contribution is a vital and important part of our country.

I truly hope that each of you take this honor and build on it, not only in terms of your talent but in always believing that your views count, that your voice should be heard and that each of you, individually and collectively, are important.

I encourage all of you to pursue your interest in the arts, whether it be your choice of vocation, as a means to express yourself and enhance your life or simply because you enjoy it.

Congratulations to all of you, and thank you so much for allowing me to be part of this celebration.

RIBBON CUTTING REMARKS BY JAMES M. JEFFORDS

Please join me as we cut the ribbon to officially open the Twelfth Annual High School Art Competition. This exhibition of some of our country's most talented young artists is year in and year out, one of the greatest examples of how we in Washington are reminded of the importance of the arts to all Americans, especially the youth.

Whether inspired by the encouragement of an arts teacher, a family member, or from within yourselves, you have expressed your individualism through your paintings and even more, addressed greater themes for us all as well. While some of this year's works portray strikingly realistic, even recognizable, people and settings, others demonstrate the power of art to convey abstract images and ideas. The diversity and creativity of talent in this room alone speaks very strongly to the importance of encouraging our schools and communities to give young Americans the opportunity to pursue the arts passionately.

Through this competition, we in Congress congratulate you for achieving excellence in the arts. On behalf of my colleagues, I congratulate you all and hope that you will continue to creatively express yourselves through your art.

NORTHERN SACRAMENTO VALLEY RURAL HEALTH PROJECT

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. FAZIO. Mr. Speaker, I rise today in recognition of the 20th anniversary of the Northern Sacramento Valley Rural Health Project [NSVRHP]. For the past two decades, the NSVRHP has provided medically underserved residents of our northern Sacramento Valley communities with quality medical care.

The NSVRHP began as the Sutter-Yuba Farmworkers Health Project, a medical care project for migrant farmworkers, funded by the Farmworkers Health Service and Migrant Health Act. In 1973, at the suggestion of the U.S. Department of Health, Education and Welfare, the project was incorporated as a non-profit organization—the Northern Sacramento Valley Rural Health Project.

The NSVRHP has come a long way. It has evolved from a night clinic in Sutter County General Hospital to a provider of comprehensive, quality primary and preventive health care for underserved valley residents in five counties. Today, the NSVRHP serves northern California migrant and seasonal farmworkers, as well as other rural populations, to the tune of over 100,000 patient visits per year.

The NSVRHP family has grown to include a network of strategically placed family health centers, including the Oroville Family Health Center, Oroville Family Dentistry, the Orland Family Health Center and Dental Clinic, the Lindhurst Family Health Center and Dental Clinic, the Chico Family Health Center, the Richland Family Health Center, the Gridley Family Health Center, the Hamilton City Medical Clinic, and the Colusa Family Health Center, and Colusa Family Dentistry. Yet, in spite of its growth, the NSVRHP has remained flexible and retained its high responsiveness to the needs of our people. NSVRHP patients continue to receive the superior health care services that they deserve, at reasonable cost.

Mr. Speaker, it is an honor to have the Northern Sacramento Valley Rural Health Project in my district. I am therefore pleased to have this opportunity to publicly acknowledge the value that we in the Third Congressional District of California place on the presence and contributions of the NSVRHP and its staff.

I, together with the many families of Butte, Colusa, Glenn, Sutter, and Yuba Counties whom the NSVRHP cares for, am proud of its record of public service and dedication to the medically underserved people of our area. I commend the board of directors and staff of the NSVRHP, including its executive director, Adan Juarez, for their commitment to the quality of life of our people and communities.

STATEMENT OF INTRODUCTION FOR BUSINESS, COMMERCIAL, AND COMMUNITY DEVELOPMENT SECONDARY MARKET DEVELOPMENT ACT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. KANJORSKI. Mr. Speaker, today I am introducing the Business, Commercial, and Community Development Secondary Market Development Act to facilitate the creation of a new, broad, and efficient secondary market for business, commercial, and community development debt and equity investments.

The ability to readily obtain financing for businesses of all sizes is a key factor in promoting the economic growth, full employment, and competitive innovation essential for the United States to make long-term gains in the emerging global economy.

Increased access to funds is a crucial component of the revitalization of the United States economy. This new secondary market can significantly increase the availability of credit at reasonable interest rates for business, commercial, and community development investments and create new opportunities for economic growth and full employment. It will stimulate an increased flow of funds through capital markets and dramatically increase the liquidity of this country's lending institutions.

Under this legislation, all sizes and types of business, commercial, and community development debt and equity products are eligible for trade in this secondary market. No attempt was made to limit the scope of financial instruments allowed into this market. The sheer volume and diversity of products eligible for trade is this market's greatest asset and represents the best opportunity for success on a broad and meaningful scale.

This new secondary market can create investment products attractive to large institutional investors, such as insurance companies and pension funds. The vast financial resources of these investors can, at last, be brought into the business and community development financing market. Creating a successful secondary market for business, commercial, and community development debt and equity investments is the single most important and substantial action we can take to encourage economic growth in this country.

The institution of this secondary market will foster the growth of new industries that can secure the economic future of the United States. Creation of this market will: Increase the opportunities for businesses seeking to commercialize emerging technologies or processes to obtain funds needed for their development; diminish the risk to individual investors associated with new lending and greater venture capital investment; and significantly increase the availability of credit for new and expanding minority- and women-owned businesses.

Community and economic development products are also eligible candidates for inclusion in pools of assets for securitization in this market. Without the expenditure of any additional Federal funds, this market creates an excellent opportunity for State governments, and the Federal Government, if it desires, to actually multiply public funds allocated for the purpose of community development, economic revitalization for underserved areas, and business development loan programs. This market can also be used to increase the capital available to community development financial institutions to help them realize their full potential.

This legislation requires no expenditure of Federal funds. It requires no Government subsidies for the formation of this market, nor are Government funds explicitly or implicitly promised in the form of guarantees or pledges of the full faith and credit of the United States.

The Federal Government will, however, retain effective oversight and regulatory authority over the activities of this new secondary market. The Secretary of the Treasury will be authorized to certify private and public organizations, meeting specific standards, as "secondary market facilitating organizations." This certification will allow secondary market facilitating organizations to receive certain legal treatments and operating benefits they would not otherwise be entitled to without certification.

The granting of certification by the Department of the Treasury in any given instance will also entail the establishment of agreed-upon public policy goals to be met thereafter by the secondary market facilitating organization seeking certification. The goals will address employment enhancement, community development, investment in low- and moderate-income areas, investment diversity, and equal opportunity.

In short, the creation of this secondary market can finally put a massive segment of previously untapped private sector funds to work revitalizing our economy. Active and efficient secondary markets already exist for nearly all forms of investment with the exception of business and economic development lending. Because of this, business lending is now at a competitive disadvantage. It is the only major segment of the financial marketplace without access to a secondary market. Existing secondary markets have proven their ability to increase the availability of funds for investment and to keep interest rates competitive.

The new secondary market can also help stabilize and absorb cyclical downturns in real estate and business activity. Its creation will present the opportunity for banks to develop loan-originating and loan-servicing capabilities, generate additional fee income, and offer the potential for an invigorated banking industry.

Mr. Speaker, the Clinton administration has indicated support for economic initiatives that enhance small business lending. I consider this legislation to be a core component of any strategy to increase funds available for business and economic development.

I urge my colleagues to join me in cosponsoring this legislation. For the benefit of my colleagues, I am attaching to this statement a summary of the Business, Commercial, and Community Development Secondary Market Development Act.

SUMMARY OF BUSINESS, COMMERCIAL, AND COMMUNITY DEVELOPMENT SECONDARY MARKET DEVELOPMENT ACT

This legislation authorizes the Secretary of the Treasury to certify any public or private entity, meeting specified standards, as a "secondary market facilitating organization." A certified organization is then licensed to engage in secondary market operations with respect to business, commercial, and community development debt and equity investments in accordance with the framework laid out in this legislation.

Eligibility standards for the secondary market facilitating organization license will be set by the Secretary, and the following items will be part of the license criteria: minimum operating capital; minimum capital reserves; fulfillment of agreed-upon investment intermediation goals; experience and integrity standards for the entity's operating officers; underwriting, appraisal, and servicing standards; access to books, accounts, and records; loan administration and disclosure standards; reporting standards; and compliance with the regulations prescribed by the Secretary.

In arriving at the agreed-upon targets with respect to intermediation by each secondary market facilitating organization, the Secretary will, in consultation with the secondary market facilitating organization, establish goals for the intermediation of debt and equity investments so that the investments will serve to: enhance employment opportunities; promote community development; direct funds to business and commercial enterprises in low- and moderate-income areas; promote investment diversity; and promote equal opportunity.

When formulating the goals mentioned above, the Secretary will also take into consideration other conditions of the secondary market facilitating organization such as: the need to maintain the sound financial condition of the certified organization; the need to ensure a reasonable economic return to the certified organization; current economic conditions; past performance of the certified organization in meeting or exceeding similar goals; the market availability of debt and equity instruments necessary to meet the defined goals; and other pre-conditions determined by the Secretary to be relevant. These goals, once set, may be adjusted at the discretion of the Secretary.

The Secretary is authorized to revoke certification if it is determined that the secondary market facilitating organization no longer meets the requirements. This legislation provides for public disclosure of the standards established for each secondary market facilitating organization and the performance of each certified organization fulfilling of the goals established.

For purposes of this legislation, the Secretary may waive the application of provisions of Federal or State laws and regulations for the activities of secondary market facilitating organizations, provided that doing so is appropriate to meet essential economic objectives in the public interest. No waiver is to be granted, however, of any law or regulation respecting public or individual health or safety, civil rights and non-discrimination, environmental protection, labor relations, labor standards, occupational health or safety, or pensions. No waiver may be granted that does not first come under scrutiny by the head of the agency or department responsible for carrying out and enforcing the provisions of law affected by the waiver. No waiver will be granted of any law or regulation that would have an adverse effect on the safety and soundness of any federally insured depository institution certified as a secondary market facilitating organization.

Suspension, revocation, modification, or limitation of any waiver may occur if the

secondary market facilitating organization fails to meet any eligibility standard or if the waiver is no longer appropriate. The legislation provides for hearings for any person adversely affected by any suspensions, revocations, modifications, or limitations of waiver rights and specifically limits the suspension, revocation, modification, or limitation of waiver rights only to future intermediations.

Nothing in this legislation shall be construed as limiting the authority of the appropriate regulators to supervise and regulate a financial institution which has been certified by the Secretary as a secondary market facilitating organization.

This legislation provides for the Secretary to examine and conduct oversight on the activities of secondary market facilitating organizations and to establish required components of such examinations. The Secretary is authorized to require any reports, in addition to an annual report, that the Secretary may deem necessary from secondary market facilitating organizations. Examinations are required of all secondary market facilitating organization applicants. The Secretary is given the right to assess fees to cover examination and other administrative costs.

The activities of a secondary market facilitating organization and any debt or equity security or other obligation issued or guaranteed by any such organizations shall not be obligations of, nor will be guaranteed in any respect, by the United States. Notification of this fact to the customers of a secondary market facilitating organization is required by this legislation.

This legislation directs the Financial Institutions Examination Council to establish and enforce uniform reporting standards with respect to debt and equity investments for bank examination purposes in order to improve procedures for rating such investments for the secondary market.

SMALL BUSINESS SECONDARY MARKET DEVELOPMENT ACT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mrs. ROUKEMA. Mr. Speaker, today I join with the chairman of the Subcommittee on Economic Growth and Credit Formation of the Committee on Banking in sponsoring the Business, Commercial, and Community Development Secondary Market Act of 1993.

This legislation, designed to help expedite the creation of a secondary market mechanism for small business loans, is a good first step toward easing the credit availability problem.

The best way to help stimulate our sluggish economy and create jobs is to find better ways to help provide a steady flow of affordable capital to the small business sector of the economy.

Today, we have secondary markets for home mortgages, student loans, agriculture loans, and others. All have shown what the availability of credit, at reasonable rates, can do to stimulate growth and investment. The small business community has few outlets for this kind of opportunity and the banking industry has shown a reluctance to make loans which involve risk and for which they would have to hold sizable amounts of capital.

This legislation, I believe, attempts to strike the right balance between Federal involvement and private sector expertise to build an efficient secondary market mechanism for small business loans. The legislation attempts to do this without creating another Government sponsored enterprise and without committing, explicitly or implicitly, the full faith and credit of the United States to the facilitating organization.

This legislation allows the Department of the Treasury to certify or license public or private organizations as secondary market facilitating organizations. It authorizes the Treasury to waive certain unnecessary regulations in the securities, tax and banking sectors in order to facilitate the sale of investment grade securities backed by small business loans.

Is this the perfect solution to the credit crunch problem? Hardly. Many questions have yet to be answered, especially with respect to the exact regulations which could be waived in order to facilitate this effort; the role of banks in the debt and equity market; the question of the role of Treasury versus the Securities and Exchange Commission in regulating the transactions; the issue of the overall safety and soundness of the organizations involved; and whether a new market mechanism can securitize community and economic development loans in distressed communities and neighborhoods.

Nevertheless, this is a good first step in trying to address a credit availability issue which has been well documented and acknowledged. I commend the chairman, the gentleman from Pennsylvania for his efforts.

H.R. 2519: COMMERCE-JUSTICE-STATE APPROPRIATIONS FOR FISCAL YEAR 1994

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. FAZIO. Mr. Speaker, I rise in strong support of H.R. 2519, the bill that will fund the Commerce, Justice, and State Departments, the Federal judiciary, and related agencies for fiscal year 1994.

First, I would like to commend Chairman NEAL SMITH, as well as the members and staff of the subcommittee for meeting the challenge that was before them. The subcommittee was able to set its priorities in determining the funding levels for the various agencies and programs that this bill supports, given the fiscal restraints it faced. But, the funding level in the resulting bill is not only below the subcommittee's target, as set by the Appropriations Committee based on this year's budget resolution. It is also less than the amount requested by the President, and $602 million below last year's funding level.

The Commerce-Justice-State bill supports a diverse number of agencies and programs. They include law enforcement against organized crime, the Federal Bureau of Investigation [FBI], and our Federal prisons; the operation of our national fisheries, and our marine, weather, environmental, and satellite programs; the National Weather Service; and the Small Business Administration, known for its direct and guaranteed loan assistance to small businesses.

A key provision in the bill that is of tremendous importance to my district and its surrounding areas, is the provision that funds the Sacramento River Winter Run Chinook Salmon Captive Broodstock Program. This particular program supports efforts to protect and accelerate the recovery of the winter run chinook salmon. As many in my district know, the winter run chinook salmon have been listed as threatened under the Endangered Species Act [ESA]. Their precarious status makes a successful recovery program, which will protect and accelerate their recovery, of vital importance to the area. A successful program will improve our local economy by alleviating the stress on the fishing industry and agricultural water diversions, and it will enhance recreational benefits. Ultimately, I hope this program will be successful in removing the winter run from the ESA list as well.

Also important to my constituents is the bill's support of SEARCH, the National Consortium for Justice Information and Statistics. SEARCH is comprised by Governors' appointees from all States. These appointees are dedicated to assisting State and local criminal justice agencies in building, operating, and improving their computer systems to combat crime, all at no cost.

Just this past year, SEARCH held 16 courses at the National Criminal Justice Computer Laboratory and Training Center in Sacramento, with over 260 law enforcement officials in attendance. SEARCH assisted the Sacramento County Sheriff's Department Crime Analysis Unit in mapping a series of car-jackings that took place at gunpoint in the Sacramento area. This mapped information was then distributed to patrol forces. SEARCH also helped the Sutter County Sheriff's Department examine two computer disks that were suspected of containing evidence in a homicide case.

Last, this bill supports the operation of the Fruit Frost Agricultural Weather Forecast. California farmers rely very heavily upon this program, which employs highly trained agricultural meteorologists, who closely monitor weather patterns which could be potentially devastating to sensitive crops. The information gathered is used to make site-specific forecasts for crop growers within their regions.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support final passage of this bill. Its programs safeguard our children, neighborhoods, and communities, and preserve our resources. They protect our industries, both locally and globally, and help us maintain our position as an international leader—economically, socially, and politically. The programs in H.R. 2519 help maintain the quality of our lives as Americans.

TRIBUTE TO THE RESOURCE RECOVERY STEERING COMMITTEE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. BARCIA. Mr. Speaker, I rise to pay tribute to the Resource Recovery Steering Committee of Arenac County, MI. The steering committee is currently in the process of developing a resource recovery program for the county of Arenac. This cooperative program will organize a network of residents dedicated to the concept of reducing the amount of waste going to landfills from Arenac County.

The committee is committed to developing a team relationship to build bridges and relationships between members of the committee and diverse groups in the county. The committee is attempting to enlist the business sector, local governments, and other community organizations in this efforts.

The committee has committed itself to three goals. The first is the diversion of reusable natural resources from landfills. The second goal is the education of county residents in the need for and techniques of recycling, and lastly the assembly of information for use by businesses considering recycling.

The committee will focus its efforts on recycling options unique to the county, and advocate a program sensitive to future changes and needs of county residents. The steering committee of the Resource Recovery Program for Arenac County, MI is ultimately dedicated to the preservation of the county's environment and high quality of living for its residents.

Mr. Speaker, as we learn more about the impact humans have on the environment and natural resources the need for programs such as this one becomes self-evident. As Alexis De Tocqueville, the young French aristocrat who visited our country in the 18th century, wrote about the American people, "If they want to proclaim a truth or propagate some feeling by the encouragement of a great example, they form an association." The steering committee of the Resource Recovery Program is the embodiment of this ethic.

Again, I wish to express my support of this effort, and a fervent hope that it will be a success.

QUARTERLY FINANCIAL REPORT PROGRAM

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. SAWYER. Mr. Speaker, today I am introducing legislation to make permanent the authority of the Secretary of Commerce to conduct the Quarterly Financial Report [QFR] Program. I am pleased to be the sponsor of this legislation, along with the distinguished and ranking minority member of the Committee on Post Office and Civil Service, Congressman JOHN MYERS.

Under section 91 of title 13, United States Code, the Secretary is required to collect and publish quarterly financial statistics of business operations, organization, practices, management, and their relation to other businesses. The report includes data on sales, expenses, profits, assets, liabilities, stockholders' equity, and related accounts generally used by businesses to measure their financial condition and progress.

Quarterly Financial Report data are essential for calculating key Government measures of the national economy. The QFR is the primary source of data for current estimates of the gross domestic product and national income accounts. It is a major component of the Federal Reserve Board's flow of funds accounts, and it is the Board's sole source of unconsolidated nonfinancial corporate data. In addition, the Treasury Department estimates corporate tax liability through use of QFR data. The Federal Trade Commission [FTC] uses the series as a basic reference point in analyzing the financial performance of American industries.

The timing of the Quarterly Financial Report Program is structured to meet the specific needs of key economic indicators. However, business analysts and decisionmakers also use QFR data to analyze industry profitability for investment purposes, compare their financial condition with industry trends, and analyze performance of the small business sector.

The Quarterly Financial Report Program was first established in 1947 as a permanent program under the jurisdiction of the Federal Trade Commission. Ten years ago, Congress transferred responsibility for the Quarterly Financial Report Program to the Department of Commerce under Public Law 97–454. The Secretary of Commerce delegated authority for the program to the Census Bureau, the Government's primary data collection agency.

Although the Quarterly Financial Report Program was permanent for 36 years under the FTC, Congress inserted a 7-year sunset on the program in 1983, when it transferred jurisdiction for the QFR to the Department of Commerce. At that time, Congress sought to ensure that extensive changes in regulations required by Public Law 97–454 would produce the outcome it desires. It did. Three years ago, Congress reauthorized the QFR through fiscal year 1993 by unanimous consent.

Permanent authority for the Quarterly Financial Report Program will not require the expenditure of additional funds. The Census Bureau carries out this important data collection program for a modest $2.1 million a year.

The Quarterly Financial Report Program is structured to minimize the reporting burden on respondents. Nearly 95 percent of the 9,300 companies that are asked to participate in the QFR respond. Small businesses that have participated for eight quarters are rotated out of the survey sample.

The Quarterly Financial Report Program is the most current and comprehensive source of data on corporate financial activity. Making the QFR Program permanent will ensure the accuracy and continuity of principal economic indicators that are the cornerstone of our ability to measure current economic conditions and to plan for our future economic well-being.

IN COMMEMORATION OF 20 YEARS OF OUTSTANDING SERVICE TO OUR COUNTRY BY THE MEN AND WOMEN OF THE DRUG ENFORCEMENT ADMINISTRATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. RANGEL. Mr. Speaker, today is the 20th anniversary of the Drug Enforcement Administration. I would like to commend the dedicated men and women who have so ably served this Nation in this outstanding agency. They are truly our front line troops in the war on drugs.

Our 3,545 Drug Enforcement Administration agents are among the most talented and diligent law enforcement agents in the world. Their struggle is perilous, as they oppose some of the best organized, most dangerous, and ruthless criminals in the world. The men and women who support the work of our DEA agents also put their lives on the line. Many people feel that the war analogy for our anti-drug effort is an exaggeration, but for what these people risk and endure, it is entirely accurate. Forty-five special agents and other DEA personnel have made the ultimate sacrifice for their country.

DEA was created 20 years ago to unify drug investigations, create one Federal drug intelligence data base, and establish clear liaison between Federal drug agents and their State, local, and foreign counterparts. It is the only U.S. agency whose sole mission is to combat drug trafficking.

In 1973, the 1,423 agents arrested about 7,500 drug traffickers. Last year, the 3,545 agents arrested nearly 25,000 traffickers. Over the years they have placed some of the world's most notorious drug criminals behind bars, including Mr. "Untouchable" Nicky Barnes, and Carlos Lehder, the founder of the Medellin drug cartel.

Domestically, DEA has over 120 field and resident offices. They work with State and local authorities in over 100 task forces, which have become a major resource in New York City, cooperation among DEA and the State and local police is excellent and has been very productive. I have heard praises of DEA from local police around the country. Last year, these task forces around the country seized over $114 million in assets. Since 1984, DEA's asset seizure program has seized over $6 billion in assets.

DEA has also participated heavily in the Organized Crime Drug Enforcement Task Forces Program, and plays an active role in about 85 percent of their cases. DEA also has its own Targeted Kingpin Organization Program, which targets the highest level drug traffickers around the world.

DEA has offices in 51 countries around the world, providing invaluable assistance, training, and support to drug enforcement efforts in drug producing and transit nations.

Although a law enforcement agency, DEA has recognized the importance of prevention and demand reduction efforts. Special agents are assigned as demand reduction coordinators in all 19 field offices to work with community groups, schools, local law enforcement, as

well as employers, to develop education and prevention programs that are essential in addressing the drug problem.

Mr. Speaker, the drug problem in this Nation remains at a very serious level, yet I shudder to think how much worse it would be if it were not for the Drug Enforcement Administration. I believe that this Nation owes the DEA a great deal of gratitude and admiration.

Happy anniversary, DEA, and every best wish for continued and increasing success.

CHARITABLE RISK POOLS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. STARK. Mr. Speaker, today I am introducing a bill to clarify the ability of charities to pool their normal liability risks in a 501(c)(3) organization. Charitable risk pools would provide charitable organizations with a steady source of affordable liability insurance and educate members of the risk pool in ways to minimize their liability risks.

Under this bill, in order to qualify for nonprofit status, the risk pool would have to be composed entirely of 501(c)(3) organizations, and must receive its start-up capital from sources unrelated to the charitable organizations insured by the risk pool.

The need to clarify the tax exempt status of charitable risk pools was brought to my attention by an organization called the Nonprofits' Insurance Alliance of California [NIAC] but the proposal would cover risk pools formed by nonprofits in other States that allow charitable risk pools such as Illinois, Michigan, Arizona, and Maryland.

NIAC has almost 800 members, the bulk of them are very small charities. The median annual budget size is $170,000. NIAC members include day care centers, inner city substance abuse programs and HIV services, homes for severely disturbed adolescents, and centers for children with cancer.

In short, NIAC members are not ideal candidates for low cost commercial insurance coverage.

However, NIAC has been able to provide below cost coverage for these nonprofit members because all of NIAC's implementation costs and start up capital—$1,600,000 to date—comes from independent private and community foundations such as the Ford Foundation and the Packard Foundation. Foundations provided this low cost capital because they saw charitable risk pools as a way to fill a gap where commercial insurers were not providing an adequate or affordable coverage to nonprofits.

This capital from nonprofit sources unrelated to the risk pool members allows NIAC to pass savings of approximately 30 percent below commercial rates to the risk pool members. This saved NIAC members over $2 million in 1993, reducing overhead so that charities have more funds available to carry out their charitable mission.

It is questionable whether charitable risk pools such as NIAC qualify for 501(c)(3) status under current law. However, the Treasury Department testified before the Select Revenue Measures Subcommittee of the Committee on Ways and Means on June 22, 1993, that "the administration would not oppose a provision under which a charitable risk pool could qualify as a section 501(c)(3) organization, notwithstanding section 501(m), provided that the charitable risk pool receives a substantial amount of contributions from nonmembers that it uses to subsidize the coverage provided to members."

I hope this bill will significantly reduce overhead expenses for small charities so that more of their resources can be devoted to their charitable purpose.

The bill follows:

H.R. —

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

SECTION 1. TREATMENT OF CERTAIN CHARITABLE RISK POOLS.

(a) GENERAL RULE.—Section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) CHARITABLE RISK POOLS.—

"(1) IN GENERAL.—For purposes of this title—

"(A) a qualified charitable risk pool shall be treated as an organization organized and operated exclusively for charitable purposes, and

"(B) subsection (m) shall not apply to a qualified charitable risk pool.

"(2) QUALIFIED CHARITABLE RISK POOL.—For purposes of this subsection, the term 'qualified charitable risk pool' means any organization—

"(A) which is organized and operated solely to pool insurable risks of its members (other than risks related to medical malpractice) and to provide information to its members with respect to loss control and risk management,

"(B) no part of the net earnings of which insures to the benefit of any member or other person other than through providing insurance coverage (or information) described in subparagraph (A),

"(C) which is comprised solely of members that are organizations described in subsection (c)(3) and exempt from tax under subsection (a), and

"(D) which meets the organizational requirements of paragraph (3).

"(3) ORGANIZATIONAL REQUIREMENTS.—An organization (hereinafter in this subsection referred to as the 'risk pool') meets the organizational requirements of this paragraph if—

"(A) such risk pool is organized as a nonprofit organization under State law provisions authorizing risk pooling arrangements for charitable organizations,

"(B) such risk pool is exempt from any income tax imposed by the State (or will be so exempt after such pool qualifies as an organization exempt from tax under this title),

"(C) such risk pool has obtained at least $1,000,000 in startup capital from nonmember charitable organizations,

"(D) such risk pool is controlled by a board of directors elected by its members, and

"(E) the organizational documents of such risk pool require that—

"(i) each member of such pool continue at all times to be an organization described in subsection (c)(3) and exempt from tax under subsection (a),

"(ii) any member which receives a final determination that it no longer qualifies as an organization described in subsection (c)(3) shall immediately notify the pool of such determination and the effective date of such determination, and

"(iii) each policy of insurance issued by the risk pool shall provide that such policy will not cover the insured with respect to events occurring after the date such final determination was issued to the insured.

An organization shall not cease to qualify as a qualified charitable risk pool solely by reason of the failure of any of its members to continue to be an organization described in subsection (c)(3) if, within a reasonable period of time after such pool is notified as required under subparagraph (C)(ii), such pool takes such action as may be reasonably necessary to remove such member from such pool.

"(4) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) STARTUP CAPITAL.—The term 'startup capital' means any capital contributed to, and any program-related investments (within the meaning of section 4944(c)) made in, the risk pool before such pool commences operations.

"(B) NONMEMBER CHARITABLE ORGANIZATION.—The term 'nonmember charitable organization' means any organization which is described in subsection (c)(3) and exempt from tax under subsection (a) and which is not a member of the risk pool and does not benefit (directly or indirectly) from the insurance coverage provided by the pool to its members."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1991.

TRIBUTE TO THE EASTSIDE HIGH SCHOOL NATIONAL HONOR SOCIETY

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to the National Honor Society of Eastside High School in Paterson, NJ. It is a privilege to have such hard-working youths in my district.

These young adults have achieved a great accomplishment. To be a member of the National Honor Society an individual must possess a strong background in service, character, leadership, and scholarship. Students are interviewed by professors and must present recommendations that confirm their commitment to their community and their schoolwork. Those selected have demonstrated their dedication to excellence and it is important to highlight their accomplishments since they will one day become our leaders.

The following students from the 1993 National Honor Society, graduating class of Eastside High School are: Hewitt Angus, Dion Beckford, Maria Cuadra, Cynthia Flores, Hector Grullon, Sara Gutierrez, Georgia Henry, Betsy Matias, Sherry Ann McKay, Guillermo Negrete, Wade Nembhard, Maria Ramirez, Sonaly Ramirez, George Rano, Burhan Uddin, Karen Virgo, Annalessa Williams.

Mr. Speaker, I would like to congratulate the students for all they have achieved. They are

an inspiration and give us hope for the future. I have no doubt that each of them will make a major contribution to our society.

SUPREME COURT RESTORES MEASURE OF PRUDENCE TO U.S. IMMIGRATION POLICY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. BEREUTER. Mr. Speaker, the recent Supreme Court decision to uphold the interception of United States-bound Haitian immigrants was an important step in returning a measure of sanity to United States immigration policy. Prior to the Bush administration's decision to return these Haitians while they were in international waters, literally hundreds of thousands of Haitians had fled to the United States seeking a new and more prosperous way of life. Moreover, we have hard evidence that, were the Clinton administration to reverse the repatriation policy, yet another mass exodus would result.

Mr. Speaker, the situation with the Haitian boat people is but the latest demonstration that United States immigration policy is in desperate need of reform. We are witnessing an unprecedented abuse of the political asylum process, and we are seeing unprecedented numbers of illegal aliens seeking ways to avoid detection. We are seeing organized crime becoming involved in the smuggling of human flesh. According to recent studies, legal and illegal immigrants cost the United States some $45 billion per year. As a June 25, 1993, editorial in the Omaha World Herald recently stated: "Letting immigrants enter the country to apply for asylum has been a disaster." The following is that editorial, entitled "Hard but Fair Decision on Haitians":

HARD BUT FAIR DECISION ON HAITIANS

A decision this week by the U.S. Supreme Court should slow the deterioration of America's immigration enforcement. The court sensibly upheld the government's authority to intercept U.S.-bound Haitian emigrants at sea and turn them back to Haiti.

We aren't saying, as do some people, that America should slam shut the doors and extinguish the beacon on the Statue of Liberty. This is still the land of opportunity. America still draws strength from the industry and spirit of its immigrants. A need for political asylum still exists, although it may not be as pressing as it was during the Nazi and Communist eras.

But America can't live up to all the expectations of all the people who would like to become instant American citizens. No country could provide the jobs, the housing, the schools and social programs that would be necessary if it threw open its doors to all the people of China, Russia, Brazil, Kenya and Mexico who want a better life.

Indeed, Donald L. Huddle, a retired Texas professor, has calculated that legal and illegal immigrants cost the United States about $45 billion a year that it wouldn't spend if the borders were closed.

There must be rules and procedures. There must be differentiation between those who immigrate for political reasons and those whose reasons are economic. The Supreme Court's decision strikes a blow for an orderly system.

Haiti is among the Western Hemisphere's poorest countries. Its economy all but collapsed after a 1991 military coup and an international boycott against the oppressive government that came to power. Tens of thousands of its people chose to flee the poverty and hunger in their own country. They took to the seas many on makeshift rafts, to seek political asylum in the United States.

The Bush administration said so few Haitians could make the case that they were fleeing political persecution that it ordered all to be turned back. The decision slowed the exodus and encouraged other Haitians not to risk their lives. Those who believed they qualified for political asylum were urged to contact U.S. officials in Haiti. Those wanting a better life were encouraged to wait their turn under U.S. immigration laws.

Bill Clinton criticized the policy while campaigning but reverted himself once in office.

Allowing unrestricted entry into the United States would hardly be fair to those would-be immigrants who follow the rules and apply for legal immigrant status to this country. Letting immigrants enter the country to apply for asylum has been a disaster. A large percentage of them quickly disappear into America's vast pool of illegal immigrants.

Some people accused the court and the administration of lacking sympathy. But an immigration policy must be based on more than sympathy. The court seemed to recognize that in coming to a hard but fair decision.

CLAIMS OF UNITED STATES COMPANIES AGAINST SAUDI ARABIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. HAMILTON. Mr. Speaker, I attach for the interest of my colleagues the latest report from the Department of Defense on resolved and pending claims of American companies against Saudi Arabia.

This report lists seven important claims which have been resolved since the last report to Congress dated March 6, 1993. There are still three claims on the list of original claims which are unresolved and three new claims which have been added to the unresolved list.

Enormous progress has occurred in resolution of claims in recent months, and I hope further progress can occur in the coming weeks to try to eliminate this list and to set in motion a mechanism for expediting commercial disputes in the future. It is in both our interest and in Saudi Arabia's interest to move quickly to get these matters behind us.

The Department of Defense letter, submitted pursuant to Public Law 102–396, follows:

THE SECRETARY OF DEFENSE,
Washington, DC, June 30, 1993.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This follow-on report on the status of the process for resolution of commercial disputes with governmental entities in Saudi Arabia and the prognosis for such disputes which remain unresolved is made in fulfillment of the commitment made in my letter of March 6, 1993, submitted pursuant to Section 9140 of the Fiscal Year 1993 Department of Defense Appropriations Act (P.L. 102–396).

According to information available to the Executive Branch, the following claims identified in the Department of Commerce letter of May 27, 1992, have been satisfactorily resolved since my March 6 report:

Aydin Systems Division versus Royal Saudi Air Force.

Blount International versus King Saud University.

Casey & Glass Inc. versus Saudi Arabian National Guard.

First Chicago National Bank versus Ministry of Public Works & Housing.

First Chicago National Bank versus Ministry of Industry & Electricity.

Westinghouse Saudi Arabia versus Saudi Electricity Corp.

Sanderson & Porter versus Saline Water Conversion Corporation.

Our records indicate that three of the original cases reported by the Department of Commerce remained unsettled: Leo A. Daly versus multiple ministries; National Medical Enterprises versus the Ministries of Interior, Defense and Aviation, and Health; and Harbert-Howard Cos. versus the Ministry of Agriculture and Water.

The Harbert-Howard Cos. case was mentioned in my earlier report as the subject of disagreement between the parties as to whether final settlement had been reached. Both the Saudi Arabian Government and the claimant, Harbert-Howard Cos., have been in contact with me, as they have with other members of the Cabinet and the Congress, to explain their respective positions. Some members of Congress have also taken positions in support of the Harbert-Howard claim and have petitioned the Saudi Arabian Government and me on its behalf. I have conveyed those continued expressions of Congressional interest to the Saudi Arabian Ambassador, HRH Prince Bandar. However, it is not our position in the Department of Defense to sort out the competing claims of the disputants in this or any of the other cases at hand. We have neither the legal authority nor the expertise necessary to adjudicate such claims.

In enacting Section 9140(b), the Congress expressed its sense that the United States and Saudi Arabian Governments should work together diligently and without delay to resolve satisfactorily the outstanding commercial disputes, which I believe we have done and will continue to pursue. President Clinton has said that he is committed to ensuring that his administration works to secure fair treatment by foreign governments for American firms. Today's report brings the total number of original cases satisfactorily resolved thus far to 13. (In addition to these 13 and the three cases remaining, the original Department of Commerce letter also contained a 17th claim by Continental Illinois Bank, which, as I indicated in my earlier report, in the opinion of the Saudi Arabian Government, should have been directed against the private Saudi contractor.)

Prince Bandar has also reported to me that his government has settled claims by Computer Sciences Corporation, the Hartford Graduate Center, H.B. Zachary International, AECOM, and Lockheed Sanders, none of which were included in the original Department of Commerce list. However, the Department of Commerce has advised me that the following three firms have requested that their claims be added to the list of unresolved disputes:

Science Applications International versus the Department of Zakat and Income Tax.

Gibbs & Hill versus the Royal Commission for Jubail and Yanbu.

BMY Combat Systems versus the Ministry of Defense and Aviation.

These additional claims, both settled and unsettled, are outside the scope of Section 9140 and are not included in the statistics cited in the preceding paragraph. We have been assured by the Saudi Arabian Embassy that it will spare no efforts in resolving these additional claims in an expeditious and fair manner.

Prince Bandar has committed to us that his government will proceed with determination and diligence to negotiate satisfactory conclusions to the remaining cases. He has said that they were proud of the success achieved, but that they would not rest until the issue is completely put behind them. You have my assurance that the Department of Defense, together with my colleagues in the Departments of State and Commerce, will continue to follow the situation closely. Secretary Brown raised the commercial disputes issue during his recent visit to Saudi Arabia earlier this month and urged his hosts to resolve the remaining claims promptly and also to adhere to the New York Convention on the Enforcement of Arbitral Awards.

This report was prepared in consultation with the Secretary of State and the Secretary of Commerce and concludes my obligations under Section 9140.

Sincerely,

LES ASPIN.

TRIBUTE TO REV. WALTER W. SNYDER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a truly remarkable religious leader, the Reverend Walter W. Snyder, who is pastor of the Calvary Lutheran Church in my hometown of Flint, MI, and who will be celebrating 35 years of ministry this month.

In recognition of Reverend Snyder's 35 years of service to God, and of his many contributions to our community, the Calvary Lutheran Church will be holding a banquet in his honor on July 25. To the many tributes that he will receive on that occasion, I would like to offer my own here in the U.S. Congress.

Mr. Speaker, as a leader of our vibrant religious community of Flint, Reverend Snyder has served those around him in countless ways—not only since coming to Flint in 1984, but since his ordination in 1958 at Grace Lutheran Church in Denison, TX. Since that day, his deep commitment to God and his compassion and energy have helped those he has served from Texas, Kansas, New Mexico to Michigan, where his own Calvary Lutheran Church in Flint has thrived under his leadership and guidance.

In addition to his ministry, it is a personal tribute to Reverend Snyder that his five children, four sons and a daughter, are active in the church in their own right, including the eldest son, who followed his father's calling into the ministry.

Mr. Speaker, Reverend Snyder has meant a great deal to our community because of his tireless and selfless dedication and contributions. He does not confine himself to the church or parish house, but walks among the people of Flint, sharing meals with them at the local corner restaurant. I know that I am a better person for having known him, and I know that the Flint area is certainly a better community because of his love.

TRIBUTE TO LT. CLARENCE "JUICE" GREENE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. TRAFICANT. Mr. Speaker, I rise in honor of Lt. Clarence "Juice" Greene, an outstanding leader in my 17th Congressional District in Ohio.

Mr. Speaker, Clarence will retire July 11, 1993, after 28 years of distinguished service to the Youngstown community. He began his noteworthy career as a member of the Youngstown Police Force in 1965; 16 years later, he was appointed lieutenant, and served in this capacity while working with the special task force on several occasions.

Clarence's professional contributions have been many. He rose to the top of the force, and for that he should be commended. But, Mr. Speaker, more importantly, Clarence is an exemplary member of the force because he was deeply involved in the community he served. He has been a member of the Buckeye Elks Lodge No. 73 since 1965, holding the post of past exalted ruler; member of Council No. 15; member of Ohio State Association I.B.P.O.E. of W.; member of the security department of the grand lodge of the I.B.P.O.E. of W.; security officer for the grand daughter ruler, and district deputy of all northern district lodges. Clarence is currently a member of the Black Knights Association and Fraternal Order of Police.

Mr. Speaker, Clarence is a role model for the thousands of young people considering a career in law enforcement. His service in the force and to his community is tireless. I would like to take this special opportunity to join the citizens of my district in congratulating Clarence on an exceptional career. Thank you, Clarence, and God bless.

HAZLETON JR. HIGH SCHOOL'S ECO-TIGERS AWARDED PRESIDENT'S YOUTH SERVICE AWARD FOR ENVIRONMENTAL WORK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. KANJORSKI. Mr. Speaker, today I rise to pay tribute to some remarkable young people from my district, the Hazleton Junior High School Eco-Tigers. The Eco-Tigers are the winners of the President's Youth Service Award for 1993.

The students have been recognized for their work in the Nescopeck State Park. They have laid out a trail with 15 bluebird boxes and three large nest boxes for wood ducks. They are also spearheading efforts to build an environmental education center so that all students have a chance to learn about the environment.

The Eco-Tigers also are focusing on water quality. They have used water testing kits to test water samples for acidity, dissolved oxygen and sewage bacteria.

The students' advisors, John Evans, their English teacher, and John Turri, their biology teacher, incorporate what the students experienced during their trips to Nescopeck Park with what they are studying in the classroom. The students write papers about their experiences and discoveries and have given speeches to younger students about the birds that use their nest boxes.

Mr. Speaker, I am very proud of these young people. They realize that improving our environment is instrumental to their futures and the future of our planet. I commend them for their dedication and hard work in trying to make our world a better place.

The following Hazleton Junior High School students are members of the Eco-Tigers:

Tiffany Correll, Leanne Martini, Teresa Snyder, Rebecca, Cerio, Jennifer Sachs, Joseph Tanner, Eric Kostic, Ryan Leib, Steve Zelechoski, Lori Stecker, Melissa Calucci, Robin Cameron, Andrea Cerrito, Jackie Hnasko, Jackie Mondell, Jere Neikum, Katie Matyas, Devin Davis, and Renee Williams.

Also, Kelly Marshall, Lindsay Swirble, Jeff Zola, Carmen Marsit, Jeff Keller, Robert Boock, Louise Rodino, Kristin Sabol, Andrea Goryl, Jill Schiefer, Misty Maurer, Christine Skokowski, Jennifer Veet, Nicole Spishock, Amy Surmick, Christy Scholtes, and Andrea Lowder.

1993 CROP DAMAGE ASSESSMENT FOR COUNTIES IN SW MINNESOTA

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. MINGE. Mr. Speaker, I toured southern Minnesota with Agriculture Secretary Espy yesterday. I spoke earlier today on the floor of the House of Representatives about the visit, and I would like to elaborate by enclosing an assessment of crop damage in southwestern Minnesota compiled by Minnesota Extension Service Educators in the Southwestern District and summarized by Jim Nesseth of Jackson and Cottonwood Counties.

1993 CROP DAMAGE ASSESSMENT FOR COUNTIES IN SW MINNESOTA

Fourteen counties in southwestern Minnesota may suffer economic losses in excess of 400 million dollars in crop losses and soil erosion due to the excessive moisture and flooding in 1993. Minnesota Extension Educators and County Disaster Committees compiled damage assessment reports this past week indicating significant yield and potential quality reductions in corn, soybeans, forage, and small grain crops.

Farmers in this part of the state continue to plant soybeans on acres previously too wet to plant, but may have to eventually

leave up to 150,000 acres idle due to the excessive moisture in their fields.

Soybeans could possibly be planted through the first week of July; however, yields are greatly reduced due to these late planting dates and producers must decide whether to risk further input costs with no guarantee of break even yields this fall.

Rainfall for these 14 counties is ranging from 150–300 percent above normal. Average rainfall accumulation in some counties is as high as 25 inches with ranges between 20–30 inches. Normal precipitation accumulation for a 12-month period at the Southwest Experiment Station is 26.19 inches. Most counties have reached this level in rainfall accumulation from April to June.

University research indicates late planting dates significantly reduce yield potential and below normal growing temperatures, resulting in less Growing Degree Days (GDD) have set back crop development by approximately three weeks. GDD are a measure of heat units available for crop development. From May 1, 1993 until June 29, 1993, 711 GDD have been accumulated at the University of Minnesota Southwest Experiment Station of Lamberton, Minnesota. This compares to a long term (32 year) average of 877 GDD and a 1992 accumulation of 922 GDD for the May 1–June 29 period. A scenario of above normal GDD accumulation would project maturity at September 20. It should be noted that above normal GDD accumulation following a below normal GDD accumulation spring has not occurred in 78 years of recorded weather data for this area. The more likely scenario according to historic weather data is below normal GDD accumulation for the remainder of the season. In that case, corn would not reach maturity prior to October 20, a date at which there is a 90 percent probability of a killing frost occurring. Frost dates at the Southwest Experiment Station in Lamberton range from early frost September 3rd in 1974 and a late frost on October 31st in 1970 with average frost date of October 6th.

Corn plants are suffering nitrogen deficiencies due to excessive moisture, driving the available nitrates lower in the soil profile. Producers may have to apply additional nitrogen to the corn crop until the root system reaches the nitrates in the soil. Implementing weed control and compaction of the soil have further reduced the yield potential. Soybean root rots have greatly reduced the plant population in many soybean fields this spring forcing producers to replant an estimated 4,000–5,000 acres in each county. Other producers are forced to accept poorer stands and lower yield potential because of continued wet weather and late planting dates.

Livestock producers will also be affected with poor performance in feed efficiency and rate-of-gain, and milk production due to poor quality feed stuffs an outside lot conditions. Estimated losses from counties range from 3–5 million dollars per county. Land owners, ag lenders, ag suppliers, implement dealers, and other agri-businesses will directly feel the effects from this disaster. These losses will have a rippling effect on our rural economy indirectly affecting non agri-businesses.

Producers can now only hope for ideal weather conditions of above normal temperatures and timely rain fall for the crops to catch up and for commodity prices to rally. These producers are currently looking to USDA for disaster relief if conditions do not dramatically improve. 1993 could be a devastating year for producers who have suffered financially because of poor yields and crop conditions since 1991.

UNIVERSITY OF MICHIGAN'S SOLAR CAR TEAM WINS NATIONAL CHAMPIONSHIP

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. FORD of Michigan. Mr. Speaker, the University of Michigan is widely known for its achievement of excellence in the areas of academics and athletics. Today I am pleased to recognize Michigan students for outstanding performance in yet another field. Twenty-two undergraduates on the University of Michigan Solar Car Team drove 1,120 miles from Dallas to Minneapolis to collect a first-place trophy and their second national championship in Sunrayce 93.

The University of Michigan's car, Maize and Blue, was one of 34 student-designed, solar-powered cars competing in Sunrayce, sponsored by the U.S. Department of Energy and General Motors Corp. In November 1993, the U–M Maize and Blue will race from Darwin to Adelaide, Australia, competing in the World Solar Challenge.

The expertise, perseverance, and determination of the Solar Car Team led them to excel in the tradition of Michigan competitiveness. I am proud to pay tribute to these students whose achievement stands as testimony to the depth and scope of their education at the University of Michigan.

TRIBUTE TO MR. DAVID DICKINSON

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to a man who has served his community not only through his career but also in his public service. Mr. David Dickinson has spent a large portion of his life dedicated to making his community a better place.

On July 8, 1993 his friends and neighbors will gather to celebrate his retirement after 38 years and 11 months of employment for the city of Harbor Beach, MI. During this long career he worked for the Department of Public Works as water plant operator, city water clerk, assistant city clerk, city clerk/treasurer, and city administrator/clerk.

Mr. Dickinson also dedicated a large amount of his free time to public service activities. He served on the following city of Harbor Beach boards and commissions: board of review, planning commission, board of appeal, and economic development corp. Another example of his concern for his community was his service on the Harbor Beach Fire Department for 25 years.

Men of this caliber are a rare thing to find. Men who dedicated their lives to not only serving their community but also creating a city friends and neighbors can be proud of being a part of. I wish Mr. Dickinson immense joy and happiness in his retirement.

THE MEDIPLAN ACT OF 1993

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. STARK. Mr. Speaker, access to health care should be considered a basic right of every American. Yet, at least 35 million of our fellow citizens are without the basic protection of health coverage. One in four Americans lack basic health insurance at some point over a 2-year period.

While the health care delivery system of which we are so proud ignores the needs of so many Americans, that same system is on track to spend almost $1.6 trillion in the year 2000 on health care, an amount far in excess of the amount spend by any other nation.

Mr. Speaker, today I am introducing H.R. —, the MediPlan Act of 1993. This bill would provide affordable, publicly-financed health insurance to every American.

The MediPlan Act of 1993 combines elements for two prior proposals.

First, the bill incorporates the national health budget and reimbursement systems currently included in H.R. 200. These systems would slow growth in health spending to the rate of increase in the gross domestic product.

Second, the bill would establish universal coverage using a Medicare-for-all model, similar to a proposal I introduced in the 102d Congress, H.R. 650, the MediPlan Act of 1991. This would assure vital health insurance protection to every American, modeled on the demonstrated success of our health insurance plan for the elderly, Medicare. Enactment of this bill would assure every American of his or her basic right to high-quality health services.

Enacting solutions to our health care problems will be the most difficult and complex task faced by this Congress in many years. Success will require our working together as legislative pragmatists, not continuing to debate between philosophical extremes.

At the same time, I believe that the Medicare Program offers important lessons about what does and doesn't work. Medicare is based upon three decades of experience.

I hope this bill will stimulate additional discussions, both within Congress and the administration, that will make a positive contribution to the process of finding viable solutions to the difficult problems we face.

NEED FOR HEALTH CARE REFORM

Over the last several years, the ongoing debates over our health care system have made its deficiencies clear to every Member of this body. Yet while we are poised to begin serious consideration of broad reforms under the leadership of President Clinton, it is appropriate to pause and review our objectives.

First, and most importantly, health care reform must assure all Americans are covered for the cost of basic health services.

For families without adequate health insurance, any encounter with the health care delivery system, no matter how minor or seemingly routine, presents serious financial consequences. The unsurprising result is that these families do not seek appropriate health care when they need it.

Lack of health insurance often means that proper care is delayed until the problem is

more serious. Research shows that uninsured persons are less likely to have their children appropriately immunized, less likely to receive adequate and timely prenatal care, and less likely to see a physician even if they have serious symptoms.

Lack of health insurance places special burdens on pregnant women and on children. Only 11 percent of children without health insurance reported excellent health, while 78 percent of children with private coverage reported excellent health. Perhaps one of the most unfortunate statistics of all is that 26 percent of all women of reproductive age are not insured for basic maternity care.

It is well known that a relatively small investment in healthy children pays large dividends. The Institute of Medicine [IOM] has estimated that as many as one-third of all low birthweight babies could be avoided if all mothers received appropriate prenatal care. According to the IOM, for every dollar invested in prevention, $3.38 will be returned in immediate reduced care costs for the infant.

Mr. Speaker, universal coverage is one of the most important objectives for health care reform. I know that President Clinton shares this view. Without universal coverage, health care reform will just be empty promises.

There are many different ways to achieve universal coverage. Some approaches are more complicated than others. For example, employer-based systems require special provisions to deal with the issues of part-time, seasonal, and migrant workers.

My preferred model, as represented in this bill, is a single public plan. This approach assures that no person would ever fall through the cracks by the simple expedient of eliminating the cracks.

A second key issue that must be addressed in health care reform is the rapid growth in health spending.

As we all know, health care costs are rising rapidly. By the turn of the century, annual national health expenditures will exceed $1.6 trillion. According to the Congressional Budget Office, this growth in health care costs has consumed half of all increases in employee compensation. This results in stagnation in real wages that can have crippling effects on an economy that is struggling to emerge from a persistent recession.

As with universal coverage, there are a variety of ways to address the problem of rising costs. Some, like the national health care budget and payment provisions of MediPlan '93, are relatively simple. Other approaches are more complicated, often involve fundamental changes in our health care delivery system, and depend on restricting patients' freedom of choice to achieve their savings.

I believe that successful cost-containment will only be possible under a strategy that takes control over all expenditures.

Leaving the hard work of cost-containment to a system involving multiple payers risks the continuation of our current, ineffective, and patchwork approach to controlling costs. Over the last half century, health care providers have become unparalleled experts in playing the multiple-payer game to their own advantage. By managing their revenues across multiple insurers, providers have been able to continue to demand ever higher prices for ever increasing numbers of services. Based on their past success in avoiding the hard choices that come with real cost-containment, no one should be surprised to learn that the provider community supports reforms based on the continuation of this multiple payer environment. And why not? They've beaten every cost containment plan our fragmented system of payers has been able to devise thus far.

Only a system that makes all costs subject to uniform tough controls will succeed in slowing real growth in health spending.

MediPlan '93 builds on the demonstrated success of the cost-control policies pioneered in Medicare spending. While some have criticized the growth in Medicare spending, they are ignoring the undisputed fact that Medicare has done a better job of controlling growth in costs over the past 10 years than any other insurance program, either public or private. According to a recent report by the Prospective Payment Assessment Commission, Medicare and the American Health Care System growth in Medicare spending per enrollee between 1993 and 1992 was less than the growth in private spending.

To place this success in context, it must be remembered that Medicare covers only the most expensive portions of our population—the elderly and the disabled. Despite its obligation to provide coverage for these beneficiaries, despite the high cost of care in the last years of life, and despite the high cost of technological advances, Medicare has experienced lower growth in spending per enrollee than any other plan.

MEDIPLAN '93

Because I am convinced that a national strategy is necessary to provide all Americans basic health, and to assure meaningful cost containment, I am introducing the MediPlan Act of 1993 to provide publicly financed health insurance to every American. With the enactment of MediPlan, health services will become a basic right of all Americans. All residents of the United States, rich or poor, would be enrolled in MediPlan and eligible for health benefits.

As in the previous version of this bill, MediPlan's basic benefits would be similar to those currently provided to the elderly by Medicare. In addition, MediPlan would cover all children and all pregnant women without payment of a premium and without copayments or deductibles.

MediPlan would be budget-neutral; the proposed legislation raises the revenue necessary to cover its cost. Through a combination of employer and employee-paid premiums plus a new tax on gross revenues on medical providers, MediPlan provides a blueprint of how comprehensive health benefits for every American could be financed.

To finance the basic health benefits, every person with income above the poverty line would pay the MediPlan premium (about $1,500/person, or $3,000 per couple) through the income tax system. Every employer would pay 80 percent of the MediPlan premium on behalf of each working American through a payroll tax of about $0.60 per hour to a maximum of $1,200/year per employee. Each worker would be responsible for about $300 of the annual premium ($600 for couples).

MediPlan would subsidize the premium amounts for children, pregnant women, and low-income persons.

To cover the additional costs of these benefits, revenues would be raised through a new 10 percent tax on gross payments received for Mediplan benefits by health care providers. At $900 billion per year, current spending on health should be adequate to finance high quality health care for all. The problem is that these funds are not appropriately distributed. Some hospitals and physicians serve more than their share of uninsured patients while others avoid these patients. The revenues from the provider tax would be deposited into the MediPlan Trust Fund. Thus under Mediplan, the same amount of money would be spent on health care, but would be redistributed to insure that all providers are reimbursed for all patients.

In addition to the financing provisions, MediPlan '93 incorporates several other new features.

First, this bill would establish a national health budget for MediPlan expenditures. This budget would be used to establish provider payment rates, and to assure that costs are contained within reasonable limits. The payment system would not reduce payments to any provider. Instead, growth in payments would be gradually reduced to the rate of increase in the gross domestic product.

Second, this bill would encourage States to continue their experiments with their own reforms. H.R. — would permit States, subject to minimum Federal guidelines, to opt out of the national program. States electing to establish their own plans would have to assure universal coverage with benefits at least as generous as under MediPlan. In addition, State plans would have to meet national cost-containment guidelines.

The bill does not specify how universal coverage or cost-containment would have to be achieved within a State that chose to adopt its own plan. States would be free to experiment in any way they chose.

Third, H.R. — would provide Federal regulation of MediPlan supplemental insurance. While MediPlan would provide a minimum level of financial protection, insurers and employers may wish to provide additional coverage in much the same manner as Medigap insurers currently provide to over 75 percent of Medicare beneficiaries. Federal regulation of this market would eliminate the abuses that have been permitted under State regulation of these types of policies.

Mr. Speaker, MediPlan is a comprehensive response to the problem of assuring health benefits to every American. It includes the necessary revenue to finance the coverage it provides. It would control costs through use of a national health budget. It would permit States to continue their ongoing experiments with alternative plans.

It is, therefore, a complete plan in response to the challenges we face.

A summary of the bill follows:

THE MEDIPLAN ACT OF 1993

I. ELIGIBILITY

All residents of the United States would be enrolled in MediPlan for basic health benefits.

II. BENEFITS

A. Basic benefits include Medicare benefits except single deductible of $350 per individual ($500 per family) and out-of-pocket limit per person of $2,500 ($3,000 per family).

B. Acute care Medicaid benefits are incorporated into MediPlan.

C. Prescription drug and prevention benefits would be added to basic package.

1. Drug benefit would have separate deductible.

D. Low-income persons would have sliding scale deductible and coinsurance requirements, and unlimited hospital care, eyeglasses and hearing aids.

E. Special benefits for children would include: waiver of all coinsurance and deductible requirements; well-child care and preventive care; pre-natal care; inpatient labor and delivery; postnatal care; and postnatal family planning services; all without copayments or deductibles.

III. MEDIPLAN HEALTH BENEFITS PREMIUM

A. Every individual (except lower income Americans) would pay the MediPlan health benefits premium (about $1,500/person; $3,000 per working couple) through the income tax system.

B. Employers would pay 80% of the MediPlan health benefits premium on behalf of working Americans through a payroll tax (about $.60 per hour).

1. Employer-paid tax is credited against employees' MediPlan health benefits premium paid through the income tax, thus reducing each working adult's liability to about $300.

2. Employers currently providing health insurance to employees would be required to continue providing benefits in excess of the MediPlan basic benefits, to current employees and dependents.

C. Low-income persons (with incomes below $8,000 and couples below $16,000) would not pay the premium.

1. Between $8,000 and $16,000 for individuals and $16,000 and $32,000 for married couples, the premium would be phased in, on a sliding scale basis.

D. Children and Medicare beneficiaries would generally not pay the premium.

IV. REIMBURSEMENT OF PROVIDERS

A. Hospital, doctor and other services would be reimbursed using Medicare's current reimbursement methodologies.

1. Secretary would develop new DRGs and codes where necessary.

2. Pregnancy-related services would be based on global fee, with disincentives for Cesarean sections.

B. Amount of payments would be determined based on MidiPlan's national health budget system.

1. After phase-in, there would be single rate for all providers.

2. During initial five years, Medicare rates would be phased up to MediPlan rates.

C. Extra billing would be prohibited.

D. Electronic processing of all claims and other provisions related to administrative simplification and reporting would apply.

1. Administrative simplification provisions would include eligibility verification, electronic remittances, uniform billing forms and coding, uniform provider numbers, etc.

2. Administrative simplification provisions would provide reporting and coordination of benefits between MediPlan and (a) insurance policies that are supplemental to MediPlan; and (b) plans in States that opt out.

3. Supplemental plans and plans in States that opt out would also be required to conform to administrative simplification and reporting requirements.

V. MEDIPLAN TRUST FUND

A. The MediPlan Trust Fund would be established.

B. Revenue would include MediPlan premiums and the provider supplemental tax.

1. Families with incomes below $16,000 annually would be exempt from the tax.

2. The supplemental tax would be a 10 percent tax on gross revenues from providing Mediplan benefits.

VI. COST CONTAINMENT AND MEDIPLAN BUDGET

A. A MediPlan budget would be set by statute for total MediPlan spending for health services.

(1) Initial budget would be set such that it would be equal to current spending for MediPlan covered services now provided under Medicare, Medicaid, and private health insurance plans.

(2) Growth in MediPlan budget would be set beginning at approximately the current trend minus one percent and phase down to the increase in the Gross Domestic Product over 5 years.

B. The budget would apply to all payments for MediPlan services.

(1) Expenditures relating to qualified group and staff model HMOs would not be included under budget to encourage and support these plans.

C. Secretary would monitor expenditures under MediPlan, based on claims filed and certain other reports.

1. Hospitals would participate in uniform hospital reporting system.

D. HHS would set MediPlan rates of payment for providers at levels estimated to meet the MediPlan budget limit.

E. ProPAC and PhysPRC would study and recommend provider payment policies to the Congressional Committees.

VII. STATE OPT-OUT

A. States would be permitted to obtain a waiver to opt out of MediPlan.

1. The opt out would not affect benefits provided to Medicare beneficiaries.

B. Requirements for State plans:

1. The State plan would be required to guarantee coverage to all individuals.

2. The scope of benefits offered under or through the State plan would have to be no more restrictive than benefits under MediPlan, including the lower cost-sharing benefits for low-income persons and children.

3. The State plan would have to include participation in the Federal administrative simplification system to permit coordination of benefits across State lines, and to permit the Secretary to monitor expenditures under State plan.

C. The Secretary would monitor expenditures in States that opt out of MediPlan

1. If spending in State exceeds amount that would have been paid in State under MediPlan, the Secretary could:

(a) Reduce Federal payments to State, or,

(b) Terminate the State waiver.

D. Financing of State programs.

1. The Federal government would transfer to the State funds equal to the amount that would have otherwise been spent by MediPlan in the State.

VIII. FEDERAL REGULATION OF MEDIPLAN SUPPLEMENTAL PLANS

A. MediPlan supplemental insurance policies could not be sold unless the policy has been certified by the Secretary or by an approved State regulatory plan.

B. All supplemental policies would meet minimum Federal standards, with penalties for non-compliance.

C. MediPlan supplemental policy requirements would include:

1. Non-discrimination based upon health status, occupational status or claims history of applicant, and open enrollment.

2. A limited number of benefit packages, as defined by the Secretary.

3. Minimum loss ratio requirements.

4. Restrictions on sale of policies which duplicate MediPlan benefits.

DEA'S 20TH ANNIVERSARY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. GILMAN. Mr. Speaker, I am pleased to rise to call the attention of my colleagues to the 20th anniversary of the founding of the Drug Enforcement Agency.

Over the year, many Members, including myself, and in particular, the now defunct International Narcotics Control Task Force and Select Committee on Narcotics Abuse and Control, have come to rely on the DEA's expertise, wisdom, and integrity.

The DEA was formed 20 years ago in order to unify drug investigations under one roof, to create an intelligence data base on illicit drugs, and to establish a clear channel of communications between Federal drug agents and their State, local and foreign counterparts.

Some of the DEA's major accomplishments include the conviction of Leroy "Nicky" Barnes, also known as Mr. Untouchable, who was then the biggest dealer of heroin in New York, and the conviction of Carlos Lehder, the founder of the Colombian Medellin cocaine cartel. Furthermore, the DEA has seized over $6 billion in drug assets since 1984, four times the amount that we have appropriated for this agency.

Additionally, one of the keys to counter-narcotics work today is that of enhancing international cooperation. The dominant theme in our Nation's international narcotics control efforts is that of regional and global cooperation.

The DEA plays an invaluable role, both in providing assistance to nations developing their counter-narcotics abilities, and equally important, also providing role models for young police who may face severe temptations to cave in and accept bribes and look the other way in their work against narcotics. I might add that in this regard, the DEA has been unimpeachable.

Mr. Speaker, I urge my colleagues to join in congratulating the DEA on a job well done, and extending our best wishes to all of the 3,500 DEA agents and personnel, as well as the thousands of DEA alumni over the past 20 years.

ENGLISH LANGUAGE IS CENTRAL TO AMERICAN IDENTITY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. BEREUTER. Mr. Speaker, any nation, if it is to remain a strong and cohesive entity, must have some unifying characteristics. One

of the central characteristics that identify all Americans in the use of English as a common language. It is one of the ties that bind us all together. Regardless of a person's nation of origin, there is an expectation of adoption of the English language as a part of the assimilation process. Thus, it is particularly disturbing when this Member learned that a Federal judge in Arizona recently ordered a Spanish language ceremony for new U.S. citizens.

Mr. Speaker, a Spanish language ceremony sends precisely the wrong message to our newest citizens. It tells them that they do not have to act to learn English so that they can be integrated into the mainstream of the American society. The facts are simply this: people who don't learn English are placed in a position of economic disadvantage in our country. As a June 28, 1993 editorial entitled "English is National Binding Force" in the Omaha World Herald noted, "the more the English language falls into the position of secondary importance, the more America will encounter [wrenching social] problems." This Member would place this important article in the CONGRESSIONAL RECORD, and I urge my colleagues to heed the warning.

ENGLISH IS NATIONAL BINDING FORCE

A federal judge in Arizona displayed wretchedly poor judgment when he organized a Spanish-language ceremony for new U.S. citizens.

U.S. District Judge Alfredo Marquez will preside over the ceremony in which 75 immigrants will take the oath of citizenship. He will administer the oath in English. But the rest of the proceedings will be in Spanish. The judge said he believes that the ceremony will be more meaningful if conducted in the immigrants' native tongue.

Thus is tradition diluted and symbolism compromised.

The ceremony of citizenship signifies the transfer of allegiance from the old country to the new. To conduct the proceedings in the language of the old country says, in effect, that the transfer can be a halfway thing. Take it or leave it.

Perhaps if such thinking were isolated, the public could look indulgently at what Judge Marquez has done. But it isn't isolated. America is becoming a nation of quarreling enclaves, jealous of their status and eager to be sure no other group gets ahead. In too many instances, they consider themselves members of an ethnic group first Americans second.

For much of the nation's history, such fractiousness was held in check by the English language, the gateway to the Constitution, the courts, the educational system, the economic system and the national culture. Now English is being devalued by officials who should be the first to know better.

Are we saying that immigrants should give up their culture? That they should fail to pass their heritage and language on to their children? Of course not. Multicultural understanding, including the ability to operate in more than one language, is a gift—some would say a necessity—in these times of global consciousness. Part of the advantage of living in a free and open society is the ease with which people can hold on to their individuality, their cultural identity.

But English must not be neglected if newcomers are to have the full benefits of citizenship—and if America is to avoid the wrenching social problems of a Canada, a Belgium or what was once known as Yugoslavia. The more the English language falls into a position of secondary importance among immigrants, the more America will encounter similar problems.

The purpose of the proceedings in Judge Marquez's courtroom should be to validate the decision of the immigrants to become citizens, not to encourage them to think of themselves as hyphenated Americans. Judge Marquez may think he is helping them feel better about themselves. It's a distressing example of how trying to help people sometimes hurts them.

DIGITAL PERFORMANCE RIGHT IN SOUND RECORDINGS ACT OF 1993

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. HUGHES. Mr. Speaker, today along with Mr. BERMAN, I introduce the Digital Performance Right in Sound Recordings Act of 1993 in order to advance the debate on the proper legislative solution for protecting the creative contributions of performances and producers of sound recordings. The advent of commercial digital audio subscription services provides an exciting new way for consumers to hear the latest records with compact disc quality sound. At the same time, these services may end up killing the goose that lays the golden egg: The ability to store and download records in digital form may well significantly displace retail sales.

There is, of course, no stopping technology, and if the market of the future is direct home digital delivery of records, the Copyright law should not be used as a Luddite tool to try and prevent the inevitable. Instead, the Copyright law should be brought up-to-date in order to ensure that performers and producers of sound recording will have sufficient economic incentives to create the works that consumers demand.

Based on a hearing the Subcommittee on Intellectual Property and Judicial Administration, which I chair, held on March 25, I believe the best way to accommodate digital technology and consumer demand with the constitutional objectives of the Copyright law is to provide a narrowly drafted exclusive digital public performance right in sound recordings. The bill I introduce today takes this approach. I believe an exclusive right is preferable to a right of equitable remuneration—a polite term for compulsory licensing—for a number of reasons.

A recording of a popular group contains two different types of copyright interests. First, there is the copyright in the original musical compositions—The songs. The copyrights in the songs are owned, as an initial matter, by the songwriter. Typically, the songwriter will go to a music publisher, who will obtain a transfer of all copyrights from the songwriter in exchange for a percentage of royalties. The music publisher then has the responsibility for licensing the musical composition. Rights of non-dramatic public performance, as on television, radio, and in clubs and restaurants are sublicensed by the music publisher to performing rights socieities—ASCAP, BMI, and SESAC—on a nonexclusive basis. Rights to reproduce the musical composition on records is then licensed to a record company, subject to the mechanical compulsory license in section 115 of title 17, United States Code.

There is another copyright interest in a record, though, that of the producer of the sound recording, typically the record company. This copyright interest is in the creative manner in which the record as a whole is produced and in the performance of the musical compositions. This copyright in the sound recording is separate from the copyright interests in the musical compositions recorded. In some cases, as in a symphony orchestra's performance of "Beethoven's Ninth Symphony," the only copyright interest is in the sound recording.

Under current law, the copyright owners of the recorded musical compositions enjoy an exclusive public performance right. They have the ability—and exercise it—to license radio stations and digital audio subscription services. However, the copyright owners of the sound recordings do not have that right. Radio stations and digital audio subscription services do not have an obligation under the Copyright law to pay the copyright owner of the sound recording for playing the sound recording.

In the past, broadcasting have argued that they should not have to pay record companies because they are providing valuable advertising. Of course, this argument could also be made about the recorded musical compositions for which payment is made. Whatever the merits of past arguments, we have to accept that the digital world has dramatically transformed the marketplace in which copyrighted works are sold. Digital audio subscription services are entirely new and create entirely new issues. Broadcasters have recognized this changed environment in their future plans for digital audio over-the-air broadcasting and in their apparent willingness to accept a public performance right limited to subscription services. The issue then is not whether to have a digital performance right, but what form that right should take.

Music publishers and the performing rights societies have in the past expressed concern about a public performance right in sound recordings. These concerns appear to be based on what has been called the "one-pie" theory. This theory states that broadcasters have a finite amount of money to spend or that they are willing to spend on public performance royalties. Currently, all of this money goes to the performing rights societies and the music publishers (and to songwriters under their contracts with the music publishers and the performing rights societies' allocation). The theory continues that if another group—copyright owners of sound recordings—is permitted to sit at the table, the size of the pie will remain the same but there will be more people sharing it.

This argument is understandably made with some reluctance, and I note that music publishers and the performing rights societies have recently expressed an interest in extending the term of protection from life of the author plus 50 years to life of the author plus 70 years. Opposition to extension of rights to one group of copyright owners—such as copyright owners in sound recordings—while at the same time asking for increased rights for

themselves—would be an interesting strategy, especially where in most cases we are talking about the same product, a record.

Whatever merits the "one-pie" theory had in the past, it cannot hold up in the digital environment and in an environment when more and more composers are also performers. As the market moves toward home delivery of recorded sound, songwriters and music publishers can ill-afford to cling to the old ways of doing business. The pie will be a different pie and we need to develop different ways to ensure that all creators' contributions are respected.

A compulsory license/right of equitable remuneration is not the best solution. Compulsory licensing works best, if it works at all, in situations where the transactional costs are so high that uses which copyright owners would like to license and users avail themselves of would not take place otherwise. This would not be the case with a digital performance right in sound recordings, since the number of copyright owners is relatively small. Even in the case of the current public performance right for musical compositions, the right is exclusive. It is true that the performing rights societies have only a nonexclusive right and must license on a nondiscriminatory basis, but this is the result of antitrust concerns. Songwriters and music publishers are not subject to an antitrust decree and retain their exclusive rights. They could, if they chose, refuse to permit their works to be performed by a radio station or by a subscription service. I fail to see why copyright owners of sound recordings, wishing to license the same product—recorded sound—should not have the same exclusive right that songwriters and music publishers enjoy today.

The issues raised by a digital public performance right in sound recordings are exciting and I look forward to meeting with representatives of the broadcasting and music publishing industries, the performing rights societies, performers, digital subscription services, and others in order to discuss any concerns they may have.

TRIBUTE TO MR. RONALD W. KULOVITS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today to share with my colleagues the accomplishments of a remarkable citizen from Chicago who gave 32 years of his life in service to the fine city of Chicago. The dedication he showed to both his community and profession should serve as an inspiration to all of us as public servants. It is my pleasure to share with you some of the accomplishments of this exceptional individual, Mr. Ronald W. Kulovits.

Mr. Kulovits began his career with the Chicago Park District in 1960 as a physical fitness instructor. In 1961, he was promoted to the coordinator of all male activities for the Palmer Park area. He also served as one of the founding fathers of the special recreation programs. In this capacity, he was in charge of the construction and implantation of activities for the mentally handicapped. The success of those programs brought about yet another promotion for Mr. Kulovits. He was assigned to act as the supervisor of playgrounds for three Chicago districts. In 1969, Mr. Kulovits was promoted to supervisor of recreation at Mann Park. He held this position for the next 10 years.

In the latter part of his career, Mr. Kulovits began to move through the elite rankings of the Chicago Park district hierarchy system. He was appointed physical activities supervisor in which he oversaw the running and maintaining of 50 park areas. While holding this office Mr. Kulovits has given the task of being the citywide senior citizens director. As Mr. Kulovits continued to climb the park district ladder, he reached the title of recreation coordinator. He was responsible for the scheduling of all special events on park district property, being responsible for coordinating the concerts of such performers as Smokey Robinson, Bruce Springstein, and Madonna. The next step for Mr. Kulovits was to become assistant director of recreation. His 3 years stint in this position allowed him control of all budgeting and administration of 237 park district locations.

The year 1988 brought about many changes for the park district as well as for Mr. Kulovits. As the park district decentralized, the need for individuals to lead the different areas arose. Mr. Kulovits was an immediate selection for regional park manager for the Burnham/Grant area. His final position held with the park district was that of director of program support, planning, and development which he held until his retirement in 1993.

I hope my colleagues will join me in honoring the outstanding career of this man. The story of Mr. Kulovits career depicts that of the true "American dream"—with dedication and hard work, success can be achieved. For this reason, Mr. Speaker, I am thrilled to share the activities of this model worker. I wish him all the best to come.

ELEMENTARY SCHOOL COUNSELING DEMONSTRATION ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mrs. MORELLA. Mr. Speaker, in an effort to address the increasing social, developmental, and educational problems affecting young children, I am joining with my colleague from New Jersey, Congressman DONALD PAYNE, in introducing the Elementary School Counseling Demonstration Act. This legislation would establish professional counseling services at the elementary school level, where they are most needed.

One out of five children entering school last year was living at the poverty level. At least half a million of these incoming children were born to teenage mothers. Many were exposed to drugs and the HIV virus, adding to the already attendant risk affecting the physical and intellectual development of these children.

Child and alcohol abuse, fragmentation of the family, and violence also contribute to the unprecedented challenges that face many of our Nation's youth at the elementary school level. These challenges often lead to emotional disorders, academic underachievement, juvenile delinquency, and even suicide. According to experts, early intervention can be effective and beneficial in affording distressed youths the opportunity to achieve a measure of success in their personal and academic lives.

The Elementary School Counseling Demonstration Act would combine the services of professional counselors, social workers, and school psychologists in addressing the personal and educational well-being of elementary school children. This legislation would provide demonstration grants to local jurisdictions to expand counseling services by increasing the number of counselors, school social workers, and school psychologists at the elementary level. These professionals, then, would implement a team approach to school counseling programs.

The Elementary School Counseling Demonstration Act would provide for a ratio of 1 professional counselor to 250 students, 1 school psychologist to 1,000 students, and 1 social worker per 800 students. The bill would be authorized at a rate of $10 million for fiscal year 1994, and such sums as may be necessary for fiscal years 1995, 1996, 1997, and 1988. Grants would be available for 3 years at a maximum of $400,000 per school per year.

I am pleased to join with Congressman PAYNE in urging our colleagues in the House to support the Elementary School Counseling Demonstration Act. Providing counseling services at the elementary school level will help the classroom teacher, reduce the dropout rate, and raise the standards of educational excellence necessary to meet the challenges of the 21st century.

SISTER CITIES OF YUBA CITY, CA AND FUJISHIRO, JAPAN

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. FAZIO. Mr. Speaker, I rise today in recognition of the fifth anniversary of the establishment of the sister city relationship between Yuba City, CA, an agricultural community which I represent, and Fujishiro, located in the Ibaraki Prefecture of Japan. At the fifth anniversary celebration in July 1993 in Fujishiro, a Yuba park will be dedicated next to the city hall.

In July 1989, a delegation from Fujishiro came to Yuba City and a declaration of intent to enter a sister city agreement was completed. Other visits ensued, culminating in a signing ceremony in Yuba City in November 1989. In February 1990, a Yuba City delegation traveled to Fujishiro for a similar joint signing. In the ensuing 5 years, there have been several exchange visits. The program has expanded to ties between Yuba City schools and similar schools in Fujishiro.

As president of the Sister Cities Association of Yuba City, Yuba City mayor pro-tem, Dennis Nelson has encouraged the relationship

with Fujishiro to the end that the citizens of each city will have a better understanding of each other and that exchanges which enhance the educational and economic well-being of such city will continue. He will travel to Japan in July for the anniversary celebration. The movement in Japan has been led by three prominent Fujishiro community members.

Yukio Takegasa, a rice farmer, is currently vice president of the International Friendship Association of Fujishiro. As an agricultural exchange student, Mr. Takegasa became acquainted with Sutter County. He developed a knowledge of the area and was instrumental in assuring the success of the Yuba City and Fujishiro City match.

Shin Kawaguchi, president of the International Friendship Association of Fujishiro, provided vision and leadership in the search for a sister city and was the leader of the Japanese delegation to Yuba City. He was named an honorary citizen of Yuba City in recognition of his commitment to furthering the sister city bond.

Mamuro Sakamoto serves as president of the Fujishiro Town Council. He has visited Yuba City on mumerous occasions and has brought friendship and honor to the relationship. Mr. Sakamoto has supported the sister city relationship both on a personal basis and as a leader of the council.

Mr. Speaker, I ask my colleagues to join me today in congratulating the citizens of Yuba City, CA and Fujishiro, Japan, on their fifth anniversary as sister cities. I extend my best wishes to both cities as they celebrate the happy occasion this month in Japan, and I wish them many more years of friendship, cooperation, and cultural exchange.

ZERO BY 2000

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. GEKAS. Mr. Speaker, today I am introducing legislation aimed at reducing the Federal deficit by the turn of the century. The goal of my legislation, titled "Zero by 2000", is very straightforward: To return the focus of Congress to the necessary goal of eliminating deficit spending and its attendant harm to the economy. Once we start to reduce the deficit, we will begin to see an expansion of productivity, enterprise, and recapitalization, and a road to prosperity that we have not seen in a long time. But we must start now.

Under my plan, Congress would be required to meet specific deficit targets each year, starting with fiscal year 1994, and ending with a zero deficit in fiscal year 2000. If we do not meet the target, we will invoke an across-the-board sequester until we do.

The critics of Gramm/Rudman/Hollings deficit reduction package have been proven wrong. They contended, from the beginning, that the solution to our budget woes relied on the President's willingness to negotiate with congressional leadership. We all know what happened in 1990. Congress increased taxes in the beginning and pushed any spending cuts until later years, and as a result, the economy took a turn for the worse, and the deficit just got bigger. President Clinton is offering us the same bad plan.

For the sake of the economy, and this Nation's future, I am proposing today a plan for mandatory deficit reduction that will return us to a balanced budget by the year 2000.

Zero by 2000 must be the rallying cry of all Americans. Our future depends on it.

RENEWING AMERICAN CIVILIZATION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. GINGRICH. Mr. Speaker, on June 24, 1993 I spoke on the House floor about a class that I am teaching at Kennesaw State College this fall. During this time I outlined the 10 topics that will be covered in this course. Now, I would like to share the reading material that each student should have in order to make this experience as educational as possible. This material was carefully chosen for this course so each student would be fully prepared to grasp the importance of replacing the welfare state and how to go about implementing the process.

Once again, any ideas that anyone may have regarding the upcoming course on Renewing American Civilization I would thoroughly appreciate. I feel that it is vital that we replace the welfare state that is currently plaguing our country, and I believe that this course can play a vital role in that process.

COURSE MATERIALS

Every participant in Renewing American Civilization will receive a book of readings, published by McGraw-Hill, titled Readings in Renewing American Civilization. This book, designed specifically for this class, provides the minimum background materials each student should have in order to participate effectively in the class, including:

1. A complete syllabus for the course, including a brief summary of each lecture, required readings, suggested readings and additional readings.

2. Ten articles, each designed specifically to serve as background for one of the ten Renewing American Civilization lectures, including:

"The American Ideology" by Everett Carll Ladd: Dr. Ladd is one of America's pre-eminent political scientists and President of the Roper Center for Public Opinion Research at the University of Connecticut. This article outlines the eternal principles of the American idea.

"Personal Strength in American Culture" by Stephen Covey: Stephen Covey's Seven Habits of Highly Effective People has sold over three million copies. Covey's treatment of the "character ethic" reminds us that "getting ahead" is more about more than "making friends and influencing people."

"America's Entrepreneurial Spirit" by George Gilder: George Gilder's Spirit of Enterprise and Wealth and Poverty are the best modern treatments of America's entrepreneurial spirit. This article will remind us why entrepreneurial free enterprise has been a pillar of America's strength in the past and will be a key pillar of Renewing American Civilization.

"The Spirit of Invention and Discovery and the Information Revolution" by George A. Keyworth: "Jay" Keyworth has served as White House Science Advisor and as Director of the Physics Division at Los Alamos National Laboratory. This reading focusses on the coming revolution in digital communications and its centrality to American renewal.

"The 'Quality Movement' and the American Ethic" by Barbara Lawton: Barbara Lawton has worked closely with Dr. W. Edwards Deming for nearly a decade and now serves as a Senior Fellow at The Progress & Freedom Foundation. This article will explain why "Quality" is much more than a management slogan—it is a core pillar of renewing American civilization.

"Twelve Steps to Cultural Renewal" by Arianna Huffington: Arianna Huffington is the leading explainer of the connection between spirituality, culture and the democratic process. This article shows why this connection is a central lesson of American history and is the essential key to applying those lessons to our future.

"Restoring Economic Growth" by John Rutledge: Rutledge's commentaries in the Wall Street Journal and Forbes magazine have offered a menu of cultural and policy changes needed to restore economic growth. This article provides a comprehensive recipe for the changes we need to make to have a vital, growing economy that creates jobs and opportunities for all Americans.

"Transforming Health" by Regina Herzlinger: Health and wellness for all Americans will not be achieved by reforming the current system, but by transforming it into a customer-driven, entrepreneurial system. Regina, a professor at Harvard University, Herzlinger is a leading advocate of such a transformation.

"Saving the Inner Cities by Restoring Civilization" by Keith Butler: Keith Butler is the pastor of one of Detroit's largest churches and a member of the Detroit City Council. In this article, he explains why economic incentives are only one part of a comprehensive program for saving our inner cities.

"Citizenship for the 21st Century" by Newt Gingrich: Active citizenship is essential to making our democratic system work. In this article, Gingrich ties together all the principles taught in Renewing American Civilization into a recipe for active, effective citizenship for the 21st century.

COMMENDING THE PRESIDENT FOR MAKING A BOLD MOVE TOWARD PEACE AND SECURITY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. STARK. Mr. Speaker, according to news reports, President Clinton has decided to forgo further U.S. nuclear testing, as long as no other nation tests. I commend the President for making a bold, decisive move that will greatly strengthen U.S. nuclear nonproliferation policy.

There is no military need for further U.S. nuclear testing, but there are large political and diplomatic costs. The Nuclear Non-Proliferation Treaty comes up for extension in 1995. Many developing countries have said they will not support a long-term extension of the treaty

if a comprehensive test ban [CTB] is not in place. If we resume testing, then so would, in all probability, the Russians, French, and British, greatly complicating efforts to negotiate a CTB.

The President's decision shows we are serious about ending nuclear testing for good. This will send a loud and clear message to North Korea, Iran, Ukraine, and other countries, that the United States is going to make nonproliferation a national security priority. A CTB is the first and vital step in forging a comprehensive, integrated nuclear nonproliferation policy. I thank the President for his visionary leadership on this issue.

HONORING THE STAGEHANDS OF LAS VEGAS

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. BILBRAY. Mr. Speaker, I rise today to honor a group of hard working people from southern Nevada, who have contributed greatly in establishing the city of Las Vegas as the entertainment capital of the world.

Although they are not often seen, millions of vacationers over the years have enjoyed the fruits of their labor. They work quietly behind the scenes; in fact they are responsible for the scenes, the stages, the vitally important tasks that go almost unnoticed to put together the type of show that can be seen nowhere but under the flashing lights of the Las Vegas strip.

The stagehands of the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, are rarely seen by their audiences. But every producer, entertainer, and hotel operator knows that without their expert abilities the show would not go on.

Behind the glitter and glamour that is Las Vegas, these dedicated men and women set the stage for the dancers, the magicians, and superstar singers of the Las Vegas showrooms that draw audiences from around the world. Without them, the lights of my hometown would not shine as brightly.

On July 19, 1993, in New York City, the IATSE centennial celebration will be marked by the group's 60,000 members. The members of the alliance's locals in every major city—motion picture camera operators and moviehouse ticket takers alike—will gather to celebrate the 100th anniversary of their union.

So in honor of a century of entertainment, I ask my colleagues to stand with me today to recognize the men and women of IATSE and the fine job they do, making the work of the world's best entertainers available for us all to enjoy.

IN HONOR OF EMILE GRIFFITH

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. DE LUGO. Mr. Speaker, Madison Square Garden in New York City recently honored a great American athlete and Virgin Islands native son, Emile Griffith.

During the 1960's and 1970's Emile Griffith was the six-time world welter- and middleweight champion and after he retired from the ring he continued to dedicate his life to boxing by training others in the skills he practiced so well.

Griffith won the welterweight title in 1961 from Benny "Kid" Paret, defended it against Indian Gasper Ortega, but lost it to Paret in a rematch. In their third bout, Griffith battled to come back from a knockdown when in the 12th round he pounded his opponent into the ropes. Paret lapsed into a coma and 10 days later died.

Though a champion fighter, Emile Griffith is a sensitive man and the death left him ready to quit boxing. He recently told the Associated Press, "I wasn't the same person. I would have quit but I didn't know how to do anything else but fight."

Griffith went on to win the junior middleweight and middleweight crowns. In 1965 and 1966, he won both the welterweight and middleweight championships. Boxing historian Bert Randolph Sugar said, "Through the 1960's the best fighter pound for pound every year was Emile Griffith." His ex-manager, Gil Clancy, said, "He had every punch in the book, there was nothing he couldn't do in the ring."

Emile Griffith's last fight at the Garden was in 1974, where he had more main card bouts than any other boxer, and he completed his career in the ring 3 years later. He went on to train other boxers including Juan LaPorte and Bonecrusher Smith.

Last year, Emile Griffith almost died from kidney damage after he was mugged and beaten on a Manhattan street. He spent months in the hospital recovering and still suffers pain in his back. He also was left with enormous hospital bills.

It has been 16 years since Emile Griffith stepped into the ring, yet today he remains one of the most popular figures in boxing. He was a champion of the sport and remains a champion of the spirit. Emile Griffith is highly respected by the people of his native Virgin Islands where a ballpark is named in his honor. That Madison Square Garden chose to honor him shows the enormous esteem in which he is held.

Mr. Speaker, Emile Griffith deserves the recognition and thanks of this body for his unselfish contributions to boxing and sports and for the genuine sense of compassion for others and fairness for all that he exhibited both inside and outside the ring.

NATIONAL CHILDREN'S DAY

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. KENNEDY. Mr. Speaker, today I am introducing a resolution that will celebrate October 10, 1993 as "National Children's Day." This resolution will give national recognition to all children in America and focus on issues that are so important to their health development, and education. Children represent the future of the United States and therefore should be viewed as the most valuable asset to the Nation.

The designation of a day to commemorate the children of the Nation will have positive effects in all areas of our society. It will provide an opportunity to emphasize the importance of family life, education, and spiritual qualities. The constraints of work often prevent many American families from spending quality time with their children. Hard-working single parents are especially hard hit as they strive to make ends meet. Children's Day will give our communities an incentive to set aside a special day to spend with their children and will also promote activities for less fortunate children that do not have families. In this respect Children's Day is also about renewing our commitment to the human service programs that make a difference in our kids' lives.

Mr. Speaker, it only seems fitting that we set aside a special day to honor our children. National Children's Day is a day not only to celebrate our kids who bring so much joy to our lives, but also an opportunity to look at how we can make a difference in our children's lives today in order that they may live better lives tomorrow.

TRIBUTE TO DAVID JENKINS

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Ms. PELOSI. Mr. Speaker, I rise today to commemorate the passing of a legend in the San Francisco labor movement, David Jenkins. David Jenkins grew up in an industrial suburb of New Jersey, where his mother was a founding member of the Millinery Workers Union and his father was a Socialist—a family background that prepared him superbly for the radical career he would undertake in his early years.

In fact, he went to work when he was 12 and was, he claimed fired and arrested repeatedly because of his union militancy, even at those supposedly tender years. After working as a maritime organizer along the east coast, he came to San Francisco in 1939 and began working closely with other San Francisco waterfront labor legends, Harry Bridges and Jimmy Herman. Together, they pushed the International Longshoremen's and Warehousemen's Union to the forefront of the San Francisco and national labor movement, even in the face of accusations of communism and investigations by the House Un-American Activities Committee. One memorable moment came during a committee hearing, where David told a Congressman who gaveled him down during a hearing, "Let's equalize things around here. Give me one of those gavels so I can bang you down when you interrupt."

From his first voyage as a merchant marine, Jenkins pursued the education he never formally received and fought for educational opportunities for others. In the early days of World War II, David became director of the California Labor School. Recruiting faculty from Stanford and the University of California,

he established branch Campuses in Oakland and Los Angeles. Jenkins taught classes in Jewish history, labor economics, and a pioneering class in black history. He was also a frequent lecturer on labor history at Stanford, UC, and leading think tanks such as the Brookings Institute.

In the 1970's, he helped establish labor studies at San Francisco City College and the labor archives at San Francisco State University. He also completed an oral history on the labor movement at UC-Berkeley's Bancroft Library.

For his lifelong devotion to education, he was awarded an honorary doctorate of humane letters by San Francisco State last year. The university called David Jenkins one of the "rare few who touch many, challenging the complacent, comforting the distressed * * *. A working stiff blue collar, laboring in mines, in ships, in warehouses, Dave * * * has been a profound influence, a reverberating force."

David's passing has been memorialized by former Mayors of San Francisco he advised, and labor leaders who he taught. But perhaps the greatest living testaments to David's zest for life and justice are his wife, Edith, his daughters Becky, Margaret, and Rachel, his son David, and seven grandchildren.

Mr. Speaker, on Saturday, July 3d, a memorial service will be held for David Jenkins. On behalf of the Congress, allow me to extend condolences to his family and friends and thanks for his leadership and outstanding work on behalf of working men and women and educational opportunity for all Americans.

VALDOSTA STATE COLLEGE BECOMES A REGIONAL UNIVERSITY

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. ROWLAND. Mr. Speaker, today, Valdosta State College in Valdosta, officially becomes a regional university.

This is an historic moment for Valdosta State, which was established by an act of the Georgia general assembly 87 years ago. In fact, it is an historic moment for education throughout Georgia. Under the "regional university" concept, Valdosta State will substantially expand the educational opportunities it provides for the South Georgia community. This may include many things, including the possibility of offering new advanced degrees, increasing research activities, and expanding continuing education services. What happens at Valdosta State will help define the regional university concept for the entire State.

Valdosta State has served South Georgia since its doors were opened in 1913, 7 years after it was authorized by the legislature. It was then called the South Georgia State normal college and offered 2 years of higher learning to women. It became coeducational in 1950, the year its name was changed to Valdosta State College. As a regional university, Valdosta State now has an opportunity to do even more to enhance the quality of life for people in our State.

Mr. Speaker, I take this opportunity to congratulate Valdosta State president Hugh C. Bailey and the Valdosta State students, faculty, employees and Alumni; chancellor H. Dean Propst and the Georgia board of regents; Governor Zell Miller and members of the general assembly, and everyone who helped make this day possible.

ANTI-SEMITISM IN THE FORMER SOVIET UNION

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. SWETT. Mr. Speaker, I rise today to address an issue of great concern to me—anti-Semitism in the former Soviet Union. Recent events have clearly indicated that such anti-Jewish activity is on the rise. Although state-sponsored anti-Semitism has decreased with the collapse of the Communist government, there has been a significant growth in popular or street anti-Semitism. This activity seems to be associated with the growing strength of Russian nationalism.

Since anti-Semitism no longer emanates from controlled official government sources, Jews are more concerned than ever. Anti-Semitism is now far less predictable and more volatile. With the serious economic problems, unemployment and financial uncertainty, conditions are favorable for the spontaneous eruption of anti-Semitism.

Mr. Speaker, in order to illustrate the scope of the problem, I would like to list several recent anti-Semitic incidents in the former Soviet Union as cited in the 1993 Governmental Affairs Handbook of the Union of Councils for Soviet Jews:

The Lubavich synagogue in Moscow was fire-bombed.

Thirty monuments in an Odessa Jewish cemetery were desecrated with the slogans "beat Russians and Jews."

At least three Jews were killed in Dushanbe, Tajikistan, including one leader of the Jewish community who was killed after his religious possessions were destroyed and his body was covered by his prayer shawl.

A Jewish boy was arrested in Uzbekistan, beaten by the militia, and told by the militia investigator, "you are a Jew, and if we were allowed, we would kill you all."

Another symptom of this surge of anti-Semitism is the fact that the news media has been filled with anti-Semitic propaganda. According to Mikhail Chlenov, president of the Eurasian Jewish Congress, 60 to 70 newspapers with a total daily circulation of more than a million copies publish anti-Semitic material. Other sources claim that there may be as many as 200 anti-Semitic and ultra-nationalist papers published in Russia alone, and even two such publications appear in Armenia, where the Jewish population numbers only 600.

Each of the republics of the former Soviet Union have committed themselves to the principles of the Final Act of the Helsinki Conference on Security and Cooperation in Europe, which include respect for human rights and fundamental liberties. By committing themselves to observe these principles, the republics agree to abide by The Charter of Paris for a New Europe, which states, "We express our determination to combat all forms of racial and ethnic hatred, anti-Semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds."

It is now time for those former Soviet republics to enforce these commitments and to put an end to the anti-Semitism and human rights abuses within their borders. As long as anti-Semitism violations persist, we must continue to raise our voices in protest. I look forward to the day when this will no longer be necessary, but that day has not yet arrived.

Mr. Speaker, as the newly independent states of the former Soviet Union work to achieve democratic reform, political stability and sustainable economic growth, it is crucial that we continue to insist that they also work toward eliminating obstacles to emigration. We also must continue to place pressure on them to resolve the already existing Refusenik cases. Through this work, we will be able to instill hope in the hearts of the oppressed of the former Soviet Union.

We also must urge the republics of the former Soviet Union to adopt policies to fight anti-Semitism. Many countries throughout the world have not only decried anti-Semitism, but they also have taken steps to eliminate it. For example, in the U.S. numerous government officials have spoken out emphatically against anti-Semitism, and currently the U.S. Congress is considering legislation such as the Hate Crimes Sentencing Act in order to address this issue. In Poland, President Lech Walesa established the Presidential Commission on Anti-Semitism. It is time for the republics of the former Soviet Union to take similar action.

Mr. Speaker, while many of us are relieved at the demise of the old communist regime and hopeful about the prospects for democracy, we must never forget those who still suffer from oppression and persecution due to anti-Semitism and racial bigotry.

HOUSE APPRECIATES SERVICES OF ANNE WALKER

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. ROSE. Mr. Speaker, I want to call to the attention of the Members, and the American people, the outstanding service, of a dedicated House employee, who is soon to retire.

I am referring to Anne Walker. Anne, like so many House employees, has labored behind the scenes, serving the Members, staff, House visitors, and the general public.

Anne Walker is retiring as the general manager of the House restaurant system. She has been in service to the House for over 12 years—her first 10 years began in 1971—and more recently, she has worked for the House since March 1991.

Anne's life has been in service to others. She is from my home State of North Carolina, where she managed the Velvet Cloak in Raleigh. She brought her creativity and private sector experience to the House, where she is

credited with having operated the restaurant system, without any appropriated funds, and at no expense to the taxpayer.

Anne Walker is known for her honesty, and for her dedication to the House, to restaurant customers, and to her work force.

In March 1991, the committee determined that House food facilities needed revitalization. On short notice, and at a difficult time, Anne set aside her other activities, and assisted the committee in analyzing the situation. When the decision was made to directly operate House food facilities, Anne stepped in to bring order out of chaos.

Her abilities and hard work have gained her respect from her fellow managers and her coworkers alike. Under her direction, employees were treated with respect and dignity, and on a fair and equal basis.

The House could not have picked a better person to help in the revitalization of the House restaurant system. Anne was dedicated to the success of the revitalization, and represents one of the unsung heroes of this institution, who performed a thankless task, on short notice, and in a time of need.

There are many such individuals, who labor behind the scenes to make the House a more suitable place to work or to visit. I wanted to take a few moments to call her service to your attention, and the attention of the American people, and to thank Anne Walker for her years of dedication to the House.

DEA'S 20TH ANNIVERSARY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. TOWNS. Mr. Speaker, I rise today in tribute of the 20th anniversary of the world's finest illegal narcotics control group, the Drug Enforcement Agency [DEA]. By amalgamating the duties of several agencies, the DEA was created in the Department of Justice [DOJ] on July 1, 1973.

DEA has grown from a force of 1,423 special agents in 1973 to over 3,500 agents today. In 1973, DEA special agents arrested over 7,500 drug traffickers, compared to nearly 25,000 in 1992. DEA has been responsible for the convictions of some of the most notorious members of the drug trafficking underworld including Mr. Untouchable Leroy "Nicky" Barnes in 1978 who was the biggest heroin dealer in New York, Griselda Blanco, known as the godmother of cocaine trafficking, and Carlos Lehder, the founder of the Medellin drug cartel.

Expanding their resources to meet today's needs, DEA's State and local task program maximizes Federal, State, and local officers in 101 task forces, which have become a major resource in drug law enforcement across the Nation. In fiscal year 1992, DEA State and local task forces asset seizures totaled over $114 million.

On the 20th anniversary of DEA's existence, I feel that it is only proper that we as lawmakers pay tribute to the great men and women who, on a daily basis, place their lives in jeopardy to enforce the law.

THE PROFESSIONAL BOXING CORPORATION ACT OF 1993

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. RICHARDSON. Mr. Speaker, I am introducing today the Professional Boxing Corporation [PBC] Act of 1993. Under this legislation, the Professional Boxing Corporation would be given the power to develop uniform minimum standards and rules for all professional boxing matches held in the United States. I am delighted to be joined in this effort by Senator WILLIAM ROTH, who is introducing the Senate version of the bill today in the Senate.

Efforts to reform professional boxing have been long-overdue. The sport has tried unsuccessfully to regulate itself for years, and it has become abundantly clear to the average sports fan and to the Congress that self-regulation does not work. The Professional Boxing Corporation Act of 1993 will protect the integrity of the sport, and most importantly, protect the health and safety of hundreds of young boxers, most of whom are poor and minority, who never make it to a championship fight.

Part of the problem with professional boxing is the patchwork of regulations and standards that exist in 50 different States. This lack of national uniformity not only penalizes those States that have taken real action to address health and safety concerns but it also places professional boxers at risk in those States that are less vigilant about protecting the welfare of boxers. Absent of Federal legislation, the history of professional boxing shows very clearly that no such unifying, national authority will be created; this legislation will finally establish that much-needed unifying authority over professional boxing.

The Professional Boxing Corporation [PBC] will be completely self-funded and thus will not cost American taxpayers a cent. The PBC will be headed by a strong executive director, and it will also have a seven-member professional boxing advisory board.

Under this legislation, the PBC will be mandated to establish and enforce uniform minimum standards that would cover all aspects of professional boxing matches held in the United States. The PBC does not seek to supplant existing State boxing regulatory bodies. Rather, the PBC will work with the State boxing authorities to ensure that all participants of professional boxing ply by the same rules and that those rules are enforced.

Additional functions of the PBC include: First, the establishment of a central computer professional boxing database to collect, store, retrieve, and disseminate information regarding a professional boxer's medical records, won-loss record, and other relevant information, second, the authority to investigate improper activities in professional boxing, and third, the issuing of licenses and certificates of registration for direct participants in professional boxing such as a boxer, judge, referee, promoter, manager, and sanctioning organization.

Mr. Speaker, I count myself as one of the millions of devoted professional boxing fans. That is why I care so much about the sport and about the hundreds of boxers whose best interests are not being served by professional boxing's structure as it exists today. I would urge my colleagues to support this important bipartisan effort to reform professional boxing. Mr. Speaker. I ask that a section-by-section analysis of the legislation appear in the RECORD at the end of my statement.

PROFESSIONAL BOXING CORPORATION ACT OF 1993—SECTION-BY-SECTION ANALYSIS

SEC. 1. SHORT TITLE.

The Act may be cited as the Professional Boxing Corporation Act of 1993.

SEC. 2. FINDINGS.

This section sets forth findings that highlight the scope of the problems which professional boxing is currently facing and, accordingly, the need to establish the Professional Box Corporation (PBC). These problems can generally be characterized as exploitation of boxers, conflicts of interest, questionable judging, and corruption, including the influence of organized crime. These problems endanger the health, safety and welfare of boxers and undermine the sport's public credibility and are beyond the scope of the current system of State regulation to prevent for the reasons the findings explain.

SEC. 3. PURPOSE.

While the purpose of the Act is self-explanatory, it should be emphasized that the PBC, while being a federal entity, is intended to work with the existing State boxing authorities to establish and enforce uniform professional boxing standards and not to supplant existing State agencies.

SEC. 4. DEFINITIONS.

The Act is only intended to cover professional boxing and does not include amateur boxing matches. "Promoter" is defined to cover all individuals and entities connected with organizing and conducting a professional boxing match.

SEC. 5. ESTABLISHMENT OF PROFESSIONAL BOXING CORPORATION.

The Professional Boxing Corporation (PBC) is established as a Government corporation. It is to be self-funding and financed out of operating revenues, rather than through tax dollars (except for an initial infusion of start-up capital which will be loaned to the PBC by the Treasury and subsequently repaid—see Section 13).

SEC. 6. EXECUTIVE DIRECTOR OF THE CORPORATION.

The PBC will be headed by a strong Executive Director—a "professional boxing czar"—to be appointed by the President and confirmed by the Senate. Establishing a single chief executive is intended to minimize bureaucracy and maximize accountability.

SEC. 7. PROFESSIONAL BOXING ADVISORY BOARD.

This section establishes a seven-member Professional Boxing Advisory Board, appointed by the Executive Director, to consult with and make recommendations to the PBC. Board membership must include three acting State boxing administrators, a neurosurgeon and a representative of the U.S. Amateur Boxing Association (since many amateurs go on to become professional boxers). Members of the Board are prohibited from engaging in any professional boxing business during their tenure.

Subsection (e) authorizes the Board, by unanimous vote, to stay any action of the Executive Director for a period of 30 days by adopting a resolution of disapproval. At the conclusion of the 30-day period, the Executive Director may take or resume such action but must report to the Board regarding the reasons for the final determination.

Board members would be paid on a per diem basis. Staffing and support services would be provided by the PBC.

SEC. 8. FUNCTIONS OF THE CORPORATION.

The PBC is empowered to establish and enforce uniform minimum standards governing all professional boxing matches held in the U.S. The PBC may do so by working through the State boxing authorities to issue licenses and certificates of registration for all participants in all professional boxing matches held in the U.S., ensuring that these individuals comply with the PBC's standards. The licensing requirement would be renewable annually and would apply to direct participants including boxers, judges and referees. All other participants, e.g., promoters, matchmakers, sanctioning organizations, managers, et al., would be issued certificates of registration, renewable every three years. The PBC has authority to impose license and registration fees.

Another significant function of the PBC would be the establishment of a central computer professional boxing database to collect, store, retrieve and disseminate information including a list of professional boxers and their medical records and won-loss records and relevant information on other individuals involved in professional boxing including referees, judges, promoters and managers.

Subsection (d) of this section sets forth additional functions of the PBC. These include:

Prescribing regulations to establish minimum standards for professional boxing matches in the U.S. regarding health and safety (including physical and mental examinations; the presence of qualified medical personnel at ringside; and standards for boxing equipment);

assisting State boxing authorities to ensure State compliance with PBC standards;

prescribing regulations prohibiting conflicts of interest and establishing uniform standards for boxing contracts, including requiring contracts be filed with the PBC or with a State boxing authority for review prior to a bout; and

reviewing the role of and prescribing regulations regarding sanctioning organizations in professional boxing.

Subsection (e) requires the PBC to consult with State boxing authorities prior to prescribing any regulations or establishing any standard under this section.

Subsections (f) and (g) would provide the PBC with the authority to withdraw the licenses and registrations of individuals who fail to comply with Corporation's regulations, as well as to prohibit any boxing matches which are in violation of the PBC's regulations (while affording appropriate due process protection). This would include any individual or any boxing match where there is a reasonable belief that bribery, collusion, racketeering, extortion or other unlawful activity is involved.

Subsection (h) provides the PBC with the authority to conduct investigations it deems necessary to ensure that its regulations are being enforced, including the authority to subpoena witnesses and documents and to obtain injunctive relief.

Subsection (i) grants the PBC the authority to intervene as a matter of right in any civil action filed in a United States district court on behalf of the public interest in any case relating to professional boxing. This subsection also authorizes the Corporation to file a brief in any action filed in a court of the United States on behalf of the public interest in any case relating to professional boxing.

SEC. 9. SUBMISSION AND APPROVAL OF STATE BOXING PLAN TO CORPORATION.

This section provides that, beginning 18 months following the enactment of this legislation, a State regulating professional boxing shall submit to the PBC for its approval a State boxing plan that conforms with the requirements established in subsection (b). These requirements include: establishing a State agency to regulate professional boxing in compliance with the PBC's minimum standards; and establishing registration procedures that are consistent with the provisions of section 8.

Subsection (c) requires the PBC to determine within 60 days whether such a plan is approved.

Subsection (d) authorizes the PBC to withdraw its approval of any State boxing plan that no longer meets the requirements of subsection (b).

Subsection (e) prohibits professional boxing matches, beginning three years following the enactment date of this legislation, in any State which does not have in effect a PBC-approved State boxing plan or in which the State is not complying with the PBC's minimum standards or in which the PBC has withdrawn its approval of a State boxing plan.

SEC. 10. POWERS OF THE CORPORATION.

This section provides the PBC with the general authority to carry out the functions of the Corporation, including the contracting of outside personnel to conduct certain functions such as medical or scientific research.

The PBC is not intended to micromanage professional boxing. Therefore, subsection (b) of this section specifically prohibits the Corporation from promoting boxing matches or from ranking professional boxers. This subsection also prohibits the PBC from providing assistance to States which do not comply with the minimum standards established by the Corporation.

Subsection (c) gives the PBC exclusive rights to its name, acronym and any other emblem or trademark of the Corporation.

SEC. 11. NONINTERFERENCE WITH STATE BOXING AUTHORITIES.

This section makes clear that States are free to continue to regulate professional boxing to the extent those regulations are not inconsistent with the provisions of this Act.

Standards established by the PBC are to be minimum standards for professional boxing. The states are free to promulgate regulations which exceed the PBC's standards.

SEC. 12. ASSISTANCE FROM OTHER AGENCIES.

This section would generally permit the PBC to seek and obtain the assistance of other Federal agencies in the course of conducting its operations.

SEC. 13. PROFESSIONAL BOXING CORPORATION TRUST FUND.

This section would establish a PBC Trust Fund at the Department of the Treasury and is based on the language used to establish many similar trust funds for Federal entities currently in operation. Subsection (d) authorizes the PBC to borrow from the Treasury the necessary start-up capital as "repayable advances", to be repaid with interest. After five years (from the effective date of the Act), no additional advances would be permitted and all previous advances must be repaid. All PBC revenue would be deposited in this Trust Fund, which would be managed by the Treasury and the Secretary would report annually to Congress on the condition and operations of the Trust Fund.

SEC. 14. AUDIT AND REPORT.

The Act would require the PBC to submit an annual report to Congress describing the State boxing authorities in each state and the results of an annual required audit conducted by the Comptroller General.

Subsection (c) requires the PBC to issue an annual public report addressing progress made at the Federal and State levels in the reform of professional boxing and commenting on issues of continuing concern to the Corporation.

SEC. 15. PETITION TO REPEAL BEFORE EFFECTIVE DATE.

This provision would permit a majority of the State boxing authorities from all States to submit a petition, with supporting evidence, to the Senate Government Affairs and House Government Operations Committees, respectively, showing that the PBC is unnecessary because the State boxing authorities have established an organization capable of effectively carrying out the purposes of this Act, and therefore requesting Congress to either delay the effective date of our repeal this Act. This provision is intended to allow the opportunity for the creation of a non-federal entity to address the problems which would otherwise be addressed by this Act. The establishment of such an entity would be long overdue; professional boxing's inability to regulate itself is the genesis for this Act.

SEC. 16. INFORMAL RULEMAKING.

This section provides that, to the extent possible, the PBC will conduct all rulemaking pursuant to the informal rulemaking procedures of the Administrative Procedures Act.

SEC. 17. TERMINATION OF CORPORATION.

This is a "sunset" provision under which the PBC will terminate seven years following the date of enactment unless Congress determines a continuing need exists and extends the PBS's authorization.

SEC. 18. EFFECTIVE DATE.

The effective date shall be one year after the date of the enactment.

BEGA-LITTLETON SISTERS CITIES

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. SCHAEFER. Mr. Speaker, sister-city relationships are important ways of increasing people-to-people contacts between the United States and other countries. I am happy to note that the cities of Bega, New South Wales, in Australia and Littleton, CO, have had a sister-city relationship since 1961. In commemoration of the upcoming visit to Littleton by a delegation from Bega, I would like to insert a brief history of this remarkably longlasting and vibrant relationship into the record. I wish this exchange many more productive and rewarding visits in the decades to come.

THE BEGA-LITTLETON SISTER CITY EXCHANGE, INC.—A BRIEF HISTORY

In 1951, the U.S. State Department and U.S. Information Agency ordered the making of the motion picture "Small Town Editor," which they wished to use in foreign lands where a rural press was needed to supplement the usually government-controlled news. This film of Littleton, Colorado, featured Houstoun Waring, editor of The Littleton Independent, who had achieved national recognition for his editorials on foreign affairs.

W.B. (Curly) Annabel of the Bega District News in New South Wales, Australia, saw this film which dealt with the people, goals and production of The Littleton Independent. Entranced with the similarity of Bega and his newspaper, with Littleton and its newspaper, Annabel not only began a correspondence, but visited the Warings for a week.

When President Eisenhower urged sister-city relationships, Annabel and Waring decided in 1960 to form a bond between the two cities. This led to an invitation from Annabel for the Warings to attend Bega week in February, 1961. While there, they consummated the association and Bega, 9,000 miles away, became the first Australian town with a sister city in America.

In August, 1961, Annabel brought four young people to Littleton for Western Welcome Week. The early exchanges featured young people in our 4-H clubs and their Bega counterparts in addition to the adults.

Therefore, the custom was established for Littleton to send a delegation every five years, timed with ANZAC Day honoring service veterans of Australia and New Zealand, and for Bega to return the visit two and a half years later during our Western Welcome Week festivities. The delegates are hosted by member families and get a taste of home life in addition to tours of the immediate area. In 1983, the Bega delegation was present at the dedication of the bronze plaque with profiles of Curly and Houstoun in Bega Park, downtown Littleton, between Main and Alamo Streets just west of the railroad. The 1986 Littleton delegation presented an identical plaque to the people of Bega for Littleton Park in front of their civic buildings. The handsome bronze plaque hanging in Council Chambers is a gift from Bega honoring the U.S. Bicentennial.

This high point of each visit is a civic dinner attended by the delegates, government dignitaries representing both countries, members of various civic organizations, clergy and previous visitors. Over the thirty-year span, many have returned unofficially to visit the friends made on previous trips. News received from either city get around rapidly. An extended family has grown from the efforts of these two influential founders of the Bega-Littleton Sister-City Exchange.

THE REORGANIZATION OF THE FEDERAL ADMINISTRATIVE JUDICIARY ACT

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. GLICKMAN. Mr. Speaker, today I introduced a bill along with my colleagues GEORGE W. GEKAS and PAUL E. KANJORSKI of Pennsylvania, to reorganize Federal administrative law judges. A similar bill, S. 486, was introduced in the Senate by Senator HEFLIN of Alabama, along with Senators SPECTER of Pennsylvania, and DECONCINI of Arizona.

In previous Congresses, Senator HEFLIN and I have introduced bills which would create an independent corps of Federal administrative law judges [ALJ's]. In the 102d Congress these bills were reported out of committee, but for one reason or another, were never considered by either body. This Congress, the bills we have introduced are similar to last year's bills, but also reflect a careful redefining of the concept of an administrative law judge corps. This year, the bills are focused on how not only to maintain ALJ independence, but how to perform the adjudicatory mission of the Federal administrative judiciary with efficiency, productivity and reduction of administrative functions.

This bill will provide economies of scale and better public service, by organizing ALJ's in a unified corps rather than the inefficient dispersal of ALJ's in all the Federal agencies that require ALJ hearings.

Under this bill, judges in the corps would be grouped in eight divisions according to their expertise: Division of communications, public utilities, and transportation regulation; division of safety and environmental regulation; division of labor; division of labor relations; division of health and benefits programs; division of securities, commodities, and trade regulation; division of general programs; and division of financial services institutions. Under the bill, judges in the corps would be assigned by the corps to hear cases at the request of an agency. The corps may assign judges to cases outside of their division as demand requires.

One advantage to this reorganization is that agencies with little adjudicatory work or uneven work demands would no longer need to maintain a full time staff for occasional use, and judges would be available to help overburdened agencies. Also, the corps would have judges throughout the country, thus saving travel costs for hearings. Another cost savings benefit of the corps would be the elimination of duplicative offices of hearings and appeals found in some 31 Federal agencies. Reorganizing and consolidating all Federal administrative adjudicating functions, with a single management, will better serve the public and will reduce Government costs in the elimination of duplicative activities in every agency.

Unlike previous bills in this area, this year only the administration of the ALJ Corps, the one chief judge and eight division chief judges, will be located in Washington, DC. The dispersal of ALJ's across the Nation as it presently exists and the continuation of Corps ALJ's in their present office locations for at least 1 year will promote cost savings in travel and keep the reorganization at a minimum level of disruption.

Our discussions with constituents, with ALJ's, and the General Accounting Office [GAO] have led us to refine the corps concept to the functional reorganization of ALJ's in order to streamline Government rather than to create a new administrative bureaucracy. Instead of the cumbersome system we currently operate under, with this reorganization we envision an administrative judiciary empowered by new technology which will allow the judiciary as a whole to be more responsive to public and agency demands. The chief judge will be responsible for developing practices and programs that use information technology for automated decision preparation, case docketing and research. The chief judge will have the opportunity to establish innovative programs designed to achieve even further efficiency and productivity, such as the electronic Federal courthouses where claimant and ALJ's will conduct video hearings in full view of each other, again avoiding costly travel-time and expenses. The chief judge will be charged with developing these procedures and reporting to the Congress prior to operation.

Enactment of this bill is the next logical step in the progression of an independent administrative law judiciary. The current system of Federal administrative adjudications has not changed much since the adoption of the Administrative Procedures Act in the 1950's. ALJ's are housed and managed by the agencies that make the decisions for which the ALJ's are to give independent review and decisions. That means ALJ's have the task of keeping an uneasy distance from the agency policymakers. Predictably, this situation has caused some skepticism about the independence of ALJ decisions, despite the integrity of the system in most agencies. There have been situations in the past where an agency attempted to influence and dictate ALJ decisions by the removal or downgrading of chief and regional ALJ's, and the retraining of ALJ's, all who refused to apply agency policy rather than the law in their case decisions.

I do not believe that support for the creation of an ALJ corps must depend on finding the behavior of agencies toward ALJ's as inappropriate or coercive in some manner. In the affirmative, reasons to support the corps rest in the public perception of possible agency control. Too often we hear of the lack of confidence of an individual who is accused by a Federal agency of serious wrongdoing and is not reassured by the fact that the ALJ hearing the case is an employee of the agency. The realities of the situation indicate that the key to public satisfaction and confidence in the administrative law setting is the independence of the ALJ. The creation of an independent corps not housed in the agency will gain the respect and confidence of the public in the operation of the administrative law system. It is for this reason that we should support this improvement of the adjudication process in administrative agencies.

These circumstances have been well documented by the American Bar Association, which also supports the enactment of the bill. Therefore, this next step in the development of the administrative law system is well overdue. Under the bill, ALJ's will manage ALJ's, and for the first time there can be no question of inappropriate action by the agency. This system will allow for more control of case dockets and productivity as ALJ's set standards for themselves and deliver services responsive to demand rather than form. The bill provides for a claimant complaint review procedure, which does not exist under current law. Agencies attempting to provide such a complaint forum would threaten ALJ independent decisionmaking, but the corps could provide the peer review and counseling needed in some cases without jeopardy to the process or charges of trying to influence the ALJ's.

Let me assure my colleagues that the corps will in no way remove the authority of agency secretaries from making the final decision for the agency where appropriate. The new corps will simply be removed from agency coercion in the management of daily operations of Federal administrative adjudications. Also, this bill is not intended to promote any person who is not now an ALJ into that position. This bill merely consolidates and reorganizes the existing pool of ALJ's.

We need to restructure the administrative judiciary because as said in Reinventing Government by Osborne and Gaebler, "to continue on the present course may often be the most risky one. It may only serve to perpetuate irrelevancy." We must not continue the inefficient system and the conflict between agency and ALJ's, which stands in the way of independence and technological progress and the elimination of waste and duplicative systems in every agency.

TRIBUTE TO DR. WILLIAM SCHREINER

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. PORTER. Mr. Speaker, I would like to take this opportunity to honor Dr. William H. Schreiner, who retired on June 30, 1993, after a distinguished 26-year tenure as principal of Glenbrook South High School.

Today, as we hear reports of declining test scores and increasing school dropout rates, it is even more gratifying to recognize Dr. Schreiner. He has been a consistently bright light in education and has led his school and its students to outstanding levels of achievement.

Instead of believing that more mandates and tighter control from the top would make for a better learning environment, Dr. Schreiner took a refreshing academic approach. He had the ability and foresight to surround himself with outstanding faculty and an enlightened philosophy: infuse teachers with an "espirit de corps" and then get out of their way and let them teach. This approach resulted in students being more committed to learning and thus more serious about their studies. By giving teachers freedom within the classroom, Dr. Schreiner has allowed students to receive creative teaching and a variety of unique programs. As a result, test scores have increased every year of his 26-year tenure. A visiting educator once remarked that Dr. Schreiner has molded Glenbrook South into a "truly happy place for students to study, teachers to teach, and administrators to administer."

Bill Schreiner also had the vision to see beyond academics. As parents have become more occupied with their jobs, he realized that the school must be more involved in the students' lives. His humor, upbeat nature, and dedication to the school has promoted an infectious ethic of student participation in school activities. An incredible 75 percent of the student body is involved in extracurricular activities.

Fortunately, Dr. Schreiner's leadership and accomplishments did not go unnoticed. In 1984, Glenbrook South High School was among the first group of select American high schools to be honored by the U.S. Department of Education for Excellence in Education. Later that year, Dr. Schreiner was honored with the Illinois Principal of the Year award by the National Association of Secondary School Principals.

Bill Schreiner was a role model not only within Glenbrook South High School, but throughout the Glenview community. With participation in numerous community activities, Bill devoted countless hours of service to local organizations and civic activities. For his energy and passion for the community, Glenview bestowed upon Dr. Schreiner its "Citizen of the Year" award.

These are only the highlights, Mr. Speaker, of Bill Schreiner's exemplary record as an educator and community leader. He has distinguished himself as someone of remarkable talents who cared about his school, his students, and his community. His contributions to our area will not be forgotten. He came to the Glenview community nearly a quarter of a century ago and has left it a much better place as a result of his efforts.

It is my pleasure to join the people of our area in saluting Bill for his outstanding career and in wishing him great happiness in all the years ahead.

LEE BROWN BECOMES THE DRUG CZAR

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. GILMAN. Mr. Speaker, this morning I had the opportunity to join in the swearing in of Dr. Lee Brown as the new Director of the Office of National Drug Control Strategy. I was particularly pleased that in their remarks, both President Clinton and Dr. Brown spoke out forcefully on the crucial issue of illegal drugs.

Earlier this year, I expressed my deep concern over the lack of attention within the Clinton administration to the drug problem. With the downgrading of the International Narcotics Matters Department within the State Department, and the gutting of the Office of National Drug Control Strategy, many Members on both sides of the aisle were justifiably concerned.

However, the Clinton Administration, as a new administration will often do, indicated its desire to take a broad look at our drug policy and review all of our Nation's policies. However, it is now July and we have just sworn in the drug czar, additionally, the Congress still has not received the national drug control strategy, as required by the Anti-Drug Abuse Act of 1988.

It is important that we in the Congress continue to place a high priority on anti-drug efforts. I would also like to extend my willingness to work closely with the administration on this issue, as it is one that transcends political boundaries.

Mr. Speaker, in order to provide my colleagues with the full text of President Clinton's and Dr. Lee Brown's remarks I request that they be inserted at this point in the CONGRESSIONAL RECORD.

[For Immediate Release, July 1, 1993]

REMARKS BY THE PRESIDENT AND LEE BROWN, DIRECTOR OF OFFICE OF NATIONAL DRUG CONTROL POLICY DURING SWEARING-IN CEREMONY IN THE ROSE GARDEN

The PRESIDENT. Thank you very much. Thank you. Please be seated and welcome to the Rose Garden. I want to acknowledge the presence in our audience of Lee Brown's children; the Attorney General; the Secretary of Transportation; the Secretary of Agriculture; General Powell, the Chairman of the Joint Chiefs of Staff; numerous other distinguished Americans and members of Congress, including: Senator Hatch, Senator Dodd, Senator Cohen, Senator Pressler, and Congressmen Rangel, Conyers, Gilman, and Congresswoman Waters. I may have left someone out, and Senator Kennedy just called to say he was on the way. I think that's all a great tribute to Lee Brown.

We are here today to install a uniquely qualified person to lead our nation's effort in the fight against illegal drugs and what they do to our children, to our streets, and to our communities. And to do it for the first time from a position sitting in the President's Cabinet.

When I named Lee Brown to head the Office of National Drug Control Policy, many called that an inspired choice. I would say that is an accurate characterization because Lee Brown brings three decades of experience in highest law enforcement offices in some of the toughest cities in our country: New York, and Houston, and Atlanta. I know if Mayor Dinkins were here today he would want me to say a special word of thanks for the unique partnership they enjoyed in a safe streets program which clearly lowered the crime rate in many neighborhoods and many categories of crime in New York City.

Lee Brown's leadership in the cause of keeping our communities and citizens safe is unsurpassed, and now he must bring those skills and all that experience to deal with the destructive lure of illegal drugs.

We know that successful drug control does not take place in a vacuum. This is a many-headed monster. Drugs violate our borders when smugglers bring them in as illegal cargo. Our jails are crowded and our court system is overloaded with users and dealers. Crime and violence are brought to communities large and small, and random drive-by shootings, and deliberate killings as well.

Too many young Americans are robbed of their future and many, many of their very lives. For all those reasons, fighting drugs requires a multifaceted offensive and the maximum use of the resources we have as a people. That's what we've been trying to do in this administration. With all the budget cuts and with a five-year hard freeze on overall domestic spending, there's a 10 percent increase in the funds in our budget for demand reduction, and a dramatic increase in the funds available for community policing, as well as a clear commitment to include drug treatment in the national health care program that our administration will be advancing in the near future.

But, most important, we now will have an effort that is coordinated as one, pulled together and anchored by Lee Brown. No longer will the Office of the Director of Drug Policy operate separately from the rest of the government, consigned just to being a bully pulpit. Now it will work hand-in-hand with the other Cabinet agencies, and in doing so, our effectiveness will be increased. Our aim is to cut off the demand for drugs at the knees through prevention. That means more and better education, more treatment, more rehabilitation.

At the same time, we want to strangle supplies by putting more officers on the streets, by enforcing the law in our communities, at our Nation's borders and by helping our friends and allies to do the same thing beyond our borders. We pledge to work with other nations who have shown the courage

and the political will to take on their own drug traffickers who destabilize their own societies and their economies.

Our commitment to all these things is personified in Lee Brown. A tough guy might say he's a drug trafficker's nightmare, a cop with a doctorate. (Laughter.) Or, a doctor of criminology with a badge. (Laughter.) But the most important thing to me is, he's got a track record of results. How many law enforcement officers in this country—(applause)—would be proud to look on the record he has amassed of actually reducing the rate of crime in the streets where he has worked.

You know, the insecurity most Americans feel, without regard to income or race, is a truly appalling thing. And anything we can do, not only to give lives back to children who might otherwise become involved in drugs, but to give the streets and the safety of the streets back to ordinary American families of all kinds is a service well done; and it might mean more to them than anything else this government could produce during my tenure in office and for the foreseeable future.

The work that Lee Brown did in pioneering community policing in Houston and New York is now legendary, with officers on foot patrol knowing their neighbors, working to prevent crime as well as to catch criminals.

This is a fight that surely can unite us all, across the boundaries of party and race and region and income. We are fighting for our families, our children, our communities and our future. Each and every American—make no mistake about it—also bears a personal responsibility to play a role in this battle. Anyone who thinks that Lee Brown or anyone else can solve this problem for the American people instead of with the American people has another think coming.

There are people in this audience today whom I know have worked for decades to try to help come to grips with this issue. Parents educating their children, teachers working hard to prevent crime, law enforcement officers going into the schools, working in programs like the DARE program, people who have worked in drug treatment and know, as I do, from our own family's experience, that it works. All these things are an important part of what we have to do. Make no mistake about it—we've got to try to get the streets back for our kids, too. We ought to have a time in this country when children don't have to be afraid to go down to the neighborhood swimming pool in the summertime. (Applause.)

I am thankful that Lee Brown has taken on this challenge. He's made the decision to do so at a time in this life when he might have reasonably been expected, for personal and professional reasons, to take a different course. He could clearly be making more money doing something else, he could have far fewer headaches doing something else. He would not have all of us investing so much of our hopes in him if he were doing something else. The simple fact that at this point in his life he resolved to do this says a great deal about him and his character.

I would like now to ask Judge James Watson of the U.S. Court of International Trade to join his friend, Dr. Brown, up here to administer the Oath of Office, and I would like to invite—James Watson, I'm sorry—and I'd like to invite Dr. Brown's eldest daughter, Torri Clark, up here to hold the Bible for her father.

Judge Watson. I understand he's a relative of yours, General Powell. Is that right? That's good.

Please come up here so you'll be on the microphone.

(The oath is administered.) (Applause.)

DIRECTOR BROWN. Thank you. First, let me introduce my children. My oldest son, my only son, is Patrick from Chicago. (Applause.) and my oldest daughter, Torri you just met, and her husband Tony, and their daughter, my granddaughter, Tyler. (Applause.) And my twin daughters from Houston, Robyn and Jenna. (Applause.)

We're very pleased that my Congressman from Texas, Congressman Washington, was able to join us as well. (Applause.) Let me begin, Mr. President, by expressing my sincere appreciation to you for appointing me to your Cabinet as Director of the Office of National Drug Control Policy. By elevating the post to Cabinet rank, you have signaled to the nation and the world your resolve to protect and defend the American people at home as unmistakenly as your resolve to do so abroad.

And so it should be. For America's addiction to drugs, claiming so many of its victims from among our young, even among our newborns, has shown itself to be an implacable, remorseless enemy. It has vanquished whole neighborhoods and turned streets into free-fire zones. It has robbed America of its vitality and competitiveness and it is plundering our future.

Implacable though the enemy may be, it has a tenacious foe in this administration. And I pledge to you, Mr. President, and the American people to work every ounce of strength I have and with all the time that God allows me to help defeat the enemy. (Applause.)

I also want to thank the Senate of the United States for its vote of confidence in me. Before and since my confirmation I had the great privilege of meeting many of the men and women of that august body, including those assembled here today. And I came away convinced that their concern about the drug problem was surpassed only by their love of country, and the two are irrevocably bound together.

I pledge to work with the Congress and the other members of the Cabinet toward the construction of effective, lasting public policy in the areas of prevention, education, treatment, enforcement, and interdiction. The national drug control strategy I would develop for the President and the American people would put resources where the problems are the most severe. It would support those approaches of demonstrated effectiveness, such as community policing. We will underscore the fact that drug addiction is as much a public health problem as it is a criminal justice one by expanding the availability of treatment and enhancing the quality of same. (Applause.)

We will redouble our efforts to instill in America's youth a set of values to, in effect, immunize them against the allure of drug trafficking and the escape of drug addiction. We will convince the American people that their sobriety and that of their children is as much a part of the American Dream as homeownership or college education. And that home and family are easily lost if ever obtained at all when set adrift in the nightmare of drug addiction.

Although the drug problems appears to have lost some of its hold on the public's imagination, we will ask the American people to make the campaign against drugs a personal crusade. And I'm convinced we will succeed. We will examine past interdiction efforts, abandoning those which have not worked, learning from our failures and moving on.

We will work closely with our friends in the world, particularly our Latin American neighbors, to mobilize international opposition to drug trafficking and its criminal gains. We will do this and more. But one thing we will never do is surrender to those who would have us believe that the drug problem is too widespread, too deeply rooted or too expensive to do anything about. We will resist the siren songs of legalization—(applause)—and send those who deal in drugs a time-honored message of sending them to jail.

We will always treat drug trafficking as a serious crime against society. And we will treat those who want to escape the clutches of addiction with compassion and real support. Our goal will be to reduce drug use in America, not because it is an easily attainable goal, but because the well-being of the nation requires it and the good conscience of every American demands it.

And, finally, I want to thank my family, friends and colleagues who have joined me here today. You have been, and continue to be, a source of strength; and I'll need it now more than ever.

Mr. President, you've honored me with both your trust and with the enormity of the task at hand. And I have no illusions about the difficulties ahead, but I embrace them eagerly and competently, certain that America will rally with us to defend her future. Thank you, Mr. President. (Applause.)

ESTABLISHMENT OF A WETLANDS POLICY CENTER

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. ORTIZ. Mr. Speaker, I am introducing legislation today to establish a wetlands policy center in Brownsville, TX.

The purpose of this legislation is to develop an innovative, cooperative approach to the preservation, restoration, and study of wetlands. In a move of great generosity and community spirit, the Port of Brownsville has agreed to make available over 7,000 acres of wetlands property for wetlands research, education, and policy program activities. This wetlands center is designed to attract scholars, experts, environmental interests, Federal agencies, businessmen, and economists to enhance our understanding and preservation of wetlands.

The primary mission of this center will be to utilize the unique wetlands property at the Port of Brownsville and adjacent waters of south Texas to focus on wetlands matters for the purposes of protecting, restoring, and maintaining the lagoon ecosystems of the western Gulf of Mexico region. However, it is envisioned that the center will ultimately become a truly international program for wetlands research involving interests from the world over. Furthermore, it is envisioned that this center will become a prototype for the development of graduate degree and career opportunities in the environmental sciences for Hispanics and other minorities in the United States.

The center will be operated and maintained by the Port of Brownsville and a consortium of institutions of higher education, chaired by the University of Texas at Brownsville, a minority

institution with expertise in the area of the environment and environmental technology. The center will be overseen by a board of directors cochaired by the Port of Brownsville, the University of Texas at Brownsville, and a designee of the Director of the U.S. Fish and Wildlife Service. Members of the board will be chosen by the cochairs, and, as envisioned, will include representatives from all institutions of higher learning participating in the consortium and representatives of interested Federal agencies.

This wetlands center will be a unique regional and national asset. It may be the only center in the world where researchers, scientists, and students will be permitted to conduct actual, applied research techniques on actual wetlands property contiguous to a heavy industrial enterprise. This will provide a unique opportunity for the country to focus on new technologies and approaches on the issue of wetlands and our national effort to both understand and protect them. Furthermore, this center will help provide educational avenues for minority students to pursue careers in environmental protection, science and engineering. By supporting wetlands research, we not only preserve sensitive ecological habitats, but we encourage academic learning in this important area of study.

Mr. Speaker, in September 1992, just prior to adjournment, the full House of Representatives passed and sent to the Senate, H.R. 5874, the Brownsville Wetlands Policy Act of 1992—a bill that called for the establishment of the center just described in my testimony today. The bill was unanimously supported by the House Merchant Marine and Fisheries Committee and had the full support of the Secretary of the Interior, Manuel Lujan. Unfortunately, the 102d Congress adjourned without approval of the bill by the U.S. Senate, due to time constraints.

The bill I am introducing today is virtually the same as H.R. 5874. I have included one additional section in the bill outlining the commitments that the port and the university have made in terms of land, educational facilities, personnel, and other costs. This section makes explicit the strength of their commitment to this center and to the purposes it will serve. I am confident that the bill will once again earn the support of the Merchant Marine and Fisheries Committee on which I serve; the full House of Representatives; and hopefully, the U.S. Senate. I have also received every indication that the new administration, including the U.S. Fish and Wildlife Service, will support this legislation.

Mr. Chairman, I urge you and the Members of the House to support this initiative. To my knowledge, there is no comparable proposal anywhere in the world, where a private, heavily industrial, port facility, has turned over nearly 13 percent of its property for the study of the environment; fragile ecosystems; and how an ongoing, industrial enterprise can coexist in a wetlands area. This center will provide a unique opportunity to focus on new technologies and environmentally compatible economic policy. It will also serve to provide educational avenues for Hispanic students to pursue careers in environmental protection, science and engineering.

Last, I want to recognize the Port of Brownsville for their generosity and foresight in recognizing the value of this property and for utilizing this land in such a unique way.

Thank you, Mr. Speaker.

CAMP COUNSELOR FICA CLARIFICATION ACT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation to extend the existing youth-oriented FICA exemptions to the temporary employment of full-time students as children's camp counselors.

Under current law, numerous types of youth-oriented jobs enjoy the benefit of exemption from FICA taxes. Most of these students work as nurses, newspaper deliverers, domestic servants, or as support staff at their college or university. With respect to summer youth camps in particular, exception from FICA taxes would provide the industry with improved community youth services, enhanced child develoment programs, and a greater pool of applicants from which to pick counselors. As one of the few remaining places which afford children with an enriched learning experience, children's camps must have access to resources which will ensure that camp counselors, who have more interpersonal contact with children than any other youth group in the United States, are the most qualified and the most suitable. I would urge my colleagues to support this bill.

FEDERAL FACILITIES CLEAN WATER COMPLIANCE ACT

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. DEFAZIO. Mr. Speaker, today I'm introducing the Federal Facilities Clean Water Compliance Act.

In December 1991, following a 3-year, billion-dollar start-up effort, the Department of Energy's [DOE] K reactor at the Savannah River site in South Carolina discharged thousands of curies of contaminated cooling water into the Savannah River. As a result, a number of drinking waterplants, food processors and oyster beds on the river had to be shut down until the tritium concentrations diminished.

It was not the first time radioactive pollutants had been dumped into the river. DOE records indicate that more than 3.5 million curies of tritium had been released from the site since 1984.

At the Hanford Nuclear Reservation in the Pacific Northwest, more than 200-billion gallons of liquid wastes have been discharged into unlined ponds and trenches, contaminating over 122 square miles of ground water with radioactive and chemical wastes. At the 800-square-mile Idaho National Engineering Laboratory located directly above the Snake River plain aquifer, the DOE has identified a 40-square-mile plume of radioactive contamination in the ground water with high doses of tritium, plutonium-238, and strontium-90.

In Texas, the DOE has admitted to discharging waste from its Pantex plant into nearby Playa Lakes. In Ohio, the DOE has dumped over a half million pounds of uranium into the air and water from its Fernald plant, located 20 miles northwest of Cincinnati. Drinking wells south of the Fernald plant are contaminated with radioactivity at levels as much as 250 times higher than limits set by the Environmental Protection Agency [EPA].

One startling fact highlighted by all of these tragic spills is that radioactive discharges from federal facilities are not regulated under the Clean Water Act [CWA]. Neither the EPA nor individual states can set or enforce discharge limits for Federal facilities that dump nuclear waste into our streams and rivers.

Although the CWA defines a pollutant as radioactive material and requires DOE and other Federal agencies to comply with the CWA in the same manner and to the same extent as private individuals, the language does not have much backbone. A 1976 Supreme Court decision—Train versus Colorado PIRG—ruled that the CWA's definition of pollutant does not clearly indicate whether Congress intended the CWA to apply to radioactive materials regulated under the Atomic Energy Act—namely source, special nuclear, and byproduct materials. These are the chief waste discharges found in tritium and released from DOE and Department of Defense facilities.

In addition, States are virtually helpless to do anything about the dumping, since States cannot assess civil penalties against the Federal Government under the doctrine of sovereign immunity.

Under the CWA, States may assess penalties against individuals up to $25,000 per day per violation. However, another Supreme Court decision—State of Ohio versus DOE—ruled that the DOE and other Federal agencies are immune from civil penalties under the CWA and the Resource Conservation and Recovery Act [RCRA].

This infamous decision ultimately led Congress to pass the Federal Facilities Compliance Act for RCRA in 1992. The exemption for the CWA still remains.

And finally, the EPA cannot issue administrative orders or assess penalties against other agencies for violating the CWA. The EPA may currently assess penalties up to $10,000 per day against individuals. But it can only issue administrative orders against Federal facilities on a consent basis. The EPA cannot assess unwanted penalties against a Federal agency. This essentially limits the EPA's primary enforcement mechanism to voluntary compliance agreements.

Congress needs to fill this regulatory void by providing independent oversight of Federal facilities that discharge radioactive waste into our waters. That authority already exists for toxics, suspended solids and other nonradioactive pollutants under the CWA. Radioactive material should not be held to a lesser standard.

In addition, we should grant EPA the same regulatory powers it now enjoys under the Clean Air Act. Under this act, the EPA can regulate radioactive air pollutants discharged

from Federal facilities. There is no distinction made between pollutants; a poison is still a poison. We should eliminate the paradox under the Clean Water Act.

The legislation I am introducing today will eliminate the exemption under the CWA for radioactive discharges, empower States to assess civil penalties against Federal agencies, and authorize the EPA to issue unilateral administrative orders and assess penalties against other Federal agencies for violations of the CWA. My bill is supported by the Natural Resources Defense Council, Environmental Defense Fund, Friends of the Earth, Greenpeace, Sierra Club, Government Accountability project, Military Toxics project, Physicians for Social Responsibility. Plutonium Challenge, 20/20 Vision National Project, and the Woman Legislators' Lobby.

At a time when the emphasis on America's nuclear weapons complex is shifting from production to cleanup, it is essential that we close these dangerous loopholes. Independent oversight of Federal facility discharges can prevent future accidents from happening and provide a means of cleanup enforcement when they do occur. I urge my colleagues to cosponsor this legislation and join me in this effort.

WILLIS CONOVER: THE VOICE OF FREEDOM

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. MICHEL. Mr. Speaker, yesterday in its editorial column, the New York Daily News urged President Clinton to award the Medal of Freedom to Willis Conover. Mr. Conover's broadcasts over the Voice of America have for almost 40 years inspired freedom-loving people throughout the world. I want to take this opportunity to state my support of such an excellent idea. I bring this editorial to the attention of our colleagues in the hope they will join with me in requesting President Clinton to make such an award to a distinguished American.

At this point I wish to include in the RECORD an editorial from the New York Daily News, June 30, 1993, "The Voice of Freedom".

THE VOICE OF FREEDOM

You've probably never heard the world's most famous jazz disc jockey, even though his show reaches 100 million listeners. For 38 years, the Voice of America has beamed Willis Conover's "Music USA" around the globe. "I am not trying to overthrow governments," Conover says. "I am just sending out something wonderfully creative and human. If it makes people living under repressive regimes stand up a little straighter, so be it." It did just that, especially behind the Iron Curtain, where jazz was widely viewed as a symbol of Western democracy. Said one Russian listener, in a letter to Conover: "You are a source of strength when I am overwhelmed by pessimism, my dear idol." Says jazz critic Gene Lees: "I think Willis Conover did more to crumble the Berlin Wall and bring about the collapse of the Soviet Empire than all the cold-war Presidents put together."

On June 14, the House of Representatives passed a resolution praising Willis Conover, a fitting gesture. But he deserves more. In fact, he deserves the Medal of Freedom, not just in his own right but on behalf of the great American art form he has served so selflessly. How about it, President Clinton?

1993 RECIPIENTS OF THE ROBERT C. BYRD HONORS SCHOLARSHIP

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to congratulate 13 outstanding scholars in the First Congressional District of New York. These students are all recipients of the distinguished Robert C. Byrd Honors Scholarship, a tribute to their hard work and academic achievements through their high school careers.

The goal of the Robert C. Byrd Honors Scholarship is to promote student excellence and achievement, and to recognize exceptionally gifted students who show promise of continued success. The recipients of this year's awards are: Danielle P. Benaviv, Todd F. Braunstein, Steve H. Cho, Sara N. Goldhaber, David Grannis, and Krishna Jayaram, all from Ward Melville Senior High School; Colin S. Desouza, Andrea E. Deutsch, Michael A. Mischna, Michael J. Shurpik, and Stephen Ward, of Smithtown High School; and Giancarlo Dipierro and Robert Gauthier, of Sachem High School North. All are well-deserving of this distinction. As a result of their academic success, the Byrd Scholarship will award each student $1,500 for the first year of study, which may be used in any approved institution of higher education. The scholarship recipients were the candidates who earned the highest ranking in each congressional district. Each student's ranking was determined by combining their grade point average and highest score on either the American College Testing Program [ACT] Assessment, or the College Board's Scholastic Aptitude Test [SAT].

I am pleased to have such a scholarly group of young men and women in my congressional district. I ask my colleagues to join me in congratulating these individuals on their fine achievement and wishing them continued success in the future.

PROTECT WE THE PEOPLE AS WELL AS PREROGATIVES

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. ROHRABACHER. Mr. Speaker, yesterday the Clinton administration announced that they were appealing the decision by Judge Richey which requires an environmental review before NAFTA can be implemented.

I am impressed, Mr. Speaker, that this administration was able to come to this decision within 24 hours of the judge's order, but it's been 28 days since a Federal judge ordered America's doors open to HIV-infected Haitians, with no appeal yet by the Clinton administration. This is the second time since the Haitian court order that the Clinton administration has taken quick appeals. On June 18, I pointed out to the lightning speed at which the administration appealed an order concerning the preservation of White House tapes in order to avoid a contempt citation.

With a tidal wave of illegal immigration and the threat of an incurable, communicable disease, where has the administration stuck its priorities?

The President still has a few days to appeal the order, to bring HIV-aliens to our neighborhoods. The administration should spend as much time protecting we the people as it does protecting its prerogatives.

THE DISTANCE LEARNING INFORMATION CLEARINGHOUSE ACT

HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. KREIDLER. Mr. Speaker, today I am introducing legislation with my colleagues Congresswoman JOLENE UNSOELD and Congressman JIM MCDERMOTT to establish an information clearinghouse on distance learning projects at the National Telecommunications and Information Administration [NTIA].

Distance learning is the use of communications technologies by schools and others to enhance access to education. For example, the Washington State University branch campus in my area has a number of classes which are transmitted via satellite to various locations, including students' homes. This technology allows students to receive a high level of education without having to commute to the campus.

These programs are a far cry from the correspondence courses of the past that many members may recall. The technologies used today are mostly two-way, real time technologies, which means that the teacher and student can interact while the lesson is being taught.

Because these technologies are so new, distance learning programs often do not have adequate data on the provision of services, such as which technologies are most useful for given situations. As a result, money spent on distance learning programs may not be spent as efficiently and effectively as possible.

My bill would establish the Distance Learning Information Clearinghouse and would require the NTIA to collect, analyze, and disseminate information about distance learning projects throughout the country. The information will help both providers and Government grant administrators to determine which programs are most technologically feasible and cost-effective.

Distance learning grant recipients under the Public Telecommunications Facilities Program and other Commerce Department programs will be required to submit reports to the clearinghouse. The NTIA shall establish what information should be included in the clearinghouse report.

Mr. Speaker, distance learning brings immeasurable benefit to those it reaches and it

has the potential to benefit millions more. This clearinghouse will help gather much-needed information and allow providers to share their ideas, progress, problems, and successes. Such information will help others design the best, most cost-effective strategies for other distance learning projects. I am encouraged by this administration's support for such programs, and I urge my colleagues to cosponsor and support this legislation.

ENGLISH: OUR COMMON BOND

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. TAYLOR of North Carolina. Mr. Speaker, since its conception, our great Nation has drawn immense strength from the diversity of its citizenry. However, without a common link between the many nationalities represented in this vast "melting pot," the very diversity that creates our unique culture would become one of the most destructive and divisive forces in this country. The key element that enables us to transform these destructive forces into national stability consists of our ability to clearly and effectively communicate. Our founding principles of representative democracy utterly depend upon the people's ability to communicate their views on governing this country through the Members of this great body, and the English language has traditionally been and continues to be the tool giving us this ability.

Evidence of the effects of language barriers exists in every point in history and in every geographic location beginning with the Tower of Babel. Every continent on this earth on countless occasions has gone to war over misunderstandings caused by language barriers. We see the evidence in our own time in the ashes of what used to be Yugoslavia and the Soviet Union and in the violent prejudice emerging in the newly reunited Germany. Even the United States is not exempt from the problems caused by bilingualism. In the urban areas of southern Florida and southern California where bilingualism is espoused, we have the least amount of understanding between the diverse groups that combine to form those communities. We must be united by an official language, and it must be English.

It has come to my attention that tomorrow afternoon in Tucson, AZ, the Immigration and Naturalization Service intends to perform a parody of the citizenship ceremony. It will be conducted entirely in Spanish except for the pledge of allegiance. Countless American citizens have participated in this service to express their love for and loyalty to this country over the past two centuries. It is intended to symbolize the participants' willingness to cast off their old loyalties and to embrace a new country. All we ask of these potential citizens is for them to know the country's history, the country's system of government, and English. If we require them to learn the English language in order to become citizens and then tell them that once they are citizens that the English they just learned is unnecessary, we can be considered hypocrites at best. All too often, hate groups as well as individuals use these language barriers to characterize hard-working Americans as second-class citizens. Ceremonies like the one being held in Arizona promote this horrible misconception by marking the participants as different.

Moreover, I fear that the Immigration and Naturalization Service's new practice of conducting these ceremonies in various languages establishes a dangerous and costly precedent. With several hundred different language groups existing in the United States today, providing each of them with their own ceremony will be quite difficult. How can we, the Members of Congress, justify allocating the funds to train and certify judges in languages such as Russian, Swahili, or Urdu—the language of over 70 million Pakistanis—and then transport these specialists to any point in the country where a group requests a special ceremony? We must confront this policy and halt it. To that end, several of my colleagues and I signed a letter to the Acting Commissioner of the INS expressing our strong opposition to the decision to conduct this citizenship ceremony in Spanish.

These people yearn to be citizens of this great Nation, but American citizenship is a privilege granted to those who earn it and not a right extended to the peoples of the world. It requires a degree of give and take on each side. We must give these potential citizens the moral support and knowledge to be able to fully participate in our democratic government as well as day-to-day life in America. They, on the other hand, must strengthen the American culture with elements of their native cultures while sacrificing others. Neither the new citizens nor the old should be the same afterwards, but both should be enriched and improved. The use of English as an official language is a small sacrifice to make. Despite the charges of the proponents of bilingualism, we are in no way trying to prohibit anyone from speaking or learning a different language. On the contrary, we encourage them to preserve that part of their heritage in their homes and churches.

Finally, Mr. Speaker, with all of the difficulties and challenges facing our country today, we owe it to all present and future citizens to foster an atmosphere in this Nation conducive to peace and harmony achieved through effective communication and thorough understanding of each other's perspectives. This great body, alone, holds the ability to bond the diverse cultures and experiences that merged to create the unique American culture. We can easily achieve this feat by making English the official language of the United States of America—by making English the common bond that transforms our vast diversities into exceptional strengths.

TRIBUTE TO DARREL AND JEAN FYFFE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to Darrel and Jean Fyffe, of Bowling Green, OH.

On July 11, 1993, the Fyffes are being honored by the King's Way Christian Church, in Bowling Green, OH. Darrel Fyffe has recently retired after teaching for 23 years at Bowling Green State University and during that time, has impacted positively on successive generations of students. In addition, the Fyffes have been deeply involved in the King's Way congregation since its beginning, having taught and worked with youth groups. Darrel has also served as an elder of the church.

All too often these days we are deluged with bad news about our society and it is a genuine pleasure for me to call attention to the positive achievements of Darrel and Jean Fyffe. As King's Way Christian Church honors them for their dedication and commitment, I send my best wishes along with my deep appreciation for their hard work on behalf of others. They have set a splendid example for all of us.

INTRODUCTION OF WELFARE REFORM LEGISLATION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. SOLOMON. Mr. Speaker, the American people have made it perfectly clear that they are sick and tired of wasteful Government spending. And what could be more wasteful than paying Federal benefits for a healthy, able-bodied person to do nothing. That's right, I said pay Federal benefits for a person to do nothing.

Currently, our welfare system operates in just that manner. Healthy, capable, able-bodied individuals without any responsibility to anyone but themselves, sit at home and receive checks from Uncle Sam at the taxpayers expense.

While our Government carries the responsibility to provide welfare recipients with a certain level of assistance in times of true need, able-bodied recipients must carry the responsibility to help get their lives back in order by seeking work, education, or job training.

That is why I have introduced H.R. 2557. This bill requires States to implement workfare programs for all able-bodied eligible recipients without dependents or they will lose 50 percent of their AFDC administrative funds. My bill is a starting point for recipients without children. It would give them the self-esteem that comes from earning an income which in turn would help them in their attempt to become self-supporting again.

Welfare was never intended to become a way of life, but it has become that way for far too many people. We need to provide welfare recipients a way to break the cycle of dependency and make their way off welfare rolls. H.R. 2557 gives welfare recipients a place to start and I urge my colleagues to support it.

INTRODUCTION OF LEGISLATION REGARDING POW/MIA'S

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. CAMP. Mr. Speaker, my record on the issue of American POW/MIA's is clear. I believe that this is an issue of the highest national priority. It is important to achieve the fullest possible accounting of our Nation's missing servicemen.

Today, I introduce legislation to ensure that we achieve full cooperation from the Russian Federation regarding American POW/MIA's. My resolution calls upon the President to cease providing economic assistance to Russia from the Freedom Support Act until all pertinent documents relating to the fates of missing Americans have been provided to the United States Government.

Eastern bloc nations and the former Soviet Union, which were once our enemies, now seek United States aid and assistance. In return for our efforts to assist them with their moves toward democracy and a free-market economy, we should demand their help in accounting for our POW/MIA's.

The evidence of Soviet involvement with American prisoners of war is well documented. Russian President Boris Yeltsin has stated before Congress that the Government of the Soviet Union held or knew of American POW/MIA's during, and possibly after, World War II, the Korean war, and the Vietnam era.

In January 1993, the Senate Select Committee on POW/MIA Affairs concluded that it was possible that some members of the United States Armed Forces remained in enemy hands after the Vietnam conflict had ended. During the 102d Congress, I sponsored a resolution calling upon the President to not normalize relations with Vietnam, at least until the Senate Committee reported its findings. The Committee, while being effective in gaining unprecedented access to American and Vietnamese files and information, still did not provide a final resolution to this issue of national importance.

With the relationship between Vietnam and the Soviet Union being well documented, and with the latest revelations on this issue coming from the former Soviet archives, it is apparent that the next place we must push for access and information is in Moscow, not Hanoi.

Mr. Speaker, the future of relations between the Governments of the Russian Federation and the United States depends on trust and cooperation. This means we must reach a final resolution as to the fates of missing Americans from all of our wars.

I call upon my colleagues to join me as cosponsors of this resolution that calls for assistance from the Russian Government. Only then may we enter a new era of friendship with our former enemy.

FOR THE PRIVATE RELIEF OF DAVID LAZAR

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. EDWARDS of Texas. Mr. Speaker, today I am introducing legislation for the relief of David Lazar, a commercial fisherman and sport fisherman charter who resides in my District. The legislation I am introducing would authorize the Secretary of Transportation to issue a certificate of documentation enabling Mr. Lazar to use his vessel *Compass Rose* in coastwise trade and fisheries.

After the theft of Mr. Lazar's vessel *It's Only A Loan,* he purchased *Compass Rose,* a 46-foot Bertram sport fishing boat. Mr. Lazar was not able to utilize this vessel for, unbeknownst to him, the vessel, while built in the United States, was originally purchased by a Panamanian corporation. The owner who sold the vessel to Mr. Lazar used it only for recreational purposes. According to the Merchant Marine Act of 1920, foreign-owned vessels cannot engage in coastwise trade.

Mr. Lazar's livelihood has been crippled due to his inability to obtain a proper certificate of documentation. Since this vessel is in the hands of a U.S. citizen, I believe it is appropriate that Mr. Lazar be able to use this vessel in coastwise trade and fisheries here in the United States. I look forward to prompt consideration of this legislation by the Merchant Marine and Fisheries Committee and by the 103d Congress.

H.R.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel COMPASS ROSE (official number 695865).

RECOGNITION OF THE CITY OF PUEBLO, COLORADO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. McINNIS. Mr. Speaker, for the benefit of the House I submit for the RECORD the following:

Whereas, Congressman SCOTT MCINNIS proudly commends the City of Pueblo, CO.

Whereas, the city of Pueblo in the State of Colorado is in point of fact the only city in America to claim four living recipients of the Congressional Medal of Honor;

Whereas, President Dwight D. Eisenhower himself recognized the unusual number of Pueblo, CO servicemen to receive the Medal of Honor by commenting "What is it * * * * something in the water out there in Pueblo? All you guys turn out to be heroes!" when he presented The Medal to 2nd Lt. Jerry Murphy on October 27, 1953;

Whereas, The Medal of Honor is the highest military award that can be bestowed upon a member of the United States Armed Forces;

Whereas, The Medal of Honor is awarded by the President in the name of The Congress of the United States of America;

Whereas, the City of Pueblo in the State of Colorado takes great pride in its many veterans of service to the United States of America;

Whereas, July 4, 1993, has been chosen by the residents of the city of Pueblo, to honor all of its veterans and in particular to render honors to its four living recipients of The Medal of Honor.

Be it hereby resolved that the Congress of the United States of America does hereby congratulate the city of Pueblo, and recognizes its four Medal of Honor recipients William J. Crawford, Carl L. Sitter, Raymond G. "Jerry" Murphy, and Drew Dennis Dix.

Be it further resolved that the Congress of the United States of America does hereby recognize the city of Pueblo in the State of Colorado as "The Home of Heroes".

COMBATING ILLEGAL IMMIGRATION

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. LEHMAN. Mr. Speaker, today I am introducing a resolution which will send a strong message to President Clinton that Congress will no longer accept the uncontrolled flow of illegal aliens to the United States.

State and county governments have been financially devastated by this nation's inability to enforce current immigration laws. As a result, State and local governments are suffering budget shortfalls which limit their ability to fund essential services to American citizens. Without a comprehensive strategy to combat illegal immigration, undocumented aliens will continue to take advantage of local health, welfare, and education services. If we are to have any success in resolving this problem, we must act now before it is too late.

In an effort to combat illegal immigration, I am introducing a resolution which seeks to improve United States-Mexico cooperation in controlling illegal immigration. The resolution urges the Clinton administration to improve bilateral cooperation in controlling illegal immigration during negotiations currently underway with the Government of Mexico on a side agreement to NAFTA addressing labor concerns.

While NAFTA could solve many of Mexico's current economic woes in the future, it is generally acknowledged that even under the best circumstances, it will take years before the Mexican economy can provide the jobs needed to accommodate the expanding labor force. Therefore, in the short term, experts have speculated that illegal immigration will increase as a result of job displacement in Mexico should NAFTA be ratified.

Clearly, illegal immigration is an important component of bilateral relations between the

United States and Mexico. Unfortunately, immigration issues were removed from NAFTA negotiations early in the process.

In light of the devastating impact illegal immigration has on the United States and especially my home State of California, I am hopeful my colleagues will join me in supporting this important resolution which focuses on the problem of illegal immigration.

Mr. Speaker, the combination of continued illegal immigration, increased taxes, and job displacement is too much for the American worker to accept.

LEGISLATION TO REPEAL THE WRIGHT AMENDMENT

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. GLICKMAN. Mr. Speaker, today I am reintroducing legislation to repeal a section of law, commonly known as the Wright amendment, which prohibits commercial air carriers from providing service between Dallas Love Field and points located outside of Texas or its four surrounding States. In the past, groups such as the Consumer Federation of America have supported this legislation because the Wright amendment is nothing more than an anticompetitive, unconstitutional section of the law that must be eliminated.

The statute was originally passed as part of the International Air Transportation Competition Act of 1980 to protect then-relatively new Dallas/Fort Worth International Airport [DFW]. It was developed to ensure air carriers moved from the older Love Field to the new primary airport serving the Metropolitan Dallas/Fort Worth area. However, DFW is now the second busiest airport in the United States. Its gates are full and its runways are jammed with planes waiting to take off. DFW no longer needs protection from Love Field's competition. It is time to allow the power of the marketplace, rather than the intrusion of unnecessary Federal law, to dictate who our airports serve.

Inflated airfares are the key reason repeal is needed. Dallas fares are excessively high because the low-cost carrier in that market serves Love Field and cannot quote fares from Love Field to cities outside of the five State area. With no competition in the market, other carriers charge outrageous fares to DFW. Sometimes fares are more than five times as high from cities inside the region, even when the two cities are equidistance from Dallas.

I do want to acknowledge that fares from Dallas/Fort Worth to Wichita, KS, have been much lower in recent months. American Airlines, for one, has made a significant attempt to bring down the excessively high air fares Wichita and other cities shut out by the Wright amendment have experienced over the last several weeks.

The Wright amendment is unreasonable and wholly unfair. By allowing travel to Love Field only from points in Texas, Louisiana, Oklahoma, Arkansas and New Mexico, it arbitrarily permits service from cities such as Albuquerque to Love Field—595 miles—but does not allow such service from Wichita—330 miles—to Love Field. The amendment does not even permit connecting service.

Under this antiquated amendment, a passenger traveling from Kansas City to Love Field must purchase two roundtrip tickets—one to a connecting city, such as Tulsa, and a second roundtrip ticket from Tulsa to Dallas. Not even luggage can be checked all the way through to Love Field. The Wright amendment requires the Kansas City passenger to claim his luggage in Tulsa, and then check it back in for his flight to Love Field.

A 1990 study by KPMG Peat Marwick concluded that additional airport capacity is needed in the area. Even a proposed $3.5 billion expansion at DFW will not solve the problem. The capacity issue could be greatly improved if the now-underutilized Love Field were given the opportunity to provide commercial service to points outside Texas and its contiguous states.

The Department of Transportation last year released a study on the impact of the Wright amendment on air service to Dallas/Fort Worth and surrounding States. The DOT study shows that the Wright amendment restrictions cost air travelers millions of dollars each year. "A change to the Wright amendment will result in more service, more competition, lower fares and more traffic for the Dallas/Fort Worth International Airport," according to the study. "Travelers to or from the Metroplex region will save an estimated $183 million per year in airfares."

To further prove my point, a recent Federal Trade Commission report about the Wright amendment concluded that "removing the restrictions may result in lower airfares both at Dallas/Fort Worth Airport and at Love Field as well as reduced delays and commuting costs to air passengers."

Under this restrictive law, it is not possible for consumers to have access to the advantages of deregulation and fully competitive airfares. Repealing the Wright amendment will open up competition, reduce airfares to competitive levels, and substantially increase business between markets. That was the goal of Congress in passing the Airline Deregulation Act. It is time to eliminate this special interest section, so that the people of this Nation have competitive access to interstate travel as protected by the Constitution. It's time to repeal the Wright amendment.

TRIBUTE TO CPL. EUGENE JACQUES BULLARD

HON. MICHAEL A. "MAC" COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. COLLINS of Georgia. Mr. Speaker, I rise to pay tribute to a fine military veteran, Cpl. Eugene Jacques Bullard. Corporal Bullard born in 1894 in Columbus GA, has the distinction of being the world's first black military pilot. In 1914, Corporal Bullard emigrated to France and joined the French Foreign Legion. He earned his wings in 1917 and became a decorated war hero in World War I, while enduring severe wounds in battle. In Bullard's hometown of Columbus, GA, the Columbus Airport Commission has unveiled a commemorative plaque in recognition of his pioneering spirit and the gallantry he displayed fighting for freedom. Therefore, I am proud to recognize and honor this aviation hero and great American, Cpl. Eugene Jacques Bullard.

REPORT ON TERRORIST ASSETS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. HAMILTON. Mr. Speaker, on May 23 of this year, I included in the RECORD the annual report on assets of state sponsors of terrorism which are frozen in the United States prepared by the Department of the Treasury's Office of Foreign Assets Control. This week, the committee received an update on such assets. The assets of four of the state sponsors of terrorism which have been frozen in the United States increased by a total of $540.2 million, primarily from Iraq. I would include this latest report here for my colleagues review.

DEPARTMENT OF THE TREASURY,
Washington, DC, June 24, 1993.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On April 19, we sent you the "Annual Report to the Congress on Assets in the United States Belonging to Terrorist Countries or International Terrorist Organizations." Our attention to the problem of international terrorism did not diminish with the production of that report. Consequently, we are submitting an updated version of Exhibit A which contains new figures recently developed by Treasury's Office of Foreign Assets Control.

This revised Exhibit A, "Assets in the United States Belonging to State Sponsors of Terrorism," contains more detailed information and higher totals than were reported in our original submission. The amount of blocked funds is increased in the case of four of the six terrorist states: Cuba, Iraq, Libya, and North Korea.

This latest information is provided now, rather than including it in the next annual report, to ensure that the current report will be more useful to the Congress.

Sincerely,

GAIL E. PETERSON,
Deputy Director,
Office of Legislative Affairs.

Enclosure.

TERRORISM ASSETS REPORT—APPENDIX A, REVISED

ASSETS IN THE UNITED STATES BELONGING TO STATE SPONSORS OF TERRORISM: AN UPDATE MAY 19, 1993

The following list contains revised information on the nature and extent of assets in the United States belonging to countries identified as state sponsors of terrorism. It should be noted that assets blocked under the authority of an existing United States economic sanctions program are not subject to attachment by any claimant until such time as a claims settlement process has been established in conjunction with the lifting of sanctions against the target state.

Not all of these blocked assets are literally within the United States. Substantial amounts, identified further below, are in foreign branches of U.S. banks. They are

blocked because, under U.S. law, those bank branches are subject to United States jurisdiction. Consequently, those assets are not blocked at institutions located within the United States. These figures may increase at any time as the Office of Foreign Assets Control identifies and blocks additional assets of sanctioned countries.

The Treasury Department does not compile information on the holdings of private individuals or organizations in the United States, unless those holdings are subject to an assets freeze imposed under the authority of the Trading With the Enemy Act or the International Emergency Powers Act. The Office of Foreign Assets Control is carefully examining organizations that may fall within the scope of its economic sanctions programs.

COUNTRY, EXPLANATION, AN AMOUNT[1]

Cuba—Government of Cuba's blocked assets. Primarily bank accounts. Source: Office of Foreign Assets Control ("FAC"), Treasury, $113.7.

Iran—Government of Iran's diplomatic properties remaining blocked since 1979–1981 hostage crisis. Primarily real estate. Source FAC, Treasury, $22.3.

Iraq—Government of Iraq's frozen assets. Primarily bank deposits. Source: FAC, Treasury, $1,599; Blocked in U.S. banks' foreign branches, 278; Loaned by the U.S. to the U.N. in compliance with UNSCR 778, −200.

Net Iraqi Assets in U.S. $1,101.

Libya—Government of Libya's frozen assets. Primarily bank deposits. Source FAC, Treasury, $958.1; Blocked in U.S. banks' foreign branches, $−42.9.

Net Libyan Assets in U.S., $915.2.

North Korea—North Korea's frozen bank deposits. Source: FAC, Treasury, $7.4; Blocked in U.S. banks' foreign branches, −2.

Net North Korean Assets in U.S., $5.4.

Syria—Total liabilities of U.S. banks ($245) to official Syrian institutions and ($4) in total liabilities of U.S. nonbanking institutions to Syria. Source: Treasury Bulletin, March 1993, $249.

Totals: Total state sponsor assets within U.S. jurisdiction, $2,929.5; Unencumbered assets of Syria, −249.

Total blocked state sponsor assets within U.S. jurisdiction, $2,680.5.

Total blocked in U.S. banks' foreign branches, −322.9.

UNSCR 778 loan [Iraq], −200.

Total blocked state sponsor assets within the United States, $2,157.6.

[1] Amounts in millions of U.S. dollars.

RED RIVER VALLEY GIRL SCOUTS DEVELOPING TOMORROW'S LEADERS TODAY

HON. JIM CHAPMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. CHAPMAN. Mr. Speaker, it is my distinct pleasure and honor to recognize the accomplishments of three of my constituents from Paris, TX. Adrienne Bailey, Lear Baker, and Brenda Stellpflug, all of Troop 55 of the Red River Valley Girl Scout Council, have completed the rigorous requirements for Girl Scouting's top achievement, the Girl Scout Gold Award.

The Gold Award is a nationally recognized award presented to girls based on their efforts and outstanding contribution in the areas of leadership, community service, career planning, and personal development. These Scouts have made significant contributions to their communities.

If you are looking for leaders of America's next generation, look towards the Red River Valley Girl Scout Council and these Gold Award winners.

I applaud the achievements of these Scouts and the Red River Valley Girl Scout Council and look forward to seeing their future successes.

ADDRESS OF VICE PRESIDENT AL GORE TO DELEGATIONS OF THE EUROPEAN PARLIAMENT AND THE UNITED STATES CONGRESS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. LANTOS. Mr. Speaker, for the past several days, we have been honored to have in our country the delegation of the European Parliament for Relations with the U.S. Congress. The European Parliament, as my colleagues know, is the legislature of the European Community—the 12-nation economic community which includes Belgium, Britain, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, and Spain.

The occasion for the visit of this delegation was the 41st annual meeting between delegations of the U.S. Congress and the European Parliament. I have the great pleasure of chairing the American delegation. Our two delegations held discussions on relations between the United States and the European Community in San Francisco June 25–27. We considered political and economic issues of concern to the United States and the European Community, as well as major international issues that involve both Europe and America.

The delegations include 13 Members of the U.S. Congress and 25 members of the European Parliament. Members of the European Parliament from all 12 countries, representing all political groupings participated in the discussions in San Francisco. The European Parliament delegation is headed by Rt. Hon. Alan Donnelly of Great Britain.

Mr. Speaker, the Members of Congress who joined me as participants in the U.S. delegation included Congressman SAM GIBBONS, co-chairman of the U.S. delegation for meetings with the European Parliament and chairman of the Trade Subcommittee of the Ways and Means Committee; Congressman BENJAMIN GILMAN, also a co-chairman of the U.S. delegation for meetings with the European Parliament and ranking Republican member of the Foreign Affairs Committee, Congressman GARY ACKERMAN, Congressman DOUG BEREUTER, Congressman WILLIAM CLINGER, Congressman STEPHEN HORN, Congresswoman NANCY PELOSI, Congressman TOM SAWYER, Congresswoman LYNN SCHENK, Congressman DICK SWETT, and Congressman ESTEBAN TORRES.

Mr. Speaker, last evening in the Library of Congress, our two delegations and other distinguished Members of the Congress marked the conclusion of the visit of the members of the European Parliament with a farewell dinner. On this occasion we were honored to have as our speaker the Vice President of the United States, the Honorable AL GORE.

Mr. Speaker, AL GORE—our Vice President and our former colleague here in the House of Representatives—is an outstanding leader in the new administration. He has shown outstanding intellectual and political leadership during the brief months that he has served so ably as our Vice President. His address to our delegations was an excellent summary of the issues and challenges we in the United States and our European allies and colleagues face.

Mr. Speaker, I ask that the address of Vice President GORE be placed in the CONGRESSIONAL RECORD, and I ask that my colleagues give it careful and thoughtful attention.

SPEECH TO THE 41ST DINNER MEETING OF U.S. AND EUROPEAN PARLIAMENTARIANS

We come together, my friends, Europeans and Americans, at a unique and challenging moment in history. It has been a time of rapid change all over the world, but perhaps nowhere more so than in Europe.

Many of these changes have given us reason to rejoice: the Iron Curtain lifted, the Berlin Wall crumbled, the Soviet empire fallen. Yet others, like the tragic wars engulfing the former Yugoslavia, have horrified us, have caused incalculable pain and suffering which we must continue to work to relieve and resolve.

It is, however, a world of opportunities and challenges on a scale not seen since the end of the Second World War and the beginning of the Cold War. A little over forty years ago, Harry Truman sat at his desk in front of microphones and TV cameras and summed up his time in office: "I suppose that history will remember my term as the years when the Cold War began to overshadow our lives," he said. "But when history says that my term * * * saw the beginning of the Cold War, it will also say that in those eight years we have set the course that can win it."

Our leaders of that day, in both Europe and America, rose to meet their challenges and to take advantage of their opportunities. Harry Truman. Winston Churchill. Jean Monnet. Konrad Adenauer. And so many others. They gave us vision and purpose. They forged an alliance between the United States and Europe stronger and more mutually beneficial than any peacetime alliance in history. We stood together for democracy against communism, and we won. We linked our security together, and the peace was preserved. We brought our economies closer together, and we prospered.

And so we, like the great leaders who preceded us, must meet the challenges and take advantage of the opportunities of this, the post-Cold War world. And as in the late 1940s, no relationship is more crucial to world peace and prosperity than that between the United States and Europe. Indeed, essential to President Clinton's vision of our future is further strengthening our close political, security, and economic ties with Europe.

Of course our ties to Europe reach back well before the Cold War era, going to the very cultural roots of this country. European traditions and ideas on politics, economics, and jurisprudence, particularly from the period of the Enlightenment, shaped our country's institutions and society. Clearly, the

United States is the beneficiary of every culture that has sent its peoples to our shores, but we owe a particular debt to Europe—for the philosophical underpinnings of our political system and for the concept of the rule of law, which are so crucial to protecting the rights of the individual from the power of the government, and the rights of the minority from the will of the majority.

But America's interests in close ties with Europe go beyond the cultural philosophical.

The interests we share today are every bit as vital as those we held during the height of the Cold War. We have an interest in preserving our own democratic institutions and the free-market economies necessary for prosperity. But in order to safeguard democracy and economic well-being at home, we also share an interest in promoting democracy and economic growth abroad. It should be clear from both sides of the Atlantic that our well-being is inexorably tied to political, military, and economic events beyond our borders. Thus, we have a common interest in achieving security and stability not just on our continents but on every continent. Our shared economic interests are equally strong. The volume of trans-Atlantic trade rivals every other trade path in the world. Europe is the largest source of foreign investment in the United States and the United States invests more in Europe than anywhere else.

It is true that with the end of the Cold War, the political, economic, and security dimensions of US-European relations are evolving. They must evolve. Traditional security concerns have become less central to our relationship, while trade and economic issues and a plethora of new political concerns have gained in importance. Let me review for a moment the political, security, and economic dimensions of this evolving relationship.

First, the political side. The United States is encouraged by and supports Europe's efforts to achieve greater political unity. We are prepared to continue to work constructively with the European Community as it both deepens the integration of the Twelve and widens to take in new members. We also welcome new and more vital roles for the Conference on Security and Cooperation in Europe, the Western European Union, and the Council of Europe. They too can be valuable resources for coping with the myriad challenges that Europeans and Americans face. The United States and Europe must take full advantage of the opportunities offered by these evolving bodies.

Our over-arching goal must be—through both existing and new institutions, as well as through bilateral relations—to broaden and deepen trans-Atlantic cooperation. The United States and Europe must expand the scope of their cooperation in the range of institutions and arrangements—NATO, the CSCE, US-EC links—relevant to the new challenges we face. Among our highest priorities must be: To improve cooperation in promoting political and economic reform in Russia, Eastern Europe, and the new independent states; to continue to work together to both contain and resolve the conflicts in the former Yugoslavia; and to promote enhance cooperation of global issues including the environment, counter-terrorism, counter narcotics, human rights, and development assistance.

The US also supports the EC's efforts to become involved in foreign and security policy matters. If it is to do so effectively, however, the EC must prove itself able to take concrete, coordinated, and constructive actions to promote our shared vision of democracy and economic prosperity.

As the EC and other multilateral organizations grow in importance, the United States and Europe must also carefully nurture multiple channels of communication. Bilateral ties must be maintained, as must organizations such as NATO and the CSCE which provide America with institutional links to Europe. At the same time, we must work out how the United States can best deal with those European organizations to which it does not belong and how the various fora can work with each other.

Second, the security dimension will remain critical to our common bond.

We will maintain a significant, effective military presence in Europe of approximately 100,000 troops. The United States continues to regard NATO as the principal transatlantic military-security link. NATO is a unique institution. Because of its unified command structure and military capabilities, NATO can play a security role that no other institution can duplicate. We should work to ensure that NATO it remains effective.

NATO's new strategic concept is an important step in achieving this aim. It focuses the Alliance's attention on new roles and missions—such as peacekeeping and rapid reaction forces—needed to cope with new security challenges. We must ensure that all member nations provide the forces and resources necessary to maintain the military capabilities NATO needs to execute its strategic concept.

But NATO must do more; it must continue to research out to the new democracies in the East to help address their security concerns. We are committed to seeing the North Atlantic Cooperation Council fully develop peacekeeping capabilities that can support the CSCE and the UN in their efforts to meet new security challenges.

It is now more important than ever that the roles, risks, responsibilities, and costs of mutual security be equitably distributed. NATO provides the mechanism for sharing roles and responsibilities. However, in this time of declining defense budgets and other economic constraints, we also must work together to find ways to reduce the cost of maintaining the US military presence in Europe. Americans and Europeans also have a common interest in the evolution of a European security and defense identity that facilitates a greater European role in the Continent's military security.

Finally let me note that the President has called for a NATO Summit meeting this Fall—a proposal that the Allies embraced at the ministerial meetings of the North Atlantic Council earlier this month in Athens. The Summit offers an important opportunity to chart the future of NATO for the remainder of this century. The Summit will be a chance to assess ways to further strengthen the alliance and adapt its agenda to post-Cold War challenges.

The third critical link we share is the economic one. Economic reality is that European and American economies are inextricably intertwined. It can be no other way. It should be no other way. We all have much more to gain from free and fair trade than from trade wars and protectionism.

As we work together to finish the Uruguay Round, we should remember that this effort is demanding sacrifice as well as offering opportunity on both sides of the Atlantic, as well as from all the parties of the GATT. None of us wants to see any of our industries, or our agriculture, or our communities, or our workers worse off. As President Clinton has shown with his bold economic package, this Administration is not going to ignore our economic problems. We are prepared to face up to them and to deal with them. We see our economic future neither in turning to the past nor in pretending that markets automatically can take care of everything, but rather in being committed to promoting and facilitating constructive adjustment and adaptation in our economy. Free and fair trade must be the core of this. Freer flows of trade, investment, and technology can help all of our societies achieve good jobs with good benefits.

As we work to expand trading opportunities, we should also look for new areas of economic cooperation, such as regulatory convergence or technology sharing. Finally, we must enter into a more extensive dialogue on macroeconomic issues, especially as the European Community gains a greater role in macroeconomic policy making.

There is another very important issue that transcends the political, security, and economic concerns I have mentioned—the issue of minority rights and the peaceful resolution of ethnic disputes. Coming to terms with resurgent nationalism is perhaps the single most difficult problem facing Europe in the post Cold War ear. I know I do not have to tell you Europeans about the serious challenges now emerging in Eastern Europe and the former Soviet Union; no one understands better than you how the dream of a Europe whole and at peace is threatened by aggressive nationalism. However, please permit me to offer a few observations from this side of the Atlantic—and from the perspective of a nation that has struggled to confront its own ethnic and racial problems over the years.

Nationalism can be a constructive force if it promotes peaceful self-determination and respect for one's unique cultural heritage. There is nothing inherently wrong with ethnic identification, and indeed this force has helped many countries gain their freedom from oppressive foreign rule. But nationalism can also be a destructive force if it is aggressive and chauvinistic. This is its darker side, which spills over into exclusion, fear, and hatred. We are witnessing far too much of this kind of nationalism, and it is breeding conflicts throughout Eastern Europe and the former Soviet Union.

The war in the former Yugoslavia is, of course, the tragic example on everyone's mind, but I don't want to talk exclusively about that particular case. Instead, I would like to focus on the broader issue of minority rights throughout the region and examine whether problems such as the bloodshed in Yugoslavia can be prevented before they begin.

The hard truth is that preventing such conflicts altogether may be beyond our powers. In recent years, we have learned a terrible lesson about how deeply embedded ethnic hatreds can be. In Yugoslavia, Tito worked for four decades to forge a broad Yugoslav consciousness out of the disparate groups making up that state. He clearly failed. And in the Soviet Union, an even more massive effort to stamp out ethnic identity and create "New Soviet Man" did not succeed in erasing ethnic dividing lines. As soon as the Soviet structure collapsed, ethnic rivalries re-emerged with renewed strength.

Nationalism has proven itself a fundamental—indeed, almost elemental—force. But even though it may be impossible to eliminate it, there are ways to blunt its destructive tendencies. Through a combination of democratization, economic development, and

international engagement, the worst excesses of nationalism may be minimized.

The key is democracy. It is no accident that ethnic tensions in the democracies of Western Europe are held in relative abeyance. The reason is that in these countries, citizens can affect government policy, ventilate their differences, and squarely address their history. By ensuring a participatory government, the rule of law, and respect for human rights, democracies allow all citizens the fundamental channels and protections that can alleviate ethnic tensions before they erupt into violence. To remain peaceful and independent, states must emphasize citizenship as the foundation of unity and rely on democratic institutions to allocate responsibilities and entitlements of citizenship and to mediate disputes. It is an extremely difficult task, but it is also the only way that diverse peoples can live together successfully.

Clearly, a major responsibility to promote democracy falls to the West, with our democratic experience and culture. We must work together to spread the values of a civic society through democratization programs, rule of law projects, election monitoring, and so on. Ethic tensions turn violent when minorities become vulnerable to majorities or when groups feel their concerns can only be met through force. Effective rule of law gives minorities something to rely on—a broad architecture to defuse tensions and resolve disputes. We must do all we can to develop legal institutions in the democratizing countries of Eastern Europe.

Economic progress is also as important in slowing the rise of excessive nationalism. The easy arguments of hate-filled strongmen have added resonance among people who are struggling economically. Economic growth, which gives people upward mobility and hope for the future, removes the deprivation and despair that can nourish ethnic grievances. Again, there is a special Western responsibility in the economic area, since our countries have both the experience of running market economies and the general prosperity that has resulted from them. We must continue to assist countries in the East that are struggling with the difficult transition to market-oriented economics. And we must be open to trade and commerce with these countries.

Finally, we need sustained international engagement in Europe. International organizations can play a vitally important role in protecting minority rights and defusing tensions. Promising mechanisms which already exist in the UN, CSCE, and Council of Europe need to be strengthened. Preventative diplomacy and confidence-building measures can help groups step back from the brink of violence, just as international mediation can help halt conflict once it has begun. We should also work together to strengthen international legal mechanisms to give threatened groups an avenue of appeal. Thus far I have stressed the importance of the legal rights of citizens, but those individual rights may not necessarily provide for the recognition of distinct groups. A major intellectual and legal challenge of our time is the search for fair ways to safeguard these general minority rights. A broad, effective legal architecture on such rights could act as a safety valve, resolving disputes well before peace-keepers are ever needed.

Perhaps the heady spirit that prevailed with the collapse of communism was overly optimistic. We have seen that those who thought we would immediately and smoothly enter a "new world order" were a bit premature. But similarly, we must not let the current problems cause us to lose hope. Despite the many challenges we face, the world is still better off for the end of the Cold War. I am convinced that no one in this room would exchange today's instability for yesterday's grim certainty.

My main message tonight, beyond the specific policies and issues, is the value and importance President Clinton and I place on the European-American relationship. We share many bonds, much history, and fundamental principles. We have been graced with so many leaders who met so many challenges and took up so many opportunities. Today, the responsibility rests with us to strive to continue that great tradition.

Despite the remaining challenges, I believe we now have a real chance to expand peace, security, democracy, and economic well-being across Europe. By working together toward shared goals, as we have so many times before, both America and Europe can enter the 21st century as stronger, more vital societies, contributing to a better future for our people and our world.

DEFENDING SPECIAL RESEARCH GRANTS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. FIELDS of Texas. Mr. Speaker, I rise today in strong opposition to the Fawell amendment to the Agriculture appropriations bill.

I am pleased that the Agriculture Appropriations Subcommittee has historically taken great care to ensure that only the most worthwhile projects nationwide receive research funds under this program. The Fawell amendment would replace the subcommittee's careful analysis with a meat cleaver-eliminating questionable projects along with projects of demonstrable value.

The Center for Southern Crop Improvement—which would be created using a special research grant—would be one project that could benefit from this program.

Scientists at the center are seeking Federal assistance in their efforts to improve commercial agricultural crops through genetic research and breeding. Genetic breeding is one of the most innovative and efficient techniques to increase the quality and yield of crops. Information obtained from this research would provide cost-effective approaches to solving many farming problems—for instance, engineering crops which are drought- and disease-resistant.

With so many American farmers requiring periodic Federal assistance, the work to be conducted at the Center for Southern Crop Improvement could well provide solutions to the problems our farmers face.

That, Mr. Speaker, is why I oppose the Fawell amendment.

SALUTE TO THE PORT HUENEME DIVISION NAVAL SURFACE WARFARE CENTER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. GALLEGLY. Mr. Speaker, I am proud to rise today to salute the Port Hueneme Division, Naval Surface Warfare Center, as it marks its 30th anniversary of protecting America's freedom.

The Port Hueneme Division was established on July 8, 1963, as the Naval Ship Missile System Engineering Station. Despite a couple of name changes along the way, the station is still commonly referred to by a version of its original acronym—NEMESIS—the Greek goddess of retribution.

The engineers, technicians, logisticians, and support staff of NEMESIS support the ships of our surface Navy, traveling around the world to keep the weapons of deterrence operating properly. In addition, they are intimately involved in technical evaluations of newly installed weapons and in upgraded or overhauled weapon systems. Much of that work is done off the coast of California in the Pacific Missile Test Range.

Many of my colleagues may not know that many of the weapons that performed so brilliantly during the Persian Gulf war were tested and refined at Port Hueneme, and that more than 50 people from the station received official certificates for being aboard ships in the zone of operations during the war. In fact, the Tomahawk missiles that were deployed just last month against Iraq following the assassination attempt against former President Bush were among the weapons with a Port Hueneme pedigree.

Thanks to the personnel at Port Hueneme, today's navy is more capable than any fleet in history, and I am confident that the engineering staff will continue to play their role in ensuring the peace as we move into the next century.

I would also be remiss, Mr. Speaker, if I didn't pay tribute to the all-around contributions that the 2,500 military and civilian employees of NEMESIS make to our community. Besides the estimated $300 million the station pumps into Ventura County's economy, its employees are active in a wide range of organizations that help make our county such an outstanding place to live.

Mr. Speaker, I ask my colleagues to join me in saluting the men and women of the Port Hueneme Division for 30 years of excellence.

DESERT HORIZON STUDENTS CAPTURE FIRST PLACE IN THE NATIONAL HISTORY DAY COMPETITION

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. STUMP. Mr. Speaker, it is my pleasure indeed to congratulate a group of five eighth-

grade students from Desert Horizon School, Phoenix, AZ, who took first place in the National History Day Program. The students are: Melissa Bennett, Stacia Campbell, Airion Smith, Monica Thomas, and Blaine Tucker. Their faculty advisors were Paul Wieser and Leeann Jones.

For the National History Day competition, students research a particular historical topic relative to a yearly theme and present their findings in an entry that can take the form of a historical paper, project, media presentation, or dramatic performance.

Traditionally, Desert Horizon students have entered the group performance category and focused their research on Holocaust-related topics. For 8 consecutive years, students at Desert Horizon School have made Arizonan's proud of their success in capturing the State championship and representing the State of Arizona at the national finals held at the University of Maryland.

This year's national championship performance was entitled "Failed Communication: A Cry that Fell On Deaf Ears." The students' research centered on the American press and their handling of Holocaust-related news items. The students spent considerable time looking into the efforts of Jan Karski, an agent for the Polish Government-in-exile, to bring out the news of Nazi murder to the outside world.

Having met with the participants each year, I know these students to be intelligent, creative, and dedicated. All the Desert Horizon students have worked very hard over the past 8 years.

Congratulations on an outstanding achievement and well-deserved honor.

TRIBUTE TO JOHN EDWARD FOGARTY

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. NATCHER. Mr. Speaker, I would like to ask the Congress to pause for a moment today to pay our respects to the memory of one of the great champions of improving the world's health, and to his legacy. He was my good friend and mentor, Congressman John Edward Fogarty of Rhode Island, who devoted much of his 27 years in Congress promoting the concept of health for peace.

By this, he meant collaboration in matters of health research and scientific exchange among nations—because of its significance both for the solution of health problems that affect all of mankind and as a cornerstone for improving relations between countries regardless of political, ethnic or economic orientation. John Fogarty and his counterpart in the Senate, Lister Hill, were among the staunchest supporters of increased funding for health research, especially at the National Institutes of Health, in those crucial years of growth following World War II.

After Congressman Fogarty's death in 1967, the esteemed minor leader of the health subcommittee, Melvin Laird, proposed that the National Institutes of Health's international activities be consolidated in a new center at NIH, to be called the John E. Fogarty International Center for Advanced Study in the Health Sciences. That center, named in honor of the former chairman of the health subcommittee, began operation on July 1, 1968, exactly 25 years ago today.

During the past quarter-century, thousands of scientists from across the world have worked together to share their specialized knowledge for the benefit of all mankind under the Fogarty Center's auspices. During this time, thanks in part to its position as an international crossroad for scientists, the National Institutes of Health has become the world's greatest biomedical research enterprise.

Today, in a time of tight funding for all of our endeavors, some people may question why the American taxpayer supports international scientific research. Why don't we just keep that money at home, they may ask.

Well, they asked the same questions 30 years ago, and John Fogarty had the answer. He knew then, as we know now, and as he stated it so well, "in health, every nation has something to contribute to every other nation, and something to learn from every other nation." This is as true today as when Congressman Fogarty made that statement on the floor of this chamber in 1959.

He also said that "in the health field, our international programs more properly can be characterized as enlightened self-interest, since it can be amply demonstrated that we receive as well as give." He knew that a dollar spent on international research was indeed an investment in America's future.

John Fogarty had a noble dream: of a world without disease; a world without suffering and pain. He knew that such a miraculous new world could come about only by continuing to apply scientific discovery to conquer health problems—and further, that this effort must receive a high priority. He did his best to nourish that dream and as chairman of the health subcommittee, he went to the well time after time to fight for sufficient resources for biomedical research—even during the lean years.

The world without disease is not yet here, despite many scientific advances that seemed almost miraculous at the time. But we in the Congress, and the scientists at the NIH and around the world, will continue to do our best to bring that day closer.

Mr. Speaker, I salute my esteemed colleague, John Fogarty, for his farsightedness in realizing that all men and women—wherever they may live—can do their part to improve the lives of their brothers and sisters, and sons and daughters. And I congratulate the leadership and staff of the Fogarty International Center as they work every day to make John Fogarty's dreams a reality. I wish the John E. Fogarty International Center at the National Institutes of Health a happy 25th anniversary.

A TRIBUTE TO COL. JOHN M. ELLEN ON THE OCCASION OF HIS RETIREMENT FROM THE U.S. AIR FORCE

HON. LESLIE L. BYRNE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Ms. BYRNE. Mr. Speaker, I ask my colleagues to join me in honoring Col. John M. Ellen of the U.S. Air Force, an exemplary leader, and most importantly, a loving husband and father.

Colonel Ellen will be retiring July 16 after 26 years of outstanding service to the Air Force and our Nation. He will be retiring from his position as Chief of the Program, Budget and Congressional Division at the Pentagon. He assumed his present position in the Office of the Assistant Secretary of the Air Force (Acquisition), Long Range Power Projection, Special Operation Forces, Airlift and Training Directorate in 1990.

Colonel Ellen was born May 30, 1945, in Winston-Salem, NC, and graduated from R.J. Reynolds High School. He was awarded a bachelor of science degree in engineering operations from North Carolina State University in 1967 and received his commission as a second lieutenant from the ROTC Program.

Colonel Ellen is a command missileer with combat crew duty in the Minuteman II system and training in the Minuteman III system. In 1970, Colonel Ellen was assigned to the 490th Strategic Missile Squadron, Malmstrom Air Force Base, MT, as a missile combat crew commander. He also served as an instructor crew commander. Following his operational tour, he was selected for Strategic Air Command's Top Hand Program and was assigned to the 1st Strategic Aerospace Division, Vandenberg Air Force Base, CA. He spent 1 year as a launch director for Minuteman operational test launches and 1 year as the Chief of Development Test Unit. In 1977, he was selected to attend the Naval Postgraduate School in Monterey, CA. He completed the masters of science degree in systems technology (command, control, and communications) in 1979 as a distinguished graduate. In August 1983, he was assigned as the operations officer in the 509th Strategic Missile Squadron, Whiteman Air Force Base, MO. In February 1984, he assumed the command of the 508th Strategic Missile Squadron. Several years later, Colonel Ellen became the first operational group commander in Strategic Air Command while assigned to Minot Air Force Base, ND. While he was assigned to the 91st Strategic Missile Wing, the Ellens were selected as the Strategic Air Command Family of the Year.

Mr. Speaker, it gives me great pleasure today to recognize Colonel Ellen before my colleagues and to wish him the very best in the future as he brings his long and distinguished career to a close. His exceptionally meritorious service to the U.S. Air Force and our country will be genuinely missed. I also salute his lovely wife, Robbie, and his children, Ryan, Jonathan, Janna, and Rebecca, who have been by his side the whole way. This family has served our Nation well and I wish them God's blessing in the years ahead.

INTRODUCTION OF LEGISLATION REGARDING TAX BENEFITS FOR BUILDINGS CONSTRUCTED WITH JAPANESE SERVICES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. STARK. Mr. Speaker, today I am reintroducing a bill to deny certain tax benefits for buildings constructed with Japanese services.

Ambassador Kantor has formally identified Japan "as a country that maintains, in government procurement of construction, architectural, and engineering services, a significant and persistent pattern or practice of discrimination against United States products or services that results in identifiable harm to United States businesses."

The United States Trade Representatives has been negotiating with Japan since 1986 regarding Japanese construction practices. After 7 years of pressure, there is no improvement.

Maybe this problem is just not amenable to resolution through trade laws. If that is the case, we can at least protect our own architectural, engineering, and construction firms from losing United States business to Japanese competitors. My bill denies certain tax benefits to United States buildings that are built with Japanese services.

Specifically, the bill defers depreciation on buildings constructed with Japanese services for 10 years, defers any losses on these buildings for 15 years and denies the use of tax exempt financing. The amendments in this bill apply to property the construction of which begins after December 31, 1993.

The bill follows:

H.R.

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

SECTION 1. DEFERRAL OF DEPRECIATION DEDUCTION.

Section 167 of the Internal Revenue Code of 1986 (relating to depreciation) is amended by redesignating subsection (s) as subsection (t) and by inserting after subsection (r) the following new subsection:

"(s) DEFERRAL OF DEPRECIATION FOR BUILDINGS CONSTRUCTED WITH JAPANESE SERVICES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, the deduction for depreciation or amortization which would (but for this subsection) be allowable for any taxable with respect to any Japanese-constructed building shall not be allowable for such year but shall be allowable for the 10th taxable year thereafter.

"(2) JAPANESE-CONSTRUCTED BUILDING.—For purposes of this subsection, the term 'Japanese-constructed building' means any building if 1 percent or more of the cost of such building (determined as of the completion of its construction) is attributable to services performed by Japanese persons.

"(3) JAPANESE PERSON.—For purposes of this subsection, the term 'Japanese person' means—

"(A) any citizen or national of Japan,

"(B) any corporation, partnership, or other entity created or organized under the laws of Japan or any subdivision thereof,

"(C) any instrumentality of Japan or a subdivision thereof, and

"(D) any corporation, partnership, or other entity owned or controlled (directly or indirectly) by 1 or more persons or entities described in subparagraph (A), (B), or (C)."

SEC. 2. DEFERRAL OF LOSS DEDUCTION.

Section 1231 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subsection:

"(d) DEFERRAL OF RECOGNITION OF LOSS ON JAPANESE-CONSTRUCTED BUILDINGS.—Notwithstanding any other provision of this title, any loss which would (but for this subsection) be recognized for any taxable year with respect to any Japanese-constructed building (as defined in section 167(s)(2)) shall not be recognized for such year but shall be recognized for the 15th taxable year thereafter."

SEC. 3. DENIAL OF USE OF TAX-EXEMPT BONDS.

Section 149 of the Internal Revenue Code is amended by adding at the end thereof the following new subsection:

"(h) FACILITIES CONSTRUCTED WITH JAPANESE SERVICES.—

"(1) IN GENERAL.—Nothing in section 103(a) or any other provision of law shall be construed to provided an exemption from Federal income tax for interest on any bond issued as part of an issue 1 percent or more of the proceeds of which are to be used to provide Japanese-constructed facilities.

"(2) JAPANESE-CONSTRUCTED FACILITY.—For purposes of this subsection, the term 'Japanese-constructed facility' means any facility if 1 percent or more of the cost of such facility (determined as of the completion of its construction) is attributable to services performed by Japanese persons (as defined in section 167(s)(3)."

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to property the construction of which begins after December 31, 1993.

TRIBUTE TO REUBEN SNAKE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. BEREUTER. Mr. Speaker, this Member rises today to pay tribute to the life of Reuben Snake of the Winnebago Tribe of Nebraska.

Reuben Snake passed away on Monday morning, June 28 after a long illness. His life, although it was cut short at the age of 56, was full of distinguished accomplishments. He attended Northwestern College, University of Nebraska, Peru State College and in 1989 received an honorary degree/doctorate of humanities from Nebraska Indian Community College. Reuben was very proud of his Army service, as he was the first member of his tribe and one of the first 12 native Americans to earn the "Green Beret." He worked at both the Greater Omaha Community Action Agency and the Goldenrod Hills Community Action Agency. He was a Head Start director and a program planner working with youth in northeastern Nebraska. Reuben was a leader in Indian education programs, creating model programs in Nebraska that were copied throughout the Nation. He then became active in Winnebago tribal government, working in several positions until he became chairman of the tribe, where he served for 10 years as chairman.

Reuben also served in numerous national and international positions. He was president of the National Congress of American Indians for 2 years, national chairman of the American Indian Movement, chairman of the Task Force 11 on Drug and Alcohol Abuse, cochairman of the Trail of Broken Treaties Planning Committee, chairman of the Board-First Nations Development Institute, Coalition for Native Rights Fund, and Native American Religious Freedom project. On the international level, he was involved with the Eighth Congress of Inter-American Indian Institute, the World Assembly of First Nations Speaker, International Native American Economic Development, the United States delegation to Misurasata-Sandinista negotiations, the United Nations Committee on Human Rights, the International Labor Organization and the Council of Churches and the Native American Religious Freedom project.

Not only was Reuben a national and international human rights leader, he also was a spiritual leader. In his role as a member of the Native American Church, he conducted more than 300 Native American Church services throughout the United States, Europe and Australia. Reuben also was recently quite active in his support of legislation would assure that Native Americans would have the right to freely exercise their religion.

I was pleased to have the opportunity to work with Reuben during his tenure as chairman of the Winnebago Tribe. He was a strong and compassionate leader who worked to provide a better life not only for Native Americans but for all people.

Reuben Snake was a truly outstanding man who will be greatly missed by all who knew him and by all who were affected by his life. It is certainly a fitting tribute to his many contributions that he received the World Peace Award just last week. This Member would like to express his sincere and deep condolences to Reuben's family and the Winnebago Tribe of Nebraska.

Reuben's survivors include his wife of 32 years, Kathy, two sons, Darren and Michael, four daughters, Elaine Armell, Tammy Baker, Dawn Snake and Serena Snake, and 16 grandchildren, all of Winnebago; and six brothers and two sisters from Black River Falls, WI.

In closing, this Member would like to share with his colleagues a poem written in Reuben Snake's memory by one of my former staff members, Wrexie Bardaglio, who worked closely with Reuben.

The golden, red, and green-grown plains
Hold the bones of those who've passed
Among us, through the rage and pain,
To offer hope for peace at last.

The spirits in this prairie place
Nourish landscapes changed and gentled,
And so descends a state of grace
As this man's soul is counted.

These rolling grasslands comfort here
They cherish and remember,
And of the days beyond the tears
The memories come, in number.

His life was an epiphany
Of teaching and forgiving—
A constant prayer for healing
And a constant zest for living.

And so he goes, and God be thanked
For his strength to be transcendent.

So well did he succeed that way,
He blessed us by example.

HONORING MRS. MATTIE HOLMES OF TEXARKANA, AR

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. DICKEY. Mr. Speaker, I would like to take a moment to recognize a wonderful lady from Texarkana, AR—Mrs. Mattie Holmes.

On July 11, 1993 she will join her family in a tradition that has existed for many years in celebrating their love, togetherness and faith. This year the Holmes family will honor their matriarch, Mrs. Mattie Holmes, as she celebrates her 88th birthday at the Holmes family reunion.

The Holmes family has resided in Miller County, AR for seven generations. Mattie Holmes was born in 1905 and married the late Earl Holmes, Sr. in 1922. Earl and Mattie Holmes were successful farmers in Miller County until their retirement in 1965. They shared a wonderful and happy union for 59 years, until Earl's transition in 1981. Together they raised 5 wonderful children and to date Mrs. Holmes shares her love with 24 grandchildren, 38 great grandchildren and 5 great-great grandchildren.

Mrs. Holmes has always been an active member of the New Zion Baptist Church, where she is loved and respected in so many ways. Mrs. Mattie Holmes has been a model citizen in the community for many years and today, it is an honor to extend my best wishes to her and the entire Holmes family as they celebrate this very special occasion.

HAPPY BIRTHDAY CHANNEL 44

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. GUTIERREZ. Mr. Speaker, I rise to bring to your attention that today is the eighth anniversary of WSNS–TV, channel 44, as a full-time Spanish television station in Chicago.

Channel 44, "El canal de la Hispanidad," the Hispanic heritage station, has earned the trust and respect, not only of the Hispanic community, but, of the city of Chicago and the State of Illinois as a whole. This is why when their operating license was threatened, everybody coalesced to defend it, until victory was recently obtained. This is why the Illinois Broadcasters Association gave channel 44 the Station of the Year Award for 1993.

Channel 44 has distinguished itself with worthwhile, innovative, and creative public service programming and public service education campaigns on areas such as school reform, education, citizenship, voter registration, antismoking and many others. I wish to congratulate the owners of the station, its employees, and its general manager, Jose Francisco Lamas. Happy Birthday, channel 44. And, I suggest others in the industry look at this very good example of excellence in broadcasting.

JHOON RHEE LAYS FOUNDATION OF SUCCESS FOR RUSSIAN LEGISLATORS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. ROTH. Mr. Speaker, I rise to commend Master Jhoon Rhee, the world-renowned martial artist and father of American Tae Kwon Do. Master Rhee has brought his highly successful joy of discipline and born to be happy programs to thousands of people, including Muhammad Ali, more than 100 Members of Congress, and most importantly, to thousands of children across America.

Since 1989, Master Rhee has been providing the Russian people with a powerful message pertaining to "knowledge in the mind, strength in the body, and honesty in the heart" through the martial art of Tae Kwon Do.

The power of Master Rhee's system has been demonstrated in the 70 schools and clubs that have opened throughout the Commonwealth of Independent States over the last 3 years.

In honor of Master Rhee's ongoing work, I would like to insert a copy of an article, describing his latest work, that appeared in the May 29, 1993, edition of the Moscow Times into the RECORD.

[From the Moscow Times, May 29, 1993]

GETTING A KICK OUT OF LEGISLATORS

(By Nanette van der Laan)

Arguing, shouting and pounding their fists on the table may be the way Russian parliamentarians communicate with each other these days. But if Jhoon Rhee has his way, the deputies would start their sessions by bowing.

Master Rhee, who over the last 28 years has taught more than 100 U.S. Congressmen the martial art of Tae Kwon Do, is committed to do the same in Russia.

He brings a simple message: "Knowledge in the mind. Strength in the body. Honesty in the heart."

The Korean-born Rhee wants to teach this philosophy to Russia's top legislators. Speaking at a press conference Friday at the White House, he that said a new utopia could be built in Russia as long as life's three most important values are respected: truth, beauty and love.

To demonstrate his fitness Rhee, 61, sprawled on the floor during the press conference, pressing his chest and head flat to the floor. He said he does 1,000 push-ups a day to stay in shape for Tae Kwon Do, a Korean martial art resembling karate.

"Flexibility is just as important physically as it is politically," said Rhee, jumping back to his feet. "The same is true for balance. If you kick with one leg, you must make sure you balance your other leg. I'm trying to alert parliamentarians that they must balance the national budget the same way. Presidents Reagan, Bush and now Clinton are all having difficulties."

Rhee, who was honored by President George Bush for his services, said that he is willing to instruct the Russian deputies for as long as they want, free of charge.

He said that 12 Supreme Soviet deputies had taken part in this training class Tuesday, and that this was a fine result.

"The first time I taught U.S. Congressmen only two people showed up," he said with a smile. "So the outcome was six times better."

"The deputies are still beginners and so far we have only done the basics." said Rhee, who moved to the United States at the age of 24. "But they were very enthusiastic."

Rhee said that during his first lesson, he taught the deputies to show respect by bowing to each other. This, he says, is vital in human society.

Rhee, who has taken his "Born to Be Happy" and the "Joy of Discipline" message to seminars around the former Soviet Union, has been appointed an adviser to the State Committee for Youth, Sports and Physical Education.

This was not his first visit to this part of the world; in past travels, he has set up 65 Tae Kwon Do studios across the former Soviet Union. His services were sought by the Russian government as part of a campaign to encourage foreign investment in sport.

Rhee, who counts the former heavyweight champion Muhammad Ali among his pupils, has been training Russians free of charge, saying that his foundation is a nonprofit one.

"I have enough money to finance my work here," Rhee said after the press conference. "I am paid $2,500 for a three-hour seminar for business executives in the United States."

Asked whether he though it would be possible that his teachings could become a "tool of the criminal society," Rhee replied: "The border between good and bad is very thin. But if people are directed well, they will use their strength only for good, honest purposes."

INTRODUCTION OF THE PERFORMANCE RIGHT LEGISLATION

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. MOORHEAD. Mr. Speaker, today, the gentleman from New Jersey, Mr. HUGHES, introduced important copyright legislation concerning the rights of those to make sound recordings. Although I am not a cosponsor of this legislation at this time I want to commend our Judiciary Subcommittee chairman, for introducing this legislation. This bill seeks to close a gap in the U.S. copyright law to provide a digital performance right for sound recording copyright owners. The introduction of this legislation is an important step in ensuring that U.S. copyright law keep pace with advancing technology and places the United States in a leadership position as the World Intellectual Property Organization considers this issue in the international arena.

As ranking member of the Intellectual Property Subcommittee, I look forward to working with the chairman and other subcommittee members on this critical issue. This matter is not new to me or to this subcommittee. However, the rapid development of digital delivery services and the international trade considerations for this matter have changed the parameters of the debate and demand a speedy resolution.

I recognize that the bill introduced will undergo some change as it works its way through the legislative process. However, I encourage the affected parties to work with the

subcommittee and each other to reach a solution.

CITIZEN SURVEY RESULTS

HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. HOKE. Mr. Speaker, one of the most pressing problems facing our nation is the budget deficit and exploding national debt. Everyone agrees that we must tackle this problem now, but there are many opinions on how best to do it.

Recently, I provided more than 200,000 households in Ohio's 10th District with an opportunity to register their individual opinions on a number of important budget issues. My first "Citizen Survey" featured questions on a proposed constitutional amendment to balance the Federal budget as well as on President Clinton's overall economic plan; including key components such as his proposals for an economic stimulus package and increased taxes on energy and social security benefits.

I'm pleased that more than 15,000 constituents—an unusually high return rate according to opinion research experts—took the time to fill out and mail back their reply cards. I'm also pleased to report that by a margin of nearly 4 to 1, my constituents said they consider these citizen surveys to be an appropriate and beneficial use of the frank.

Mr. Speaker, I'm grateful for my constituents' willingness to share their personal opinions on these important issues, and I'm pleased to report here in the CONGRESSIONAL RECORD the results of our citizen survey so that my colleagues may have the benefit of this valuable input from the citizens of Northeast Ohio.

CITIZEN SURVEY

Do you support the President's proposed economic plan which calls for $337 billion in new taxes, $211 billion in spending cuts, and $160 billion in new spending over the next four years?

Yes—16%; No—84%.

Do you support the President's $19.5 billion emergency stimulus package?

Yes—14%; No—86%.

Do you support an increase from 50% to 85% in the taxable portion of Social Security benefits received by beneficiaries who earn more than $25,000 (single filers) or more than $32,000 (joint filers)?

Yes—20%; No—80%.

Do you support the President's proposed BTU tax—a tax on the energy content of fuel, including coal, natural gas, and petroleum?

Yes—15%; No—85%.

Do you support a constitutional amendment to mandate a balanced federal budget, which if passed by Congress would then be sent to the States for ratification?

Yes—83%; No—17%.

Does this questionnaire constitute an appropriate and beneficial use of the taxpayer-funded franking privilege?

Yes—78%; No—22%.

INTRODUCTION OF THE SOCIAL SECURITY BENEFITS IMPROVEMENT ACT OF 1993

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. JACOBS. Mr. Speaker, today I am introducing the Social Security Benefits improvement Act of 1993. This bill contains Social Security benefit improvements in which a great many Members have expressed interest—it improves both the retirement earnings test and the level of benefits for elderly widows. It also complies with the requirements of the Budget Enforcement Act that all increases in Social Security benefits be balanced with offsetting savings or revenue increases.

I ask that a staff summary of this legislation appear in the CONGRESSIONAL RECORD following these remarks.

SOCIAL SECURITY BENEFITS IMPROVEMENT ACT OF 1993

SECTION 1. SHORT TITLE.

SEC. 2. INCREASE IN RETIREMENT EARNINGS TEST FOR AGES 65–69.

The Social Security retirement earnings test is a test of eligibility for retirement benefits. For beneficiaries age 65–69, it withholds $1 of benefits for every $3 of earnings over an annual threshold amount. In 1993, this threshold is $10,560. The bill would double this amount over 5 years, raising it to $12,000 in 1994, $14,000 in 1995, $16,000 in 1996, $18,000 in 1997 and $20,000 in 1998.

SEC. 3. IMPROVEMENT IN BENEFITS FOR WIDOWS.

Widows may file for benefits beginning at age 60. However, heir benefits are permanently reduced by 28.5 percent, so that the benefit they receive is 71.5 percent of the amount they would have received had they wait until age 65 to claim benefits. The bill would lessen the amount of this reduction to 25 percent, so that a widow who applied for benefits at age 60 would receive a benefit equal to 75 percent of the age-65 amount.

SEC. 4. ELIMINATION OF 7-YEAR RULE FOR DISABLED WIDOWS.

Widows who are disabled may file for benefits beginning at age 50. However, their disability must have begun within seven years after their spouse's death or within seven years after the end of their entitlement to mother's or father's benefits (which are paid to widows caring for children under age 16). The bill would eliminate this "seven-year rule."

SEC. 5. INCREASE IN SOCIAL SECURITY WAGE BASE.

The Social Security payroll tax is imposed on wages up to $57,600 annually in 1993. This amount is known as the wage base, and it is indexed to rise each year by the rate of growth in average wages. The bill would raise this amount by $2,100 in 1994, so that the wage base would be $60,000 in 1994 instead of $57,900 as projected under current law. The wage base would be indexed annually thereafter.

INTRODUCTION OF LEGISLATION TO PROVIDE TRANSITION RELIEF FOR NONPROFIT STUDENT FUNDING CORPORATIONS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, there are approximately 21 nonprofit student loan funding corporations which serve as regional secondary markets for lenders originating student loans under Federal student loan programs. These corporations, described in Internal Revenue Code section 150(d), are permitted to issue tax-exempt debt to finance acquisitions of student loans so long as their earnings are reinvested in student loans. Most of these nonprofits have financed student loan acquisitions with both taxable and tax-exempt debt. These organizations are defined as 501(c)(3) organizations by the Internal Revenue Code and therefore, they are not permitted to raise equity capital from private investors.

The modifications to the Federal student loan programs, whether via a direct loan program or otherwise, will cause many lenders to end their involvement in the Student Loan Program. This will occur because many lenders will not continue to devote resources to either a winding down program or to the continuing program if financial incentives are reduced. The loss of capital to the transition phase of the modified student loan programs will result in a substantial need for greater capital support from the private sector.

Nonprofit student loan funding corporations desire to serve this capital need but will need tax law changes to enable them to raise the needed capital. Specifically, they need the ability to transfer their assets and liabilities, including tax-exempt debt, to a for-profit taxable corporation in exchange for a stock interest in such a conversion corporation. This transfer will allow the conversion corporation to raise equity capital.

Chairman MOAKLEY and I are introducing legislation that will amend the Federal tax laws to permit the transfer of the assets and liabilities of a nonprofit scholarship funding corporation to a for-profit, fully taxable conversion corporation. Neither the nonprofit corporation, after the conversion, nor the conversion corporation will be able to issue additional tax-exempt debt and outstanding tax-exempt debt will continue to support the Student Loan Program until that debt is retired.

The legislation provides an efficient means of bolstering the capital base of the secondary student loan market during the transition period and of assuring the maintenance of the expertise and workforce of the nonprofit scholarship funding corporations for their future roles in the Federal student loan programs. I urge this legislation to be reviewed in relation to the transition to a direct loan program.

TRIBUTE TO ANN MERCEDES ROBERTS ROBINSON

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. LEWIS of Georgia. Mr. Speaker, I want to recognize Ann Mercedes Roberts Robinson who is retiring after 28 years of service with the Veteran's Administration. Her retirement date is July 7, 1993, which is the day Mrs. Robinson will turn 60. Mrs. Robinson has lived in the Fifth Congressional District of Georgia for 22 years. A model citizen, Mrs. Robinson is highly active in her community and church. She is a member of the Zeta Phi Beta Sorority.

Born in Jasper County, GA, Mrs. Robinson was the fourth child of seven children born to Fleetwood and Irene Roberts. Mrs. Robinson is a graduate of Morris Brown College and the Atlanta University School of Social Work. Mrs. Robinson is the mother of two daughters.

Mr. Speaker, Mrs. Robinson is to be commended for her many years of government service and for dedication to her community and church.

CLARIFICATION OF STATEMENTS REGARDING BOB RANDOLPH

HON. L.F. PAYNE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. PAYNE of Virginia. Mr. Speaker, I want to take this opportunity to correct statements that were made on the House floor on May 19. My colleague, Representative BOB DORNAN, was discussing the nomination of Bob Randolph to be U.S. attorney in Seattle, and stating his view that Mr. Randolph's antiwar record disqualifies him from holding that office. During the course of his remarks, which appear in the May 19 RECORD on page H2570, he made a number of statements about Bob Randolph that are not accurate, and I believe require clarification.

I have known Bob Randolph for 25 years and know him to be a person of honesty, character, and integrity. Although Bob and I chose different paths with respect to military service during the Vietnam era, Bob acted out of conscience. The sincerity of his beliefs is attested by the fact that the Marine Corps gave him an honorable discharge.

According to the RECORD, Mr. DORNAN stated that, while at Quantico, "Randolph begins to organize enlisted recruits to protest against the war in Vietnam * * * in a Marine Corps officer's uniform, goes on national television to condemn the United States * * * 'ho, ho, Ho Chi Minh' aid and comfort to the Communist enemies slaughtering people and slitting the throats of village chieftans."

None of these statements is true.

In addition, the RECORD states "on graduation from Harvard he accepts a position with a British firm in Singapore" and "finds himself drawing big dollars in Singapore as a Rhodes scholar and a VMI graduate." In reality, after law school Bob Randolph worked for a distinguished Federal judge in Richmond, VA, and then went to Seattle where he practiced law for 13 years before accepting a job as the CEO of multinational public company—with a British parent—based in Singapore.

Because of my personal knowledge of Bob Randolph and my concern about the misimpressions that may remain about Bob's character and integrity, I wanted to take this opportunity to set the RECORD straight.

INTRODUCTION OF LEGISLATION REGARDING BILLBOARDS IN SPACE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. MARKEY. Mr. Speaker, I rise today to introduce a bipartisan piece of legislation, the Space Advertising Prohibition Act of 1993. What will our world be like if Space Marketing, Inc., the Georgia-based company seeking to launch 1 mile-long billboards made from mylar sheets into low Earth orbit, has its way? Children will learn a new nursery rhyme: "hey diddle diddle, the cat and the fiddle, the cow jumped over the mylar." They will make a wish upon a falling billboard." Carl Sagan might even be heard referring to those "billions and billions of billboards in space." And while Bartlett's Book of Quotations lists 144 quotes about "the moon" and 235 quotes about "the stars," there is not one about "billboards." In fact, the only quote ever inspired by a billboard was by Ogden Nash and it is worth thinking about: "I think I shall never see, a billboard lovely as a tree. Indeed, unless the billboards fall, I'll never see a tree at all."

If allowed to happen, this scheme will send square mile-size mylar billboards into low Earth orbit so that every sunrise and sunset would beam down the logo of Coke or G.M. or the Marlboro man, turning our morning and evening skies, often a source of inspiration and comfort, into the moral equivalent of the side of a bus.

We might stand in this Chamber today and laugh about the notion of enormous billboards floating above the horizon or convince ourselves that it just couldn't happen. But if left unchecked it just might happen. Would companies pay $1 million a day for a single billboard? Already today they might spend half that on a single TV ad. In aggregate, U.S. businesses buy well over $100 billion of advertising annually to generate demand for their products.

I am relieved that the tidal wave of opposition to this idea has caused Space Marketing, Inc., to back down, for now, from its original intention to put these signs in space. But if there is money to be made then it is just a matter of time until someone, somewhere tries to do it. With the technological capability to put billboards in space already established, the question of whether we want advertising beamed down to us from space needs to be carefully considered by Congress.

That is why, along with my colleagues SUSAN MOLINARI, ANNA ESHOO, CONNIE MORELLA, ERIC FINGERHUT, FRANK MCCLOSKEY, WILLIAM LIPINSKI, DOUGLAS BEREUTER, BARNEY FRANK, ANTHONY BEILENSON, ROMANO MAZZOLI, MAURICE HINCHEY, BOB FILNER, FRED UPTON, and WILLIAM HUGHES, I am proud to introduce the Space Advertising Prohibition Act of 1993. We are going to work very hard to control this frightful prospect and keep our skies clear to remain a source of inspiration to us all.

H.R.—

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 "Space Advertising Prohibition Act".

SEC. 2. PROHIBITION ON SPACE ADVERTISING.

(a) AMENDMENT TO FINDINGS.—Section 2 of the Commercial Space Launch Act (49 U.S.C. App. 2601) is amended—

(1) in paragraph (8), by striking "and" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "; and"; and

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

"(10) the use of outer space for advertising purposes is not an appropriate use of outer space and should be prohibited.".

(b) AMENDMENT TO PURPOSES.—Section 3 of the Commercial Space Launch Act (49 U.S.C. App. 2602) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and";

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

"(5) to prohibit the use of outer space for advertising purposes.".

(c) DEFINITION.—Section 4 of the Commercial Space Launch Act (49 U.S.C. App. 2603) is amended—

(1) by redesignating paragraphs (10) through (12) as paragraphs (11) through (13), respectively; and

(2) by inserting after paragraph (9) the following new paragraph:

"(10) 'space advertising' means advertising in outer space, including the placement of images or objects in outer space that are visible from Earth, for purposes of marketing or otherwise promoting the sale or use of goods or services;".

(d) PROHIBITION ON SPACE ADVERTISING.—The Commercial Space Launch Act (49 U.S.C. 2601 et. seq.) is amended by inserting after section 10 the following new section:

"SEC. 10A. PROHIBITION ON SPACE ADVERTISING.

"(a) SECRETARIAL ACTIONS.—The Secretary shall not—

"(1) issue or transfer a license under this Act; or

"(2) waive the license requirements of this Act,

for the launch of a payload containing any material to be used for purposes of space advertising.

"(b) PROHIBITION.—No holder of a license under this Act shall launch a payload containing any material to be used for purposes of space advertising.

"(c) CIVIL PENALTIES.—Any person who violates subsection (b) shall be subject to a civil penalty, not to exceed $30,000,000, which shall be assessed by the Secretary.

"(d) REVOCATION AND ISSUANCE OF LICENSES.—(1) The Secretary shall revoke any license held by a person who violates subsection (b).

"(2) Any person who violates subsection (b) shall not be issued a license under this Act for a period of 2 years from the date on which the Secretary finds that such person has violated subsection (b), or if such finding is appealed, the date on which the appropriate court issues a final judgment in favor of the Secretary.".

SEC. 3. AGREEMENTS WITH FOREIGN NATIONS.

The President, acting through the Secretary of State, is requested to negotiate with foreign nations for the purpose of reaching an agreement or agreements that prohibit the use of outer space for advertising purposes.

Cosponsors of the Space Advertising Prohibition Act: Ms. Susan Molinari, Ms. Anna Eshoo, Ms. Connie Morella, Mr. Eric Fingerhut, Mr. Frank McCloskey, Mr. William Lipinski, Mr. Douglas Bereuter, Mr. Barney Frank, Mr. Anthony Beilenson, Mr. Romano Mazzoli, Mr. Maurice Hinchey, Mr. Bob Filner, Mr. Fred Upton, Mr. William Hughes.

BILLBOARDS IN OUTER SPACE

Billboards in orbit: On April 12, 1993 a Georgia-based company announced that they have the technology and intention to put gigantic billboards in orbit around the Earth. These billboards will be one mile long, one mile wide and made of mylar. Visible from Earth by the naked eye, they are half as large as the full moon.

The public doesn't want billboards in space: There has been a tremendous public backlash to this proposal. However, if there is the potential for profit, we must assume that there is someone, somewhere, who will try to put billboards in space. Presently there is no regulation preventing their use.

Our bill will put end to billboards in space: The "Space Advertising Prohibition Act" will prohibit the launch into outer space of a payload containing any material which will be visible from Earth which will be used for purposes of marketing or otherwise promoting the sale or use of goods and services.

Prohibition of the United States is not enough: Our bill requests that the President, acting through the Secretary of State negotiate with foreign nations for the purpose of reaching agreements that will prohibit anyone else in the world from invading the skies with advertising.

There is bi-partisan support for this bill: Support for this bill is led by Representatives Edward J. Markey (D-MA), Susan Molinari (R-NY), Anna G. Eshoo (D-CA) and Connie Morella (R-MD), and many other cosponsors.

Opposition to billboards in space is widespread: The Astronomical League, U.S. PIRG, Center for Study of Commercialism, Center for Science in the Public Interest, Environmental Action, Scenic America, National Audubon Society, and renowned astronomer Carl Sagan, among others, have already thrown their support behind this bill. There is no question that more and more scientific, environmental and consumer groups will join us as soon as they get wind of the preposterous idea of advertising in space.

COALITION OPPOSING BILLBOARDS IN OUTER-SPACE,
Washington, DC, May 13, 1993.

NANDASIRI JASENTULIYANA,
Director, Office on Outer-Space Affairs, General Secretary, Committee on the Peaceful Use of Outer-Space, United Nations, New York, NY.

DEAR MR. JASENTULIYANA: An American marketer, Space Marketing, Inc., is seeking a commercial sponsor for a mile-long billboard to be sent into earth orbit. The vehicle will project a corporate logo as large as the moon to people on Earth.

The undersigned coalition of consumer, environmental, and scientific organizations condemns Space Marketing's proposal to commercialize the heavens. We urge the United Nation's Committee on the Peaceful Use of Outer-Space to issue a resolution against this type of venture.

Such a billboard is an abuse of international space, adding to the debris problem, destroying the serene nocturnal skyline, and interfering with astronomical research. Space Marketing has claimed that the vehicle could help monitor the ozone layer, but that benefit is meaningless because existing satellites monitor ozone levels without polluting the sky with commercials.

We fear Space Marketing's proposal could open the door to other advertising forays in space. We hope that your agency will discourage Space Marketing from launching the billboard and urge the U.S. National Aeronautics and Space Administration not to support the project.

We are also asking Space Marketing to abandon its plans. We hope that your office supports our position and will publicly denounce the commercial pollution of space.

Signed:
Astronomical Society of the Pacific.
Astronomical League.
International Dark-Sky Association.
Scenic America.
Center for Science in the Public Interest.
Center for the Study of Commercialism.
National Consumers League.
National Audubon Society.
Environmental Action.
Earth Day 2000.
U.S. Public Interest Research Group.
Public Media Center.
Center for Media Education.

CORNELL UNIVERSITY, CENTER FOR RADIOPHYSICS AND SPACE RESEARCH,
Ithaca, NY, June 3, 1993.

Representative ED MARKEY,
U.S. Congress, Washington, DC.

DEAR ED: I wonder if you've been following the space billboard issue. I think it's an abomination. It is the thin edge of a wedge which may destroy optical ground-based astromony, the most ancient of the sciences. In the long run it means that there will be no place on Earth safe from advertisers. It opens the door to political, ideological, and religious sloganeering from the skies. It is an attack on science, an invasion of privacy for everyone, an aesthetic affront, and a misuse of the engineering talent in the national laboratories.

I understand that you've been thinking about this issue and just wanted to encourage you to sponsor a bill putting some real limitations on this brilliant idea.

With warm good wishes,
Cordially,

Carl Sagan.

[From the Boston Globe, May 14, 1993]

ADS IN SPACE? DON'T LOOK NOW, BUT . . .

(By Dianne Dumanoski)

Space. The final frontier. And Space Marketing Inc. wants to boldly go where no one has gone before—to put the first billboard in space. No, this is not a gag from "Saturday Night Live."

The company, based in Roswell, Ga., is serious about launching a giant inflatable billboard into orbit so it can be seen by billions of people around the world. The mile-long billboard, which would be launched via rocket in 1996 and orbit the Earth for about three weeks, would appear to be about the size of a full moon as it loomed overhead.

Yesterday, consumer activists, environmentalists and astronomers launched a campaign to stop what they see as a commercial insult to the heavens. The coalition, called Save Our Skies, appealed to United Nations officials to pass a resolution condemning the venture and held news conferences and demonstrations at several sites around the country in protest.

"You've got marketers trying to co-opt one of the last ad-free zones on earth," said Karen Brown of the Center for the Study of Commercialism, a nonprofit group in Washington that is organizing the campaign. "It's nothing less than intergalactic pollution."

Astronomer Carl Sagan condemned the proposal, calling it an "abomination." It is the thin wedge which may destroy optical ground-based astronomy, the most ancient of sciences."

A spokesman for Space Marketing said yesterday that the plan was a creative way to fund research in a time of shrinking federal funds.

"It will support environmental sensors that will do readings on the Earth's ozone layer," Mike Jones said. "This is a continuation of ozone monitoring paid for by private industry not private taxpayers."

But what about the billboard?

"We will not allow it to be giant beer cans or giant golden arches," Jones promised. "Our hope is it will be some sort of environmental symbol."

However, the idea of an environmental symbol appears to have surfaced after the plan set off a storm of criticism. In earlier news reports and company news releases, Mike Lawson, chief executive officer of Space Marketing, is quoted as saying that he was seeking a corporate underwriter with a universal recognized logo that could appear on the billboard at a cost of between $15 million and $30 million.

The journal Advertising Age described the plan for an orbiting billboard as "the most ambitious marketing endeavor ever contemplated."

Touting the advantage of space advertising in a news release, Space Marketing says: "Aside from merely having a logo or message on the platform, sponsoring companies also have the ability to tailor design the orbit so that it will pass over 'key populations' at the same time during ideal daylight viewing times."

At the end of the three-week period, Jones said, the highly reflective Mylar substance bearing the symbol or logo would disintegrate, and the supporting platform, invisible after the logo was destroyed, would continue to orbit for a full year, monitoring ozone.

What information would this provide that is not already being provided by NASA's ozone monitoring program?

Jones said he was not certain and was unable to provide the name of any scientist working with the company on plans for ozone monitoring. He referred questions to two scientists he said are working on the overall project.

One of those named, Preston Carter of the Lawrence Livermore National Laboratory in California, referred inquiries to the lab's public relations office.

"What we are doing on this is zero," said Jeff Garberson, a Livermore spokesman. "We are absolutely not sending sensors up on billboards. We are undertaking no work in this

area and have no intention of undertaking work in this area.

Garberson said activists carrying signs protested the proposed space billboard outside the lab yesterday.

Garberson said that Carter is a friend of Lawson, the Space Marketing chief executive officer, and that the two had had phone conversations. "Preston Carter did talk to them but it never got beyond talking," he said.

Brian Dunbar, a NASA spokesman, said he knew nothing about the ozone monitoring being planned by the firm.

He said NASA satellites monitor ozone record data for periods of 18 months to three years and that there are plans for new monitoring systems that could record ozone data for 15 years.

Because of the way ozone varies, "one year's worth of ozone data is not going to do you a whole lot of good," he said.

Federal approval from the Department of Transportation would probably be needed before the project could go forward.

But if Space Marketing proceeds with its plans, opponents are threatening to boycott any company that underwrites the effort.

"Americans' vision of the 21st century does not include corporate logos dotting the sky and sunsets sponsored by your favorite soft drink" said Rob Sargent, of Mass-PIRG, which has joined the national protest. "Any company crazy enough to advertise on a space billboard will be sorry."

INTRODUCTION OF LEGISLATION REGARDING BILLBOARDS IN SPACE

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Ms. MOLINARI. Mr. Speaker, today I am introducing legislation with Representatives MARKEY, MORELLA, and ESHOO that will effectively ban billboard advertising in space. It has come to our attention that a company in Atlanta, GA is developing mylar billboards to be placed in space so that advertisements can be seen from Earth.

These space posters, about the size of a full Moon, will be most visible at dawn and dusk and can even be positioned to appear to target audiences at certain times.

Mr. Speaker, it concerns me that these billboards will not only pollute the heavens and the skies, but that they will force advertisements on the population at large and overstep the boundaries of everyone's right to see a clear sky without a blemished Moon, Sun and stars.

This is clearly a violation on our environment and an encroachment on our daily lives. My caution to all parties concerned is that despite our commitment to technological advancements in our society and the world at large, we should not encourage the commercialism of the cosmos. Where commercials for products like Pepsi and Kodak go first, politicians are sure to follow.

We must ban billboards in space or we as a society will not have the opportunity to choose not to see advertisements. We will not be able to look toward the galaxy for unlittered inspiration. We will effectively pollute the heavens for eternity.

INTRODUCTION OF LEGISLATION REGARDING BILLBOARDS IN SPACE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mrs. MORELLA. Mr. Speaker, today I join with my colleagues in introducing the Space Advertising Prohibition Act. If we allow mylar billboards to be launched into space, not only will the serenity of our sky be threatened but important astronomical research will be jeopardized as well. Just think of the possibility that the billboard fabric could rip into fragments and float off into space. Would the stars you think you see be instead pieces of mylar twinkling erratically? Dr. Derek McNally, a British astronomer, fears: space debris generation with a somewhat obnoxious material—and a very serious challenge to sustained deep sky studies. As a member of the Committee on Science, Space, and Technology, I want to further astronomical research and ensure its safety. These orbiting billboards will damage a fundamental science.

To clarify, we are not objecting to advertisements on the side of space shuttles. These ads are here for a moment and then gone from our sight. Our legislation is aimed at mile-long billboards visible to the naked eye from space. And the best viewing time will be sunrise and sunset. These mylar monstrosities are being marketed as environmental billboards because they will contain ozone reading sensors to monitor the Earth's protective layer. These sensors, however, are unnecessary because of already existing satellites monitoring ozone levels.

As a member of GLOBE, Global Legislators Organization for a Balanced Environment, I have sent copies of this bill to my colleagues in Tokyo, Brussels, and Moscow. I have asked these legislators to consider sponsoring similar legislation. Clearly, orbiting mylar billboards endanger the sky above us all. I ask my colleagues in the House to join Congressman MARKEY, and Congresswoman MOLINARI and ESHOO in supporting the prohibition of space billboards.

A TRIBUTE TO OFFICER MICHAEL McGARRY

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. KLEIN. Mr. Speaker, I rise today in order to pay tribute to Michael McGarry, a Port Authority police officer from Belleville, NJ, who was honored as the 1993 "Cop of the Year" by the New York's Finest Foundation.

Specifically, Officer McGarry was recognized for the courage he displayed after the terrorist bombing of the World Trade Center in February. On that day, Officer McGarry was on duty on the Path train platform inside the building. When the bomb exploded, McGarry was slammed onto the train tracks by the powerful blast. Ignoring his own serious injuries, Officer McGarry risked his own life to attend to others who were in danger. McGarry managed to rescue two people including a firefighter who was also part of the rescue team. As a result of being exposed to the smoke from the fires raging in the building, McGarry collapsed from hypothermia and smoke inhalation.

The "Cop of the Year" award is presented by the New York's Finest Foundation in order to recognize ordinary people who have done extraordinary things. Undoubtedly, McGarry deserves to be honored for saving lives, but his actions have a much greater meaning. He is an ordinary person who has demonstrated through his courage that we all are capable of being heroes if we emulate his example of leading a life characterized by selflessness and bravery.

Mr. Speaker, I am deeply honored to have the opportunity to recognize someone who embodies the best in human nature. I ask my colleagues to join me in applauding the rarely paralleled heroism of Officer McGarry.

REGARDING THE CONFERENCE REPORT ON H.R. 2118, MAKING SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1993

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. FAZIO. Mr. Speaker, I rise in strong support of the conference report on H.R. 2118, providing supplemental appropriations for fiscal year 1993.

This is a modest and good bill, Mr. Chairman. All funds provided in the bill are either offset or within the spending limits set in the fiscal year 1993 budget resolution. Specifically, the bill contains $2.5 billion in rescissions of previously appropriated funds.

The conference committee approved $220 million for summer jobs. This assistance will mean that over 160,000 additional disadvantaged youth throughout the country will have an opportunity to better themselves in the coming summer. With this additional infusion of assistance, funds will be available for jobs for a total of 773,000 young people nationwide.

This is urgently needed assistance, Mr. Chairman, particularly to States like California, that are already suffering from unemployment rates which are far higher than the national average. Over 15,000 more of our State's disadvantaged youth will participate in the summer job program, bringing the total of disadvantaged young Californians with summer jobs to over 73,000.

In addition, the bill provides an additional $150 million to help local and State governments put more cops on the streets. There is an urgent need, particularly in our larger cities, to increase the protection of our neighborhoods and children. It is a wise investment that will pay for itself. California alone will see over $15 million of this aid to help fight crime.

The funds provided in the bill for the SBA loan guarantee program, Mr. Chairman, are also urgently needed. The $175 million in the

bill will support over $3.2 billion in additional SBA guaranteed loans. This is an important investment in one of the most prolific job-creating sectors of our economy—our Nation's small businesses. This additional investment will fund about 13,000 new loans and generate an estimated 325,000 new jobs.

This SBA assistance is particularly important to States like California. In California, in 1992, business failures grew 33 percent, nearly quadruple the average of all other States. And, these funds will support an estimated $660 million in new loans to small businesses, generating 65,000 jobs statewide.

Mr. Speaker, I also want to express my support for the provision of H.R. 2118 which expands eligibility for disaster assistance originally passed by the 102d Congress. The eligibility for disaster assistance has been extended to crop losses caused by natural disasters in 1993. It is important to underscore that this expansion of eligibility will not cost any more money. Rather, it simply qualifies more people to be eligible to receive already appropriated disaster assistance funds.

This provision is particularly crucial for prune growers in my district. As my colleagues may know, northern California was hit by unseasonal spring rains earlier this year. The rains have decimated the 1993 prune crop. Crop losses are expected to reach 70 percent for most prune growers in the northern Sacramento Valley. H.R. 2118 will help prune growers in my district get through the difficult financial hardship that lies ahead as a result of this natural disaster.

Mr. Speaker, again, this is an important, urgently needed bill, and I urge my colleagues to support the conference report.

TRIBUTE TO THE 125TH ANNIVERSARY OF LAKE CITY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize the 125th anniversary of the founding of Lake City, MI. I am proud to pay tribute to the individuals that have given Lake City its unique character—from the Founding Fathers to the citizens that call it home today.

It all began when two Canadian brothers, Daniel and William Reeder, and a group of four others came to search for homes in Missaukee County, MI, in 1867. In 1868, after at first enduring ridicule from their companions, the beauty and allure of the shores of what was then known as Muskrat Lake enticed Daniel and one other member of the group to be the first settlers to construct a building of any kind in the area. Other individuals and family members soon followed, and the area became known as Reeder, named for its founder Daniel Reeder. It was officially established as Lake City on June 3, 1873.

By the late 1880's the population of Lake City was several hundred. The first telephones arrived in the mid-1890's, and Main Street saw its way to accommodate the first automobiles around 1905. Present-day population is approximately 850 residents, and Lake City is alive with a variety of shops, schools, churches, and small employers, and boasts an active tourist season which lasts throughout the year. It also sponsors one of the best Independence Day parades in northern Michigan—the "Greatest Fourth in the North," as well as the Festival of Pines which pays tribute to the history of logging in Lake City and the vicinity.

Mr. Speaker, I know you will join me in saluting the dedicated individuals that have and continue to make Lake City a prosperous and beautiful place to live and visit. On this, its 125th anniversary, this commitment and dedication is indeed to be commended and celebrated.

A CONSTITUTIONAL AMENDMENT TO ABOLISH THE DEATH PENALTY

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. GONZALEZ. Mr. Speaker, I rise today to introduce a resolution proposing a constitutional amendment to prohibit capital punishment within the United States. I believe that the death penalty is an act of vengeance veiled as an instrument of justice. Not only do I believe that there are independently sufficient moral objections to the principle of capital punishment to warrant its abolition, but I also know that the death penalty is meted out to the poor, to a disproportionate number of minorities, and does not either deter crime or advance justice.

Violent crimes have unfortunately become a constant in our society. Every day people are robbed, raped, and murdered. We are surrounded by crime and yet feel helpless in our attempt to deter, to control, and to punish. The sight of any brutal homicide excites a passion within us that demands retributive justice. We have difficulty comprehending that which cannot be understood.

Mr. Speaker, we will never comprehend the rationale of violent crime, but the atrocity of the crime must not cloud our judgment and we must not let our anger undermine the wisdom of our rationality. We cannot allow ourselves to punish an irrational action with an equally irrational retaliation: Murder is wrong, whether it is committed by an individual or by the state.

The United Nations Universal Declaration of Human Rights states that, "No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment." The death penalty is torture, and numerous examples exist emphasizing the cruelty of the execution. Witness Jimmy Lee Gray, who was executed in 1983 in the Mississippi gas chamber. During his execution he struck his head repeatedly on a pole behind him and had convulsions for 8 minutes. The modernization to lethal injection serves only as an attempt to conceal the reality of cruel punishment. Witness the execution by lethal injection of James Autry in 1984. He took 10 minutes to die, and during much of that period he was conscious and complaining of pain.

Despite the obvious mental and physical trauma resulting from the imposition and execution of the death penalty, proponents insist that it fulfills some social need. This simply is not true. Studies fail to establish that the death penalty either has a unique value as a deterrent or is a more effective deterrent than life imprisonment. We assume that perpetrators will give greater consideration to the consequences of their actions if the penalty is death, but the problem is that we are not always dealing with rational actions. Those who commit violent crimes often do so in moments of passion, rage, and fear—times where irrationality reigns.

Rather than act as a deterrent, some studies suggest that the death penalty may even have a brutalizing effect on society. For example, Florida and Georgia, two of the States with the most executions since 1979, had an increase in homicides following the resumption of capital punishment. In 1984 in Georgia, the year after executions resumed, the homicide rate increased by 20 percent in a year when the national rate decreased by 5 percent. There can be no disputing the other evidence—murders have skyrocketed in recent years, as have State executions. The Government cannot effectively preach against violence when we practice violence.

The empty echo of the death penalty asks for simple retribution. Proponents advocate that some crimes simply "deserve" death. This argument is ludicrous. If a murderer deserves death, I ask you why then do we not burn the arsonist or rape the rapist? Our justice system does not provide for such punishments because society comprehends that it must be founded on principles different from those it condemns. How can we condemn killing while condoning execution?

In practice, capita punishment has become a kind of grotesque lottery. It is more likely to be carried out in some States than others—in recent years more than half of the Nation's executions have occurred in two States—Texas and Florida. It is far more likely to be imposed against blacks than whites—the U.S. Supreme Court has assumed the validity of evidence that in Georgia those who murder whites are 11 times more likely to receive the death sentence than those who kill blacks, and that blacks who kill whites were almost 3 times as likely to be executed as whites who kill whites. It is most likely to be imposed upon the poor and uneducated—60 percent of death row inmates never finished high school. And even among those who have been sentenced to die, executions appear randomly imposed—in the decade since executions resumed in this country, well under 5 percent of the more than 2,500 death row inmates have in fact been put to death.

It cannot be disputed that most death row inmates come from poverty and that there is a definite racial and ethnic bias to the imposition of the death penalty. The statistics are clear, as 92 percent of those executed in this country since 1976 killed white victims, although almost half of all homicide victims during that period were black; further, black defendants are many times more likely to receive the death sentence than are white defendants. A 1990 report of the General Accounting Office found that there exists "a pattern of evidence indicating racial disparities in the charging, sentencing, and imposition of the death

penalty. * * * In 82 percent of the studies, race of victim was found to influence the likelihood of being charged with capital murder or receiving the death penalty." Similar statistics can be found in my area of the country with regard to individuals of Mexican-American descent; in fact, similar practices once prevailed with regard to women. The practice was to tell the murderer to leave town if he killed a Mexican-American or a woman, as the feeling was that the murder must have been justified. We may have moved beyond that point, but not by much. It is as much a bias in favor of the "haves" and at the expense of the "have-nots" as anything else.

Racial and ethnic bias is a part of our Nation's history, but so is bias against the poor. Clearly, the ability to secure legal assistance and to avail oneself of the best that the legal system has to offer is based on one's financial status. The National Law Journal stated in 1990, "Indigent defendants on trial for their lives are being frequently represented by ill-trained, unprepared, court-appointed lawyers so grossly underpaid they literally cannot afford to do the job they know needs to be done." The American Bar Association has admitted as much.

The legal process has historically been replete with bias, as well. We have a history of exclusion of jurors based on their race; now, the Supreme Court has sanctioned the exclusion of multilingual jurors if witnesses' testimony will be translated—this is particularly significant in my area of the country, in San Antonio.

Further, we have executed juveniles—children, actually, as well as those with limited intelligence. Only five countries besides the United States are known to have executed juvenile offenders in the past decade: Bangladesh, Barbados, Pakistan, Iraq, and Iran. That's some company to be in, particularly in light of the billions of dollars we have spent, an continue to spend, to stop brutalization by the leader of Iraq.

There are moves on in Congress to speed up the execution process by limiting and streamlining the appeals process. But when the statistics show how arbitrarily the death penalty is applied, how can we make any changes without first assuring fairness? If the death penalty is a fair means of exacting retribution and punishment, then isn't fairness a necessary element of the imposition of capital punishment? There are no "do-overs" in this business when mistakes are made.

The imposition of the death sentence in such an uneven way is a powerful argument against it. The punishment is so random, so disproportionately applied in a few States, that it represents occasional retribution, not swift or sure justice. My colleagues, I implore you to correct this national disgrace. Nearly all other Western democracies have abolished the death penalty without any ill effects; let us not be left behind. Let us release ourselves from the limitations of a barbaric tradition that serves only to undermine the very human rights which we seek to uphold.

Can we continue to condone the sad part of our Nation's history that has been replete with injustice based on the color of one's skin, the accent in one's speech, or the amount of money in one's pocket? Regardless of one's view in favor or against imposition of the death penalty, we must all reaffirm our commitment to the fair and equal treatment of all men and women under the laws of this Nation. It is time that the words of the Declaration of Independence be words of action, not of mere rhetoric: "We hold these Truths to be self evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuant of Happiness."

HEALTH CARE IN URBAN AMERICA; IMPLICATIONS FOR NATIONAL HEALTH CARE REFORM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1993

Mr. RANGEL. Mr. Speaker, on June 7 and 8, it was my privilege to co-host with Columbia University President Michael Sovern a conference on health care reform at Harlem Hospital entitled, "Health Care in Urban America: Implications for National Health Care Reform".

This conference brought together health care experts from around the country to discuss the health care needs of America's inner cities and how those requirements must be addressed in the context of national health care reform if this historic effort is to be successful.

CONFERENCE SUMMARY

The conference concluded that national health care reform will fail if it does not deal with the conditions unique to the inner cities. The conference found that although the extension of insurance coverage is a crucial first step in obtaining universal care for all Americans, greater benefits in the inner city must be accompanied by practical assurances of access to the full range of medical care; by an increased supply of preventive primary care and public health services, and by the development of integrated social service delivery systems in our central cities.

The conference found that prospects for health care reform hold special challenges and opportunities for American cities. The lack of insurance and the inadequate access that are increasingly recognized as problems across the country are of greater concern in the cities, where large concentrations of people with unusually severe health problems create special budgetary and organizational obstacles to delivering preventive, primary care, and public health services. The conference reported that the health status in American central cities falls below the norms of more affluent areas, that access to services is hampered by financial and geographic barriers and that coordination is inadequate among social services, the education system and health care. Poverty makes it difficult for children and families to find and use appropriate health and related services. Preventive services are scarce, and too often the emergency room becomes the health care provider of first and last resort.

THE ADMINISTRATION'S PROPOSAL

Bruce Vladeck, the new Administrator of the Health Care Financing Administration represented the Clinton administration at the Conference. He outlined where the administration is in terms of releasing its health care plan.

Dr. Vladeck described the Administration proposals as follows:

Universal coverage—Americans will be issued a health insurance card to access health coverage offered by various competing state health care alliances.

The basic benefit will be based on the Blue Cross standard option.

Americans will be able to choose the plans they wish to participate in.

A global health budget will be the goal in 3 to 5 years. Cost control would be put in place tying the rate of growth in health care costs to the rate of economic growth.

Quality assurance and data collection systems will be put in place.

Tort reform.

Concerning the unique needs of inner-city health care, Dr. Vladeck made the following points:

The Administration recognizes that universal access to health care alone will not address the complex health care needs of inner city residents. Critical improvements are needed for the infrastructure of inner city health care systems. Vladeck stated that the Administration is looking at a separate funding stream to enhance the infrastructure of public hospitals, expand community health centers, and support the growing needs of voluntary health care providers.

The health care workforce in the inner city must be expanded. This would include a proposed doubling of the National Health Service Corps and incentives for primary care medical education.

As part of the effort to make inner city health care more attractive to providers, the Administration would accelerate payment levels toward primary care providers and preventive health services and away from specialities.

Recognizing the large drug and alcohol abusing populations in inner city communities, the Administration will propose significantly expanded substance abuse treatment coverage in the proposed mental health benefit.

To combat discrimination by the various health care alliances from competing to deliver services to inner city residents, all plans in a geographic area would be required to reach a proportion of traditionally medically underserved individuals.

Concerning Medicaid as we know it, Vladeck projected that acute care and basic services presently provided by Medicaid would be rolled into the new system, but that chronic- and long-term care would be provided by a separate funding stream.

Full proceedings from the conference will be available during the summer. I will be sharing the conference proceedings with Members of the House when they are available so that we may all be cognizant of these critical issues as the House considers the President's health care reform proposals later this year. I am attaching to these remarks to the conference agenda.

Columbia officials will soon be requesting to meet with Administration and congressional health policy experts to discuss the conference findings and encourage the inclusion of these recommendations in the national health care reform legislation.

HEALTH CARE IN UNDERSERVED URBAN AMERICA: IMPLICATIONS FOR NATIONAL HEALTH REFORM

Sponsor: Columbia University.

Hosts: Michael I. Sovern, President, Columbia University, The Honorable Charles B. Rangel, Member of Congress.

MONDAY, JUNE 7

8:00—Registration

8:30—Greetings: Herbert Pardes, M.D., Vice President for Health Sciences and Dean of the Facility of Medicine, Columbia University; Bruce Goldman, Executive Director, Harlem Hospital Center; Kevin C. Greenidge, M.D., President, Manhattan Central Medical Society; Ruth Messinger, President of the Borough of Manhattan; Allan Rosenfield, M.D., Dean, School of Public Health.

HEALTH STATUS OF CENTRAL HARLEM: A PROTOTYPE OF INNER CITY AMERICA—INDICATORS OF HEALTH STATUS

Moderator: Gerald Thomson, M.D., Professor of Medicine and Associate Dean, College of Physicians and Surgeons, Columbia University.

9:00—The Health of Adults: Harold Freeman, M.D., Director of Surgery, Harlem Hospital Center.

9:15—Children: Margaret Heagarty, M.D., Director of Pediatrics, Harlem Hospital Center.

9:45—Break.

HEALTH CARE IN INNER CITY AMERICA

Moderator: Mary Mundinger, Dean, School of Nursing, Columbia University.

10:00—A National Problem: Margaret Hamburg, M.D., Commissioner, New York City Department of Health.

10:30—The Social, Economic and Human Services Setting: Molly Coye, M.D. M.P.H., Director, California Department of Health Services.

11:00—The Special Problems of Substance Abuse: Herbert Kleber, M.D., Professor of Psychiatry, Director, Division on Substance Abuse, College of Physicians and Surgeons.

LUNCHEON—HARLEM TEMPLE CORPS, SALVATION ARMY

12:00—Columbia and the City of New York: Health Challenges: President Michael Sovern, Columbia University; The Health of Disadvantaged Urban America: The Challenge and the Imperative—Hon. Charles Rangel, Member of Congress.

INNER CITY HEALTH SYSTEMS

Moderator: Delores Brisbon, Brisbon & Associates.

1:30—The Contribution of Academic Health Centers to Urban Health Care Delivery: Herbert Pardes, M.D., Vice President for Health Sciences and Dean of the Faculty of Medicine, Columbia University.

1:50—The Future of Urban Hospitals, Public and Private: Larry Gage, J.D., President, National Association of Public Hospitals; Kenneth Raske, President, Greater New York Hospital Association.

Moderator: Dr. Billy Jones, President, Health and Hospitals Corporation.

2:20—Community Based Care Centers: Fernando A. Guerra, M.D., M.P.H., Director, San Antonio Metropolitan Health District.

2:35—Managed care and managed competition in the inner city: Jane E. Sisk, Ph.D., Professor, School of Public Health, Columbia University.

3:00—Practitioners: special problems and needs (matching skills to needs)—Dr. Herbert Nickens, M.D., Vice President, Association of American Medical Colleges; Commentator: Dr. Kevin Greenidge.

3:30–3:45—Break.

Moderator: David R. Jones, President and CEO, Community Service Society.

3:45—Special Challenge of Prevention in the Inner City: Jeffrey Koplan, M.D., M.P.H., Director, Center for Chronic Disease Prevention and Health Promotion, CDC.

4:15—Children and Homelessness: Irwin Redlener, M.D., President, NY Children's Health Project.

5:30–7:00—Reception—Schomburg Center for Research in Black Culture.

TUESDAY, JUNE 8

INNER CITY NEEDS AND HEALTH REFORM

Moderator: Dr. Edward Healton, Associate Dean/Medical Director, Harlem Hospital Center.

8:30–9:15—Keynote: National Plan for Health Reform and the Inner City—Bruce Vladeck, Ph.D., Administrator, Health Care Financing Administration.

9:30—Inner City Needs: Gerald Thomson, M.D., Professor of Medicine, Associate Dean, College of Physicians and Surgeons.

10:00—Financing Health Systems in the Inner City.

10:30—National Health System Reform: Proposals and Expectations in Perspective—Allan Rosenfield, M.D., Dean, School of Public Health.

11:00–11:30—Summary: Lawrence Brown, Ph.D., Professor and Head, Division of Health Policy and Management, Columbia University.