SENATE—*Tuesday, March 9, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. Leading the Senate in its prayer of the God of our fathers will be Richard C. Halverson, Jr., the son of the Chaplain of the Senate.

Mr. Halverson, please.

PRAYER

The Reverend Richard C. Halverson, Jr., Falls Church, VA, offered the following prayer:

Let us pray:

As we go to prayer this morning, let us take a moment of silence to remember Leslie Finn, who died suddenly and unexpectedly yesterday after being diagnosed with cancer over Christmas. Not only is she a great loss to Senator DODD, but to all of us, for she has been a mentor and great help in the Senate over the years.

Almighty God, today we beseech Thee for the salvation of our Nation. For salvation comes from Thee. Though we find much good in our land, we also know of much evil. Even our best economic solutions will not keep the ship of state from sinking without change from our growing spiritual deficit. And social progress alone is not enough to save us from moral decay.

In times like these, we humbly bring before You the prayer of Abraham for the deliverance of his city: "Lord, * * * wilt thou also destroy the righteous with the wicked? Peradventure there be fifty righteous within the city: wilt thou also destroy and not spare the place for the fifty righteous that are therein?" And You said, "If I find * * * fifty righteous within the city, then I will spare all the place for their sakes."

And Abraham answered, "Behold now, I have taken upon me to speak unto the Lord, which am but dust and ashes: Peradventure there shall lack five of the fifty righteous: wilt thou destroy all the city for lack of five?" And You said, "If I find there forty and five, I will not destroy it."

And Abraham spoke yet again, "Peradventure there shall be forty found there." And You said, "I will not do it for forty's sake." And Abraham said, "Oh let not the Lord be angry, and I will speak: Peradventure there shall thirty be found there. And You said, "I will not do it, if I find thirty there." And Abraham said, "Behold now, I have taken upon me to speak unto the Lord: Peradventure there shall be twenty found there." And You said, "I will not destroy it for twenty's sake." And Abraham said, "Oh let not the Lord be angry, and I will speak yet but this once: Peradventure ten shall be found there," And You said, "I will not destroy it for ten's sake." (Genesis 18:23–32)

Gracious Lord, God of Abraham, we pray that You will raise up in this land not just ten but tens of thousands who are righteous in Thy sight. We pray for spiritual renewal not only political reform. And we dare make this request by faith, because we are children of Abraham in whom You have blessed all nations on Earth. Through the seed of Jacob, Abraham is the father of the Jew. Through the generations of Ishmael, Abraham is the father of the Moslem. And through the lineage of Jesus, Abraham is the father of the Christian. It is in His name—the name of Jesus—that we humbly make this prayer. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

LESLIE FINN

Mr. MITCHELL. Mr. President, we are all deeply saddened and moved by the news of the death of Leslie Finn, referred to this morning by our distinguished Chaplain. All of us who knew her knew Leslie to be an outstanding, able, active person. I met her many years ago. We both shared the experience of having worked for former Senator Muskie, and in recent years Leslie served with great distinction and energy on the staff of our colleague, Senator DODD.

In behalf of every Member of the Senate and particularly those who knew and were so fond of Leslie, I thank Reverend Halverson for his reference to her in his morning prayer. And I extend the deep regrets of every Member of the Senate to the family of Leslie Finn. We have lost a truly fine person and an outstanding public servant.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, under the previous order there will be a period for morning business until 11 a.m., at which time the Senate will resume consideration of the motion to proceed to the National Voter Registration Act.

At noon, under the previous order, there will be a second vote on the motion to invoke cloture or to terminate debate on the motion to proceed. I hope very much that the Senate today will vote to invoke cloture, to permit us to begin consideration of this bill.

I think what we are experiencing now is something that very few Americans can comprehend. It is something which I addressed in my testimony to the Commission on the Reorganization of Congress last week. Under the Senate's rules, it takes 60 votes even to begin consideration of a bill. We have not had the first word of discussion on the bill itself. We have not had the first amendment on the bill. We have only been discussing whether or not to even begin consideration of the bill. And, yet, we are now in what is the third day of consideration of the motion to proceed to the bill. I hope we can do that. The rights of Senators are well protected when we get to the bill itself, and I think this is an example of what I hope will be the changes that are necessary to enable the Senate to do its business in a way that does not change the basic character of the institution nor abridge the rights of any Senator.

Mr. President, following the vote on cloture, I will have another announcement to make about the Senate schedule. It will depend, of course, in part upon the results of that vote. And I hope in the meantime to consult with the distinguished Republican leader, my colleague, as I always do on such scheduling matters.

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

The PRESIDENT pro tempore. The majority leader is correct.

RESERVATION OF LEADER TIME

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

The PRESIDENT pro tempore. Without objection the time of the two leaders under the standing order will be reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period for the transaction of routine morning business not to extend beyond the hour of 11 a.m., with

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

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Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Minnesota [Mr. WELLSTONE] is recognized for not to exceed 5 minutes.

Mr. WELLSTONE. I thank the Chair.

(The remarks of Mr. WELLSTONE pertaining to the introduction of Senate Joint Resolution 59 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURNS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Montana [Mr. BURNS] is recognized for not to exceed 5 minutes.

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS pertaining to the introduction of S. 528 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Texas is recognized for not to exceed 5 minutes.

NO MANDATE FOR CLINTON ECONOMIC POLICY

Mr. GRAMM. Mr. President, in the last few weeks, as we have debated the Clinton economic program, I have tried to go back and put myself in the position of those who, in a similar debate in 1981, were opposed to the dramatic changes that they were seeing in Government policy. I have been struck, Mr. President, by how unparallel that comparison is.

I would like to talk very briefly this morning about the difference between the dramatic change in public policy implemented in 1981 and the dramatic change in public policy that is contemplated today and which will be voted on this month in the Congress.

Mr. President, in 1980, Ronald Reagan ran for President, saying all over the country to anyone who would listen that if he was elected President he would cut domestic spending, build up defense, and cut taxes to stimulate the economy. Anybody who was not hiding under a rock in 1980 knew exactly what Ronald Reagan would do if he was elected. Not only was he elected, but he was elected by an overwhelming mandate. He came to Washington, and in 1981, in a bipartisan coalition in the House and basically Republican votes in the Senate, the President implemented his policy.

There are those who say to me today, "Why don't we give our new President the same chance we gave Ronald Reagan?" Well, let me tell you the difference. Bill Clinton has no mandate to implement the budget policy that will be considered by the Senate Budget Committee today. Bill Clinton was elected President not on a platform to raise middle-class taxes but on a platform to cut middle-class taxes. Bill Clinton was elected President not to increase domestic spending but to cut domestic spending; not to implement the old Government of the past by expanding the size and power and cost of the Federal Government but to reinvent the Federal Government.

The basic paradox of the debate, Mr. President, is that we are now debating a program that has no mandate. No one in America voted for a candidate for President who said I will raise taxes on middle-class Americans. No one in America voted for a candidate who said that, over the next 5 years, I will increase domestic spending by $833 billion. No one in America voted for a candidate who said, over the next 5 years, I will have a policy whereby revenues rise by $1.262 trillion. No one in America voted for a candidate who said I will cut defense over the next 5 years by $152 billion.

In fact, Mr. President, by an incredible paradox in an incredible set of circumstances, we are now debating a policy that not one of the three major candidates for President campaigned on, that not one voter in America voted for, and yet we are on the verge of debating and voting on a policy that will raise taxes on every working family in America, that will increase domestic spending in unprecedented proportions, that will slash defense twice as much as the candidate for office, who wants to cut defense, promised, and yet, in implementing this policy, by an incredible twist of fate, we are implementing a policy which no one voted for, which has no constituency, and which is at great variance with everything that each of us hears from back home.

I thank the Chair for its indulgence.

A TRIBUTE TO RAYMOND BRADBURY

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Raymond Bradbury, an outstanding Kentuckian who recently retired after more than four decades in the coal mining business.

It would be difficult to overestimate the importance of the coal industry to the economic health of Kentucky. Kentucky produces about 160 million tons of coal per year. That production supports 115,000 jobs and is responsible for $760 million in tax revenues to the State each year. Much of the coal mined in Kentucky is exported, contributing to our Nation's balance of payments.

It would be equally difficult to overestimate the importance of Raymond Bradbury to the coal industry.

Raymond began his mining career at the young age of 18. His dedication and commitment to hard work was soon noticed, and he became known throughout the coalfields of Kentucky as a dedicated, honest, and respected worker.

In 1969, Raymond established Martin County Coal Corp. in Martin County, KY. Over the next 24 years, Raymond built the company into one of the premier coal operations in Kentucky. The company now employs 599 people and operates four underground minesites. This year, Martin County Coal expects to produce 3.7 million tons of coal. The company ships product to markets in Virginia, North Carolina, Florida, Pennsylvania, Ohio, and Indiana, and exports coal to overseas markets.

In an industry which has been characterized by technological change, Raymond Bradbury has been a leader. He and Martin County Coal have been involved in the development of several new and innovative mining techniques. Under Raymond's direction, Martin County Coal began to use diesel-powered equipment, and all new employees at the mine were challenged with a 90-day training program. These and many other practices originated by Raymond and Martin County Coal have been adopted by mining operations around the country.

Today, I honor Raymond Bradbury for his honesty, integrity, and dedication to one of Kentucky's premier industries. Martin County Coal will surely miss him, but will continue to benefit from the imprint he left on its operations. I wish Raymond and his family health, happiness, and good fortune in the future.

Mr. President, I request that my statement and an accompanying article from the Martin County Mountain Citizen be submitted in today's CONGRESSIONAL RECORD.

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

BRADBURY RETIRES FROM MCC

(By Michael Sisco)

COLDWATER.—After more than four decades in the coal mining business, more than 23 of those years at the helm of Martin County Coal, Raymond Bradbury announced last week that he is retiring.

"It's time to move on," he said. "It's time to turn it over to the younger guys."

The younger guys should take some notes.

Bradbury, the son of English immigrants who moved to the U.S. in 1928, has seen much and is more than willing to share what he knows. His father, who worked in the mines as a first aid instructor and equipment demonstrator (at an annual salary of $2,400), gave a young Raymond the opportunity to find out for himself if he wanted to pursue a career in the mining business (Bradbury had considered practicing medicine).

So, during the summer of his 18th year, while most other teenagers were having a

fun summer, Bradbury began work on the night shift, loading coal by hand. Surprisingly enough, he liked it, and quickly made a name for himself as an honest, dedicated worker, someone who commanded respect.

In 1969, A.T. Massey offered Bradbury the opportunity to establish a fledgling mine to be called Martin County Coal. Bradbury accepted Massey's offer, and in two short years, MCC had hired its first 40 employees and began their first underground operation. The young mine excavated more than 572,000 tons of coal the first year, and by January 1972, the company had opened its first surface operation, and began running coal on schedule. By March 1, MCC loaded its first train of coal.

Under Bradbury's direction, MCC grew large enough to employ 599 people ("regrettably, we never were able to hire the 600th person," Bradbury said), operating four underground mine sites, furnishing Duke Power Company (MCC's primary customer) with over 2,000,000 tons of coal annually. Bradbury saw to it that MCC was a pioneer in the mining industry, using diesel-powered equipment underground (a system that was quickly adopted around the country), and ensuring that every employee went through a 90-day apprenticeship training program.

Bradbury's legacy with MCC was not without some sadness. He experienced first-hand the waning of the "coal boom" and the layoffs of 1983 and 1988.

"Even though we're in this business to make a profit, any time you have to reduce personnel, especially in an operation like ours, where you know each employee personally, it hurts," he said.

Bradbury's retirement seems to have come at a time of rebirth for MCC, as the company will soon break the 3 billion ton mark. As with any company that has operated with one person at the forefront, MCC reflects aspects of Bradbury's personality.

"Integrity, honesty, organization, and a team concept. I hope that I have had some influence in the development of these attributes," Bradbury said.

Bradbury stresses that even though he will no longer be a part of the MCC team, people have no reason to fear the company's destiny.

"I'm leaving this in the very capable hands of Larry Jones," he said.

IRRESPONSIBLE CONGRESS? HERE IS TODAY BOXSCORE

Mr. HELMS. Mr. President, the Federal debt—run up by the U.S. Congress—stood at $4,211,535,077,254.48 as of the close of business on Friday, March 5.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display or irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of the taxpayers' money over and above what the Federal Government has collected in taxes and other income. This has been what is called deficit spending—but it's really a form of thievery. Averaged out, this astounding interest paid on the Federal debt amounts to $5.5 billion every week, or $785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing Federal debt.

Looking at it on a per capita basis, every man, woman, and child in America owes $16,396.29—thanks to the big spenders in Congress for the past half century. The interest payments on this massive debt, average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there had been a Congress with the courage and the integrity to maintain a balanced Federal budget? The arithmetic speaks for itself

FORMER U.S. SENATE PAGE (1977) EDITOR OF AWARD-WINNING PAPER

Mr. HELMS. Mr. President, having been in the Senate for awhile, I have seen a great many young people come and go—particularly the young men and women who have served as Senate pages. I still hear from former Senate pages who were here when I came to the Senate in January 1973.

They are now married with families of their own. They are successful in business, or one of the professions. Some are schoolteachers. All are good citizens—as I knew they would be when they were among us, going to the Page School at 6:15 a.m., then coming to the Senate Chamber to perform their duties often until late hours at night.

It has been thus every year. These are remarkable and impressive young Americans—every year's group is excellent, and this year's Senate pages are especially impressive.

Mr. President, as I have indicated, I try to keep track of as many of these young people as possible when they have finished their time as Senate pages. For example, back in 1977, a young fellow named Bart Adams came up from North Carolina to serve as a Senate page. Dot Helms and I have known Bart's parents for nearly 50 years, so my special interest in Bart is perhaps understandable.

Bart enjoyed being a part of the Senate; he took pains to learn as much as possible about the Senate as an institution. He read books on the history of the Senate. More than once, it has occurred to me that Bart Adams might one day return to Washington as U.S. Senator Bart Adams.

And he may. Already it stands him in good stead that he served a summer as an intern with the Heritage Foundation, for today he is a young man who understands the miracle of America; he is aware of the spiritual motivation of the Founding Fathers who knew that there was a Creator guiding their decisions and actions.

Let me hasten to my point: Today, Bart Adams is editor of a fine newspaper in his hometown of Dunn, NC. It is an award-winning daily newspaper that has been recognized by the North Carolina Press Association for its excellence and professionalism.

A few weeks ago, the Dunn Daily Record was recognized for its public service—the most prestigious category of competition. And while the Dunn Daily Record is nowhere near the size of the daily newspapers in Charlotte and Greensboro, there the Daily Record was, right there with the two much larger newspapers in terms of recognition by the N.C. Press Association.

A year ago, Mr. President, the Daily Record won the NCPA's first place for investigative reporting. But the recognition this year was even more significant and meaningful.

Entries were judged by Robert Kieckhefer and members of his staff at the Chicago Bureau of United Press International. In designating the Daily Record as a winner, Mr. Kieckhefer said:

> There is truly some outstanding work in this entry. And it is clear from the copy that this newspaper (The Dunn Daily Record) is enthusiastically pursuing its mission to clean up local government. We love enthusiasm. * * * These people proved they know how.

So, Mr. President, former Senate page Bart Adams has shown that he has the stuff to provide strong, effective leadership. His excellent, but fairly small, staff is top-flight—Lisa Farmer, for one example, who is managing editor of the Daily Record.

Watching all of this with understandable pride, of course, are Bart's parents, Hoover and Mellicent Adams. They just happen to be the folks who founded the Dunn Daily Record back in the 1950s. A lot of their friends feared at the time that they could not make it—but with sacrifice and hard work they did. And today, the Dunn Daily Record is the pride of its community.

Hoover and Mel Adams modestly disclaim credit for the success of the newspaper they founded. But, Mr. President, those of us who know the true story will testify that because their newspaper was founded on honest and courageous principles, it is today a tremendous success. Hoover and Mel Adams were the folks who decided what those principles would be.

Which speaks well for them, and for their son, Bart.

INDEPENDENT COUNSEL STATUTE

Mr. DOLE. Mr. President, later this year, Congress will decide whether or not to reauthorize the Independent Counsel Act.

Judge Robert Bork has recently written a compelling article for Commentary magazine that outlines the history of the act and its potential for abuse. He specifically points out how an independent counsel like Lawrence Walsh, accountable to no one and unrestrained by budget concerns, is capable of irreparably damaging the good reputations of hard-working public servants and their families. As Judge Bork writes:

The independent counsel is set up with an unlimited budget to investigate one person or a small group of persons. The job, moreover, offers a chance to become a national figure, but only if scalps are taken. The independent-counsel statute, therefore, has built into it the certainty of pain and injustice to many innocent people.

Judge Bork also points out that Walsh's public accusation that former President George Bush was engaged in a cover-up and that he was the subject of an investigation would be highly inappropriate, and perhaps punishable under the code of professional ethics, if made by a regular prosecutor.

I urge my colleagues to read Judge Bork's article when the Senate begins its consideration of the Independent Counsel Act's reauthorization.

Mr. President, I ask unanimous consent that the full text of the article be inserted into the RECORD immediately following my remarks.

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

AGAINST THE INDEPENDENT COUNSEL

(By Robert H. Bork)[1]

For almost fifteen years America has experimented with a second and separate system of criminal-law enforcement. The Ethics in Government Act of 1978 created court-appointed independent counsels, placed outside the control of the President and the Attorney General, to investigate and, where possible, prosecute certain high-ranking executive-branch officials. Members of Congress and the judiciary were exempted. The statutory authorization for the Office of Independent Counsel expired this past December, but as a result of the pardons George Bush extended on Christmas Eve to six former officials involved in the Iran-contra affair, the chances that Congress and President Bill Clinton will revive the law seem to have increased. They should first study the record, which has been abominable.

The conventional wisdom, echoed on almost all editorial pages, holds that an independent counsel is essential because the Department of Justice cannot be trusted to prosecute miscreants in the executive branch. The conventional wisdom is wrong. The real effect and, to a large extent, the purpose of a special-prosecutor law has little to do with the Department of Justice coverups.

"If the institution of the American presidency has grown enfeebled over the past two decades," Suzanne Garment of the American Enterprise Institute writes,

"It is not only because of battles with its opponents over policies or institutional prerogatives. Its adversaries have also waged a crucial and more or less continuous attack on the underlying moral legitimacy of the office, its occupants, and the President's allies in the executive branch."

A spearhead in the assault on the moral legitimacy, and hence the effectiveness, of the presidency has been the independent-counsel statute. The statute has helped tilt the balance between the executive and legislative branches and has, as a result of the prosecutorial incentives it created, produced savage injustices to individuals. All of this is to cure a problem that does not exist.

Two instances routinely cited as showing the need for an independent prosecutor are the Department of Justice's handling of the cases of Spiro Agnew and Richard Nixon. If those two examples do not withstand scrutiny, the argument for a new statute collapses, because there could hardly be greater tests of the Department's capacity than its handling of the wrongdoing of a President and a Vice President. As Solicitor General at the time, I participated in both matters and claim some knowledge of what took place.

In the summer of 1973, George Beall, the United States Attorney for Maryland, discovered that Spiro Agnew had taken bribes when Governor of Maryland and had continued to receive payments while Vice President. Beall informed Attorney General Elliot Richardson. There can be few more startling and unhappy messages for an Attorney General to receive, but Richardson informed President Nixon, had a grand jury investigate Agnew, and ultimately indicted him. After Agnew's attorneys and I exchanged briefs on the constitutionality of indicting him before he was removed from office by conviction on impeachment, he plea-bargained, confessed his guilt, and resigned the vice presidency.

Though the Department of Justice thus demonstrated that it could remove an incumbent Vice President, some critics apparently believe that Agnew was treated too leniently, that he should have been sent to prison. That option, however, was not available. The Watergate investigation was closing in on Richard Nixon, and Richardson thought it would be devastating to the nation if the President were defending an impeachment trial while the Vice President was a criminal defendant. Agnew used that as a bargaining chip and the deal was struck to be rid of him so that a new Vice President could be in office if Nixon should be impeached. That seemed to me then, and seems to me now, the only responsible course for Richardson to have taken.

The prime exhibit in the argument of those who want an independent counsel, however, is Watergate and what came to be called the Saturday Night Massacre. In fact, those episodes have been thoroughly misunderstood.

The initial investigation of the break-in at the Watergate complex was conducted by Earl Silbert and his colleagues in the Office of the U.S. Attorney for the District of Columbia. The facts unearthed caused Silbert to order research on the constitutionality of indicting the President before he was removed from office by conviction on impeachment. He also issued a wide-ranging subpoena for White House documents. Silbert and his colleagues were ready to make the case against Nixon and his aides, but Elliot Richardson had just been nominated by Nixon for the post of Attorney General, and the Senate Judiciary Committee conditioned confirmation on Richardson's agreement to appoint a special prosecutor. Richardson chose his old law-school professor, Archibald Cox. Silbert gave Cox about 90 typewritten pages outlining the conspiracy and the evidence. More work remained to be done, but the essential outline of the case was there. Watergate would have played out about the way it did had the U.S. Attorney's Office been allowed to continue.

Though there was no need for a special prosecutor to deal with Watergate, it was politically inevitable that one would be named. But there might not have been a further demand for a special prosecutor removed from all executive-branch control had it not been for the Saturday Night Massacre (that is, Nixon's firing of Cox, together with the resignations it triggered). For almost 200 years, the public and Congress had been satisfied with what Terry Eastland of the Ethics and Public Policy Center calls the "politics of ethics."[2] The instruments of that politics included investigation and prosecution by the Department of Justice or by special prosecutors brought in for single occasions; congressional investigation; impeachment; clamor in the press; and, most effective, public reaction that determined the political future of those involved in wrongdoing.

The Cox firing changed all that. Although Cox was a man of integrity and ability, Richardson made a mistake in naming him special prosecutor. Nixon was immediately convinced that the investigation would be partisan because Cox was a long-time ally of Nixon's despised and feared political enemy, Senator Edward Kennedy. To compound matters, Cox made the politically maladroit move of taking the oath of office with the Kennedy family in attendance. The newspaper accounts and photographs of that event magnified White House paranoia.

Actually, Cox's behavior as special prosecutor did not warrant distrust. Any prosecutor, on learning of the existence of the tapes Nixon had secretly made, was bound to seek them, by subpoena if necessary. Cox did just that, and panic rolled over the White House. Richardson and the President's top defense lawyers attended a meeting in the office of Alexander Haig, Nixon's chief of staff, to decide what to do about the subpoena. The answer was in two parts. The first was to offer the "Stennis compromise." Senator John Stennis would listen to the subpoenaed tapes and produce a transcript from which national-security matters were deleted. The second part was to give Cox an order to seek no further tapes.

It is surprising that no one at the meeting realized this was a prescription for disaster. It should have been obvious that Cox could not accept either the compromise or the order. To do so would have been to betray his responsibilities. It should also have been clear that Richardson, given his commitment to the Senate Judiciary Committee, could not fire Cox for refusing the order. Apparently neither of these things was thought through, and once the order was given, the Saturday Night Massacre became inevitable.

Cox predictably refused and explained his decision on national television. Though

[1] Robert H. Bork is John M. Olin Scholar in Legal Studies at the American Enterprise Institute and the author of "The Tempting of America: The Political Seduction of the Law."

[2] "Ethics, Politics, and the Independent Counsel: Executive Power, Executive Vice 1789-1989," National Legal Center for the Public Interest (1989). This is the best scholarly analysis I know of concerning the great deficiencies of the independent-counsel system.

Cox's decision was correct. Nixon now had to fire him: no President can afford to be faced down in public by a subordinate member of the executive branch. Richardson and the Deputy Attorney General would not carry out the firing and departed. I was the third and last in the line of succession established by Department regulations, and I discharged Cox. Had I not done so, the President would have named an Acting Attorney General from outside the Department who would have discharged Cox and perhaps his entire staff. That would have caused mass resignations in the Department of Justice. As it was, I explained the situation to the top officers of the Department and no one resigned.

Whatever the motivation behind the order to Cox, his firing had nothing to do with any attempt to stop the investigation. No one at the White House suggested that I interfere with the investigation in any way. When I met with Nixon after signing the letter removing Cox from office, the President understood that the investigation would continue and said only that he wanted "a prosecution, not a persecution." Cox's deputies and staff remained in place and, as they noted in their final report, did not miss a day's work.

It is partly my fault that the "firestorm," and hence the demand for a court-appointed prosecutor, followed. When I left the White House that night, I should have held a press conference to explain that only Cox was going and his staff would continue as before. That would have countered the impression that a coup was being attempted. I was new to Washington, however, and a press conference never crossed my mind, nor did anyone suggest the idea. That mistake aside, however, the Department of Justice had nothing to apologize for in its handling of Watergate or the Saturday Night Massacre.

In the Nixon and Agnew cases, no one at the main Department of Justice or in the United States Attorneys' Offices was tempted to ignore the evidence in order to protect the President or the Vice President. It may be objected that the nation cannot rely upon always having persons of integrity in those positions. But anyone familiar with institutions such as the Department of Justice or a U.S. Attorney's Office will realize that there are other safeguards.

Let us suppose that in the Nixon or the Agnew affair either or both the U.S. Attorney and the Attorney General had been men of less exacting ethical standards. They would have found it impossible to suppress the evidence. High-ranking law-enforcement officials do not go about detecting crime on their own. Evidence is brought to them by others. The facts are known to lower-level prosecutors, FBI agents, often to a grand jury. These are people of professional integrity who also possess keen instincts of self-preservation. They will not be associated with a cover-up, and cannot afford to be. Nor need they have the courage to go public. They have connections with Congress, the press, and public-interest organizations. If an Attorney General had tried to protect Nixon or Agnew, that fact would have been leaked at once. The more spectacular a case is, the higher it reaches into the executive branch, the less willing is anybody to be connected in any way with a cover-up or even the suspicion of one.

Richard Nixon's presidency was doomed from the moment the investigation started, and it really did not matter whether the U.S. Attorney's Office, Cox, or his successor, Leon Jaworski, was in charge. The Watergate investigation could not have been avoided, and once started, it could not have been stopped. There is simply no danger that any criminal violation by a high-ranking official in the executive branch will be hidden by the Department of Justice. Though the fact has been overwhelmed by the mythology of Watergate and the Saturday Night Massacre, there is no case in our history in which the Department failed in its duty to prosecute executive-branch wrongdoing.[3]

That is one reason I testified to both the Senate and House Judiciary Committees in 1973, very shortly after the firing of Cox, that a mechanism for obtaining court-appointed special prosecutors was unnecessary as well as unconstitutional, and that I would therefore recommend to the President that he veto any bill seeking to establish such an office.

No bill was passed, and we escaped the predictable horrors of the institution, until Jimmy Carter became President and supported such a measure. Carter's Attorney General, Griffin Bell, understood the evil of the scheme but loyally backed his President. Since Carter left office, Bell, freed of his commitment, has consistently argued against the legislation.

The independent-counsel statute went through several versions but all versions displayed the features that make the law a recipe for irresponsibility, injustice, and the deformation of the constitutional balance between the legislative and executive branches.

In the Office of the Independent Counsel, Congress created, for the first time in our history, a federal prosecutor who is not really responsible to anyone. Under this statute, when the Attorney General receives allegations of criminal behavior by a high-ranking executive-branch official he must make an inquiry, but he is now deprived of most means of investigation. Unless, thus handicapped by the statute, he can determine that there are no reasonable grounds to believe that further investigation is warranted, he must ask the court to appoint an independent counsel. If a designated number of members of the Judiciary Committee of either House requests an independent counsel, the Attorney General must either agree or submit a report to Congress explaining his negative decision. In short, despite the Constitution's commitment of law enforcement to the President, he and his Attorney General are effectively stripped of that function in cases covered by the statute.

To make matters worse, when an independent counsel finishes his assignment, he must file a report with the court "setting forth fully and completely" a description of his work, the disposition of all cases brought, and his reasons for not prosecuting any matter. The court may then release the report, or such portions of it as it deems appropriate. No regular prosecutor would make public his reasons for not indicting, but the release of the special counsel's report can result in considerable embarrassment to the persons involved.

It is hardly surprising that such a statute is subject to abuse and that lawyers of great distinction have thought it unconstitutional. Thus, in the case of *Morrison* v. *Olson*, former Attorneys General Edward Levi, Griffin Bell, and William French Smith, who served, respectively, under Presidents Gerald Ford, Jimmy Carter, and Ronald Reagan, submitted a brief amicus curiae asking the Supreme Court to invalidate the law. It is a great pity that the Court did not follow their recommendation.

Morrison v. *Olson* was a classic use of the independent-counsel statute to weaken the presidency by punishing an executive-branch official for carrying out his duties. A committee of the House demanded files of cases the Department of Justice and the Environmental Protection Agency were investigating or prosecuting. No law-enforcement officer could properly reveal that information. On the advice of the Department of Justice, President Reagan refused disclosure. The committee, enraged at this display of responsibility, asked the House Judiciary Committee to investigate the role of the Department in advising the President.

The Judiciary Committee subpoenaed all the memoranda prepared by Justice in advising the President and called Theodore Olson, the Assistant Attorney General responsible for giving legal advice to the Attorney General and the President. Some materials had been produced and a file search was continuing. Olson said he did not recall whether certain documents existed. Later they were found and produced to the committee.

Still, the committee was angered by Olson's forthright defense of the President's law-enforcement powers. On one occasion, the committee demanded any handwritten notes the Department's lawyers might have made in preparing their advice. Olson replied that he was sure the committee could arrange an exchange of those notes for the handwritten notes of the committee's staffers. One member rose, slammed the file down, and said that was the most outrageous remark he had ever heard.

The hearings were so inconsequential that they were not even published. But over two years later, the committee delivered a 3,100-page report accusing Olson of making false statements to Congress when—to cite one instance—he said he could not recall documents that were later produced. Alexia Morrison was appointed independent counsel and Olson's travails began.

Within six months, in seeking unsuccessfully to expand her jurisdiction to others, Morrison stated that, standing alone, Olson's testimony probably did not violate any criminal statute. Nevertheless, she took almost three years before she announced that there was no case against him.

In the course of these proceedings, Olson challenged a subpoena on the grounds that the independent-counsel statute was unconstitutional. He lost, but in upholding the constitutionality of the law, the Supreme Court created a number of constitutional anomalies that the Founders certainly never contemplated.

One of the most serious is to involve Congress in law enforcement directed at the executive branch. The Constitution protects members of Congress from executive-branch prosecution through the Speech and Debate Clause which makes them legally immune for anything said or written in the course of their duties. No such constitutional protection was thought necessary for the executive branch because it was given control of prosecutions. But now the Court has allowed prosecutions of the executive branch that are effectively initiated by Congress. That is not quite a bill of attainder, but it is a lot closer than the Constitution, properly interpreted, allows. The unfortunate outcome of *Morrison* v. *Olson* leaves the executive branch largely defenseless against this sort of assault. The power to pardon is one of the few shields the President has left.

Though Chief Justice Rehnquist's *Morrison* opinion was unpersuasive, only Justice

[3] Charges are being made that an exception to this rule is the BNL case. As yet, however, these charges are unproven.

Scalia dissented, so it is clear that hopes for the law's permanent demise rest not with the Court but with the wisdom and good will of Congress. Given the use Congress has made of the law in the past, the prospect is bleak.

In addition to everything else that is wrong with it, the institution of the independent counsel damages lives and reputations in ways that few regular prosecutors ever could or would. The human as well as the institutional costs are described rivetingly by Elliott Abrams in "Undue Process: A Story of How Political Differences Are Turned Into Crimes."[4]

When he left the State Department in 1989 after serving there in a variety of positions since 1981, Abrams intended to write a book, but this is not the one he planned. Abram's last job at State was Assistant Secretary for Inter-American Affairs. Among his many duties was carrying out Ronald Reagan's policy of keeping the Nicaraguan contras a viable force against the Sandinistas. That involved him in two wars:

"A guerrilla war in Central America, and an almost equally violent political war about Central America between the Reagan administration and the Democratic-controlled Congress."

In the fall of 1986, the Iran-contra affair exploded and Abrams was called to testify before Congress, the Tower Commission, and a grand jury about the nature of U.S. support for the contras. An independent counsel, Lawrence Walsh, had also been appointed to investigate Iran-contra. He and his staff interviewed Abrams endlessly and took him before the grand jury three times. In early 1988, he was told that the Office of the Independent Counsel believed his statements, and he heard no more about the matter.

Until 1991. Taking into account everything else we now know about that Office, it seems too much of a coincidence that the prosecutors' interest in Abrams should have reawakened right after they lost the case against their most famous target, Oliver North, and when all indications were that they would also lose their other most important case—the one against John Poindexter. After all, they had no information about Abrams they had not had three-and-one-half years earlier.

The supposition that Walsh and his staff went after Abrams because they badly needed trophies to justify their existence is strengthened by the absurdity of the misdemeanor charges they leveled against him. The first was that he knew North had been encouraging a private supply network to support the contras when he, Abrams, had testified to the Senate Foreign Relations Committee that the United States government was not involved with that network. But there was never any secret about the fact of encouragement. Abrams thought he was talking about illegal operational involvement.

The second charge was that when asked by a House committee whether any foreign government was helping the contras, Abrams had said none was, although he knew that funds not yet delivered had been promised by the Sultan of Brunei (who had asked for, and received, pledges of absolute secrecy from our government). Subsequently he made the same denial to a Senate committee, but ten days later, feeling that the denial, while literally true, might have been a bit too close to the line, he went back and informed the Senate committee. The independent counsel charged him with withholding evidence from the House committee.

[4] Free Press, 243 pp., $22.95.

The answers Abrams gave were not prepared in advance; they were spontaneous responses to hostile questioning. Five years later, equally hostile prosecutors scrutinized every nuance, like lawyers examining a stock prospectus, to see if something, anything, could be said to have been withheld. They had picked their man and had only to imagine a crime. Indeed, a former member of Walsh's team, Jeffrey Toobin, wrote a book disclosing the team's eagerness to prosecute Abrams and their disappointment that they had not found sufficient evidence. Walsh rejoined: "He [Toobin] missed his target. He was supposed to get Abrams. We hit the target after he left."

If the charges were based on prosecutorial hair-splitting, why did Abrams plead guilty to these two misdemeanor counts? There was the prospect of another two years of agony for himself, his wife, and his children and of an estimated $1 million in legal fees that would have drained his and his relatives' savings and left him in debt. But the greatest pressure was the threat that the independent counsel would file an indictment charging multiple felonies in the expectation that the jury would compromise by acquitting him of most but convicting him of one or two. That would mean time in prison as well as disbarment as an attorney.

Abrams was right to fear that outcome. Judge Learned Hand once said that above almost all things, he would dread having his fate in the hands of a jury. The misdemeanor pleas allowed Abrams and his family to resume their lives. It was an eminently sensible decision. Walsh's office offered Clair George, a high CIA officer, the misdemeanor route, George rejected it, was then indicted on seven felony counts, and ultimately convicted of two of them. Later, Walsh's office offered former Secretary of Defense Caspar Weinberger the chance to plead guilty to a misdemeanor with no jail time, in return, according to Weinberger, for implicating Ronald Reagan. Weinberger rejected the offer and Walsh indicted him on five felony charges.

Of course, it is clear that Walsh and his staff wanted bigger game than Elliott Abrams. They repeatedly tried to get him to implicate an aide to George Bush, "trying [to] start something up that would end in impeaching the President." They were also eager to get former Secretary of State George Shultz. Walsh has now made it clear that his office is still trying to get Bush.

Weinberger's case was awaiting trial when Bush pardoned him, as well as George, Abrams, and three other former officials involved in Iran-contra. Angered at the escape of his prey, Walsh accused Bush of a "cover-up" and stated that the lame-duck President was a "subject" of investigation. These are remarks that would be highly inappropriate, and perhaps punishable under the code of professional ethics, if made by a regular prosecutor. They are no less so when flung out by an independent counsel.

Walsh's fury is not hard to understand. For, having set out to uncover a conspiracy, and to prosecute for real crimes, his office has ended up—after spending six years and $35 million—with a record that ranges from poor to disastrous, prosecuting people for not being sufficiently forth-coming. If they could add a former President or Secretary of State to their game bag, they seem to feel, at least something might be retrieved.

In the process, Walsh's prosecutorial team has behaved in ways more morally questionable than did their victims. Walsh's chief deputy, Craig Gillen, in writing to the probation officer who was preparing a recommendation to the judge who would sentence Abrams, both withheld information and made an allegation the prosecutors knew to be false. Not only did the letter give the impression that Abrams had initiated the idea of soliciting third countries for contra support—ignoring that President Reagan had made that decision and that Secretary Shultz had authorized every action taken; Gillen also said that Abrams went to London under an assumed name to meet the Sultan of Brunei's representative, when the prosecutors had numerous documents that showed he had traveled under his own name. As meticulous as Gillen and the others had been in analyzing every detail to "get" Abrams, it passes belief that this letter, designed to influence the sentence, could have been the result of an oversight.

The lessons of Elliott Abrams' book are several. Some independent counsels have performed their tasks admirably. But the incentives the statute creates ensure that others will bring prosecutions that no regular prosecutor would bring, and that never should be brought. The independent counsel is set up with an unlimited budget to investigate one person or a small group of persons. The job, moreover, offers the chance to become a national figure, but only if scalps are taken. The independent-counsel statute, therefore, has built into it the certainty of pain and injustice to many innocent people. Abrams and his family are only one example.

The main problem, however, is that the independent counsel is accountable to no one. Four days before the 1992 presidential election, Walsh filed a second indictment of former Secretary of Defense Caspar Weinberger, which included a note suggesting that George Bush knew more about Iran-contra than he had admitted. The judge dismissed the new count as barred by the statute of limitations. The point of the charge was that Weinberger had kept notes he did not disclose and so it was wholly unnecessary to include that particular note. Moreover, the prosecutors can count as well as the judge, and their theory of why the new count was timely was implausible, so they must have known when they filed the indictment that the charge would likely be dismissed. Any regular prosecutor, accountable to a superior, would undoubtedly be called on the carpet, and probably discharged, for what looks remarkably like a partisan attempt to influence the outcome of a presidential election. So far as is known, no action is being taken against Walsh.

The independent-counsel law, however, has achieved its main objective: undermining the legitimacy and efficiency of the executive branch. Abrams, for example, advises officials of that branch to take no notes. Years later, you may not remember what certain phrases in your notes meant, but the independent counsel will be able to suggest sinister implications. Caspar Weinberger would probably give the same advice. Officials will undoubtedly be less energetic in asserting the President's interests and powers before Congress, even when they would be absolutely correct to do so. One wonders how resolute the next Theodore Olson will be.

Except for George Bush's pardons, Presidents themselves have been loath to stand up to the independent-counsel system. Abrams felt he was abandoned by Ronald Reagan and his administration. The State Department's lawyers may assist an official in an investigation of his official conduct until it is clear that he is targeted for indictment, but, at Walsh's insistence, those lawyers were or-

dered not to assist Abrams in connection with the independent counsel's inquiries even while Abrams was an Assistant Secretary and not targeted. It is not surprising that he speaks contemptuously of "Reagan-administration officials who had gone on to their glory and had left me and a few others out there on the beach to take the incoming fire." It has been observed before that the Reagan administration demanded loyalty up but did not practice loyalty down. The question is not merely one of loyalty to subordinates and behaving honorably oneself; by cutting the lifelines to people like Abrams, the Reagan administration made it likely that future Presidents will get less loyalty up and more subordinates whose primary concern is their own skins.

The subtitle of Abrams' book alleges that political differences were turned into crimes. It is difficult to disagree. The charges against him were for statements of a kind that had never before been made criminal. Abrams' real offense was battling for Reagan's policies against a Congress that kept changing its attitudes but often favored the Sandinistas over the contras. Worse, he was intelligent, tough, and self-confident—qualities which, though they annoy some Congressmen, are not usually regarded as criminal. As the Abrams, Olson, and Weinberger cases show, in operation the independent-counsel statute has criminalized political differences, but the only "criminals" it has turned up have been, as Congress intended, in the executive branch. If the law is reenacted, that will not be because Congress has not understood what it has seen; it will be because Congress likes what it has seen.

MIX 'N' MATCH SOLUTIONS TO CRISIS RESPONSE

Mr. NUNN. Mr. President, I rise today to bring to the attention of the Senate an article that appeared in the January issue of the Armed Forces Journal entitled "Mix 'n' Match Solutions to Crisis Response." This excellent article by John G. Roos describes the increasingly important role being played by the U.S. European Command [EUCOM] in the management of crises around the world.

The changing role of EUCOM from a headquarters dedicated to the cold war confrontation in Europe to a more flexible and dynamic headquarters dedicated to a wide range of missions from peacekeeping to force projection is a model for other military commands to follow. I believe that EUCOM has demonstrated that it is dedicated to the kind of joint operations that are essential in the complex national security environment that has developed in the wake of the cold war.

We are all proud of the Americans who are stationed in EUCOM. From their commander to the young recruits on their first tour of duty, these men and women are protecting America's interests in a world that is, in many aspects, more complex than the cold war that emerged after World War II. I recommend this excellent article and ask consent that it be placed in the RECORD.

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

MIX 'N' MATCH SOLUTIONS TO CRISIS RESPONSE

(By John G. Roos)

Long before the Pentagon received the 4 December go-ahead to send a 28,000-member joint-Service task force to famine-ravaged Somalia, military planners in the US and Europe were fine tuning details for Operation Restore Hope, the latest in a recent string of humanitarian and peacekeeping missions. The fact that nearly 1,800 US Marines—the lead element of an 18,000-man Marine contingent taking part in the operation—were 35 miles off the coast of the northeast African nation when the order was received reflects weeks of intense planning for the venture and draws on years of experience in similar humanitarian and crisis management undertakings.

The initial Marine landing in the predawn hours of 9 December in Somalia was followed the next day by the arrival of lead elements of the 16,000-strong 1st Marine Expeditionary Force from Camp Pendleton, CA, and the first of about 10,000 soldiers from the US Army's 10th Mountain Division, Fort Drum, NY. For its part, by 15 December the US Air Force had flown 120 transport missions into Mogadishu, ferrying the US-based troops and the 2,800 tons of supplies needed to get the operation under way. Some international military support was also quick to materialize, most notably Foreign Legionnaires from France.

All US military personnel assigned to the multi-Service US force operating in and around Somalia are under the command of Marine Lt. Gen. Robert Johnston, Commanding General, I MEF (1st Marine Expeditionary Force). As commander of JTF Restore Hope, Johnston reports to US Central Command, MacDill AFB, Fl. Somalia, along with a few other nations in the Horn of Africa (essentially those bordering the Arabian Sea), falls within CENTCOM's area of regional responsibility.

This latest appointment of a senior, on-site military officer to head a multi-Service operation draws upon experience gained during Operations Desert Shield/Storm and in subsequent humanitarian and relief endeavors in Eastern Europe, Southwest Asia, and other African countries. Johnston's appointment to head the Marine-heavy contingent is the first time a Marine Corps officer has led a four-Service joint task force (JTF)—two or more Services operating under the command of a single commander—bringing to the Corps the JTF leadership experience and prestige already enjoyed by senior officers in the other Services. This point is not insignificant. After a gestation period of nearly a decade, a fundamental shift in military thinking has finally taken hold: in the post-Cold War world, the JTF has become the hallmark of US military operations.

US military officials have long paid lip service to the utility of joint military operations, but the idea was repeatedly short circuited by inter-Service rivalries. It took nothing less than the disappearance of the Warsaw Pact threat, in combination with a series of crises in Africa, northern Iraq, and the former Soviet Union, to get leaders wearing different US uniforms genuinely interested in the unique capabilities each Service could lay on a planning table. The JTF concept is now embedded in the military planning process, not least among US forces in Europe. US European Command (USEUCOM) has recently responded to more JTF contingencies than any other unified command.

NEW MISSIONS FOR USEUCOM

Even as the greatly diminished prospect of a war in Central Europe sent US military leaders there on a quest for a new raison d'être, a series of unique challenges landed on their doorstep. With each tasking order from Washington, USEUCOM became ever more deeply immersed in a petri dish for JTF experiments, ultimately becoming the US' principal repository for joint-Service expertise. The lessons learned during USEUCOM experiences were drawn on, and merged with, those of Pentagon Joint Staff and USCENTCOM planners in orchestrating Operation Restore Hope.

About 900 USEUCOM personnel have a direct hand in supporting operations in Somalia. The European Command sent Black Hawk air ambulance and medium transport helicopters, heavy Chinook transport helicopters, and an Army aviation maintenance company-size unit to assist in Operation Restore Hope. Other assistance from US Europe-based forces includes about 200 members of a Navy Seabee engineer maintenance battalion and an air refueling operation being run out of Spain.

USEUCOM'S "PROVIDES"

USEUCOM made its initial foray into the JTF arena in April 1990 with Operation Sharp Edge, a noncombatant evaluation mission in Liberia. JTF Proven Force followed during Operations Desert Shield/Storm, when USEUCOM threatened Iraq with a second front Turkey. Subsequent missions included: Combined Task Force Provide Comfort (carried out in conjunction with allied forces) to protect Kurdish refugees; Operation Provide Hope, bringing humanitarian assistance to the republics of the former Soviet Union; a noncombatant evacuation from Sierra Leone; Provide Promise, supporting UN operations in Bosnia-Herzegovina; Provide Transition, facilitating free elections in Angola; and (in support of US Central Command) Operation Provide Relief—the precursor of the greatly expanded Operation Restore Hope now under way in Somalia.

Recognizing the perishable nature of military experience, particularly the inevitable loss of firsthand knowledge due to rotations, USEUCOM officials began institutionalizing the JTF planning process. Drawing upon experiences gained during far-flung contingencies, the command first issued a series of executive lessons learned and after-action reports. These were followed by the introduction of scheduled (once a year) JTF symposia for senior USEUCOM leaders from all Services; twice-yearly JTF staff-designee orientations; command post exercises (one each year); JTF field training exercises (twice a year); and computerized JTF "gaming" exercises (one a year).

The frequency of the planning and exercise schedule means JTF considerations remain at the top of senior leaders' agendas. In November, for example, about 60 officers from all Services converged on USEUCOM headquarters for a "Joint Warrior" seminar. Last month the command conducted "African Eagle '93," during which a Navy officer, with a Marine Corps deputy worked through details of a mission to a North African nation. This month, a Marine Corps major general, assisted by a Reserve Component brigadier general from one of the other Services, will put a 60-member staff through the latest JTF planning exercise.

Senior officers and staff members participating in these exercises are those most likely to be called upon to deploy during JTF contingencies. The very real possibility that they might have to draw upon the experiences acquired during the training sessions "really pumps their blood," a senior USEUCOM JTF planner told AFJI. Because

USEUCOM and the other unified commands are literally writing the book about how JTF's should be run, he said, exercise participants are quick to devour the growing body of JTF experience now captured in a series of classified and unclassified training publications printed by the command. One of the unclassified documents, an 80-page "JTF Help List," lists functional area deployment considerations ranging from a cautionary note about the appropriateness of indirect fire illumination during peacekeeping operations to making sure that disbursing officers in the forward area have enough cash on hand to support local contracting requirements.

FORCE FLEXIBILITY

Army Lt. Gen. Robert D. Chelberg, USEUCOM Chief of Staff, is one of the principals charged with fashioning the future composition of the US military presence in Europe. Insights gathered from force reduction deliberations, coupled with his unique perspective of past multi-Service operations, make him a strong supporter of the JTF concept. With the disappearance of the Warsaw Pact, he said, his focus is on retaining force flexibility—balancing the demands of anticipated near-term missions against the most likely long-term threats. The 82 countries now in USEUCOM's area of operational responsibility, and the one-million US citizens in Europe on any given day, give him abundant reason's to ponder potential JTF requirements. Training, and the right force mix, he says, are keys to managing the challenge. "Right after [the first phase of] Operation Provide Comfort we really needed to try to capture the experiences gained by a number of people, so we ran our first task force symposium," Chelberg told AFJI. "We then started to put together a capability of having exercises and symposiums with our components so we could continue to learn from these experiences." An obvious practical advantage accrues during extended mission: "We're now on our sixth commander in Provide Comfort," he said. That open-ended commitment to protecting Kurdish refugees parallels one of the principal concerns lingering over Operation Restore Hope in Somalia.

"One of the things that you always have to bear in mind," Chelberg said, "is, How do you terminate the mission? What's the end state? How do we get out of it? When we pulled the ground forces out of northern Iraq on the 15th of July, the military wanted to pull out of that whole operation right then. We had done what we were supposed to do, in providing humanitarian relief assistance, but we're still enforcing the 'no-fly' zone above the 36th parallel and we're still involved in contracting supplies needed in northern Iraq." The US Congress recently authorized the expenditure of $43-million for materiel needed by the Kurds, such as machinery that bends sheets of tin into roofing strips. "I suspect that we'll be building some prefab tin buildings shortly in northern Iraq," he said.

Chelberg feels that "as far as this theater is concerned, for probably the next five to 10 years, the wave of the future will be putting together task forces that will be able to respond to crisis management or humanitarian missions." That prediction, he emphasized, is based on the assumption that there will not be "any tremendous change in intentions on the part of the Russians or other republics that were part of the former Soviet Union, or any major eruption in the Middle East."

As an example of the rapidity and unpredictability with which crisis management requirements surface, Chelberg recalled a recent weekend during which USEUCOM carried out two noncombatant evacuation missions—one in Dushanbe (formerly Stalinabad), Tajikistan, and the other in Monrovia, Liberia. (In mid-December, street fighting was taking place in Dushanbe.) The flexibility needed to respond to such far-flung events, he said, calls for mobile, light, fast-reacting conventional forces, sometimes complemented by special operations assets and specialized communications gear.

Even when standard military radio equipment measures up to one Service's operational requirements, Chelberg told AFJI, communications interoperability among US forces in JTFs remains a problem. "It isn't all compatible today. We're trying to get the Services, on a day-to-day basis, to procure items that will interface and to have hardware and software that works together." But the problem of communications interoperability (along with several other equipment issues) can't be solved simply by putting aside a set of equipment for JTF use because of the ad hoc nature of each mission. "You could have a situation where the predominance of forces will be naval, and we're going to have a naval JTF commander," he said. "Another situation might dictate that the predominance of forces be air. Again, if most of a mission will be ground-related, you'll have an Army commander. Other commands can have standing JTFs, but ours can't."

"BIGGEST GROWTH INDUSTRY"

Finding ways for JTFs to work around the communications conundrum and the related problems of collecting and sharing intelligence data are high on the list of interoperability priorities for the USEUCOM staff. At the command's Stuttgart headquarters, R. Adm. David E. Frost, USEUCOM J-3 (Operations Officer), told *AFJI* that "there are a lot of interoperability issues" under consideration by USEUCOM. "Most of them have to do either with communications or things that are directly related to communications, like intelligence. But we're working out those procedural issues very quickly."

Frost said that JTF flied training exercises—sometimes involving thousands of forces—are the best way to familiarize principals with the capabilities and limitations of various Services' intelligence-gathering and communications equipment. "FTXs are expensive, but they're important," he said. "Only during FTXs can you actually put in the field and exercise the joint intelligence architecture so we can make, for example, an imagery transfer from an image that's taken by an F-14 from a carrier and get it into the hands of the ground component commander. You've got to put that kind of mechanism in the field and try it out. You've also got to put the joint communications architecture in the field and try that out every now and then."

When USEUCOM forms a JTF staff, whether for an FTX, command post exercise (CPX), or an actual mission, each involved Service gets an equal share of spaces on the staff. Some positions on all JTF staffs are filled by officers from USEUCOM headquarters, which brings a degree of familiarity and continuity to operations. Early on, the lead component had been expected to fill just more than half of all staff positions, but that was found burdensome for the lead Service and a hindrance to interoperability. Now, Frost said, the composition of JTF staffs is driven by mission demands. "There are two things you have to form," he said. "There's the immediate staff for the commander, and there's the architecture for his subordinate commands. We have big debates over this, and there's no single answer."

Generally, he told *AFJI*, the designated commander plays a key role in selecting particular persons to serve on the command staff and also is instrumental in selecting forces which comprise the JTF. But, he said, "We also have debates over what's inside a joint task force, what the structure should look like. For example, should you just have an Army component, a Navy component, an Air Force component, and so forth? That's one way to do it. Or should we have sub-JTFs, like we had in Provide Comfort? In Provide Comfort we had a JTF Alfa and a JTF Bravo. Alfa was basically a Marine Corps-Army combination; JTF Bravo was primarily special operations. There are different ways to organize these things. There's also the issue of the commander's immediate staff. Generally, that's going to be along [standard joint-staff lines], but issues such as whether the JFAC [Joint Forward Air Controller] should automatically fall under the air component commander or be a separate function, slightly aside from that [officer's direct control] is the type of issue that gets played out in training."

Frost acknowledged that equipment shortages exist but doesn't consider them the most significant limiting factors in organizing JTFs. "There are a lot of equipment-related issues, but I think that a more important dimension is more training and capturing the wonderful experience we're getting in the 'real world' of JTFs that we're constantly doing out here. In other words, institutionalizing those lessons. I can see a day, 10 or 15 years from now, for example, when this is fully institutionalized, and the scheduling procedures for naval air are identical to those for Army Apache helicopters, Air Force Tactical Air, and Marine Air. So when they come together for joint operations, it's just seamless. Right now, we still have to make adjustments for Service procedures, and that's what we're working our way through now. We're learning lessons so fast, that this is the biggest growth industry in the military today. We're trying hard to capture that experience for our own sake, and then will advertise what we've learned in the wider world of the US military and, probably, even allied militaries."

USEUCOM's most ambitious FTX took place last summer and involved a large special operations contingent operating under the command of V.Adm. William Owens, former Commander, U.S. Sixth Fleet, and Commander, Naval Striking and Support Forces, Southern Europe. "He ran the exercise from his flagship, the carrier Saratoga, and we fielded a full JTF headquarters aboard the carrier—essentially displacing the existing staff. We put a JTF staff of about 100 aboard the carrier and forces all over the field for them to actually control," Frost said. "It was one of the biggest JTF FTXs we've done, and we learned the most from it. He left part of his headquarters ashore, for a lot of good reasons. One was simply space and communications limitations aboard the carrier, another was because some aspects of the operation were better served by having some of his staff ashore. One obvious example was the Joint Visitors' Bureau: In any operation, it's important that you have a first-class JVB and public affairs operation." One of the fundamental lessons the military has learned, he said, is that comprehensive media coverage has changed the way the Services approach operations.

THE TECHNOLOGICAL LEAP

V.Adm. Owens is now the Navy's deputy chief of naval operations for resources, war-

fare requirements, and assessment. Reflecting on his experiences during joint and combined operations while in Europe, Owens told *AFJI* that the Navy—to a greater degree than the other U.S. Services—operates alongside forces from allied nations. "In Sixth Fleet we thought a lot about communications, both in terms of intra-U.S. comms issues—how we communicate between Navy ships, first of all, and then between Navy ships and Air Force aircraft. You think about it in terms of how to communicate with very important surveillance aircraft in the area, be they P-3s or EP-3s, or Air Force RC-135s, or AWACS. We also thought a lot about how to communicate with forces from other countries, if you're out there as part of a NATO task force, or if the WEU [Western European Union] is out there as a task force and you want to communicate with them. The navies," he said, "have always been blessed with having the mandate to be out operating or exercising together."

Traditionally, the U.S. Navy has relied on either line-of-sight UHF communications or HF voice/teletype transmissions, which, in some cases, can provide over-the-horizon capability. Some exceptions occur, particularly when dealing with allies. U.S. ships communicate with British vessels (and those of the French, to a lesser degree) via satellite links. But recent leaps in fielded U.S. communications systems—high-data-rate, antijam transmissions—threaten to create a technology gap which would leave some allied navies out of the loop. "We're very aware of this, and somewhat concerned that we make sure we maintain that interoperability," Owens said. "We don't want to make a quick jump and end up being out there by ourselves."

Dramatic changes in technology are also affecting the ability of U.S. forces to communicate with each other, particularly when Navy battle groups are part of the JTF equation. "Essentially, every battle group that has left Norfolk [VA] or San Diego [CA] over the past two or three years to head to a forward deployment has been better equipped, from a communications stand-point, than the previous one," Owens said. "The comms suite on a deploying carrier is much more capable than its predecessor was on a carrier that deployed only six months before."

When Owens commanded the JTF FTX from aboard the carrier *Saratoga*, he recalled, "It was very interesting for me, because it was my last exercise in the Mediterranean. We had worked a lot on joint operations—how you get it together with the Army and Air Force and how you develop the ability to be mobile, high-tech, and quick. In that exercise, we had about 20,000-plus people involved, from the Army, Air Force, Marines, and Navy. There were a lot of Air Force planes involved. The air platforms, all of them—the shore-based ones and the carrier-based air wing—were all controlled by a two-star Air Force general, from the carrier. He ran an ATO [air tasking order] from the carrier—the entire air picture and the entire air plan—for about 200 aircraft. At the same time, we had an Army two-star general who was on board the carrier as the commander of the ground forces. He was in charge not only of the large number of Army troops, but also had some Army helicopters flying off the aircraft carrier. He was also in charge of the Marines—about 2,500 of them—in amphibious ships that were in an area about 400 miles away."

Owens had a joint staff of about 40 on the Saratoga. "It was really a remarkable demonstration, I thought, of how the four Services can operate together. We had an exercise one evening where we had four different objectives, one at sea and three ashore, where we used all four Services in a coordinated operation to assault three areas, plus the sea-based target, within 30 seconds of each other. And this was done several hundred miles apart. We feel those carriers are out there not just for the navy. They are a capital investment in American defense and, therefore, are there for an Army-led JTF or an Air Force-led JTF."

During this FTX, Owens said, "A lot of portable communications gear was brought aboard the Saratoga. What surprised me was that you could do it, and you would be able to work it so there was not too much electromagnetic interference. Also, there was a communications upgrade on that carrier that gave it SHF capability and high-data-rate comms."

Owens sees unique JTF potential for the Navy's new, 41,000-ton LHDs. "It's a big ship. It's capable of controlling a limited landing force ashore, and it has a very good capability for handling up to about 20 Harrier aircraft, as well as a lot of Cobras and a lot of other helicopters. The capability of that ship to be in support of a ground campaign and to be a command ship should be there." Although it's not quite there today.

In the final analysis, Owens said, the Navy is well equipped for its anticipated role in future JTFs. "With the commitment to the communications upgrades—they're not all there in the data quantity that we really need—and the data links for the surveillance assets, I think we're in pretty good shape to be the enabling force for JTFs. We need to have our aircraft carriers directly linked to the marines and Army ashore, and practice that mission of close air support and battlefield interdiction."

"PROVEN FORCE"

Joint and combined task forces, like the crises that bring them into being, are creatures of fluctuating dynamics. For example, in the case of CTF Provide Comfort, the operations initial objective called for airdropping relief supplies to Kurdish refugees in northern Iraq. That phase of the operation saw Air Force Lt. Gen. James L. Jamerson, Vice CinC, USAFE (who was a major general at the time), in charge of the joint-Service effort. The operation then shifted focus to food distribution and resettlement activities on the ground, with the concomitant appointment of then Lt. Gen. John M. Shalikashivili (now CinC, US European Command and Supreme Allied Commander Europe, or SACEUR) as JTF commander. After completion of the ground phase of the operation, the mission again shifted—this time to enforcing the "no-fly" zone which still blankets the resettlement area—and Jamerson again took charge.

But several months before Operation Provide Comfort—as allied coalition forces were staging in Saudi Arabia to force Iraq's Army from Kuwait—the concept for another JTF took hold at USAFE.

The idea for what would eventually become JTF Proven Force first surfaced in August 1990, when a group of officers said, "Well, we could go down there and do a short-term sort of 'hit a lick' from Turkey into Iraq and help our guys," Jamerson told *AFTJI*. For three months, as the concept developed, "it went from a very small, one- or two—day operation originally envisioned" only for the Air Force into a potential JTF mission with special operations forces. This idea was merged with related efforts by USEUCOM and Special Operations Command involving combat search and rescue missions. "We merged those two ideas and, finally, in November we said, "Why don't we talk about a JTF if we ever do this? We got great support from the USEUCOM folks. If I appear to be overly enthusiastic about 'joint' and USEUCOM, it's because my experience with them has been extremely positive."

After the plan was developed, General John Alvin, former SACEUR, offered the idea to USCENTCOM, which was responsible for orchestrating all aspects of Desert Shield/Storm. In January 1991, JTF Proven Force was formed.

"Admittedly, the JTF was heavily Air Force, but we brought the Navy into it just in case they ever needed [its help]. But the Navy was committed so far down south that we didn't feel there was too much we really could do for them. There was, however, a lot of Army-Air Force play. Our vision was that our special ops guys would not just do combat search and rescue—that there would be other missions open to them. And we always approached it with that in mind." As it turned out, Jamerson said, the special operations role in Desert Storm ended up primarily a search and rescue operation, but the task force was prepared to take on other combat missions. At the same time, the Navy launched cruise missile attacks from the Mediterranean in support of the JTF.

Concurrent with operational planning, discussions with Turkish authorities took place to obtain permission for the JTF to operate from Incirlik Air Base. "When the Turkish decision was made [on the first day of Desert Storm] that we could, in fact, go across the border and participate, the JTF operated out of Incirlik with an Air Force component—a composite wing, with everything there except the bombers, which operated from other bases in Europe—an Army component, from the 10th Special Forces Group, which operated with the Air Force's 39th Special Operations Wing, plus a Patriot antiair unit from the Army and much smaller involvement from the Navy and Marine Corps."

Since the purpose of this particular JTF was to support the campaign against Iraq, Prove Force was designed to continue until the broader war-fighting effort terminated, Jamerson said. As it turned out, part of USAFE's contribution to JTF Proven Force metamorphosed into the ongoing second phase of JTF Provide Comfort, keeping Iraqi aircraft out of airspace over the Kurds. That job began 24 July 1991 with 129 aircraft; 77 aircraft and 1,862 personnel continue that mission today.

Jamerson was quick to counter comments from those who suggest that the US' recent relief missions throughout the world seem to be altering the military's short-term focus from war-fighting to humanitarian pursuits. "Most of us who were involved in Provide Comfort, who see the potential demands from Yugoslavia, and who consider the worldwide challenges in these type missions realize that the humanitarian conditions that got you there are so volatile that there's a security element involved in all of them. I worry that people may forget that. We remind people not to look upon us only that way, because we have to keep our combat skills honed. If you don't, you could fail at the humanitarian job."

Reflecting on tomorrow's likely increased demands for joint and coalition operations, Jamerson says US forces in Europe are up to the challenge. "If there's still a worry about how well the Services can conduct joint operations, from my perspective, over here, it's not warranted."

REGIONAL RESPONSE FORCE

Lt. Gen. Jerry R. Rutherford, commanding general of the Army's V Corps, in Frankfurt, commands USEUCOM's sole remaining Army corps in Europe. Its former counterpart, the VII Corps, disbanded last April. Rutherford was quick to point out that, V Corps units' involvement in JTFs notwithstanding, the defense of NATO's Central Region remains the Corps' primary mission. Today, however, when he considers what's going on within some of the former Warsaw Pact nations he sees "what everybody sees in the papers every day—a lot of instability. We now have, in the Corps, besides the mission of deterrence and defense of the Central Region, the mission of providing the stability that's needed over here. We're now also a regional response force. That is, I could be given a mission to take part of this Corps out of [Germany] to react to events in another region. As a good example of the regional response concept, we just deployed Task Force 212 MASH [Mobile Army Surgical Hospital], a 60-bed MASH, to Croatia to support UN forces. That is the type of expansion we're starting to do now, and shows how we look at the capabilities of the forward deployed force that's here."

Even as NATO's military lineup shifts from a line of national corps facing east to a series of multinational organizations, Rutherford said, his focus has expanded to include out-of-area deployments. A few years ago, he said, "We never talked about deploying out of here. The Corps didn't have to have load plans for ships. We now have them, and have to consider how we'd use the rail system that flows out of this country. These deployment aspects are the biggest change," he said, from how V Corps planners used to spend their time.

Rutherford says that while there can be no single solution for deciding how best to terminate US involvement in various humanitarian and peacekeeping missions, "the US has to decide when we go into them what the end state will be, and determine that before the forces are projected. That, of course, is done by our civilian government. We, the military, implement it." Still, he said, the military is giving far more consideration to this issue than previously, and even "gave thought to conflict termination" during the recent REFORGER '92 (Return of Forces to Germany) series. "Once the battle is over, there's thought being put into what this is going to look like in the end state. Do we restore the border? Do we get into handling the refugee situation? Are we going to put the government back on its feet?"

When Desert Storm ended, Rutherford took command of the 3rd Armored Division in Southwest Asia, along with the job of protecting refugees along the Iraq-Kuwait border. "Dealing with the refugees, and handling this with the people from the State Department, and turning the buffer zone over to the United Nations," hadn't been given enough prior consideration. "Therefore, we've taken on that a lot more now, from a military aspect, asking: 'What do you do when this thing's all over?'" From the end of the conflict to the time the division left the area, he said, its medical personnel treated more than 25,000 refugees and the troops had distributed over one-million meals.

Rutherford says that these types of considerations will receive increasing play during future military exercises in Europe, as will deployability issues. The most striking example of the shift in emphasis will be seen next May during US Army Europe's annual REFORGER exercise, which will be combined with NATO's Dragon Hammer in Italy. The combined activity will find V Corps troops in Livorno exercising via computer simulation on terrain in Italy's Po Valey, near Milan—the first time REFORGER has been conducted outside the Central Region. No less significantly, it also will mark the first time in the 24-year history of REFORGER that the commander-in-chief of US Army forces in Europe will not direct the "fight." Once the V Corps soldiers arrive in Italy, their marching orders will come from NATO's Allied Forces Southern Command, headed by US Admiral Mike Boorda.

SPREADING JTF GOSPEL

"We do a lot of Joint Task Force training," Boorda told AFJI. "All of our US exercises of any magnitude, in Europe, include a JTF. The JTF commander is generally the officer whose Service has the preponderance of forces in the exercise, or he's the person who can exercise the best command and control, depending on where the activity will take place."

To keep the commander constantly apprised of far-flung developments, Boorda said, "We work very hard to get the right intelligence flow to wherever the task force commander is going to be, and on down to his forces. Specific operations require different kinds of intelligence," he said, which argues against a standard intelligence architecture to handle the demands of diverse JTFs. "I think we're doing pretty well, to be quite honest. In the exercises we have run—some of which I can't talk about—we have been able to get the intelligence we need. And we learned a lot from Desert Shield and Desert Storm. Because of that, for example, in the Navy we have beefed up the ability of the carrier to accept that type of information. We also have teams that come aboard with the JTF commander to process information and make it available to him and his components. We've learned the lessons, and we are now upgrading the capability, when it's a Navy JTF commander at sea, of his platform to accept and process that information."

Boorda sees "wonderful capabilities" in the Navy's new LHDs for future JTFs. "They are command and control platforms par excellence," he said. "Again [as in the case of carriers], we are now upgrading them, based upon lessons learned. This is a communications intensive business, and the communications are of all types."

DOD's present approach to JTFs—relying on forward-deployed forces for the bulk of the JTF, with augmentations as necessary, from the US—is the most effective way to respond to contingencies, Boorda says. "I don't see that changing and, personally, I don't think it should change. The reason, I believe, why we have unified CinCs in each theater is so they can focus on their theater and know that theater better than anyone else. They can work with the allies in that theater, in the event that we do a combined operation in some alliance, like NATO, or in a coalition. The CinC better knows the participants; he knows their personalities: he has worked with them on a day-to-day basis. So he is the one who ought to put together the team. He doesn't want to do that on an ad hoc basis—it's the kind of thing that we practice all the time."

When AFJI spoke with Boorda last month, a multinational naval force from his command had just begun enforcing a UN-ordered blockade against Serbia and Montenegro, vestiges of the former Yugoslavia. NATO's six-vessel Standing Naval Force, Mediterranean, which includes one US warship, has been patrolling the Adriatic for several months—first monitoring an embargo and, since November, enforcing the blockade.

THE 100TH ANNIVERSARY OF MILLSBORO, DE

Mr. BIDEN. Mr. President, today in my State, the community and town of Millsboro is celebrating its 100th anniversary.

I use both terms, because Millsborough, the historic designation, was, in fact, a community long before it was officially a town. As the name implies, its first landowners ran gristmills and sawmills, powered by the flow of the Indian River and its family of creeks, and the arrival of supplies for those early enterprises dates back to 1644.

The history of the Millsboro Mill itself dates to 1792, when an act of the legislature granted Elisha Dickerson permission to construct a dam at the headwaters of the river, on whose north shore he built a gristmill. Through a succession of owners and products, and through rebuildings necessitated by the all-too-common mill fires of the last century, the Millsboro Mill remained an active business enterprise until 1951.

In that year, the mill was closed and converted into private living quarters. Those apartments are in use today, a testament both to the town's growth and economic change and to the foundation of proud and courageous history on which the success of 1993's Millsboro has been built.

Other names grace that history of pioneering and persevering spirit—Burton's Mill, Kollock's Doe Bridge, Frame's, Head of the River, and Swan Creek. Names like Waples, Wright, Jones, Rickards, Donovan, Houston, Lingo, Prettyman, Godfrey, and Williams—names in some cases carried on by current residents, and remembered and honored by many more.

On March 9, 1893, the Delaware General Assembly enacted the official incorporation of the town of Millsboro. A century later, it stands as one of the increasingly rare smalltown successes of America—a close knit community rich in tradition but thoroughly modern in the vitality of its economic life.

Millsboro's current mayor, the Honorable Thelma Monroe, credits the farsightedness of citizens past and present for the town's enduring security and success. The people of Millsboro are the true, living legacy of those first landowners—those men and women who looked at the river and creeks, at the urgent needs of their own and other fledgling communities, and saw only opportunity; who rebuilt what was knocked or burned down and who modernized what was out of date; who applied the combined powers of nature and of determined human effort not only to found a town, but to fire a spirit.

Beyond all the tangible achievements and strengths I could name in doing tribute to Millsboro, what I would like to honor most is that spirit. That's not something I and other citizens of my State know from history books; it's something we've seen and experienced and felt in Millsboro—a great Delaware town, a great American community.

All Delawareans join me in congratulating the mayor, town council, and citizens of Millsboro on this centennial, and in the hope, and confidence, expressed by Mayor Monroe that—from a foundation of proud history, guided by devoted citizen leaders, and driven by its great spirit—the town of Millsboro, DE, "can progress as much in the next century as it has in the century past."

TRIBUTE TO JARRAD DOUGLASS

Mr. BOND. Mr. President, I rise today to urge my colleagues in the U.S. Senate to join me in recognizing the heroism of a young man from my home State and the community that united to honor him.

On March 11, 1992, John Douglass and his two children, Jarrad and Lynzie, returned from a day of chores to their home in Centralia, MO. Upon their return Mr. Douglass noticed a strange vehicle parked in the driveway. As he and his daughter approached the doorway to their home, Mr. Douglass was confronted and fatally wounded from the blast of a shotgun.

As the confrontation occurred, 9-year-old Jarrad Douglass remained behind in his father's truck. Despite the danger, Jarrad ran some 200 yards to his neighbor's house where he immediately contacted the proper emergency personnel. The alleged gunman and his companion quickly fled as they witnessed Jarrad's brave escape.

The law enforcement personnel that responded to the call contend that Jarrad's quick and heroic action saved his young sister's life and led to the immediate apprehension of the two alleged gunmen.

On February 11, 1993, in a heartwarming ceremony and banquet, the community of Centralia united to recognize Jarrad's bravery and show their support for the Douglass family. I had the distinct honor of presenting this brave 9-year-old with the Boy Scout's highest award for bravery, the Medal of Honor with crossed palms. This rarely awarded medal is reserved for Scouts who demonstrate both unusual heroism and extraordinary skill or resourcefulness in saving or attempting to save life at extreme risk to self.

Most of us will never be tested in a way that young Jarrad was tested and will never know how we would react in a crisis like the one he and his family faced. But Jarrad reacted exactly as Scouting had prepared him. He remained calm, summoned help quickly, and was the key in getting professional, emergency personnel to the scene quickly.

Mr. President, Jarrad Douglass is a true hero, and I am honored to have the opportunity to recognize his heroism. I am also proud of my fellow Audrain Countians who have united to help Jarrad and his family through this difficult time. This community is a fine example of the kind of spirit that makes Missouri such a special place in which to live.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business has expired.

NATIONAL VOTER REGISTRATION ACT OF 1993

MOTION TO PROCEED

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 460, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to consideration of S. 460 to establish national voter registration procedures for Federal elections, and for other purposes.

The Senate resumed consideration of the motion to proceed.

The PRESIDENT pro tempore. The time between now and 12 o'clock noon will be equally divided and controlled between the senior Senator from Kentucky [Mr. FORD] and the junior Senator from Kentucky [Mr. MCCONNELL].

The Chair, in its capacity as a Senator from the State of West Virginia, notes the absence of a quorum, and, without objection, the time consumed in the quorum call will be equally charged against the two sides.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

Mr. FORD. Madam President, my colleagues on the other side of the aisle have repeatedly emphasized the cost of this legislation to State and local governments, but no one has addressed the cost that the current system of registration has on the average citizen. Perhaps this is the more important issue.

My colleagues on the other side of the aisle have read letters from State and local officials opposed to this legislation for a number of reasons. I find it disturbing when you read that some Government officials are opposed to this bill because it means that they have to do more work. But what is more disturbing to me, Madam President, is the failure of anyone to address the personal burden that citizens face in registering to vote.

The current system in place in a number of States imposes a number of barriers for citizens. In some States registration is only conducted in the registrar's office, which is not open on weekends or is closed during the lunch hour. These offices are not conveniently located. That places the additional burden of traveling to a registrar's office.

And what happens when a citizen moves from one jurisdiction to another? That citizen has to reregister.

This bill would simplify the whole process for a citizen. In one trip, the citizen can update his address on his driver's license, at the same time register to vote in the new jurisdiction.

Madam President, this bill will simplify the process for the citizen. The citizen only needs to make one trip to apply to register to vote and to obtain a driver's license. Motor-voter is that simple.

Let me demonstrate using the D.C. motor-voter form. It is not a complicated program. It is working in some form now in 28 States and the District of Columbia. It is working well, as a convenient and accessible system for the citizen, and I underscore citizen, as well as a cost-efficient means for State and local governments.

This is the form for the District of Columbia as it relates to a driver's license. Two-thirds of the form is the information for the driver's license. That is it. The bottom third is for your registration number order. And you check where you want to register, Democratic Party, Republican Party, D.C. Statehood Party, no party, or as an independent, or other party, and you write that in.

And it says, "Please note" that in order to vote in a primary election in the District of Columbia you must be registered with either the Democratic, Republican or D.C. Statehood Party. It is right there. Very quick. Section one that you are supposed to read says: "I swear or affirm that I am a U.S. citizen." That is No. 1. We have heard concerns about that, but that is in red. It is outlined, it has a big asterisk by it. "I live in the District of Columbia at the address above," on your driver's license. "I will be at least 18 years old on or before the next election. I am not in jail on a felony conviction. I have not been judged mentally incompetent. I do not claim the right to vote anywhere outside of the District of Columbia."

And you sign that and you swear to that. And we are making it tougher.

Madam President, that sheet then is just torn off for the driver's license. The other one goes to the registrar's office, and you are through. It is a simple procedure for our citizens to follow.

So I think it is important. My colleagues on the other side of the aisle

will argue this bill imposes burdensome costs on the State. Madam President, this bill will increase the roll of registered voters, and that means there will be additional costs associated with the administration of a larger roll. But how much additional cost? How many more employees?

The State of Texas has now entered into the motor voter. They appropriated no additional funds and already they are near 50,000 new registered voters in the State of Texas. That does not mean we are going to have 50,000 more people vote, but 50,000 more people are eligible to vote. And if they want to vote they do not have to worry about getting to the registrar's office 30 days before the election or 25 days before the election, and create all that confusion.

Then you have to hustle to get them into the precincts and that sort of thing. Under the motor voter you do it by your birthday—you get your driver's license by your birthday—and you do it systematically. So it is very convenient, according to my clerks. This will be not costly at all.

But the price for democracy I think is being sure that people are registered to vote. I do not think we can put a price tag on democracy.

Madam President, this view is not one I hold alone. In fact, the secretary of state of California is beginning to be bounced back and forth like a pingpong ball here because she wrote a letter of concern in 1991. Then this past week she wrote another letter in support of this bill. Now she is writing another letter, trying to confirm that and to offset some of the statements that have been made. But throughout the debate we have heard some conflicting views about her position. Let me share with my colleagues a letter dated March 4, that is just last week, 1993.

"I understand there has been an effort to use the concerns I expressed in my letter to you dated March 13, 1991 regarding S. 250"—that was the bill at the time—"as arguments against S. 460. This is nonsense."

That is what she says, "This is nonsense."

That is what she says, "This is nonsense. That letter reflected a compromise view at the time of a task force of election officials in California. The task force expressed support for S. 250"—they supported it in 1991—"but expressed some concerns. Those concerns have largely been addressed," she says, "in S. 460, and interpretive materials related to it."

Further in the letter: "There is, to be sure, the issue of funding. There will be costs associated with implementing S. 460; however, I believe that through proper implementation, they can be minimized. Much of the cost, actually, is driven by the fact that more people will be registered and voting. And that, I submit, is simply the cost of democracy."

"It would be a travesty," she writes, "to oppose this bill on the grounds that we should not pay the relatively modest price of providing for the exercise of the people's right to vote. The fact is, in the context of the overall cost of conducting elections, the cost is modest indeed."

Madam President, I ask unanimous consent that a copy of the letter of the secretary of state of the State of California be printed in the RECORD.

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

OFFICE OF THE SECRETARY OF STATE,
Sacramento, CA, March 4, 1993.

Hon. WENDELL H. FORD,
Chair, Senate Committee on Rules and Administration, Russell Senate Office Building, Washington, DC.

DEAR SENATOR FORD: I am writing to reiterate my continuing support for S. 460 and the programs embodied in this legislation to facilitate exercise of the franchise by all citizens. I have always supported registration by mail, "motor voter" and agency-based registration as workable, effective programs to increase voter participation.

I understand that there has been an effort to use the concerns I expressed in my letter to you dated March 13, 1991 regarding S. 250 as arguments against S. 460. This is nonsense. That letter reflected a compromise view at the time of a task force of elections officials in California. The task force expressed support for S. 250 but expressed concerns. Those concerns have largely been addressed in S. 460 and interpretive materials related to it.

There is, to be sure, the issue of funding. There will be costs associated with implementing S. 460; however, I believe that through proper implementation, they can be minimized. Much of the cost, actually, is driven by the fact that more people will be registered and voting and that, I submit, is simply the cost of democracy. It would be a travesty to oppose this bill on the grounds that we should not pay the relatively modest price of providing for the exercise of the people's right to vote. The fact is, in the context of the overall cost of conducting elections, the cost is modest indeed.

I have always supported efforts to facilitate the right of citizens to vote. That is why I support S. 460.

If your staff has questions regarding this matter, please have them contact my chief deputy, Tony Miller, at 916-445-6371.

Sincerely,

MARCH FONG EU.

Mr. FORD. Madam President, those who are arguing that the Federal Government should pick up the tab for all these new voters is a troubling argument because it suggests that people are more concerned with administrative convenience than the principles of full participation in our democracy.

Motor voter comes down on the side of citizens. As the secretary of state of California said in her letter, the motor-voter bill reconnects citizens to their Government. The issue is not whether the register books close 30 days before the election. The issue is not cost, it is not unfunded mandates, it is not fraud because all these things have been refuted by those at the grassroots who deal with it everyday. The issue before us is this: Should Government take an active role to facilitate full voter participation by creating an active voter registration system?

If you answer that question yes, then you should vote to invoke cloture. The opponents of this measure believe that it is the citizens' responsibility to learn the registration process and take whatever steps are necessary. The opponents prefer the system that is passive and leaves it to chance that a citizen will be registered on election day.

Madam President, it is time to end this debate on the motion to proceed. It is time to move to the bill, and I urge my colleagues on both sides of the aisle to support democracy by invoking cloture on the motion to proceed.

I reserve the remainder of my time.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, I have enjoyed debating this issue with my colleague from Kentucky over the last couple of years, and in response to a few of the observations that he made, it seems to me that if all of these State officials who are cited as being enthusiastically in support of this measure are so enthusiastic, they would go on and do it now. There is nothing to prevent any State in the United States from adopting a motor-voter-type system now. Many have already. And if there is no cost involved and no substantial argument against it, I would assume there would be a rush across America to adopt this particular means of registering voters now in the absence of any Federal unfunded mandate.

It seems to me still, Madam President, that if the amount of money is largely of no consequence, and we are talking about something that is relatively inexpensive, then why not pay for it? I quoted former Gov. Bill Clinton last week in making the argument that it is time the Federal Government got away from the practice of passing legislation making somebody else pick up the tab. So if my friend and colleague from Kentucky is correct that there is minimal cost involved with this legislation, and we still take the view that we must go on and cram it down the throats of those States who do not currently have this particular system, then certainly we ought to pay for it.

I frequently call this bill a solution in search of a problem, and the reason for that is there is clearly no indication that turnout will go up once a motor-voter bill is adopted. That has not happened in the States that have done it already. We know what increases turnout. What increases turnout is interest in the election on the part of the citizens, and we saw that, commendably, in 1992 with a dramatic

5-percent increase in turnout. American citizens have begun to get more interested in politics again. I think we all applaud that and we are getting more phone calls in our offices. The electorate seems to be more active, more interested and more involved than it has been in a number of years, and it did not take automatic motor-voter registration to begin to create a wider interest on the part of our citizens in the process.

There is only one thing that will increase turnout in the absence of an interested electorate, and that is something I certainly do not advocate, I know my colleague from Kentucky does not advocate, and I do not think anybody in America advocates, and that is penalizing or fining people for not voting.

I cited last week studies that have been done by the General Accounting Office and others indicating that only in countries in Europe and in Latin America where they have gone to a system of fining people for not participating or, in the case of Italy, embarrassing people by posting their names get increased turnout. That is not something we want to do in this country. Nobody is advocating that. Certainly not I. So this bill, frankly, will have no impact whatsoever except to force some States who have chosen not to do it on their own to adopt one particular form of registration of voters.

As we know, for the last 30 years registration has become easier and easier and easier. I am all for that. I think that is a good idea. The same thing that has happened during that period, with the exception of 1992, is that the turnout has gone down, down, down. There is no correlation of throwing everybody on the books, which essentially is what this legislation will do, and increased participation.

The question you have to ask is why, why bother, why do it since it will not increase turnout which is the only conceivable rationale, it seems to me, for passing this legislation?

So, Madam President, it seems to me the argument is simple: Any State that thinks this is a desirable way to register votes can do it today. Over half have done it already on their own without any prompting from us. Or in the alternative, we can make them do it, which is what this bill seeks to do. If we are going to make them do it, we ought to pay for it. If my friend and colleague is correct that the cost is minimal, that is an even stronger argument for us paying for it. We certainly are able to find money in the budget for a variety of different things that we want to do. If we think this is important, then we simply ought to pay for it.

My friend was citing the District of Columbia in a number of different respects. It is I think important to note, however, it is my understanding at least—and I could stand corrected on this—it is my understanding that in the District, you are not automatically registered. You must take some affirmative step in order to become registered when you are applying for your driver's license. Under the bill before us, you are automatically registered unless you say please do not register me. The D.C. Elections Board official testified before the Rules Committee and indicated he felt their particular approach was better which requires some affirmative action on the part of the applicant of a driver's license to register. The underlying bill before us does just the opposite.

So, Madam President, I hope cloture will not be invoked on the motion to proceed. I think this is a solution in search of a problem.

I yield the floor and reserve whatever time I may have remaining.

The PRESIDING OFFICER. The senior Senator from Kentucky.

Mr. FORD. Madam President, I am sure that my colleague will be glad when 12:20 comes and we will at least have another cloture vote behind us.

This is a grassroots effort. We sit around here sometimes and concoct programs that sound good and may be good for a while and we impose that on our citizens. But here is something that started at the grassroots level. It started and moved up here. It is something that people out there seem to want.

It is amazing to me that this grassroots effort is not being viewed as a citizen request of this body. Seventy million Americans were denied the right to vote in the last election, even though we had some increase. No one has ever advocated that this piece of legislation would increase turnout, but no one can stand here this afternoon and tell me how many people were out there in November 1992 who wanted to vote who were not registered. How many would have voted had this bill been in place? The outcome may have been different. That is the way America works. That is the way democracy works. If Texas now has almost 50,000 new registrants in the very short couple of months it has been in business, how many people now are able to vote? Fifty thousand more so far. That does not mean they can. But they have a ticket to the final game if they are registered to vote, and that is what democracy is all about.

Let us think about the citizen—make one trip, be registered to vote. Let us make it uniform across the country. Everybody understands it. It really makes democracy work a lot better, in my opinion.

When there is minimal cost, and we can make it uniform across the country, it is a grassroots effort for us to do something about this—associations and civic organizations that are for this are two pages long, single spaced—I think with that effort, there will be an amazing turnout the next time because some people who want to vote will have the right to vote, and those who do not want to vote are not going to be purged off the rolls. So you exercise a right not to vote here, and in this form you exercise a right not to register. All you do is check the box. That is the end of it.

The very idea of fining an American for not voting does not make, to me, a great deal of sense. I just do not think that will ever happen.

You talk about Italy and other countries. This is the United States of America. We support democracy in the best way we can. Now we are called on to help the citizen promote democracy, and we hear a lot about costs—it is the costs. How much of a cost is it to the citizen? How much of a cost is it to the country when the citizen is denied the right to exercise something of which this country is very proud, the right to vote and choose?

We just viewed something of which the rest of the world is jealous. They do not understand. That was the orderly transition of Government on January 20, 1993. Millions and millions from offshore watched that.

We are special. I want to continue to keep this country special, and as long as citizens participate we will be special. When we lose it, that is when we start losing our ability to lead the rest of the world.

I reserve the remainder of my time, Madam President, if I have any.

The PRESIDING OFFICER. The Senator's time has expired.

The junior Senator from Kentucky has 7 minutes.

Mr. MCCONNELL. Madam President, there is very little new to add because this is not a complicated bill. My friend from Kentucky raises again the issue of fining. I cited this only as an example. In all the studies, the only thing that will increase turnout is penalties or fines. I certainly do not advocate that.

I have said in debate on this issue before in previous years that I think voters in this country have a perfect right not to participate if they do not want to. So far be it from me to advocate that. I cite that only to make the point that that is clearly the only way you increase turnout, and presumably there would be no basis for this bill, none whatsoever, unless we thought it was going to increase turnout. There has been no indication of increased turnout in States that have gone to motor-voter, none whatever, and there will not be any increased turnout after passing motor-voter.

As I said repeatedly, it is a solution in search of a problem. It is relatively easy to vote in every State in the Nation. I would concede to my friend from Kentucky I think there is a reasonable chance more and more States would go

to motor-voter. That has certainly been the trend in recent years. I think they ought to have the option to do that or not to do it, as they see fit.

Madam President, we are about 5 minutes from the vote. I will simply yield the floor, and I think if no further action is taken the vote will simply occur at 12. Or should we enter a quorum call?

The PRESIDING OFFICER. Under the previous order, the vote will occur at 12 o'clock.

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. AKAKA. Mr. President, as a cosponsor of S. 460, the National Voter Registration Act of 1993, I urge my colleagues to support this bill by voting in favor of cloture. The need to implement uniformed voting procedures is not a new issue for this Chamber. Last May, we adopted S. 250, a bill championed by our distinguished colleagues, Senator WENDELL FORD and Senator MARK HATFIELD. The House followed suit and passed a companion bill in June. Only 2 days shy of the Fourth of July, President Bush vetoed the measure. Unfortunately, we were unable to override the President's veto.

In the 103d Congress, the House has already acted on a companion bill and is waiting for the Senate to complete action on our measure. No one in the Senate disputes the power of the ballot. In fact, the 1992 elections proved that Americans are determined to be personally involved in the political process at all levels of government.

Although voter turnout in 1992 was about 5 percent higher than previous elections, 45 percent of eligible citizens chose not to vote. We know that when people are registered, they vote. But when approximately 40 percent of all eligible voters are not registered, overall turnout will remain low. An estimated 38 percent of those eligible to vote in the past Presidential election were not registered.

In order to register to vote, individuals now must contend with a variety of local registration laws and procedures that may inhibit voter participation. Enacting uniform national registration procedures would, I believe, be the most practical way to register eligible voters. By making voter registration more accessible, we would increase the number of registered voters and expand the most fundamental right of all Americans.

Critics of this measure contend that the provisions of S. 460 would increase the risk of voter fraud and place an unfair financial burden on the States. I disagree with these assumptions. The Congressional Budget Office [CBO] estimates that the total direct cost of S. 460 to all 50 States would be $20 million. However, CBO has concluded that States could save $10 million in a Presidential election year and $7 million in a non-Presidential election year. Added to this $7 to $10 million savings is an approximate $4 million annually saved in postage costs, because S. 460 would reduce the postal rate for all mailings required by the bill. Further savings could be realized by using the Postal Service's national change of address program and other computerized savings. I wish to point out that this measure neither requires nor necessitates the computerization of the voter registration process. In fact, the District of Columbia quite successfully operates a motor-voter registration program without computerization.

Opponents also argue that the measure would increase the possibility of voter fraud. States with mail registration programs have found little or no fraud, according to a congressional research survey study. Moreover, S. 460 contains provisions to prevent and reduce fraud and gives the States the option to guard against fraud by requiring mail registrants to vote in person the first time.

Mr. President, last year I was pleased to cosponsor S. 2236, which extended provisions of the Voting Rights Act to ensure language assistance to citizens who would otherwise be prevented from voting by their limited proficiency in English. That measure, which became Public Law 102-344 on August 26, 1992, reconfirmed Congress' commitment to enfranchising all eligible Americans.

I strongly believe that any barrier which prevents American citizens from exercising their right to vote must be eliminated. The National Voter Registration Act of 1993 would be another step toward improving voter registration processes and increasing effective registration mechanisms. S. 460 would make voter registration more accessible, less burdensome, and more uniform throughout the Nation. We should support every effort to assist our citizens in participating in government. I urge all Members to support S. 460.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant 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. 460, the motor-voter bill:

Wendell Ford, Tom Daschle, Bob Kerrey, Harlan Mathews, Harris Wofford, Patrick J. Leahy, Daniel K. Akaka, Jeff Bingaman, Dale Bumpers, Russell D. Feingold, Carol Moseley-Braun, Bob Krueger, Howard M. Metzenbaum, John Glenn, Joseph Lieberman, Don Riegle, Paul Wellstone, George Mitchell.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 460, the National Voter Registration Act, shall be brought to a close?

The yeas and nays are automatic under the rule, and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. BREAUX). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 62, nays 38, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—62

Akaka	Ford	Mikulski
Baucus	Glenn	Mitchell
Biden	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Boren	Hatfield	Murray
Boxer	Heflin	Nunn
Bradley	Hollings	Packwood
Breaux	Inouye	Pell
Bryan	Jeffords	Pryor
Bumpers	Johnston	Reid
Byrd	Kennedy	Riegle
Campbell	Kerrey	Robb
Conrad	Kerry	Rockefeller
Daschle	Kohl	Sarbanes
DeConcini	Krueger	Sasser
Dodd	Lautenberg	Shelby
Dorgan	Leahy	Simon
Durenberger	Levin	Specter
Exon	Lieberman	Wellstone
Feingold	Mathews	Wofford
Feinstein	Metzenbaum	

NAYS—38

Bennett	Domenici	McCain
Bond	Faircloth	McConnell
Brown	Gorton	Murkowski
Burns	Gramm	Nickles
Chafee	Grassley	Pressler
Coats	Gregg	Roth
Cochran	Hatch	Simpson
Cohen	Helms	Smith
Coverdell	Kassebaum	Stevens
Craig	Kempthorne	Thurmond
D'Amato	Lott	Wallop
Danforth	Lugar	Warner
Dole	Mack	

The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 38. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

RECESS UNTIL 2:15 P.M.

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

Thereupon, the Senate, at 12:21 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to

order by the Presiding Officer [Mr. KERREY].

NATIONAL VOTER REGISTRATION ACT OF 1993

MOTION TO PROCEED

The PRESIDING OFFICER. The pending business is the motion to proceed to S. 460, under cloture.

The Senate continued with the consideration of the motion to proceed.

The PRESIDING OFFICER. The majority leader is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WOFFORD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded and that I may proceed as in morning business.

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

The Senator from Pennsylvania is recognized.

TECHNOLOGY, WORKPLACE PRACTICES, AND FEDERAL POLICY

Mr. WOFFORD. Mr. President, almost 2 weeks ago President Clinton announced a new Federal role to advance our Nation's technological advantage and international economic competitiveness. The President's vision is bold. After a decade when we have seen our competitors in Europe and the Far East move ahead in the technology race—and take American jobs in the process—it is time for a change in course.

Since World War II, the Federal Government has been a leading force in promoting the development of our Nation's technology. We have invested in basic research and scientific and technical education.

The Defense Department, NASA, and other agencies have generated commercial research and development. These investments paid huge dividends for American workers and American companies.

But while we were focused on the goals of winning the cold war and exploring space, our international economic competitors placed a priority on investing public resources in commercially oriented research and development. In the United States, we never made the economic competitiveness of American firms and workers a public priority. The commercial benefits of Federal policy were always indirect, and often unspoken.

This lack of direct, acknowledged, planned involvement in economic competitiveness reflects an ambivalence about the role between Government and private commercial enterprise.

There is reason to be skeptical. But the world economy is changing rapidly. We can no longer afford to have the Government sit on the sidelines while our international economic competitors are playing for keeps.

President Clinton recognized that the times demand a change and a new clarity in Federal policy. He is urging us to adopt policies that will stimulate commercial innovation to increase our international economic competitiveness and create jobs.

Let me be clear. The Federal Government should not displace the decisions of the marketplace. Private enterprise is the primary creator of jobs and economic growth. But at the same time, Federal policy can and must invest in the jobs and technologies that will help America compete and win in global economic competition.

President Clinton's vision builds upon the work of the States. The States have for many years understood the need for public involvement to promote economic vitality. For example, my own State of Pennsylvania has taken the lead through its industrial resource centers and Ben Franklin technology partnerships to help small- and medium-size firms to innovate and be more competitive.

The President's proposal also builds upon the work of several of my Senate colleagues, most notably Senator HOLLINGS, Senator BINGAMAN, Senator ROCKEFELLER, and Senator NUNN. They deserve a great deal of credit for identifying and clarifying the Government's role in improving our Nation's competitiveness.

I take the floor today not only to express my strong support for President Clinton's technology initiative and my willingness to work to make it law. I also come to the floor today to emphasize a vital part of the President's proposal that we must not ignore.

President Clinton's proposal is not only about creating more high-technological machines. It aims to improve the competitiveness of America's manufacturing industries and its workers.

Technology alone will not accomplish that goal. What I discovered as our State's secretary of Labor and Industry is that we must pay far more attention to the human dimension of work—the way we organize the workplace; how we manage people; how they become self-managed people. Effective workplace organization is essential to commercial success. A classic example is Henry Ford and the success of the Ford Motor Co. Henry Ford did not invent the car. He brought the mass production process to car manufacturing and it was this process that made American auto manufacturers the world leaders for decades.

But the mass production system is being replaced by high performance work practices. These practices of organizing work have been pioneered by Japanese and German firms and are a key to their economic success, too often at our expense.

There is an irony. One of the great leaders of pioneering in the form of new worker participation, labor/management cooperation, high performance and quality work was imparted by General MacArthur to Japan after World War II to introduce those practices in Japan which we had begun during World War II but dropped thereafter while Japan moved ahead.

How we integrate technology and workplace practice now is the key to a manufacturing firm's success and to progress in our economy. For example, at a traditional low-technology General Motors plant, it once took 34 hours to produce a car with an average of 1.16 defects per car. After spending $650 million on high technology, GM still needed almost 34 hours to produce a car with 1.37 defects per car. Clearly, new technology alone did not make for a better car or more productive workers.

In contrast, a GM-Toyota joint venture in California made only a moderate investment in new technology but fundamentally changed their management practices and production systems. As a result, it took only 60 percent as much time to produce a car and one with much lower defect rates.

American firms have begun implementing high performance work practices. As Pennsylvania's secretary of Labor and Industry, I worked to encourage labor/management cooperation as a way to improve productivity and ensure economic success and create jobs. I once toured a new Plexiglas production facility in Bucks County developed by a joint venture between Rohm & Haas and a Japanese company. Technically, the facility was not especially advanced. What mattered is that it was operated by a self-managed work group. They worked as teams to perform all of the functions of the facility.

To teach this workplace organization, Rohm & Haas sent its workers to Japan, an expense which many small and medium firms cannot afford. After they came back, within a few months they were producing at a higher rate of productivity the same operation as their Japanese competitors.

The Federal Government already encourages high performance work practices through the Malcolm Baldrige Award. Competition for the Baldrige Award which is modeled after the Deming Award in Japan, after the man General MacArthur brought there, has already helped improve thousands of enterprises across the country by defining workplace standards and setting quality goals. In Pennsylvania, we created an office of labor-management cooperation to help Pennsylvania earn a reputation as a State that was pioneering in new high performance work force arrangements based on labor/management participation and cooperation.

So as we consider legislation that will make long-term investments in

our economy, we cannot forget the essential human element. Firms of all sizes need encouragement and help in improving their workplace practices, not to just add new machines but to create high performance organizations with skilled workers in well-paying jobs. We must make sure that any legislation, first, enables the Federal Government to gather and promote the best workplace practices; second, coordinates Government technology and training assistance; and, third, measures the success of Federal technology policies in human terms putting people first, including job creation and worker productivity.

President Clinton's understanding that workplace practices and technology policy are virtually related represents a real breakthrough. It is a vision that cannot be enacted by one congressional committee or implemented by one Government department or agency. We, in Government, have to commit ourselves to our own total quality management when it comes to promoting American competitiveness.

That is why I am pleased to join my colleague from Massachusetts, Senator KERRY, a member of the Commerce Committee, in this effort. Just as it will take cooperation between workers and management to improve our Nation's economy, it will take greater cooperation among the various agencies of Government as well. We can only move forward in creating jobs and long-term economic growth by working together, by breaking down traditional boundaries between bureaucracies, and by understanding that the key to our competitiveness is not in some abstract idea of high technology but in the real people who make it work.

Mr. President, I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

TECHNOLOGY POLICY AND HUMAN CAPITAL

Mr. KERRY. Mr. President, I am delighted to join my colleague from Pennsylvania in trying to focus our attention and our effort on the broad problem of technology—not just as it relates to machines, but as it relates to the critical human component, as well. I congratulate my colleague, the Senator from Pennsylvania, for being a leader in this area and for his commitment within the Labor Committee to focus attention on it. I join him in this effort in the Commerce Committee.

There has been a great deal of rhetoric in the country over the last few years about the Nation's competitiveness but frankly very little of the rhetoric has been matched with action by the Congress or elsewhere. And I and others have analyzed the data on the workplace, we find reasons which dramatically underscore the need for immediate strong responses to this national predicament. Real wages have fallen since 1980. That means that people are actually earning less in America for their labors than they were in 1980. At a time when we are all talking about how we want our country to be a country of high-wage jobs creating high value-added products. The share of jobs in this country that are low-wage jobs is actually increasing. So there is a direct contradiction. We are becoming a nation of hamburger flippers rather than a nation of manufacturers.

If this trend continues, our children's generation will be the first generation of Americans not to have a better standard of living than their parents and, in fact, their standard of living will actually be lower than that of their parents. To take no action to address this issue in the budgeting process over the next weeks would be unconscionable.

So this is the crisis that we face. And this is the crisis that the President is trying to address in his plan to increase investment in America.

One of the most important parts of this plan, particularly for my State of Massachusetts, but for other States across the country, too, is the technology initiative. Many of the proposals contained in this initiative mirror those on which Senator HOLLINGS, the chairman of the Commerce Committee, has worked tirelessly over the last several years and which are included in S. 4, the National Competitiveness Act of 1993, of which I am pleased to be a cosponsor.

In Massachusetts we think of ourselves as the potential laboratory for the high-skilled economy of the future. We have so many leading research universities, laboratories and other institutions—from the Massachusetts Institute of Technology to the Draper and Lincoln Labs, to the high-technology highway of Route 495, to the University of Massachusetts—which have a long history the process of developing new ideas and then taking them from the laboratory out into the marketplace. In part as a result of these institutions, we have more than our share of technologically innovative companies in Massachusetts. All of these, regrettably, are watching while manufacturing employment in our State has declined by 23 percent, since 1980—in large part because of the competition from low-wage countries.

Our companies have learned from this that in order to be competitive they cannot continue to do the same thing that companies in Third World countries can do as well as they can, but instead they have to turn the State's intellectual resources to their competitive advantage. So to us, Mr. President, the vision of the high-skilled economy is not a theory. We are practicing it today, and we understand it is our future.

But in order to achieve that goal, we in Massachusetts and across the Nation, need to attack the problem of investment in technology in its broadest sense. We cannot focus on machines and forget about the people who run the machines. If we do, we run the risk of promoting a trickle-down technology policy instead of the broad policy laid out in the President's initiative and in S. 4.

In Europe, in Japan, in parts of Southeast Asia, companies have learned to reorganize their factory work to manufacture with greater flexibility and with higher quality than was possible using the old mass production techniques known as the Taylor model of organization.

Under the Taylor model, which was first designed in the early 1900's, a complex assembly of parts is broken down into rote tasks which required very little skill to perform.

The Taylor method has been replaced in high-wage countries around the world with what is now sometimes called high-performance work organizations. This new model gives authority to skilled workers so that they can perform a wide variety of tasks, and therefore allows greater flexibility in the production process. Workers are asked to make decisions on the spot so that they can fix quality problems rather than waiting for an engineer or for a quality inspector. That saves time. That gives them flexibility. It gives workers greater involvement, and the result is a better product.

In Foxboro, MA, the Foxboro Co.'s Pocasset plant has been cited as one of the 10 best plants in America by Industry Week. At a time when many major corporations have simply given up trying to achieve profitability and quality in the production of electronic components, Foxboro has empowered its employees to form multidisciplinary teams which continually reevaluate every aspect of production and they push the plant to meet higher standards of quality and production. The plant has, therefore, remained competitive because it won the participation and the commitment of every employee in quality management.

This company has learned the lesson of the high-performance work organization revolution. The rest of us in this country need to learn it and to give U.S. companies access to the technologies they need to join in this revolution.

That is one of the things President Clinton is trying to accomplish in the technology initiative, and we in the Senate should not lose sight of this fact.

A recent Harvard Business School study shows that United States companies tend in general to underinvest compared to their German and Japa-

nese competitors. But even when they do invest, they tend to overinvest in physical capital—new machines—and underinvest in human capital—their workers. Our Japanese and German competitors are more willing to view their human capital investments as central to the manufacturing strategies.

I look forward to working with my colleague, the Senator from Pennsylvania, and with others as we proceed in the effort to try to give this country a policy that is going to make us compete, at the same time as we raise the standard of living of the workers of this Nation.

As Senator HOLLINGS knows, a primary goal of any technology policy is ultimately the creation of high-wage jobs, and this mission must be an essential part of our technology program in the future.

President Clinton's technology paper states that "it is essential that priorities in research, regulatory, and other policies designed to encourage innovation and investment in the economy reflect the need to create high-performance workplaces—workplaces which offer all workers skilled, rewarding jobs with opportunities for growth." Making this a reality will be difficult at best.

We must remind ourselves continually that, as the President and Senator HOLLINGS know, a primary goal of any technology policy is ultimately the creation of high-wage jobs and that this mission must be a central part of technology programs as they are designed and implemented.

President Clinton has put forward a plan which will address the economic crisis in America. As a member of the Commerce Committee, I am very pleased to join with Senator WOFFORD of the Labor Committee, to illustrate that we in Congress are willing to work together as we are willing to work with the executive branch to get the job done.

Mr. FORD. Mr. President, did the Senator from Pennsylvania wish to make a statement?

Mr. WOFFORD. Will the Senator yield for one question?

Mr. FORD. I am glad to yield.

Mr. WOFFORD. I ask the Senator from Massachusetts, who has been looking at this for a long time and giving leadership in it, if the points he just made and we put forward do not also need to be put just as strongly to our own Government operations and have great relevance to the performance review that the President has commissioned our former colleague, the Vice President, to lead in the months ahead?

Mr. KERRY. Indeed. The Senator raises a very important point.

We have heard a lot of talk about reinventing Government. I do think, as I look at some of the agencies and at some of our own efforts, there is enormous room in our own process for us to review how the very principles we have talked about apply. But clearly, across the board, whether it is in Government enterprise or in the private sector, we are at a critical point in this country's history. The issue of how Americans are going to work and how we are going to give them the skills with which not to have one job in a lifetime but potentially seven jobs—we are told the average American worker may have seven different jobs in a lifetime in the near future.

Mr. WOFFORD. If the Senator from Pennsylvania could give some lessons in that.

Mr. KERRY. If we keep going the way we are going, we will all give lessons in that. But I would suggest that the Senator's point is very well taken and Government can indeed apply the same principles as we proceed with the Vice President's effort.

Mr. FORD. Mr. President, I want to join the "you are never too old to learn," and apply that with a broad brush.

UNANIMOUS-CONSENT AGREEMENT

Mr. FORD. Mr. President, so our colleagues will understand the agreement with the other side, on behalf of the majority leader, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 460, the motor-voter registration bill at 11 a.m. tomorrow, Wednesday, March 10.

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

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each. If there is any additional time, there is no question but that we can get it extended.

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

Mr. FORD. I thank the Chair. I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California [Mrs. FEINSTEIN] is recognized.

BASE CLOSURES IN CALIFORNIA

Mrs. FEINSTEIN. Mr. President, I rise today to address an issue of great importance to the State of California—the 1993 round of domestic military base closures.

The New York Times reported last Sunday that the Department of Defense may recommend the closing of at least 10 military installations in California during the 1993 base closure and realignment process. If true, California would again bear the brunt of base closures. As this map illustrates, potential base closures in California include:

McClellan Air Force Base; Mare Island Naval Shipyard; Oakland Naval Supply Center; Treasure Island Naval Station; Alameda Naval Air Station; Oakland Naval Hospital; The Presidio of Monterey and the Defense Language Institute located there; Long Beach Naval Shipyard; El Toro Marine Air Station; and March Air Force Base.

If this list is accurate, and I truly hope it is not:

More than 77,000 military and civilian personnel would be lost in California alone. That's one-third of all the bases that could be closed and more than one-third of all the personnel reductions that could take place nationwide.

The total direct and indirect job loss from these closures would be nearly 230,000.

The amount of $6.4 billion in annual economic activity would leave the State.

The working men and women—and the communities that have formed around these bases—stand the most to lose.

If McClellan Air Force Base closes, for example, the economy of the Sacramento area could be seriously damaged. Already, the Sacramento Army Depot and Mather Air Force Base have been slated for closure. Sacramento's unemployment rate could double, and in some areas of the county, the projected unemployment rate could soar to 44 percent. This would surely adversely impact the economy of the entire region.

If Long Beach Naval Shipyard were to close, nearly 15,000 jobs would be lost. In the last round of base closing, Long Beach lost its naval station and, with it, over 10,000 jobs.

El Toro Marine Corps Air Station, in Orange County, generates $1 billion a year in economic activity in an area of the country that is already suffering from the monumental effects of defense downsizing. Nearby Tustin Marine Corps Air Station has already been slated for closure. If El Toro also closed, the area's economy could be shattered.

The possible closure of March Air Force Base is of particular concern to me. Since 1988, two gigantic bases have already been closed in surrounding communities of the inland empire—Norton and George Air Force Bases. The area's unemployment rate is already in double digits. Not only is March Air Force Base responsible for over 30,000 jobs and $1.5 billion in economic activity, but the large military retiree community in the region depends on March Air Force Base for many important services. After the closure of Norton and George, the area is even more dependent on March Air Force Base for its economic survival.

What really troubles me, though, is the complete naval withdrawal from

the San Francisco Bay Area. All five naval facilities in the bay area would shut down, punishing the entire region's economy and throwing tens of thousands of people out of work. The largest number of jobs lost would be due to Alameda Naval Station, with 19,500 direct job losses, and 31,000 indirect. The San Francisco Bay Area has been a home to the Navy for over a century, and the community has depended on the Navy for a large amount of its economic activity.

Mr. President, as you may know, California has already been hit hard as a result of previous base closures in 1988 and 1991. To date, 17 bases in California have been slated for closure, resulting in the reduction of 67,000 military and civilian personnel. That is over 60 percent of all net base closure personnel reductions throughout the Nation since 1988. Let me repeat that: 60 percent of all net base closure personnel since 1988 have occurred in California. This chart graphically illustrates the hard hit California has already taken from previous base closures as compared to the rest of the country.

Mr. President, base closures cannot only shatter an entire region's economy, but also have devastating effects on individuals—men, women, and children who depend on these bases for their economic survival. Let me take just a moment to convey some of the thoughts and feelings of some of the thousands of people who will be the most affected by these base closures.

A young boy in Napa, CA, wrote to me saying:

> If [the shipyard] closes my dad will lose his job and we'll have to move back to Seattle or New York. My mother is in a wheelchair and moving isn't very good for her. Also, if it shuts down, hundreds of people will lose their jobs and California's economy will get even worse. Please do what you can.

Another letter comes from a mother who enclosed a picture of her two young children. She says:

> I am a single parent trying to make ends meet. Working at Mare Island has given me that opportunity. I've served four years in the Navy and ten years for the DOD as a civilian employee. Please think about the families and their futures when these bases are closed. We are not nameless, faceless people, but fathers and mothers and children who need your help.

Still, another person wrote to me and said:

> We already have so many people out of work now. What are these people to do?

I could go on and on.

Mr. President, I understand that our country's military needs to reflect the realities of the post-cold-war world. But, closing 10 military bases in a State where the economy is still fragile and 1.5 million people are unemployed, just doesn't make sense.

California is still in the depths of a recession. As this next graph points out, California has one of the Nation's highest unemployment rates at 9.8 percent. That's almost 3 points higher than the national average. As I stated, 1.5 million people who live in California are unemployed. That's 17 percent of the entire country's unemployed individuals and more than the population of 13 different States.

California is a large defense State. Defense downsizing and base closures have already contributed to the lingering recession. More than 250,000 jobs have been lost in California due to defense downsizing in just the last 2 years. If these base closures go into effect, this figure could rise to 650,000 by 1998. The loss of another 230,000 base closure-related jobs would cause the State's unemployment rate to soar to well over 10 percent. This all-out blow to California as a result of these base closures just does not make sense when the State's economy is so frail.

Some people say that defense conversion is the answer. Well, conversion can be a good start, but what does the worker at the Mare Island or Long Beach naval shipyards do? Before these bases are closed, defense conversion programs with proven track records must be in place and there must be specific plans on how to convert these bases to civilian use quickly and efficiently.

President Clinton's economic stimulus and deficit reduction plan offers a roadmap for our Nation's recovery—and it will help my State recover from the current economic recession caused in part by the previous base closures. But, after talking with Gov. Pete Wilson and other concerned California leaders, I am convinced that if these 10 bases are, in fact, closed in this round it would negate any benefit that California would gain from President Clinton's plan.

I am one who believes, when you have high unemployment, the Government should not go out of its way to put more people out of work. California's current economic conditions and the cumulative economic impact from previous base closures must be taken into consideration before Secretary of Defense Aspin announces his final base closure recommendations on Friday. I will join Senators HOLLINGS, BOXER, DODD, LAUTENBERG, THURMOND and, I hope, other colleagues tomorrow to introduce a resolution that will ask the Base Closure and Realignment Commission to place more emphasis on the economic impact of a base closing on a community. In California, if the economic impact is not weighed heavily, and the current plan moves forward, 230,000 jobs and billions of dollars in economic activity would be lost—the economy could be shattered.

As President Clinton accurately said recently, the country cannot fully recover from this recession if California does not. As yesterday's Los Angeles Times editorial so clearly pointed out, as California goes, so goes the Nation. If these base closures move forward as reported, without specific and immediate conversion efforts, California—and quite possibly the entire Nation—will only slump deeper into recession.

Mr. President, I ask unanimous consent that the text of the New York Times article, yesterday's Los Angeles Times editorial, and a list of sources for the base-closing map be entered into the RECORD at this time.

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

[From the New York Times, Mar. 7, 1993]

ASPIN IS PREPARING LIST FOR NEW SET OF BASE CLOSINGS

(By Eric Schmitt)

WASHINGTON, March 5.—The Clinton Administration is about to propose a sweeping new round of military base closings that seeks to reflect declining troop levels and changing military missions, senior Pentagon officials say.

Under orders from Defense Secretary Les Aspin, the armed services recommended in the last 10 days that at least 30 major installations be closed and as many as 150 other depots and smaller sites nationwide be consolidated or reduced, military officials said.

In the New York metropolitan area, the Staten Island Navy Home Port, the New London submarine base in Connecticut and McGuire Air Force Base in New Jersey are also expected to be shut or reduced in size. But local officials are lobbying hard to get Mr. Aspin to reverse the military recommendations.

CALIFORNIA MAY BE HIT

California, where 17 installations are already being closed, will be hit particularly hard in this round, Pentagon officials said. Among the bases there proposed for closing are the Alameda Naval Air Station, home to 18,000 sailors and relatives; and several other Navy installations in the San Francisco Bay area. While that would cost the state a large number of jobs at a time of substantial unemployment, it would still leave it with many active bases.

Mr. Aspin and Gen. Colin L. Powell, the Chairman of the Joint Chiefs of Staff, as well as other senior Pentagon officials, are reviewing the recommendations and may make changes before the Defense Secretary makes his final list public in an announcement expected to take place on Friday. The proposals will then be given to a Presidential commission that was set up to review such closing plans, giving Congress political cover for the decisions.

The closings will eliminate thousands of military and civilian jobs and are virtually certain to stir intense opposition among lawmakers whose districts or states are affected.

SIGN OF THE TIMES

Among the other major installations the military seeks to close or scale back are Homestead Air Force Base in Florida, Charleston Navy Shipyard in South Carolina, K. I. Sawyer Air Force Base in Michigan, March Air Force Base in California, Orlando Naval Training Center in Florida and Fort McClellan in Alabama.

The military's proposals are a sign of the times. With fewer airplanes, the Air Force is cutting bomber and fighter bases, saying they can no longer justify the cost to run them. The Army lost several large bases in

two earlier rounds of cuts and will probably be spared major reductions this time.

The Navy is recommending that one-third of its installations, or about 130 of them, be closed largely because many of the bases the Navy offered to close last time were rejected by the commission for faulty justification. With its existing installations built to accommodate a 600-ship cold war fleet, the Navy is now heading toward a total of 320 ships and submarines and must slash its overhead.

The Navy's strategy is to create "megaports" in Norfolk, Va., and San Diego, at the expense of closing clusters of installations in Orlando, Charleston and the San Francisco Bay area.

MANY REVIEW STEPS

"The driving force for the Navy is the $26 billion annual operating costs for maintaining the infrastructure," said a former senior Navy official who is familiar with the base-closing process.

Under the law governing the procedure for closing or reducing bases, Mr. Aspin will submit his list by March 15 to an eight-member Presidential commission headed by former Representative James A. Courter, Republican of New Jersey. The commission will have until July 1 to accept or alter the Administration's recommendations. Its decision will then go to President Clinton, who will have until Sept. 1 to accept or reject them. If he approves them, the recommendations go to Congress.

In its last round in 1991, the commission closed 34 bases and reduced or consolidated 48 other sites, decisions that were expected to save $1.5 billion a year after 1997. The Pentagon operates 481 installations around the country. The military has closed scores of bases overseas in the last five years, but those do not need commission approval.

Two years ago, the Defense Secretary at the time, Dick Cheney, accepted the recommendations from the Air Force, Navy and Army secretaries with no alterations except to separate projects of the Army Corps of Engineers for independent consideration.

Mr. Cheney's strategy was intended to force lawmakers to share the pain of making military reductions and avoid deeper cuts in troops and new weapons. But with the end of the cold war and plummeting Pentagon budgets, Mr. Aspin and his aides are looking at closing or reducing more bases or even increasing some to deal with necessary services.

Unlike Mr. Cheney, though, Mr. Aspin is tinkering with the military's proposals. "There's a lot more fluidity this time," said one senior Defense Department official involved in the review. "There's more flux in the process this time. Bases could be swapped back and forth from the 'closed' category and the 'realigned' category."

Opposition from lawmakers and local communities is predictably fierce, particularly in potentially hard-hit areas like Charleston, Orlando and the San Francisco Bay area.

Dan Leonard, the chief of staff for Representative Susan Molinari, Republican of Staten Island, said she was not aware that closing the home port was being considered. Emphasizing that any such list was very preliminary, he said, "the home port is very important for Staten Island and for New York. Noting that Mayor David N. Dinkins has once opposed the home port, he added, "Even the Mayor of New York now supports home port."

Frank Coleman, a spokesman for Senator Alfonse M. D'Amato, Republican of New York, said that in the last round the home port was on the list to be closed and that supporters succeeded in having it taken off. He said Mr. D'Amato would not shrink from another fight and added, "As he has in the past, he will fight tooth and nail to retain the base."

In Charleston, the proposed closing or consolidation of the shipyard, naval station, supply center, depot, hospital and submarine and mine warfare training locations could mean a loss of more than 41,000 jobs with an annual payroll of $1.1 billion, said Senator Ernest F. Hollings, Democrat of South Carolina.

STRESSING ECONOMIC CONCERNS

Mr. Hollings and Senator Dianne Feinstein, Democrat of California, plan to offer a Senate resolution in the next few days to place grater emphasis on the economic impact to communities when determining which bases to close.

"You don't want to gut the economy of states doing this," Senator Feinstein said in a telephone interview. "Making additional base closings without any meaningful economic conversion program in place is foolish."

All five military installations in the Oakland district of Representative Ronald Dellums, the California Democrat who succeeded Mr. Aspin as head of the House Armed Services Committee are proposed for reduction or closing, military planners said. Mr. Dellums has been a leading supporter in Congress for deep military budget cuts, but the lawmaker now fears the Navy may spend more money at other bases to accommodate the displaced Bay area service members.

In evaluating base closings, the commission considers, in order of priority, military requirements, the installation's physical condition, ability to accommodate future growth, operating cost, potential savings from closing, economic impact on communities and environmental impact.

Other communities, bloodied from past fights with the base commission, are gearing up special groups of business leaders, lawmakers and civil officials to fight the Pentagon's picks.

While closing bases promises long-term savings, it actually costs the Pentagon hundreds of millions of dollars for short-term environmental cleanup and other termination costs.

The Army, for example, estimates that bases identified for closing this year will result in a total savings of about $270 million a year, beginning in 2000. A senior Army official said the total projected cost of closing the bases is $650 million from 1994 to 1999.

[From the Los Angeles Times, Mar. 8, 1993]

AS CALIFORNIA GOES, SO GOES AMERICA

Can a decent U.S. economic recovery occur without an accompanying snapback in the California economy? That's the big question for the Clinton Administration as it comes out of the macroeconomic clouds and gets down to earth in producing a detailed budget. California could be a problem—a big one—for the President.

The fact is that his plan could very well misfire unless California receives special attention. The Clinton approach now reflects broad-gauged national economic data and trends that suggest the economy in general may be on the mend. Maybe. But California—whose economy accounts for nearly 13% of the U.S. gross domestic product, an economy equivalent to the world's eighth-largest—is struggling mightily, and so far ineffectively, to join the national recovery. Little relief is in sight.

California's problem is caused in particular by the restructuring and downsizing of major industries, especially the defense business, hard hit by federal cutbacks. On today's Commentary page, UC Berkeley professor Stephen S. Cohen points out that California has taken a disproportionate hit in the economic slump. The state, all by itself, accounted for 38% of total U.S. job losses between June, 1990, and December, 1992. All by themselves, the five counties of the L.A. metropolitan area accounted for a chilling 27% of U.S. job losses.

Job shrinkage appears to be continuing. The latest unemployment figures show that California's unemployment rate rose while the national rate dipped. Even more troubling was that the unemployment rate for L.A. County rose to 11.2%, the highest level since July. The last time the county's jobless rate was higher was a decade ago. These figures should grab the attention of the Administration. California's problems, unaddressed, could kill any national recovery. State Treasurer Kathleen Brown, commenting on her meeting last week with President Clinton, said he vowed that he would be responsive to California's needs.

Clinton also indicated he would incorporate in his budget plan Gov. Pete Wilson's request for $1.5 billion in reimbursement for health and education services to immigrants. But he did not specify an amount. "He seemed to be concerned about how critical California is to the recovery of the national economy," Brown reports. Good. But in Clinton's national economic plan, California could well get lost in the budget allocations. The Administration should pay special attention to the state's agonies.

The California congressional delegation came together last week, for only the second time in recent years, to meet with Brown. More than ever, the delegation needs to work together to ensure that California gets its fair share of Clinton's investments in infrastructure programs (the subject of a series of Times editorials, Part 3 of which appears on this page today); in high technology; in the inner cities (especially South Los Angeles); in retraining programs for out-of-work defense workers; in mass transportation.

Despite its large size, California does not now get its fair share from Washington. The paradox is that the fortunes of the U.S. economy ride to a great extent on California's fate. Without special attention, a continued poor showing in the California economy could take the sizzle out of the Clinton economic plan. We state this point as emphatically as we know how, not simply because we are Californians but also because we are Americans: If this state continues to lag behind the national "recovery," there won't be any national recovery.

IMPACT OF POTENTIAL BASE CLOSURES ON CALIFORNIA

MCCLELLAN AIR FORCE BASE

Direct personnel reduction: 15,000.

Indirect job loss: 22,000.

Economic impact: $1.5 billion annually.

Source: McClellan Air Force Base Community Data Sacramento City and County Base Realignment Committee.

MARE ISLAND NAVAL SHIPYARD

Direct personnel reduction: 6,500.

Indirect job loss: 37,000.

Economic impact: $550 million annually.

Source: SED Corporation/City of Vallejo report.

OAKLAND NAVAL SUPPLY CENTER

Direct personnel reduction: 3,800.

Indirect job loss: 6,000.
Economic impact: $41.5 million annually.
Source: Alameda County Economic Development Advisory Board.

TREASURE ISLAND NAVAL STATION

Direct personnel reduction: 2,700.
Indirect job loss: 4,300.
Economic impact: $120 million annually.
Source: Public Affairs Office, Treasure Island Naval Station.

ALAMEDA NAVAL AIR STATION

Direct personnel reduction: 19,500.
Indirect job loss: 31,200.
Economic impact: $726 million annually.
Source: Alameda County Economic Development Advisory Board.

OAK KNOLL HOSPITAL

Direct personnel reduction: 664.
Indirect job loss: 1,060.
Economic impact: N/A.
Source: The California Institute for Federal Policy Research.

PRESIDIO OF MONTEREY (DEFENSE LANGUAGE INSTITUTE)

Direct personnel reduction: 5,300.
Indirect job loss: 8,500.
Economic impact: $550 million annually.
Source: California Governor's Office of Planning and Research.

LONG BEACH NAVAL SHIPYARD

Direct personnel reduction: 4,100.
Indirect job loss: 10,000.
Economic impact: $350 million annually.
Source: Long Beach Shipyard Labor Coalition.

EL TORO MARINE AIR STATION

Direct personnel reduction: 8,000.
Indirect job loss: 12,800.
Economic impact: $1 billion annually.
Source: City of Lake Forest & Public Affairs Office, El Toro Marine Air Station.

MARCH AIR FORCE BASE

Direct personnel reduction: 12,000.
Indirect job loss: 19,200.
Economic impact: $1.6 billion.
Source: California Governor's Office of Planning and Research & Public Affairs Office, March Air Force Base.

TOTALS

Direct personnel reduction: 77,500.
Indirect job loss: 152,000.
Job loss: 229,500.
Economic impact: $6.4 billion annually.
Potential Calif. unemployment: over 10%.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

CAMPAIGN FINANCE REFORM

Mr. DORGAN. Mr. President, last week the Rules Committee of the U.S. Senate held a series of hearings on campaign finance reform. It is clear, from those hearings and from the leadership here in the Congress and from statements of President Clinton, that we must and we will move forward with some kind of campaign finance reform package this year.

I want to speak just a moment today about several ideas I presented to the Rules Committee and which I intend to introduce here in the Congress during this week. These proposals will amend current campaign finance laws and will add to the proposals now being offered by various Members of the Senate.

If you go to any group in this country and ask them, in a town meeting or in a hometown cafe, what is wrong with our political system and what is wrong with campaign financing, what they will tell you in most cases is: Campaigns cost too much. The costs of political campaigns have skyrocketed in this country. And most Americans say: Let us do something about these skyrocketing costs. Let us put a lid on them by imposing some sort of campaign spending limit for U.S. House and Senate races.

For my part, I think the political system is not well served in this country by campaigns that last too long, campaigns that are not very interesting, and campaigns that spend too much money on all of the wrong things. I much prefer that we have a system like the British or Canadians, where campaigns last only 30 to 45 days. These campaigns are spirited. The dust flies, and when the bell rings, they all vote. The dust settles, and it is all over.

In this country we have a tortured trail in House, Senate, and Presidential races which last for years, complete with fundraising and ad nauseam television commercials. I want to see all of this change. We can, it seems to me, address the question of money in campaigns and the amount of spending in U.S. House and Senate races.

Last year, when I ran for the Senate, I proposed to my opponent that we run the most unique campaign in this country. I proposed at the start of our race, that neither of us have any television, radio, or newspaper advertising of any kind in our political race. I said, instead, let us do this: Let us pool our money, and we will, for 1 hour a week—on statewide primetime television—debate for the 8 weeks leading up to election day. We will come without reserve notes and without aids. We will show up and have a moderator, and for 8 weeks on primetime, statewide, live television, we will talk about what we stand for, what we want to fight for, and what we believe this country's future should be.

Well, it did not quite work out that way. My opponent was not interested in that. So instead we had a traditional campaign. But the traditional campaigns are not the right way to do things.

So how do we change all this by fundamentally changing the way campaigns are run in this country's political system: by limiting expenditures.

The Supreme Court has said the Constitution will not allow us to limit expenditures, because if you happen to have $100 million in your bank account and you decide you want to run for the U.S. Senate or House, and you want to spend $25 million of it, this is free speech. In the Buckley decision, the Supreme Court held that the government cannot do anything to inhibit free speech, including limiting the expenditure of $25 million by candidate X or Y to support his or her candidacy for the House or Senate. The Court has said we are not able to impose spending limits.

To get around that, various Members of the House and Senate propose legislation attempting to persuade candidates to meet voluntary spending limits. They include certain inducements, or carrots, to persuade candidates to abide by voluntary limits. That might work. It is certainly better than not having some kind of spending limits. Having voluntary limits is better than having no limits.

I propose a slightly different approach. In addition to establishing voluntary spending limits, I suggest that those candidates who decide they want to be big shots and go above the spending limits, pay 80 percent tax on every dollar they spend above the voluntary limit. If for example, we decide a House race should cost no more than $400,000, or a Senate race not more than $1 million, and somebody says: "That is not something I want to abide by; I have $100 million, and I am going to darn well spend as much as I want in my campaign," my proposal would make it awfully expensive for that person to spend that. Because if he or she does not abide by the voluntary limits, we are going to tax every dollar spent above the limit, the proceeds of which would go into the fund for campaign finance reform. This would be a powerful way to induce people to accept campaign spending limits.

Second, it would be an excellent way to raise money for those who decided to abide by the limits, rather than for those who involve themselves in reckless campaign spending far above the limits.

I am hoping that the Senate will consider this approach, as an adjunct to what is already being discussed with respect to voluntary campaign finance limits. This is an approach that makes sense to me. Some say, 80 percent is too high a tax to impose on those who exceed spending limits in campaigns. A tax of 75 and 50 percent have also been suggested. Nonetheless, I think it is something we ought to consider. Anything we can do to persuade people to limit campaign spending in races for the U.S. House and Senate will improve politics in this country.

There are two other points, Mr. President, that I made before the Rules Committee. One I am going to introduce in legislation and the other I am determining if it can be worked into a draft bill. The second part is television advertising. Let us assume we limit campaign spending effectively through a voluntary limit and have a high tax on those that exceed it. You effectively limit campaign spending. We have done something meaningful for the political system, which improves politics in this

country; but one of the things that denigrates our politics, in my judgment, is that we sell politics just like we sell bubble gum. We sell politics like we sell cosmetics with tiny 30-second ads that have to compete with all of the best admakers in the country for cosmetic products and other consumer products that people look at all day and all night on television sets. These are 30-second explosions that go off in all of our minds. For example, they teach kids that you spell relief R-O-L-A-I-D-S. If you ask a high school class, they will tell you. Why do we carry that baggage around? Not because it is important that we know about post nasal drip or heartburn. Rather, we know that the 30-second explosions called television commercials are a powerful influence on this country.

Those who advertise on behalf of politicians understand this. We all understand that we have developed discussion in our political system through 30-second advertisements. It does not make any sense. It is not thoughtful or interesting. It is not useful and it does not contribute to the political debate. I propose, Mr. President—and this, of course, is a proposal which is not embraced by a lot of folks, that we decide—by the rate structure in television, which we can mandate without inhibiting free speech—that we are going to price political television commercials to be enormously expensive for 30-second ads, but inordinately inexpensive for 5-minute ads. Further, I propose that we persuade people to advertise at least 5 minutes in length and that the candidate appear in 75 percent of the ad.

That would require somebody to be halfway thoughtful, would not it? You would avoid staged, glitzy, exciting commercials. You would encourage talking about politics, public policy, government, and the future.

I think we ought to consider how to reform this powerful instrument called television and how it is used in the conduct of political debate.

Should we stifle debate? Heavens, no. We cannot do that anyway. But should we try to find ways to persuade more thoughtful approaches to debate? I think we should and I think there are more thoughtful ways for us to present our views on television than a 30-second ad.

The third area in campaign reform, Mr. President, deals with the respect we give our political system.

It is interesting to me that if anyone in this room, anyone in this town, decides, "I am going to invent a new deodorant and I am going to advertise my deodorant on television tonight"; that if the advertisement willfully lied about the product, the Federal Trade Commission will require the advertisement be withdrawn. You simply cannot lie about soap, deodorant, cosmetic products, or automobiles. You simply cannot willfully distort the truth about consumer goods in a television advertisement.

But, Mr. President, if your political opponent, or the political opponent of anyone else in American politics, decides to willfully lie about your record, about a vote that you cast, you will not get the Federal Trade Commission to force that ad to be withdrawn, you will not persuade the television station to withdraw the ad, and you will not persuade your opponent to withdraw the ad, despite the fact that the opponent might say you voted "yes" when in fact you voted "no" on any given question.

There is no requirement in the political system that we adhere to the same basic standard of honesty that is required in advertising consumer products.

Do we so disrespect the political system that we are not requiring the same standard of honesty in politics as we do with respect to the advertisement of consumer products?

There ought to be, Mr. President, in my judgment, the resurrection or the reconstitution of some sort of a fair campaign practices committee which works to ascertain what are the facts and if a political commercial is truthful. And if it is indeed a willful misrepresentation, it will not continue.

Those are the three points that I made to the Rules Committee of the Senate last week.

First, that we try to impose campaign finance limits. If we limit campaign spending, we will have accomplished something good for American politics. How do we do that? Voluntary spending limits, coupled with a tax on those big shots that want to spend a lot more; a heavy tax that says, if you want to spend a lot more, you are going to pay a heavy price for it. That would work, Mr. President.

Second, I would like to see us try to reconstitute the way political dialog and advertising moves in this country. Thirty-second ads are not healthy for political debate. We should not prohibit them but, what we ought to try is to find ways to induce 5-minute advertisements in which the candidate is on 75 percent of the time. And we can do that by the way we price advertisements on television stations for the purposes of political advertising.

And, third, let us evaluate whether we can impose the same basic standard of honesty in our political system, as we do for all consumer products.

I am not suggesting that we involve ourselves in the question of judgment or in the question of honest policy disputes. There is no discussion about that. But when there is an assertion of fact that is actually a distortion, then it seems to me there needs to be some public protection. Someone, somewhere, somehow there needs to be intervention so that we respect the political system as much as we respect consumers' rights in other areas. In our political system, their needs to be room for this kind of judgment by people who look at the facts with respect to political debate.

Now, having said all that and having presented it to the Rules Committee, Mr. President, I intend to offer a couple of pieces of legislation in the coming weeks and hope to graft some of it, particularly the first portion which I have discussed, to the campaign finance bill or campaign reform program that will likely move through the Senate this year.

We need, it seems to me, to ask the American people to take a new look at our political system and understand that it is not full of easy answers by wise people who easily discern the answers. This is tough business. Public policy is a difficult area and we need the support of the people of this country to move ahead and fix the things that are wrong.

And, yes, there are things dreadfully wrong in our country, but we can only make the tough choices to move America ahead if we have the support of the American people. We can only, in my judgment, have the support of the American people if we reform this insidious thing called campaigns in America—reform its financing and its conduct so that it does become a truly honest debate about public policy and an honest discussion about this country's future.

If we get to that point—and we can and we should very soon—the American people will once again respect the political system, as I hope they should and would.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. SIMPSON. Mr. President, I ask unanimous consent to continue as in morning business. Perhaps that is the order of the Senate.

The PRESIDING OFFICER. The Senator may proceed in morning business for up to 10 minutes.

ABUSE OF OUR ASYLUM LAWS

Mr. SIMPSON. Mr. President, I do want to commend my colleague from New York, Senator D'AMATO, on his remarks last Friday about the problems of our country in facing this abuse of our immigration and asylum policies. We are facing serious problems because of that. He is entirely correct in his description of the wholesale abuse of our asylum laws, which is most obvious at

JFK International Airport in New York.

More than 30,000 persons at that airport have presented themselves without documents, or with fraudulent documents, and claimed asylum in the year 1992.

Yet all of these people—and please hear this—had passports and other travel documents when they checked in at various airports around the world before boarding the plane which brought them to JFK in New York.

Smugglers sometimes gather up fraudulent passports and travel papers. This is done before the persons leave the plane. Some asylum claimants tear up their papers, some have been known to eat them, some have been known to flush them down the toilet on the planes, and some use still other means of getting rid of their documents so that when they land, the immigration officials cannot deny them entry to the United States of America. And some simply present fraudulent documents. That is absurd, and that is going on.

And then we wonder who is in our midst; who is out near the CIA; who is bombing the World Trade Center; who is in the compound in Waco, TX.

Why, come, let us all realize what we do to ourselves. Our asylum processing system has become so overloaded that the asylum hearings are set for more than a year in advance. We do not have enough detention space to hold them until their hearings, so they are released. These people are simply released. They land at JFK with no documents, speaking nothing but the one word, "asylum," and are then given access to our systems. We cannot hold them. We give them a hearing date. And then they come into our society.

They then have access to our systems of support, and they are given the authority to work while waiting for their hearings. That is exactly why they come here. Most of them do not come here for terrorist activities. They come here for the precious right to work. That is what is happening in America.

In many cases, this is all that they seek, all that they ever sought—not really asylum, because asylum means that you are like a refugee, and a refugee is a person fleeing persecution or having a well-founded fear of persecution based on race, religion, national origin, membership in a political or social organization, fearing for yourself. So these people come to seek not asylum, but the ability to work in the United States. Many—if not most—of them never show up for their hearings; they simply disappear into American society. And that is what is happening today in New York, JFK, this country.

I introduced, in the last Congress, legislation which would provide for the expeditious handling—it was called a summary proceeding—of these types of cases at our international airports and seaports. A person presenting himself or herself without documents, or with fraudulent documents, who then claims asylum, would be given an immediate hearing. Under my legislation, they would be given a hearing that instant by specially trained immigration officers at the port of entry. An alien who could not establish a credible claim of asylum would be excluded from admission to the United States. Those with a credible claim of asylum would be given a full asylum hearing at a later date.

Senator D'AMATO, my friend from New York, cosponsored that legislation. The Senate did not act on that legislation in the last Congress, and I will be introducing that legislation again in this Congress. I urge my colleagues to consider it carefully.

Consider the remarks, too, of the junior Senator from New York and realize that support of the legislation might be appropriate.

I, too, have been alarmed that the recent tragic events at the CIA facility in Langley, VA, and the World Trade Center in New York have reportedly—I say reportedly—involved persons here in illegal status. I have fought long and hard in this body for the control of illegal immigration in the midst of an entire extraordinary array of opposition having to do with issues definitely crafted in the use of emotion, fear, guilt, or racism—throw in a little bigotry, too—and we have been through all that.

Do not let anyone detour you from the real issue. It is not about racism, or ethnic groups, or anything of that nature. It is about a singular thing that a country ought to be about, and that first duty of a sovereign nation is to control its borders. You do not go anywhere in the world but that you have a passport and that you are in a sense in the system: Where is this person? Where are you going? You have a visa. When will you return? When you check into your hotel, the passport is presented; perhaps at the theater, perhaps at the restaurant. That is the way it is throughout the world. Not here. And we are beginning to pay the price.

So I have fought long and hard on control of illegal immigration. The alleged activities of the particular illegal aliens that caught our attention in these last days and weeks, is one symbolic and true illustration of harm to this country from uncontrolled illegal immigration. In these particular instances, according to the reports, fraudulent documents were used. The only way we are ever going to solve the problem of illegal immigration, without militarizing our borders, which some worriers have suggested to me—including some other bizarre approaches which are best described as redneck and absurd, including one remarkable fellow who presented me with a remarkable diagram called a cactus curtain, which certainly was a grotesque little sketch—is to find some sort of a more secure verification system. We must have some means of determining who is who in our immigration system, who is legal and who is not.

I have often proposed that we should perhaps consider the use of a more secure Social Security card. This is not some national ID that we suggest. This is not some return to Nazi Germany that we suggest. It is not something that has to do with tattoos, as some suggest. It is simply about control of our borders, which every other nation on Earth does. I envision the revised Social Security card, or document, which would not be carried on the person, would not be used for law enforcement, would not be used in any capacity in the United States, but would be presented only at the time of employment—new-hire employment. It would be presented not just by people who look foreign, but also by bald, emaciated Anglos like your local correspondent.

That is the way it has to work. It has to be for all of us, but only for new-hire employment—all of us, whether we look foreign or not.

I do not see that as inhumane. I do not see it as racist. I do not see it as an assault on ethnicity. I do not see it as an assault on the Statue of Liberty, because the memorable words of Emma Lazarus on the Statue of Liberty do not say, "Send us everybody you've got, legally or illegally." That is not what it says.

So perhaps these things in recent days will sober us to our task, stimulate us to what is out there that we must do, because the current widespread use of fraudulent documentation not only has adverse effects on our immigration system, but the use of fraudulent identification allows people to purchase firearms, to access the health-care system, which is breaking America at the tune of $800 billion a year, and other welfare and support systems, and even allows these people the precious right to vote.

That is where we are. It is wake-up time again. I have introduced legislation in the past to address this problem, and will be introducing legislation again, in this Congress to reduce the use of fraudulent identity in this country. I urge my colleagues to support these efforts and I thank the Chair.

Mr. CRAIG. Mr. President, let me associate myself with the remarks of my colleague from Wyoming as it relates to his expression of concern over illegal immigration, illegal entry into this country. Let me also say how much I have recognized and appreciated his leadership on this very important issue for over a decade while I was in the House. A piece of legislation that became landmark legislation, certainly, with his name on it, passed this Congress and became law in an effort to

control our borders and to identify, as best we could, that kind of movement.

So I certainly appreciate his clarity in this issue today. A nation, as he said, that has lost control of its borders, has lost control of its destiny.

CLINTON BUDGET PACKAGE

Mr. CRAIG. Mr. President, I come to the floor this afternoon, in morning business, to discuss with my colleagues the events of the last several weeks that have frustrated me a great deal, and I think now are beginning to frustrate a good many Americans, a good many Americans of good will.

I say that because repeatedly, since the November election, my citizens of Idaho, and I think the electorate across the Nation, has said to those of us here in Washington, we want you, as our elected representatives, to work in a bipartisan way with this new administration. And your job is to deal with the economy, the Federal deficit, the spending problem, and the greatest plague that is on our economic house, the overspending of our Federal Government.

So I began 1993 in that spirit, mindful of the commonsense perspective that Americans outside the beltway always have about these kinds of Federal financial matters. In doing so, I extended a hand of partnership to the new administration, with the goal in mind of whittling down the Federal deficit and working toward a balanced budget, because if there is any one single message coming from my State of Idaho, it was in my opinion that message.

So in that sense of hope, I looked forward to the President's recent economic message and his budget proposal, not only to this Congress, but certainly to the Nation. He spoke of shared sacrifice, of investment in our future, of smaller Government, reenergizing the private sector, and of talking of real wealth or job creation.

I listened very closely. And in the course of the last several weeks since that time we have looked at different news accounts explaining the President's budget package.

I must tell you that I share now with a good many of my citizens from Idaho and across the country a growing level of disappointment. A news establishment in this country that I think received the budget message sympathetically, caring as we all care, that a clear message get out and that the citizens of our country effectively respond, wanted the message to go forth that this was a budget that really was going to produce the results it was intended to.

Now we notice that, in those news accounts, we are hearing about performance compromises with promise compromises. It has become a budget analyzed in which it is clearly higher taxes, bigger Government, and no real commitment to deficit reduction, or no real commitment of the kind that I think the American people are now ready and willing to withstand.

Our President promised $500 billion in deficit reduction over 5 years, evenly divided between spending cuts and tax increases. And for a conservative like myself, I said you bet, Mr. President, on the spending cuts, and I will take a hard look at the tax increases, but I will look at them. I will take a serious hard look at them because the people of my State want me to do so.

Well, according to preliminary analysis, the plan issued by the President's budget included more than $300 billion in net new taxes, fees and other revenues, compared with less than $100 billion in net spending cuts. That was last week, or should I say that was the week before.

At the end of last week, all of a sudden there has been a new reanalysis of this budget or budget proposal. It was not $3 of tax increases for $1 of tax or spending cuts.

Now CBO has said it had changed significantly, that it was maybe more like four dollars and eighty-five cents' worth of new taxes for one dollars' worth of spending cuts.

Under the President's plan, the Federal deficit by 1998 was going to be even larger than projected.

So this morning in the newspaper we saw an effort as of yesterday by House Democrats to come forth with a whole new package of spending cuts, not to dramatically reduce spending, but to only bring it back down to what the President had proposed in his budget message of a couple of weeks ago.

I guess my question is, can you not get your act together? Is it not possible that we can come up with real figures and real numbers that we here in Congress can agree on? But more importantly, that the American people can begin to see and calculate as real and understandable predictable, determinable, all of those kinds of things? What is going to happen?

Well, the promise of a middle-class tax cut is gone. We know that. Many of us did not expect it would come, really. In fact, we are now down to looking at revenue that would be generated from taxes that would go to incomes as low as $20,000. The shared sacrifice talked about herald a new plan that, frankly, for Idaho and rural Western States, cuts the pockets right off the suit of many of our clothes, whether it is the suit of a white-collar businessman of whether it is the blue jeans of working rancher, cowboy, or laborer in the State of Idaho.

The net impact of the kind of economic program proposed by this President has severe impact—I mean very real severe impact—on my State of Idaho.

As close as we can calculate, and I must say the target keeps moving, the economic plan proposed would now take an estimated $700 million in new taxes out of any State on an annualized basis.

It does not sound like a lot of money until you put it in perspective. We are talking about a State of 1.3 million people. We are talking about a State whose entire government put only $600 million a year in education, kindergarten through college graduation. We are talking about a very small State. Yet, we are talking about a tax that is now nearly the size of the entire State budget on an annualized basis.

That is real impact. I do not care how you cut it. It is going to take jobs out of Idaho, it is going to put farmers and ranchers out of business, it is going to put men and women who are today working, on the street looking for a new job because the business they worked for failed under this kind of burden.

Is that deficit reduction? Well, if it were, maybe, just maybe, Idahoans could swallow extremely hard and take the hit. If the Federal Government was really downsizing, if by 1998 Government was significantly smaller, as projected by us here in the Senate and in our Nation's Capital, maybe Idahoans could take that hit.

But nothing could be farther from the truth. In all that we see today, it is more than likely that Government will be substantially larger by 1998 than it is today, and a fair share of the money to finance that growing larger Government will have come from the State of Idaho.

Under current policy, not new policy, under current policy if Congress adopts no new efforts by this administration, spending will increase by $54 billion next year, and by an accumulated $1.032 trillion over a 5-year period.

Where is that coming from? That is coming from the budget agreement of 1990. What our President is proposing is on top of that agreement. He is talking about additional moneys annually above $54 billion in new revenue that will be generated this coming year.

Those are not my figures. Those are the figures of the Congressional Budget Office. Those are the figures that the President of the United States said he would agree on so that we can all be talking about the same figures, from the same set of figures.

Similarly, revenues already projected under current policies to go up by $72 billion next year and a cumulative $1.043 trillion over 5 years. These increases compare with projected spending in 1993 of $1.4 trillion in total budget with a revenue of $1.1 trillion.

Well, Mr. President, over the last 30 years spending has gone up by more than $1.50 for every $1 of taxes raised. We know that. I think it is a generally accepted fact by all who watch Congress and by those of us who serve this Government.

Since the 1990 budget agreement, spending has gone up more than $1.80 for every dollar of revenue increase. Now, by last week's CBO figures, we are looking at four dollars and eighty-five cents' worth of spending increases for every dollar of revenue. Excuse me, let me reverse that. It is about $4.80 of new taxes for every dollar of spending cuts. It is this kind of calculation that leads me to the statement that, in my 13 years in Congress, both in the other body and here in the Senate, and in all of the years that I have been a student of government, I have never seen an effort to transfer wealth in this country any greater than the one that is currently being proposed by this President. It is, without question, the largest, most sweeping change in the economy of this country and the way we see business done, and it is proposed to be the way out of the very dark tunnel that many of us feel we are currently in.

Mr. President, first of all, I do not believe that kind of transfer of wealth is necessary. I really do believe there are a good many of us who are willing to bite the very tough bullet of spending cuts, as the American people want us to, and get on with the business of reducing the overall size of government as it relates to a percentage of the GDP of this country, and allow the productive sector of our society to accumulate wealth—I am talking about working men and women, as I am talking about the most wealthy.

Last week, a Senator from Colorado, HANK BROWN, proposed a package of spending cuts. I can agree with many of them. We are not without ideas. There are hundreds of ideas on how to control this government, if we only had the will to do it. The President has called on those who would criticize him to come up with a plan. Well, I can tell you, Mr. President, there are a good many plans out there. I am submitting, for the RECORD today, a package of page after page of spending cuts provided by the Citizens Against Government Waste. They are not new ideas. They are hundreds of ideas that would reduce the Federal spending, in a 6-year period, by almost $800 billion. Do I agree with all of them? No. Would the Presiding Officer agree with all of them? Probably, he would not. But I will tell you that most of these ideas were rejected out of hand by the President and his budgeteers when they sat down to put the economic package together that has been presented to the American people. And how they erred was to suggest that we simply crank up the tax machine, generate new taxes, and largely ignore spending cuts.

Well, I have just presented 539 different spending cuts that ought to be looked at in a serious way by this Congress and by this Senate, if we are truly going to bring down our deficit and reduce the overall size of our Government. That remains the critical responsibility of this Congress.

Mr. President, I pledge my support to working with you, if your effort is sincere, in reducing the deficit, not by massive tax increases that would truly destroy, or significantly damage, the economy of my State and begin to destroy the small businesses that are the generator of the employment base of a State like Idaho and many Western States, because currently the economic package that you put together strikes directly at the heart.

Let me give you, in closing, a couple of brief examples. My State is made up of farmers, ranchers, miners, loggers, and men and women who work for them, along with hundreds of small businesses that employ 15 or 20 people. That is the nature of Idaho. It is a rural Western State, acclaimed for its beauty and as a spot that a lot of people like to come and recreate. Every aspect of our economic program, Mr. President, every portion of our tax package, strikes at that very base, for the recreationalist coming to recreate, in higher transportation cost; the farmer or rancher, who will pay higher water costs, higher grazing fees, and higher energy costs. As a farmer or rancher, small business, or an individual instead of a corporation, higher personal income tax.

In my State, we manufacture or refine a lot of raw materials into product to be used to generate wealth in this country. One simple product is phosphate fertilizers. It does not sound like a significant item but, without it, many of our friends would go hungry around the world, because we would have little or no food to export, because it is the very basis of what causes our agriculture to be so productive.

Mr. President, your economic package raises the cost of phosphate fertilizer by $44 per acre, per farmer, in this country. That is hundreds of millions of dollars a year of additional costs in farming alone. That does not include the fuel you put in the tractor, or the tax you will have to pay as an individual small business person, farmer or rancher, finally.

Mr. President, take another close look at your tax package. Take another close look at your spending program, and then get serious about spending cuts, whether it is the 539 I present today, or whether it is the hundreds of others that HANK BROWN from Colorado presents, we really have to get serious about it. The American people and the good will they have extended you will last only so long, because when pencil hits the paper and we all begin to figure, as many of us have been doing for the last 2 weeks, and the figures grow very clear that this is not deficit reduction, but it is a massive new spending increase that will not only increase the overall size of government, but at the end of your first 4 years, Mr. President, it will demand significantly higher taxes simply to hold the deficit near $300 billion. Then I think the American people will once again ask: Mr. President and Members of the Congress, where were you in 1992 when we asked you so very clearly to reduce spending, control the deficit and bring our Government under the control the American people want to see?

I think that is our challenge, Mr. President. Clearly, your economic package has not addressed it. Work with us in the Congress to bring about a package that will do so.

I ask unanimous consent that a table that was included in a Washington Times article regarding Senator BROWN's plan be printed in the RECORD.

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

A comparison of President Clinton's economic plan and a proposal by Senator Hank Brown, Colorado Republican.

DEFICIT–REDUCTION PLANS

[In billions of dollars, compared with Congressional Budget Office uncapped baseline for fiscal 1994–98]

	Clinton plan	Brown plan
Total new taxes	$360	0
Tax cuts	−67	0
Net new taxes	293	0
Defense cuts	112	94
Mandatory spending cuts	78	338
Discretionary spending cuts	71	147
Spending increases	−178	0
Net spending cuts	83	579
New user fees	25	6
Debt-service savings	62	94
Total deficit reduction	463	679

Mr. CRAIG. Mr. President, I ask unanimous consent that the "Waste Dividend" list of spending reduction options be printed in the RECORD.

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

CITIZENS AGAINST GOVERNMENT WASTE—HOW TO GIVE TAXPAYERS A WASTE DIVIDEND

[Savings in millions of dollars]

Issue No.	Recommendation	1-yr	5-yr
	I. CONGRESSIONAL BUDGET OFFICE		
	A. Reducing the deficit: Spending and Revenue Options, February 1992		
(1) DEF 21	Streamline the National Defense Stockpile	$150	$750

CITIZENS AGAINST GOVERNMENT WASTE—HOW TO GIVE TAXPAYERS A WASTE DIVIDEND—Continued

[Savings in millions of dollars]

	Issue No.	Recommendation	1-yr	5-yr
(2)	DEF 23	Delay development and production of new weapons for one year	250	170
(3)	DEF 25	Cancel the National Aerospace plane	100	510
(4)	DEF 30	Deny unemployment compensation to service members who voluntarily leave military service	240	1,200
(5)	DEF 33	Reduce drills for noncombat reserve units	120	660
(6)	DEF 34	Employ private-sector methods to reduce per capita use of hospital services by dependents of active-duty personnel to rates more characteristic of the civilian sector.	365	2,300
(7)	DEF 35	Increase charges for direct military health care services to curb excessive use	210	1,240
(8)	DEF 38	Adopt short, unaccompanied tours for Europe	260	1,970
(9)	DEF 39	Reduce operating tempo and unit training costs	720	4,390
(10)	DEF 41	Continue partial civilian hiring freeze through 1997	300	8,850
(11)	DEF 46	Reduce Export-Import Bank credits	30	620
(12)	DOM 01	Cancel the Earth Observing System	100	890
(13)	DOM 02	Reduce the overhead rate on federally-sponsored university research by capping the administrative portion at 20 percent of modified direct costs and indirect costs at 15 percent.	330	3,400
(14)	DOM 03	Cancel the National Aeronautics and Space Administration (NASA) development program for the Advanced Solid Rocket Motor	250	2,200
(15)	DOM 04	Cancel the Super Conducting Supercollider	200	2,200
(16)	DOM 06	Cancel the Space Station	1,050	9,700
(17)	DOM 07	Eliminate further funding for the Clean Coal Technology program	0	270
(18)	DOM 08	Reduce crude oil acquisitions for the Strategic Petroleum Reserves	70	820
(19)	DOM 09	Eliminate below-cost timber sales from national forests	20	230
(20)	DOM 10	Eliminate Environmental Protection Agency (EPA) wastewater construction grants	90	5,900
(21)	DOM 16	Streamline operation of Agricultural Stabilization and Conservation Service (ASCS) and Soil Conservation Service (SCS) field offices	25	450
(22)	DOM 17	End all Small Business Administration (SBA) direct loans and loan guarantees	450	3,000
(23)	DOM 19	Stop expansion of the Rural Rental Housing (Sec. 515) program and increase developers' interest rates to 5 percent	40	1,520
(24)	DOM 20	Reduce by half new lending for Farmers Home Administration (FmHA) Section 502 Home Loan Program and increase borrower payments to 30 percent of income.	380	2,800
(25)	DOM 22	Eliminate trade promotion activities of International Trade Administration (ITA)	110	860
(26)	DOM 23	Eliminate federal operating assistance funding for mass transit and reduce the federal share of mass transit capital projects to 50 percent	530	5,900
(27)	DOM 24	Eliminate airport grants-in-aid	300	6,550
(28)	DOM 25	Close the Interstate Commerce Commission	20	125
(29)	DOM 27	End funding for the Economic Development Administration	50	930
(30)	DOM 28	Transfer the functions of the Appalachian Regional Commission to the states	10	540
(31)	DOM 30	Transfer Tennessee Valley Authority economic development activities to the states and eliminate commercial research programs	40	600
(32)	DOM 31	Eliminate Consumer and Homemaking Education Program	5	150
(33)	DOM 32	Eliminate education programs that have largely achieved their purposes (e.g., Public Library Construction, Follow Through, Law-Related Education, Law School Clinical Experience).	5	150
(34)	DOM 39	Consolidate social service programs and reduce funding 5 percent	0	1,050
(35)	DOM 41	Reduce National Institutes of Health research funding by 10 percent overall, aiming in particular to cut overhead costs by 50 percent	370	4,000
(36)	DOM 43	Freeze current number of housing assistance commitments	70	3,450
(37)	DOM 44	Replace new public housing construction with vouchers	0	870
(38)	DOM 46	Eliminate from the Department of Housing and Urban Development (HUD) budget earmarked pork-barrel projects that serve only local interests	0	430
(39)	DOM 48	Scale back by 40 percent Low-Income Home Energy Assistance Program (LIHEAP) subsidies	730	4,100
(40)	DOM 49	Close or convert inefficient or underused Veterans Administration (VA) facilities	65	1,100
(41)	DOM 50	Require VA to allocate resources using a prospective payment system, while increasing VA authority to allocate resources	0	2,050
(42)	ENT 02	Require the Department of Energy (DOE) to raise rates for federal hydroelectric power to speed debt repayment by regional Power Marketing Administration (PMAs).	0	970
(43)	ENT 04	Change revenue-sharing formula from a gross- to a net-receipt basis for commercial activities on federal lands	190	1,050
(44)	ENT 06	Lower target prices for subsidized crops by 3 percent annually	440	13,250
(45)	ENT 10	Restrict eligibility for benefits from price support programs and reduce the payment limitation	130	1,300
(46)	ENT 11	Eliminate the price support for wool and mohair	0	760
(47)	ENT 12	Eliminate the Honey Program	20	35
(48)	ENT 14	Eliminate the Export Enhancement subsidy program	310	2,950
(49)	ENT 15	Eliminate the Market Promotion Program that subsidizes foreign advertising for U.S. agribusinesses	100	900
(50)	ENT 17	Reduce costs for the dairy price support program by requiring producer contributions	140	1,150
(51)	ENT 16	End the Federal Crop Insurance Program and replace with standing authority for disaster assistance	270	2,850
(52)	ENT 18	Auction Licenses to use the radio spectrum	1,700	3,500
(53)	ENT 23	Recover, through user fees, the full Army Corps of Engineers' costs of operating and maintaining inland waterway systems	350	1,900
(54)	ENT 24	Eliminate Stafford Loan interest subsidies after students leave school; accrue interest during the after-school grace period; and reduce lenders' subsidies by 1 percentage point.	370	3,000
(55)	ENT 25	Require post-secondary institutions to pay a sliding annual fee related to the percentage of defaults on Stafford loans	140	800
(56)	ENT 28	Limit to 10 percent per annum the growth of administrative costs in the Foster Care program	65	1,300
(57)	ENT 29	Tighten Medicaid's estate recovery processes and rules for long term care	75	1,350
(58)	ENT 30	Combine funding to states for the administrative costs of Aid to Families with Dependent Children (AFDC), Medicaid, and Food Stamps into a single indexed grant.	500	6,150
(59)	ENT 32	Reform Federal Employee Health Benefits Program by adopting a prospective payment system	0	1,700
(60)	ENT 35	Reduce Medicare's direct payments for medical education	160	930
(61)	ENT 38	Freeze Medicare's prospective payment system rates for one year	1,600	11,600
(62)	ENT 39	Continue Medicare's transition to prospective rates for facility costs in hospital outpatient departments	180	3,550
(63)	ENT 40	Charge a fee for Supplementary Medical Insurance (SMI) claims that are not billed electronically	230	980
(64)	ENT 45	Increase Medicare's deductible for physicians' services from $100 to $150 and index for inflation	900	11,850
(65)	ENT 46	Reimpose the 20 percent coinsurance for clinical laboratory services under Medicare Part B that was dropped in 1984	600	5,650
(66)	ENT 51	Bring federal employee retirement benefits in line with private sector practices	890	14,150
(67)	ENT 52	End Trade Adjustment Assistance	220	1,050
(68)	ENT 53	Increase targeting of child nutrition programs to end subsidies to middle-income families	340	4,300
(69)	ENT 65	Raise the loan fee for housing loans guaranteed by the Department of Veterans Affairs	260	1,400
(70)	ENT 66	Extend through 1997 provisions of the 1990 Omnibus Budget Reconciliation Act (OBRA–90) that: (1) authorize the IRS to help verify incomes reported by veterans, (2) authorize the VA to recover costs from third-party insurers, and (3) impose a $2 copayment for pharmaceuticals provided by the VA to veterans with low-rated disabilities.	70	1,490
		Total CBO 1992 savings	18,305	190,760
		B. Reducing the Deficit: Spending and Revenue Options, February 1990		
(71)	NDD 11	Charge fees to cover the direct costs of visitor and recreational services on National Park Service land	150	800
(72)	NDD 11	Increase the diligence requirement from $100 to $1,000 for hardrock mining claims to reflect inflationary price increases since 1872	0	300
(73)	NDD 23	Establish the FAA as a private corporation	2,950	21,550
(74)	NDD 26	Recover 100 percent of Coast Guard services provided to commercial and pleasure boats	710	3,800
(75)	NDD 27	Limit federal highway spending to the amount brought in by motor vehicle fuel taxes	320	8,550
(76)	NDD 30	Eliminate untargeted portion of vocational education funding	50	1,600
(77)	NDD 46	Modify the Davis-Bacon Act by allowing unrestricted use of helpers and raising the contract threshold	190	2,500
(78)	NDD 47	Modify the Service Contract Act by eliminating the successor provision and raising the threshold	130	750
		Total CBO 1990 savings	4,500	39,850
		Total CBO savings	22,805	230,610
		II. BUDGET OF THE U.S. GOVERNMENT, FISCAL YEAR 1993 OFFICE OF MANAGEMENT AND BUDGET		
		A. Mandatory outlay proposals		
(79)	USDA	Reduce Commodity Credit Corporation (CCC) subsidies to those with off-farm income over $100,000	65	665
(80)	USDA	Establish user fees for Agriculture Marketing Service	7	47
(81)	USDA	Eliminate Morrill-Nelson funds	3	15
(82)	COMM	Extend Patent and Trademark Office user fee surcharges	0	214
(83)	ED	Extend current law eliminating statute of limitations on collecting defaulted student loans	266	266
(84)	DOE	Realize pay-as-you-go effect of Alaska Power Administration asset sale	0	42
(85)	HHS	Improve child support enforcement system	134	814
(86)	HHS	Place Medicare hospital update on calendar year basis	630	5,380

CITIZENS AGAINST GOVERNMENT WASTE—HOW TO GIVE TAXPAYERS A WASTE DIVIDEND—Continued

[Savings in millions of dollars]

Issue No.		Recommendation	1-yr	5-yr
(87)	HHS	Limit federal subsidy to 25 percent of Medicare's Supplementary Medical Insurance (SMI) program costs for high income persons ($100K single/$125K couple).	313	3,040
(88)	HHS	Recover Supplementary Security Income (SSI) overpayments by withholding other Social Security payments	34	129
(89)	IRS	Apply to all taxpayers the 45-day processing rule	310	1,819
(90)	VA	Home loans: Consider government losses on resale when deciding whether to purchase foreclosed property or pay lenders the guaranteed claim, and require veterans who are second and subsequent users a 2.5 percent fee and 10 percent downpayment.	660	1,163
(91)	VA	Extend sunset on authority to recover costs from health insurers of veterans for non-service connected conditions	161	1,020
(92)	VA	Provide eligibility for vocational rehabilitation to veterans rated 30 percent disabled or greater, and restore 9:1 service members' benefit/contribution ratio for contributions to the GI bill.	43	267
(93)	USDA	Accelarate repayments for Farm Credit System Financial Assistance Corporation bailout	212	212
(94)	OPM	Civil Service Retirement: Permanently extend elimination of the lump-sum option	0	5,070
(95)	OPM	Apply Medicare Part B payment limits to all Federal Employee Health Benefit Program (FEHBP) enrolless age 65 and older, not just FEHBP/Medicare dual enrollees.	85	380
(96)	TREAS	Authorize interstate banking and branching; allow banks to offer diversified financial services; reduce taxpayer exposure by limiting deposit insurance for individuals to two $100,000 insured accounts per institute; establish risk-based premiums set by the market; and measure costs of deposit insurance as they accrue, rather than when the institutions are closed.	1,800	15,500
(97)	PBGC	Increase company sponsor contributions to the Pension Benefit Guarantee Corporation (PBGC); freeze the guarantee for plans that remain underfunded; amend bankruptcy laws to improve PBGC recoveries; and adept measures to show the budgetary costs of pension guarantees as they accrue.	2,500	13,100
		B. Domestic Discretionary Program Terminations		
(98)	CCE	Tourism Disaster Grants	2	[1]2
(99)	HHS	Mental Health Protection and Advocacy	2	2
(100)	HHS	State Formula Planning Grants for Dependent Care	3	3
(101)	HHS	Mental Health Clinical Training	10	10
(102)	HHS	Demonstration Emergency Medical Services	4	4
(103)	HUD	Flexible Subsidy Fund	54	54
(104)	INT	Rural Abandoned Mine Program	1	1
(105)	INT	Bureau of Indian Affairs Business Development Grants	5	5
(106)	INT	Bureau of Mines Mineral Institutes	4	4
(107)	INT	National Park Service Urban Park Grants	9	9
(108)	INT	Navajo Rehabilitation Trust Fund	4	4
(109)	INT	Bureau of Indian Affairs Direct Loans	3	3
(110)	DOL	Bureau of Labor Statistics Mass Layoff	6	6
(111)	DOL	Mine Safety and Health Administration State Grants	6	6
(112)	DOL	Bureau of Labor Management Relations Cooperative Program	2	2
(113)	DOL	National Veterans Training Institute	2	2
(114)	EPA	Asbestos Abatement Loans and Grants	22	22
(115)	EPA	Miscellaneous Low-Priority Projects	3	3
(116)	EPA	Non-competitively-selected water projects	3	3
(117)	NASA	Comet Rendezvous/Asteroid Flyby	5	5
(118)	SBA	Tree Planting	16	16
(119)	MISC	District of Columbia Special Projects	17	17
(120)	MISC	State Justice Institute	1	1
(121)	MISC	Commission on Bicentennial of the U.S. Constitution	2	2
		C. Major Reductions in Domestic Discretionary Programs		
(122)	USDA	Watershed/River Basin Program	86	[1]86
(123)	CCE	Decennial Census	56	56
(124)	DOE	Fossil Research and Development	49	49
(125)	DOE	Conservation Grants	22	22
(126)	INT	National Park Service/Fish Wildlife Service Construction	155	155
(127)	INT	Bureau of Reclamation Construction	252	252
(128)	DOJ	Juvenile Justice Grants	20	20
(129)	DOJ	Cooperative Agreement Program	5	5
(130)	DOJ	Regional Information Sharing System	19	19
(131)	DOL	Various Job Training Partnership Act Programs	7	7
(132)	TREAS	Customs Service: Operations and Maintenance Air and Marine Program	4	4
(133)	EPA	Non-Point Source Grants	14	14
		Total OMB savings	8,098	50,014
		III. CURRENT WASTE-CUTTING LEGISLATION		
(134)	HR 327	Make ineligible for Pell Grant program institutions with high default rates	446	2,230
(135)	HR 504	Prohibit witness fees to be paid to persons in prison	10	100
(136)	HR 643	Garnish wages of federal employees who are delinquent in paying debts to the federal government	300	300
(137)	HR 1245	Implement a U.S. one dollar coin	73	365
(138)	HR 1704	Negotiate with foreign countries to provide for incarceration in those countries of illegal aliens imprisoned in the U.S. for federal offenses	272	1,360
(139)	HR 2452	Provide additional energy conservation measures at federal agencies	−100	1,900
(140)	HR 2643	Spending Priority Reform Act: Eliminate pork-barrel items in FY 1992 appropriation bills	1069	1,069
(141)	HR 2876	Abolish the Presidential Election Campaign Fund	45	225
(142)	HR 2890	Establish limits on the prices of drugs procured by the Department of Veterans Affairs	60	300
(143)	HR 3137	Amend McCarran-Ferguson Act and Employee Retirement Income Security Act to make Medicaid payer of last resort	1,000	5,000
(144)	HR 3441	Prohibit direct federal financial benefits and unemployment benefits for illegal aliens	5,400	27,000
(145)	HR 4600	Eliminate the tobacco price-support program	133	665
(146)	S 99	Reduce pay for members of Congress and Executive officers	25	125
(147)	S 171	Implement federal employees optional early retirement	620	3,100
(148)	S 2057	Reorganize Department of Defense acquisition	170	4,740
		Total legislative proposals	9,523	48,479
		IV. THE OFFICE OF INSPECTOR GENERAL, DEPARTMENT OF HEALTH AND HUMAN SERVICES, COST-SAVER HANDBOOK—1992		
		A. Health Care Financing Administration		
(149)	HCFA/A–1	Require Medicare coverage of all state and local government employees or make Medicare the secondary payer	1,235	8,098
(150)	HCFA/A–2	Extend the Medicare second-payer provision for end stage renal disease patients covered under an employer group health plan	429	2,648
(151)	HCFA/A–3	Require insurance companies, underwriters, and third-party administrators to periodically submit employer group health plan (EPGH) data to HCFA to improve identification and recovery of secondary payer claims.	900	4,500
(152)	HCFA/A–4	Recover Medicare's share of pension asset reversions from the 83 hospitals that terminated their pension plans between October 1, 1983 and December 31, 1988.	92	92
(153)	HCFA/A–5	Recover Medicare's share of pension asset reversions that materialized when two national hospital chains terminated their pension plans	27.6	27.6
(154)	HCFA/A–7	Discontinue use of a separate carrier to process Medicare claim for Railroad Retirement beneficiaries	9.1	45.5
(155)	HCFA/A–9	Improve implementation of the Medicare secondary payer provisions of Omnibus Budget Reconciliation Acts of 1989 and 1990	2.2	2.2
(156)	HCFA/A–10	Review selected Part B Medicare secondary payer activities at Blue Shield of Florida to recover mistaken payments and prevent future improper payments	18.8	18.8
(157)	HCFA/A–11	Review Aetna Life Insurance Company's compliance with the Working Aged provisions of Medicare's secondary payer program	13.6	13.6
(158)	HCFA/A–12	Prevent Medicare program losses due to unidentified primary insurers	637	637
(159)	HCFA/A–13	Raise the threshold for impartial review of disputed Medicare claims from $100 to $225, to adjust for inflation	4	20
(160)	HCFA/A–14	Require Medicare contractors to coordinate their health insurance data with Medicare files to identify secondary payers	143.7	718.5
(161)	HCFA/B–3	Apply a late enrollment surcharge to the premiums of buy-in-enrollees comparable to the surcharge applied to the premiums of other Part B beneficiaries.	7.5	40
(162)	HCFA/B–4	Halt Medicaid payments for less-than-effective drugs, as required by Title XIX of the Social Security Act	16	16
(163)	HCFA/B–5	Compare reimbursement prices for multiple-source prescription drugs in the United States and Canada to ensure that drugs are properly priced on HCFA's "upper limit" drugs list.	2.2	11
(164)	HCFA/C–1	Reduce Medicare indirect medical education payments to teaching hospitals to the level supported by HCFA's historical data	1,390	6,900
(165)	HCFA/C–2	Terminate Medicare disproportionate share adjustments	800	4,000
(166)	HCFA/C–3	Modify HCFA's payment policy for Medicare bad debts so hospitals have more incentive to collect unpaid deductible and coinsurance amounts	400	2,000

CITIZENS AGAINST GOVERNMENT WASTE—HOW TO GIVE TAXPAYERS A WASTE DIVIDEND—Continued

[Savings in millions of dollars]

	Issue No.	Recommendation	1-yr	5-yr
(167)	HCFA/C–5	Limit Medicare reimbursements for 1-day hospital admissions not requiring an overnight stay	210	1,050
(168)	HCFA/C–6	Review admissions of 1-3-day hospital stays for specific diagnosis-related groups (DRGs) to reduce unnecessary admissions	183	915
(169)	HCFA/C–7	Deny Medicare reimbursement for substandard medical care	110	550
(170)	HCFA/D–1	Develop and apply quality-of-care criteria for bypass surgery providers and adopt private-sector cost-cutting practices	192	960
(171)	HCFA/D–2	Reduce Medicare outpatient services payments in line with payments for the same services performed in an ambulatory service center	90	645
(172)	HCFA/E–1	Expand the Limitation on Medicare reimbursements for physician overhead expenses to cover inpatient hospital services, and incorporate a high volume criterion into the definition of "routinely performed" services.	176.9	884.5
(173)	HCFA/E–2	Change Medicare payment schedules for clinical laboratory tests to reflect what physicians are paying laboratories	426	2,130
(174)	HCFA/E–3	Establish Medicare and Medicaid prepayment edit screens to limit manipulation and abuse of reimbursement billing codes	12.9	12.9
(175)	HCFA/E–4	Incorporate the reimbursement for laboratory services into the charge for physician office visits	1,100	12,000
(176)	HCFA/E–5	Revise reimbursement rates for low-cost ultrasound tests	4	20
(177)	HCFA/E–6	Discourage medical suppliers from "shopping" among carriers to locate the one with the highest reimbursement rates by requiring suppliers to submit bills to a carrier in the patient's locale.	22	110
(178)	HCFA/E–7	Reduce Medicare payments for monitored anesthesia care by strengthening guidelines and adopting private-sector payment standards	28	140
(179)	HCFA/E–8	Reduce payments for unnecessary and poor-quality cataract surgeries and associated tests	51.3	256.5
(180)	HCFA/E–9	Reduce payments for unnecessary and poor-quality upper GI endoscopies and colonoscopies	54.8	274
(181)	HCFA/G–1	Exclude Medicare coverage of conventional eye wear for beneficiaries with an intraocular lens (IOL) implant since conventional eyeglasses are not a generally-covered benefit.	72	360
(182)	HCFA/G–2	Reduce payments for intraocular lenses to $150 to bring Medicare payments in line with international market prices	100	500
(183)	HCFA/I–1	Recover Medicare payments made for beneficiaries eligible for other government health insurance	50	50
		B. Public Health Service		
(184)	PHS/A–1	Eliminate or reduce direct health care services in areas where they duplicate other services or where utilization rates do not establish need for such services.	5.6	28
(185)	PHS/A–2	Evaluate cost-effectiveness of contracting-out inpatient care at low utilization Indian Health Service hospitals	.2	1
(186)	PHS/C–2	Recover grants awarded for the construction of Community Mental Health Centers from grantees not providing essential and below-cost or free services	7	7
		C. Social Security Administration		
(187)	SSA/A–1	Establish a consistent eligibility date for all age-based Title II payments	40	890
(188)	SSA/A–2	Extend the mandatory tip-reporting requirements to include other businesses where tipping is common practice	134	720
(189)	SSA/B–1	Repay loans early on 3 SSA buildings to save on interest payments	48	48
(190)	SSA/B–2	Do not pay states for the cost of medical appointments broken by applicants for disability payments	1.5	7.5
(191)	SSA/B–3	Modify the Title II earnings enforcement operation to include late-posted earnings reports, suspended reinstatements, and earnings adjustments and corrections to ensure that the annual earnings test is accurate.	10	50
(192)	SSA/B–4	Initiate an automated marriage data exchange with the states	5.5	27.5
(193)	SSA/B–5	Acquire commercial zip code software	5	25
(194)	SSA/B–6	Revise current Treasury procedures to require large employers to deposit income and FICA taxes one banking day after the disbursement of wages	10,127	15,501
(195)	SSA/B–7	The SSA should use third-class bulk mailing instead of first-class postage rates	2.5	12.5
(196)	SSA/B–8	Determine the administrative costs for the attorney fee payment process and assess attorneys the applicable user fee in accordance with OMB Circular A–25.	5	25
(197)	SSA/B–9	Expedite current SSA negotiations to expand information-exchange agreements with state governments to prevent overpayments for workers' compensation.	81.9	128.7
(198)	SSA/B–10	Develop the Beneficiary and Earnings Data Exchange System (BENDEX) into a mechanism that can regularly be used during the application process for AFDC, Medicaid, and Food Stamp programs by expanding the electronic hook-up between state agencies and the SSA central office.	18.9	94.5
(199)	SSA/C–1	Grant audit granted to beneficiaries with significant subsequent earnings	9	45
(200)	SSA/C–2	Use SSA's automated systems to identify retroactive alien taxes due and develop procedures to facilitate collection	7.7	7.7
(201)	SSA/C–3	Determine the Social Security Numbers (SSNs) of overpaid former auxiliary beneficiaries for whom SSNs are unknown, and institute recovery if current benefits are being paid or offset these debts in future income tax refunds.	32.1	42.5
(202)	SSA/C–6	Improve recovery of payments made by checks with unauthorized endorsements	10.5	10.5
(203)	SSA/C–7	Improve procedures for recovering incorrect Title II Social Security payments	7.7	7.7
(204)	SSA/D–1	Pursue cross-program adjustment to collect outstanding debts owed by former Supplemental Security income (SSI) recipients who are current Retirement and Survivors Disability Insurance (RSDI) beneficiaries.	43.3	156.5
(205)	SSA/D–2	Require nursing homes to report to SSA admissions of SSI recipients within one day to prevent overpayments	22	110
(206)	SSA/E–1	Issue original SSNs for non-citizens based on an electronic transfer of data collected by the Immigration and Naturalization Service (INS)	8.2	41
		D. Administration for Children and Families		
(207)	ACF/A–1	Modify Federal Medical Assistance percentage used for the AFDC, Foster Care, and Adoption Assistance Programs	1,100	5,700
(208)	ACF/A–2	Improve Connecticut's overpayment processing systems to monitor and control the recovery of AFDC program overpayments	5.3	5.3
(209)	ACF/B–1	Identify absent parents in the federal work force to improve collections for child support	330.6	517
(210)	ACF/B–3	As a condition of receiving federal matching funds for foster care under Title IV–E, require states to assure that foster care agencies refer appropriate cases to IV–D child support agencies.	11	55
(211)	ACF/D–4	Review Foster Care Maintenance Payments made by the Philadelphia County Department of Human Services	6.8	6.8
(212)	ACF/D–5	Department of Human Services in the District of Columbia should make certain procedural improvements, and refund to the Federal Government about $2.8 million and coordinate with the Department of Health and Human Services (HHS) operating division to return $4.8 million in expenses improperly billed to the federal government.	7.3	7.3
(213)	ACF/F–1	Revise current Emergency Assistance regulations to limit benefits for one period of 30 consecutive days or less in 12 consecutive months	22	110
(214)	ACF/F–2	Eliminate ineligible claims for cash and medical assistance under the Refugee Resettlement Program	1.9	1.9
(215)	ACF/F–3	Disallow New Jersey's overstated public assistance administration costs	2	2
(216)	ACF/F–5	Finalize Administration for Children and Families (ACF) corrective action plan to institute necessary policies and duties relating to the administration of grant programs.	2.3	2.3
(217)	ACF/F–6	Amend the Low Income Home Energy Assistance Program (LIHEAP) to eliminate duplication of home energy assistance through other federal and state programs.	14.4	14.4
		E. General Departmental Management		
(218)	GDM/A–1	Revise Circular A–87 to disallow interest charges on unfunded actuarial liabilities of government pension plans	1,300	6,500
(219)	GDM/A–2	Disallow state sales tax charged to federal programs	54	270
(220)	GDM/A–3	States should: refund the federal share of excess reserves in self-insurance funds; avoid future excesses; and account for self-insurance funds in future statewide cost allocation plans.	19.5	19.5
(221)	GDM/B–1	Accelerate federal grantees' deposits of payroll taxes	463.4	877
(222)	GDM/C–1	Recover federal interest when multipurpose senior centers are no longer used for program purposes	23	115
		Total HHS IG savings	23,006.7	82,836.8
		V. UNIMPLEMENTED GRACE COMMISSION RECOMMENDATIONS		
(223)	ADP 01	Create Office of Federal Information Resources Management; develop government-wide information technology policy	NA	NA
(224)	ADP 07	Improve ADP personnel recruitment and management	NA	NA
(225)	ADP 17B	Accelerate IRS acquisition of latest ADP technologies	NA	NA
(226)	ADP 18	Adopt all other ADP recommendations	2,500.1	10,369.1
(227)	Army 02	Reestablish the tour length for first-term enlistees in long tours at 18 months	48.0	160.9
(228)	Army 03	Explore options to make 2-year unaccompanied and 5-year accompanied tours of duty more attractive	68.4	226.4
(229)	Army 04	Reduce permanent change of station (PCS) moves authorized for advanced officer training	19.5	64.5
(230)	Army 05	Consider options for minimum PCS moves in design of regimented manning system	40	132.4
(231)	Army 06	Study options for modifying "up or out" system	117	387.3
(232)	Army 09	Cancel the Learning Resource Center program	10.2	33.7
(233)	Asset 03C	Establish revolving accounts for import duty collections	378.4	457.8
(234)	Asset 03D	Use Federal Tax Deposit system; enhance collection of receipts	517	626
(235)	Asset 05	Expedite disposal of Commodity Credit Corporation (CCC) inventory through humanitarian foreign assistance (PL 480) and food stamps	467	565
(236)	Asset 06	Establish direct deposit/electronic funds transfer incentives	284	344
(237)	Asset 08	Charge agencies for interest expenses	NA	NA
(238)	Asset 17	Establish termination dates for direct loan programs when legislation is implemented	NA	NA
(239)	Asset 22	Eliminate Federal Housing Administration's involvement in new unsubsidized mortgage insurance 203(b), except for current obligations	NA	NA
(240)	Bank 06	Shift Export-Import (Ex-Im) Bank export credit activities to private sector	NA	6
(241)	Bank 07	Review Ex-Im interest rate fluctuations	NA	NA
(242)	Bank 15	Eliminate Railroad Retirement Board (RRB) field offices	7.9	26.2
(243)	Bank 17	Restructure RRB management organization	1	3.3
(244)	Bank 19	Charge user fees for Federal Home Loan Bank Board (FHLBB) borrowings	NA	296.7

CITIZENS AGAINST GOVERNMENT WASTE—HOW TO GIVE TAXPAYERS A WASTE DIVIDEND—Continued

[Savings in millions of dollars]

	Issue No.	Recommendation	1-yr	5-yr
(245)	Bank 20	Reorganize FHLBB district banks	6	20
(246)	Bank 24	Dissolve liquidity facility	1	5
(247)	Bank 27	Reorganize banking regulatory agencies	17.4	57.6
(248)	Bank 28	Streamline federal regulatory examination process	7.3	24.3
(249)	Bank 29	Transfer Federal Reserve System (FRS) regulatory functions to the Office of the Comptroller of the Currency (OCC)	2.2	7.2
(250)	Bank 31	Merge ADP facilities for OCC and Federal Deposit Insurance Corporation (FDIC)	1	3.3
(251)	Bank 38	Tax the farm credit system	195.8	648.1
(252)	CCE 02A	Close 15 unneeded Coast Guard stations	31	102.6
(253)	CCE 02B	Repealing mandate requiring operation of the Cardinal train	2.2	7.3
(254)	CCE 03A	Consolidate the Office of Bureau of Indian Affairs	16	53
(255)	CCE 05A	Close 20 underutilized Black Lung offices	.1	.3
(256)	CCE 05B	Reduce personnel in Veterans Employment Service (DOL)	1	3.3
(257)	CCE 06A	Close 63 unneeded and obsolete weather stations	3.8	12.6
(258)	CCE 08B	Close 27 offices of Food Safety Inspection Service and a training center	2.5	8.2
(259)	CCE 07	Eliminate unrequested Customs inspectors	5.6	16.6
(260)	CCE 11	Repeal mandated personnel levels of EPA	34.5	114.2
(261)	CCE 13B	Bring wages of GPO employees in line with federal government counterparts	19	62.9
(262)	CCE 16	Repeal minimum personnel ceilings in appropriate agencies	NA	NA
(263)	Comm 01	Restructure International Trade Administration (ITA) and reduce staff by 800	10	68.3
(264)	Comm 07	Reduce Patent and Trademark Office hiring goals		9.4
(265)	Comm 10	NOAA: Stop converting raw LANDSAT data; sell "right" to price data	103	298
(266)	Const 02	Revise Council on Environmental Quality (CEQ) regulations for Environmental Impact Statements (EIS)	10	33.1
(267)	Const 05	Eliminate unreasonable mitigation outlays	300	993
(268)	Const 06	Modify treatment of wetlands	7.5	24.9
(269)	Const 08	Eliminate duplicative historic preservation regulations	40	132.4
(270)	Const 09	Repeal section 4(f) of the Department of Transportation Act, which requires consultation with the Secretaries of the Departments of Interior, Housing and Urban Development, and Agriculture before the Federal Highway Administration (FHWA) can approve the use of publicly owned land for highway construction.	7.6	25.2
(271)	Const 10	Revise floodplain requirements	5.6	13.6
(272)	Const 11	Amend Safe Drinking Water Act	.5	1.6
(273)	Const 13	Use innovative methods to mitigate highway noise	260.6	703.3
(274)	Const 14	Change dredged material disposal policies	424	574.2
(275)	Const 15	Amend section 404 of the Clean Water Act to eliminate duplication and delays in the issuance of construction permits for federal and federal-aid projects.	34.4	113.8
(276)	Const 16	Amend Wild and Scenic Rivers Act to negate actions that would significantly impact rivers already designated as part of the National Wild and Scenic Rivers system.	.6	2
(277)	Const 22	Encourage privatization of wastewater treatment facilities	NA	NA
(278)	CPSC 01A	Eliminate overlapping administrator responsibility	.4	2.3
(279)	CPSC 03B	Require the Consumer Product Safety Commission to establish its own data processing capability	.5	.5
(280)	DOE 06	Improve grant funds management and close-outs	NA	NA
(281)	DOE 07B	Exempt Strategic Petroleum Reserve (SPR) oil from Cargo Preference Act requirements	37.5	213.4
(282)	DOE 18	Use defense industrial security program vs. more expensive current procedures	15	49.6
(283)	DOE 20F	Cease regulation of oil pipeline rates	4	13.2
(284)	DOT 04A	Consolidate regions; reduce Urban Mass Transit Administration (UMTA) and National Highway Traffic Safety Administration (NHTSA) staffs	8.1	27
(285)	DOT 04C	Reduce personnel and training staff	.5	1.8
(286)	DOT 08	Consolidate Federal Highway Administration (FHWA) with UMTA	19.2	71.2
(287)	DOT 09B	Develop cost-tracking and requirements management procedures	NA	NA
(288)	DOT 10B	Develop broad-based R&D system safety assessment with user fees	1	16
(289)	DOT 11	Consolidate Land Modal Administration safety functions	2.8	14.9
(290)	DOT 14	Review the uniform tire quality grading system	1	3.3
(291)	DOT 22A	Charge tuition for a significant percentage of U.S. Merchant Marine Academy (USMMA) students	5.7	19.4
(292)	ED 01	Merge the National Direct Student Loan Program (NDSL) and the Federally Insured Student Loan Program (FISL) into the Guaranteed Student Loan Program (GSL).	319	1,185.9
(293)	EPA 03	Consolidate EPA categorical state grants	2	21.6
(294)	EPA 04D	Discontinue National Pollutant Discharge Elimination System (NPDES) grants to unqualified states	4.7	15.6
(295)	EPA 06	Close and merge 8 regional laboratories	21.1	21.5
(296)	EPA 08	Close Ada, Oklahoma research lab; close Gross Isle, Michigan field station	3.9	6.9
(297)	EX 06	Introduce competition in the Section 8(a) program	253.8	838.2
(298)	EX 07	Improve foreign currency purchase program	146	438.1
(299)	EX 08	Eliminate cargo preference	118.3	391.6
(300)	EX 09	Eliminate paying federal employee full salary and reserve duty pay	100	331
(301)	EX 11	Pay military trainees with government travellers checks instead of cash	.2	1.4
(302)	FEMA 02	Increase insurance policy base, eliminate disaster assistance grants for insurables	22.6	276
(303)	FEMA 03	Phase out the U.S. Fire Administration (USFA)	3.1	10.3
(304)	FEMA 04	Improve strategic stockpile management	NA	NA
(305)	FF 01	Establish uniform federal feeding program	NA	NA
(306)	FF 06	Compendium of selected federal feeding issues	3,540	11,369.6
(307)	FMFG 01	Include off-budget entities to reflect the true level of federal obligations and activities	NA	NA
(308)	FMS 01	Establish a separate Office of Federal Management within the Executive Office of the President	NA	NA
(309)	FMS 05	Improve planning and budgeting for capital expenditures and assets	NA	NA
(310)	FRS 01B	Increase federal military retirement age	1,500	4,525
(311)	FRS 03B	Combine military and civil service disability retirement programs	NA	NA
(312)	FRS 04B	Revise military benefit formulas in line with private sector	NA	32.3
(313)	FRS 08B	Improve investment policy of Military Retirement System (MRS)	NA	NA
(314)	FRS 09B	Change MRS from defined benefits to defined contributions	NA	NA
(315)	FSP 01	Improve targeting of means-tested benefits by requiring federal agencies to issue a form, similar to a W-2 form, showing the subsidy payment for each beneficiary, with a copy going to the IRS.	5,000	23,100
(316)	HCFA 07	Change the Health Care Financing Administration (HCFA) from a regulatory administrative agency to a Health Care Financing Commission to reduce regulatory burdens and promote competition.	NA	NA
(317)	HOSP 01	Freeze construction for underused hospitals	43.9	131.7
(318)	HOSP 08	Phase out medical supply depots and reduce DOD supply levels to $100 m	141.2	477.3
(319)	HOSP 10	Improve DOD procedures for recovering cost of medical care from third parties	20.7	68.5
(320)	HOSP 12B	VA: Use fiscal intermediaries	341	1,131.1
(321)	HUD 06	Sell HUD-owned mortgages	33	109.2
(322)	HUD 09	Implement cost-benefit analysis and monitor lump sum accounts	NA	NA
(323)	INS 09	Limit growth of federal mortgage insurance	NA	NA
(324)	INS 10	Phase out Federal Housing Administration (FHA) mutual mortgage fund	2.6	22.7
(325)	INT 01A	Implement asset management program to increase land sales for General Fund	NA	1,046
(326)	INT 2A	Improve management of public rangelands	81.5	184
(327)	INT 05A	Improve concessioneer competition	.4	11.9
(328)	INT 08	Reduce regional administration cost in Fish and Wildlife Service through block grants	NA	9.6
(329)	JUST 04	Increase use of paralegals	1.4	13.4
(330)	JUST 07	Collect excess profits in Federal Prison Industries	9.5	40.8
(331)	JUST 10	Establish a government-wide IG coordinator office	NA	NA
(332)	LABOR 01B	Establish criteria to identify questionable disability claims	31	95
(333)	LABOR 05	Consolidate 6 regional offices into 3	7.5	28.8
(334)	LABOR 06B	Centralize ADP management and procurement	NA	2
(335)	LABOR 11	Restructure procurement and contracting activities	.2	.6
(336)	LAND 03	Establish retention period for federal records	8	54.6
(337)	LISAB 02B	Revise Energy and Emergency Assistance	156.8	290.3
(338)	LISAB 03	Merge Federal weatherization activities	NA	NA
(339)	LISAB 07	Modify Supplemental Income Security program to target benefits according to standard living expense needs, not to available cash income	241	797.7
(340)	NAVY 11A	Make type commanders responsible for aviation maintenance	NA	120
(341)	NAVY 16	Improve career management by more efficient rotation	NA	25
(342)	OSHRC 01	Consolidate Occupational Safety and Health Review Commission (OSHRC) and Federal Mine Safety and Health Review Commission (MSHRC)	.8	3.1
(343)	OSHRC 02	Reduce OSHRC paper flow and case processing time	.2	1.1

CITIZENS AGAINST GOVERNMENT WASTE—HOW TO GIVE TAXPAYERS A WASTE DIVIDEND—Continued

[Savings in millions of dollars]

	Issue No.	Recommendation	1-yr	5-yr
(344)	OSHRC 03	Increase productivity of Administrative Law Judges (ALJ)	.2	1.1
(345)	OSD 01	Procure DOD petroleum products by competitive bid	155	513
(346)	OSD 09	Realign or close all redundant or unneeded military bases	400	2,732
(347)	OSD 10	Centralize traffic management functions	38	84.2
(348)	OSD 11	Procure ocean container transportation separately from inland services	7.5	24.8
(349)	OSD 13	Integrate cargo data interchange system into DOD program	5	5
(350)	OSD 15	Modernize weapons acquisition process	NA	NA
(351)	OSD 16	Consolidate OSD contract administration functions	90	297.9
(352)	OSD 18	Eliminate complex regulatory requirements associated with recovery of independent research and development expenses	100	331
(353)	OSD 25	Integrate military retirement pay with Social Security benefits	40.1	273.9
(354)	OSD 27	Defer the commencement of retirement pay until all accumulated leave has been used	27	125.6
(355)	OSD 28	Restrict use of CHAMPUS by beneficiaries who reside in catchment areas	355.7	1,177.3
(356)	OSD 29	Consolidate management of DOD health care resources under Defense Health Agency	285	943.3
(357)	OSD 31	Discontinue Uniformed Services University of the Health Sciences (USUHS) because it cannot be justified as a cost-effective source of physicians for the military.	34.6	114.6
(358)	OSD 34	Restrict Selective Reenlistment Bonus Program payments	189	625.6
(359)	OSD 35	Aviation career incentive pay initiatives	78.9	261.2
(360)	OSD 36	Establish a public audit committee	NA	NA
(361)	PERS 02B	Limit HMOs; Limit enrollment in emp assn plans; vary premiums by area	NA	NA
(362)	PERS 6B	Expand the General Schedule to more than 15 basic pay levels	NA	NA
(363)	PERS 11B	Modify reductions-in-force (RIF) procedures to facilitate competition among clerical personnel across organizational components and within commuting areas.	NA	NA
(364)	PERS 18B	Obtain private-sector expertise to develop federal workforce planning framework	NA	NA
(365)	PHS 05	Consolidate federal toxicology testing programs	40.5	168.7
(366)	PHS 08A	Close National Institutes of Health (NIH) Rocky Mountain Laboratory	2.9	14.1
(367)	PPAV 02	Establish agency user fees for publications	80	264.8
(368)	PRIVAT 03	Expand National Space Transportation System (NSTS) legislation to allow private sector investment in space shuttles	460	1,522.6
(369)	PRIVAT 05	Facilitate privatization/contracting out of DOD commissaries	923.6	2,447.2
(370)	PROC 02A	Reduce burden of socio-economic programs on procurement process	NA	635.5
(371)	PROC 05	Improve priority setting among weapons acquisition programs	NA	NA
(372)	PROC 12	Improve techniques for taking physical inventory	NA	NA
(373)	PROC 14	Separate policy and service functions of General Services Administration (GSA), and direct all government	NA	NA
(374)	PROC 15	Streamline and contract out Federal Supply Service review	10	74
(375)	PROC 16	Consolidate DOD contract administration	10	185
(376)	PROC 20	Increase centralization	−.1	312
(377)	PROP 10	Moratorium on military housing construction in US urban areas	66	209.4
(378)	PROP 03B	Give agencies incentives to cooperate fully with the surplus property disposal program	NA	NA
(379)	PROP 05A	Revise A–76 guidelines	NA	67.5
(380)	PROP 08E	Adopt local fire safety standards for GSA leasing whenever possible	NA	21
(381)	PROP 09	Revive "prospectus" requirements in advance of GSA property action	20	66.2
(382)	SBA 03B	Discontinue Small Business Administration (SBA) farm loans and transfer farm portfolio to Farmers Home Administration (FmHA)	NA	NA
(383)	SBA 04	Discontinue disaster loans for insurable flood-related losses	9	32.5
(384)	SBA 12A	Combine regional offices; close selected branch offices	.5	3
(385)	SBA 12B	Review efficiency of SBA geographic service area assignments	NA	NA
(386)	SSA 07	Consolidate SSA offices	86.6	286.7
(387)	SSA 10A	Simplify and streamline review procedures		16.9
(388)	SSA 10B	Implement streamlined appeals process	1,101.9	3,647.3
(389)	STATE 05B	Develop refugee loan collection tracking data base	NA	NA
(390)	STATE 09	Eliminate cargo preference requirement for AID-sponsored shipments	35.8	118.5
(391)	STATE 02	Modify criteria of Foreign Service disability and retirement	36.3	114.1
(392)	STATE 06C	Move to AID biennial budgeting	NA	6
(393)	TREAS 03	Decentralize appellate tax court board	88.7	645.6
(394)	TREAS 06	Enhance taxpayer service	NA	NA
(395)	TREAS 08	Reform border management; consolidate inspection functions	.6	13.5
(396)	TREAS 09	Reorganize the Bureau of Alcohol, Tobacco, and Firearms (BATF) to transfer responsibility for criminal enforcement to the Secret Service	16.4	56.5
(397)	TREAS 17	Produce $1 notes at a lower cost through offset printing		3.9
(398)	TREAS 19	Establish a satellite production facility	NA	NA
(399)	TREAS 20	Enhance Bureau of the Mint organizational control by consolidating its Washington, D.C. headquarters operation with the Philadelphia mint	3.6	12.8
(400)	TVA 02	Reduce costs of TVA's financing program	3.3	22.2
(401)	TVA 04	Revise senior management pay plan	NA	NA
(402)	USAF 01	Improve management reporting and control	350	1,158.5
(403)	USAF 03	Consolidate program and budgeting reviews	2.4	7.9
(404)	USAF 06	Eliminate year-end ceilings	29	96
(405)	USAF 07	Alter severance pay plan	5.3	17.5
(406)	USAF 12	Contract travel by Military Airlift Command	6	19.9
(407)	USDA 01	Promote loan graduation for each new FmHA loan booked	141	767.9
(408)	USDA 03	Shift from direct FmHA lending to 75% private loan guarantee	135.3	548
(409)	USDA 05	Eliminate FmHA duplication with SBA	296.2	913
(410)	USDA 09	Update Food Stamp program annually to reflect changes in participant population nutrition requirements	1,039	3,439.1
(411)	USDA 10	Modify economies-of-scale adjustment factors to reflect actual differences in purchasing cost based on family size	252.3	835.1
(412)	USDA 11	Eliminate $10 minimum monthly benefit in the Food Stamp Program	41.8	138.3
(413)	USDA 14	Include benefits received from the School Breakfast, Child Care Food, and the Summer Food Services Programs as unearned income when determining eligibility for the Food Stamp program.	162	536.2
(414)	USDA 16	Reduce poultry slaughter inspection	93	307.8
(415)	USDA 18	Eliminate USDA/FDA/States triplication of dairy plant inspection	1.6	5.3
(416)	USDA 19	Replace prior approval of meat and poultry labels with a system similar to the Food and Drug Administration's method of ensuring proper marking and labeling of foods under the Food, Drug, and Cosmetic Act.	1.2	4
(417)	USDA 22	Eliminate donations to other agencies	404.4	1,204.8
(418)	USDA 24	Phase out Foreign Agricultural Service cooperation funding	6.1	24.5
(419)	USDA 31	Reduce use of US nationals as secretaries overseas	.4	1.4
(420)	USDA 32	Reorganize Foreign Agricultural Affairs Division	NA	NA
(421)	USDA 39	Consolidate Soil Conservation Service (SCS) administration staff	2.4	15.6
(422)	USDA 51	Create National Board of Agriculture to develop national goals and missions for federally-funded agricultural research	76	251.5
(423)	USDA 53	Transfer human nutrition research programs to HHS	15	95
(424)	USDA 54	Eliminate funding for 20 low-priority Cooperative State Research Service programs	10.7	35.4
(425)	USDA 58	Reduce USDA headquarters staff and regulation	340	432.4
(426)	USPS 01	Allow U.S. Postal Service (USPS) to sell obligations to the public market	1	6.8
(427)	USPS 02	Allow purchase of Treasury obligations	51	168.8
(428)	USPS 05	Allow USPS to negotiate check-processing costs	18.1	60.1
(429)	USPS 17	Replace rural post offices with alternative services	39.8	272
(430)	USPS 18	Reduce to 5 the number of delivery days	NA	NA
(431)	USPS 19	Establish central procurement authority	NA	NA
(432)	USPS 20	Improve capital equipment procurement process	20	66.2
(433)	USPS 26	Allow OMB to review the Postal Rate Commission (PRC) budget	NA	NA
(434)	USPS 27	Review rate setting procedures	NA	NA
(435)	USPS 30	Eliminate submission of dual filing by grievants	18.4	61
(436)	USPS 32	Develop human resource forecasting model	NA	NA
(437)	USPS 37	Study employee absence practices	NA	NA
(438)	USPS 38	Study whether USPS would be better treated as a private organization for the purpose of Equal Employment Opportunity Commission (EEOC) hearings	76.6	253.6
(439)	USER 09	Recover publication costs of the Soil Conservation Service	8.3	27.4
(440)	USER 10	Recover full cost for foreign military sales	100	331
(441)	USER 11	Update the fee schedule of the Agricultural Marketing Service	8.9	29.4
(442)	USER 17	Recover the cost of responding to FOIA requests	70	231.7
(443)	USER 21	Establish management information systems and maintain current pricing in Federal Highway Administration	600	1,896
(444)	VA 04	Eliminate property acquisition at foreclosure sales on guaranteed loans	68	225.1
(445)	VA 06	Recover administrative costs of insurance program from premiums/dividends	25.6	84.7

CITIZENS AGAINST GOVERNMENT WASTE—HOW TO GIVE TAXPAYERS A WASTE DIVIDEND—Continued

[Savings in millions of dollars]

	Issue No.	Recommendation	1-yr	5-yr
		Total Grace Commission recommendations	27,578.8	98,528.1
		VI. THE HERITAGE FOUNDATION		
		A. A Prosperity Plan for America: To Strengthen Family Finances, Revive the Economy and Balance the Budget, Fiscal 1993		
(446)	(271)	Phase out Rural Electrification Administration direct loans; phase out all REA loan activity to non-rural areas, raise interest rates on REA guaranteed loans to the Treasury bill rate; and sell REA loans to the private sector.	500	3,000
(447)	(301)	End all new Bureau of Reclamation water projects and investigations of future projects. Shift O&M of existing projects to the private sector. Eliminate federal water subsidies.	1,300	7,440
(448)	(302)	Place a three year moratorium on new Department of Interior and National Forest Service Land acquisitions	340	1,500
(449)	(302)	Eliminate the Conservation Reserve Farm Subsidy Program	1,600	9,200
(450)	(306)	Eliminate National Coastal Zone Management Grants and the Sea Grant College program	55	345
(451)	(306)	Sell the National Helium Reserves to a joint venture comprised of current employees and other private investors	120	700
(452)	(306)	Impose user fees for special weather services	50	250
(453)	(306)	Privatize the National Oceanic and Atmosphere Administration (NOAA) research fleet	100	500
(454)	(306)	Eliminate funding for NOAA programs that are either state or local concerns or that benefit only small, specific groups	164	500
(455)	(352)	Eliminate the Agricultural Credit Insurance Fund (ACIF) farm loans since they duplicate other federal assistance programs	600	3,300
(456)	(352)	Merge the Agricultural Research Service, the Cooperative State Research Service, and the Extension Service, then reduce total funding by 50 percent	700	3,950
(457)	(371)	Reduce Federal Housing Administration (FHA) program losses through improved underwriting, monitoring, and enforcement efforts to increase recoveries from corrupt HUD contractors.	564	4,780
(458)	(371)	Tighten standards on new FmHA single family loans, and speed collections on delinquent loans	100	1,500
(459)	(371)	Phase out over 5 years the Government National Mortgage Association (GNMA); let the private sector assume insurance needs	100	2,000
(460)	(371)	Improve FHA Title I debt collection	350	1,000
(461)	(401)	Terminate all highway "Demonstration Projects"	550	5,200
(462)	(401)	End federal subsidies to AMTRAK	450	2,660
(463)	(402)	Eliminate the Essential Air Service Subsidy Program	25	180
(464)	(403)	Eliminate Operating Differential Subsidies and the Ocean Freight Differential subsidy program	300	1,500
(465)	(452)	Transfer all activities within the Rural Development Insurance Fund to the states. Use a portion of the savings to fund increased federal enterprise zone tax abatement.	530	3,000
(466)	(502)	Eliminate federal funding for the College Work Study Program and redirect 50 percent of the savings to Pell Grant	400	2,200
(467)	(503)	Cut funding by 50 percent for the National Endowment for the Arts and the National Endowment for the Humanities, and require non-federal matching funds.	160	930
(468)	(503)	Discontinue federal funding for the Corporation for Public Broadcasting	300	1,600
(469)	(506)	Phase out ACTION as a tax-supported program over the next five years	40	660
(470)	(553)	Eliminate Public Health Service subsidy programs for health professions education except for those targeted to minority and economically disadvantaged students.	180	970
(471)	(570)	Increase Medicare safeguard funding (net savings)	1,110	5,400
(472)	(604)	Switch to a Random Digit Dialing System in calculating fair market rents for the Section 8 rental assistance program	1,450	7,250
(473)	(604)	Tighten occupancy standards under the Performance Funding System for federal operating subsidies to local public housing authorities	65	325
(474)	(604)	Replace a portion of Section 202 funds for construction for the elderly and handicapped and replace with vouchers	100	800
(475)	(604)	Convert $300 million of Section 221(d)(3) and Section 236 prepayments (under the Low-Income Housing Preservation Act) into portable vouchers for tenants.	320	2,000
(476)	(604)	Eliminate the Utility Adjustment Payment program which duplicates other federal assistance	150	850
(477)	(604)	Require competitive bidding in all Comprehensive Improvement Assistance Programs (CIAP) procurements and tighten standards	300	2,050
(478)	(605)	Require states to reimburse the federal government for all overpayment errors caused by state administrators in the Food Stamp program	1,000	5,600
(479)	(752)	Reduce by 50 percent funding for Legal Services Corporation by eliminating all programs that do not provide direct legal assistance to the poor	170	900
(480)	(800)	Cut by half Congressional staff, eliminate the "franking" privilege, and privatize the Government Printing Office	325	2,000
(481)	(999)	Increase productivity in civilian non-defense agencies while holding the total increase of personnel costs at the inflation rate. Allow greater flexibility for managers.	2,200	11,900
(482)	(999)	Lower by 15 percent the travel budgets of non-postal civilian agencies, then cap future growth at the inflation rate	380	2,000
(483)	(274)	Replace appropriated funds for filing the Strategic Petroleum Reserves with the profits from selling the Naval Petroleum Reserves to the private sector	400	2,000
(484)	(451)	End funding for Community Development Block Grant	100	10,800
(485)	(501)	Eliminate Impact Aid	800	4,300
(486)	(502)	Eliminate Supplemental Education Opportunity Grant program which duplicates benefits provided by the Pell Grant program	550	3,100
(487)	(502)	Discontinue federal funding of the Perkins Loan Program, which can easily sustain itself through its own revolving funds	200	1,000
(488)	(506)	Reduce by 50 percent funding for Social Services Block Grants	1,400	7,000
(489)	(550)	Limit the housing allowance for AFDC families who live in subsidized public housing	500	3,000
(490)	(604)	Eliminate new Section 202 construction	200	1,600
(491)	(604)	Eliminate the funding for Section 8 rental housing vouchers on dwellings not meeting HUD's housing quality standards	100	500
(492)	(605)	Require all able-bodied Food Stamp recipients to engage in a workfare or job search effort for at least 25 hours per week	80	500
(493)	(754)	Shift Justice Assistance Programs to the states	575	3,200
(494)	(999)	Lower by 10 percent per annum the projected growth rate of non-postal civilian agency overhead costs—excluding employee travel	11,600	64,600
		Total "prosperity plan" savings	33,653	201,504
		B. Slashing The Deficit, Fiscal 1990		
(495)	(000)	Require reinsurance on federal loan guarantees	3,000	15,000
(496)	(000)	Merge Departments of Interior and Energy	2,000	10,000
(497)	(000)	Merge HUD and HHS	2,000	10,000
(498)	(050)	Rescind defense pork	6,000	30,000
(599)	(051)	Restructure incentives in defense procurement system	4,000	20,000
(500)	(151)	Eliminate "Food for Peace" funding except for temporary food shipments in emergencies like earthquakes, droughts and famines	1,000	5,000
(501)	(151)	Cut Agency for International Development (A.I.D.) funding by 20 percent, and channel assistance as much as possible through local, private financial institutions.	380*	1,900
(502)	(271)	Sell U.S. Uranium Enrichment facilities to the private sector through a public stock offering, modeled after the federal government's 1987 sale of Conrail	1,180	5,900
(503)	(271)	Require private sector cost sharing for all federal energy research and development expenditures with commercial applications	1,600	8,000
(504)	(302)	End moratoriums on exploration and leasing of the Outer Continental Shelf	800	4,000
(505)	(302)	Allow oil exploration and drilling on selected areas of the Arctic National Wildlife Refuge coastal plane under strict environmental safeguards	1,000	5,000
(506)	(302)	Transfer to western states portions of land now managed by the Bureau of Land Management	200	1,000
(507)	(302)	Privatize grazing allotments on federal lands by issuing 50-year leases to current owners	40	200
(508)	(302)	Sell federal lands lacking environmental significance in urbanized areas through competitive auctions	1,700	8,500
(509)	(302)	Sell federally-owned coal in the Powder River Basin that lies under privately-owned surface land	2,000	10,000
(510)	(304)	Auction EPA pollution permits and allow firms to trade pollution credits to other industries located in the same state or urban area	100	500
(511)	(304)	Use independent, certified, private environmental auditors to monitor industry compliance with federal environmental standards	60	300
(512)	(306)	Close the Bureau of Mines and merge its data-gathering activities with other research agencies within the Department of Interior	[2]140	700
(513)	(351)	Abolish cotton price supports and loan programs	2,540	12,700
(514)	(753)	Begin to privatize administration of "special need" prison facilities for juveniles, women, protective custody prisoners, mental patients, and illegal immigrants, and explore alternative sentencing.	100	500
		Total "slashing the deficit" savings	29,840	149,200
		Total Heritage Foundation savings	63,493	350,740
		VII. FAT CITY: HOW WASHINGTON WASTES YOUR TAXES		
(515)	12	Eliminate U.S. travel Service	[3]18.7	93.6
(516)	15	Eliminate Women's Bureau	2.5	12.5
(517)	20	Eliminate Federal Information Center	[3]11.2	56.2
(518)	27	Eliminate Consumer Information Center	[3]5.6	28.1
(519)	29–30	Privatize House and Senate Gymnasium	.2	1.1
(520)	32	Eliminate Economic Research Service	[3]58.3	291.7
(521)	33	Privatize Alaska Railroad	[3]3.5	17.4
(522)	43	Restrict the use of chauffered limosines	4.8	24
(523)	45	Eliminate government lobbyists used to lobby other government officials	24	120
(524)	53	Eliminate Minority Business Development Agency	[3]48.5	243.6
(525)	55	Private Institute of Museum Services	[3]27.7	138.8

CITIZENS AGAINST GOVERNMENT WASTE—HOW TO GIVE TAXPAYERS A WASTE DIVIDEND—Continued

[Savings in millions of dollars]

	Issue No.	Recommendation	1-yr	5-yr
(526)	59	Restrict and review the use of permanent government consultants	1,000	5,000
(527)	61	Eliminate Japan-U.S. Friendship Commission	[2]1.7	8.5
(528)	65	Cut back unnecessary government advertising	30	150
(529)	68	Eliminate Office of Consumer Affairs	[2]2.1	10.5
(530)	71	Eliminate Advisory Commission on Intergovernmental Relations	[2]1.4	7
(531)	73	Close the International Development Association	[3]88.3	441.7
(532)	85	Eliminate the Foreign Claims Settlement Commission	[2]3.9	4.5
(533)	86	End Educational and Cultural Exchange Grants	[3]197.1	985.6
(534)	87	CloseAmerican Battle Monuments Commission	[3]18.3	91.7
(535)	91	Shut down Franklin Delano Roosevelt Memorial Commission	[2].1	.2
(536)	92	Close Commission of Fine Arts	[2].8	3.9
(537)	97	Close Maritime Administration	[3]518.8	2,594.3
		Total savings identified	2,064.5	10,324.9
		VIII. OTHER PRO-TAXPAYER PROPOSALS:		
(538)	(1)	Grant the President enhanced rescission/Line Item Veto authority	10,000	50,000
(539)	(2)	Enact pro-growth tax policies such as the Economic Growth and Family Freedom Act	8,000	255,000
		Total savings	18,000	305,000
		Total waste tax	[4]166,569	[4]921,532.8

[1] 5-yr domestic discretionary savings are conservatively estimated to be identical to 1-year savings.
[2] These estimates have been updated to reflect more recent budget data.
[3] These estimates have been updated using the budget of the U.S. Government, fiscal year 1993. Total savings over 5 years were estimated by multiplying 1-year savings by 5.
[4] Savings generated by pro-growth tax cuts have not been included in the total waste tax estimate.

Source: "Line Item Veto: Estimating Potential Saving," GAO, January 1992 (AFMD-92-72). CBO estimates that if pro-growth tax policies had been implemented last year, and the rate of economic growth increased by just 1 percent, the Federal deficit could have been reduced by the following amounts: $8,000,000,000 in 1992, $26,000,000,000 in 1993, $48,000,000,000 in 1994, $72,000,000,000 in 1995, $101,000,000,000 in 1996, and $133,000,000,000 in 1997.

Mr. CRAIG. I yield the remainder of my time.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia [Mr. WARNER] is recognized.

Mr. WARNER. I thank the Chair.

(The remarks of Mr. WARNER and Mr. ROBB pertaining to the introduction of S. 535 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROBB. Mr. President, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

INADMISSIBLE ALIENS

Mr. D'AMATO. Mr. President, last week I rose to address a tragedy that the entire world, our Nation, and certainly the people in the State of New York saw so graphically, and that is the bombing at the World Trade Center.

Mr. President, they used to say that all roads led to Rome. Now, for inadmissible aliens all flights leave for JFK.

While the United States of America is the most open and free country on Earth, and it needs to be, we should ensure that, we should not become the safe haven for terrorists, for criminal aliens, for drug dealers, and for those who look to beat the system.

Indeed, Mr. President, our seaways and airports have become open gates to anyone who can board a boat or plane and travel here, and I say anyone. And they have learned to beat the system.

This graph tells the story, Mr. President. In 1989, we had 600 inadmissible aliens come to the JFK port by air; in 1990 about the same. In 1991 we begin to see a change and move up to some 800, that is 800 a month. We then see almost doubling of that to 1,500 between the year 1991 and 1992. That is 1,500 inadmissible aliens.

This year it is estimated that we will do close to 1,800 inadmissible coming in on a monthly basis. Now we look to Lady Liberty and she says. "Give me your tired, your poor, your humbled masses yearning to breathe free." This message is one that we want to continue.

The United States must remain the home to those immigrants yearning to breathe free, but it must not become a home to terrorists who yearn to kill Americans.

The formal process, the requests for admission, visas, and other applications, in fact the entire system of immigration control, Mr. President, has broken down. And we have to fix it. No one can say that there is anything good that has taken place as a result of the tragedy at the World Trade Center, the loss of lives, the deaths of people, the loss to those families.

Let me just share with you some figures. And they are outdated. They are worse today.

There are more than some 50,000 cases pending in New York alone as it relates to the deportable aliens. In 1990-91, we handled approximately 1,000 of those cases. We will handle this year 700 to 800. And so here is this huge number, 50,000-plus.

Let me refer to information from the U.S. Department of Justice, Office of Legislative Affairs last year.

Senator SIMPSON and I will push forward for legislation, comprehensive legislation, that does something to address these problems. And these problems are mind-boggling and staggering and people have a right to be outraged.

We are not saying erect a wall. We are not saying that people who meet the legal criteria should not be permitted in. But we are saying that drug dealers, that criminals, that people who do not meet the legal tests and requirements should not be permitted simply to thwart the law, throw it aside, and come in. We are aiding and abetting as a result of the system that we have today.

According to the Justice Department, last year at New York's John F. Kennedy Airport, for example, during the last 6 months of 1991, out of the 3,100 aliens who were paroled into the community—3,100 were paroled in that 6-month period of time—1,855 never appeared for their appointments. They came in. They yelled, "I want political asylum," and automatically that gave them a pass into this country.

Our detention facilities are woefully inadequate. And if you have 1,800 people or 1,700 to 1,800 coming in a month—and they know it; they know that the chances are about that high of being held. You are not going to be held. You are going to be paroled into the community.

I gave you one statistic, and it varies from month to month, but 1,855 out of 3,100 for the last six months of 1991 never even showed up. Of the others who show up, some of them are even more sophisticated and in some cases pose a greater threat and danger to this community. They come back and say, yes, they want to pursue their claim of being here for political purposes because they would face the risks of death or danger were they to be deported or sent back to their country of origin.

And I will tell you what takes place. Those people who have no documents now, they get the ability to work, they get a green card, they get a Social Security card, they can apply for a driver's license, and off to the races they go.

At that point, a good percentage of those who already started the process never come back again. Again, the more sophisticated know that they

have at least 18 months until their case comes up for some kind of determination and that, indeed, the decision that will be made after their case is heard after the 18 months in some cases will take years beyond that period of time.

The fact is that I want to ensure that those aliens who came with fraudulent documents or no documents at all are returned to their original place, and let them come back with the proper documents. Those persons seeking refuge or new lives or even just a better opportunity will not be turned away. We do not keep out those who want to come here to the land of opportunity. We want to encourage the arrival of fresh ideas, sharp minds, strong hands, and new dreams.

To put it simply, we must require that people go through the proper procedures to enter our country legally. It is not wrong to say "Come," but come legally.

And somehow we are afraid to say, unless you meet reasonable requirements and that if you come with a phony passport or no passport or no proof of your claim, that we are going to turn you back.

And these decisions, as it relates to those people who seek political asylum, in most cases, should be heard not here but in the consulate offices abroad, so that we do not have this huge cost placed on an overtaxed Immigration and Naturalization Service.

That brings me to something else. We have got to get the judges in INS involved more fully. They have to start to work and earn their pay. They should not be prima donnas who are afraid to go to the State prisons.

And let me mention another thing. We have criminal aliens convicted of all kinds of crimes. They serve 5 years, 6 years, 8 years, 10 years for rape, murder, sale of drugs.

We need more INS officers who are given the ability to make some of these determinations.

Imagine an alien who is a rapist, a murderer. He is convicted and spends time in prison. It is not too tough to be able to say, No. 1, that you came in here and violated the laws of this land and you can and should be deported. It does not take a genius.

We have to put more people on to rule on asylum.

If I were to show you what we have in New York State in our prisons in terms of the murderers who come here who are not citizens of this country, it is mind boggling; people for murder, manslaughter, rape, robbery, drugs, burglary, weapons assault, thousands.

I dare say a good percentage of them will be discharged right back into society, instead of being deported.

Now it does not make sense to have Immigration and Naturalization officers running around doing the easy work. Do you know what easy work is?

And here is where again, maybe I will get people a little bit annoyed. But, too bad. I do not care.

Go raid a so-called sweat shop. Raid a place where you have maybe 100, 200 foreign-born people in there working on the sewing machines. Pick them all up. Deport them. Maybe 20, 30, 40 percent of them do not have all their papers in order.

Those are not the people who present a real danger or threat. I am not making any excuses for them for not having filed their papers and documentation.

What kind of a system is it that goes after them and fails to deal with the criminal illegal aliens?

I am not advocating that we turn our backs on sweat shops. I am not saying we should not care and see to it that the people work under good and decent conditions.

But I am saying our priorities are wrong when we do not assign enough people to the task of seeing to it that the killers and murderers and drug dealers and terrorists are not either kept out of this country or when they are caught that after they serve their terms are not sent the heck out of here. And I am saying that I think it is really a crime when we have a whole network who knows how to beat the system and comes in.

Then there are the hospital and other costs. Ask any major urban municipal hospital administrator about the incredible burdens placed upon them in terms of health care, et cetera, Medicaid, Medicare, et cetera, as it relates to those illegal aliens. And there is a chain and a network in some of those hospitals where people who came in and claim all kind of political sanctuary and then they go right to a municipal hospital and have a costly medical procedure that costs tens of thousands of dollars. And when they get done with that procedure, they go right back to the nation that they may have come from. We have hundreds of people coming into New York annually, just for those purposes—to get medical care. While we are attempting to find out how to reduce the burden to our overtaxed consumers we have a situation in this country—and if it exists in New York it exists in every other major area—where you have an underground network that facilitates the flow of people who come in here, who claim they lose their papers, who are paroled out, who then during this process spend a few days, get their card which will enable them to then get medical benefits, get their green card. And the hospital is forced to give them the most expensive medical treatment available. They are now entitled to all of the constitutional protections that any U.S. citizen is entitled to.

That is beating the system. That is wrong. It should not be.

We have to do something to change this outrage, to turn this around, to make it a commonsense policy that has a heart and does not turn itself away from those great precepts upon which this country was founded and which Lady Liberty still extols.

We are really, as a result of current procedures, encouraging people to break the law. We are suggesting to them that it is more expedient to use the kinds of methodologies of entering this country that the undocumented use, those who belong to even organized criminal groups who come in regularly via this methodology.

I think we have to change that and change that now. I intend to work with Senator SIMPSON in putting forth our legislation, which I believe goes a long way toward curing many of these deficiencies.

Mr. President, I yield the floor.

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate on March 5 and March 8, 1993, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

The nominations received on March 5 and March 8, 1993, are shown in today's RECORD at the end of the Senate proceedings.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, 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 withdrawing sundry nominations.

(The withdrawals received today are printed at the end of the Senate proceedings.)

REPORT ON TRADE AGREEMENTS—MESSAGE FROM THE PRESIDENT—PM 9

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with Section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I am pleased to submit herewith the 1993 Trade Policy Agenda and 1992 Annual Report on the Trade Agreements Program.

In recent days, I have emphasized the central role that international trade must play in promoting the economic growth of our country. The attached

agenda outlines the tasks that lie before us in the area of trade.

The breadth of the agenda highlights the scope of the challenge we confront, but also the great potential for creating new jobs for Americans. From manufacturing to services, from entertainment products to agriculture, opportunities for U.S. exports exist around the globe.

In tandem with the Congress, I will work to ensure that all Americans with a competitive product have the opportunity to tap the global marketplace.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 5, 1993.*

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–630. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, a draft of proposed legislation entitled "The Omnibus Nuclear Power Safety and Security Enhancement Act of 1993"; to the Committee on Environment and Public Works.

EC–631. A communication from the Chairman of the Prospective Payment Assessment Commission, transmitting, pursuant to law, an annual report and recommendations; to the Committee on Finance.

EC–632. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the taxation of Social Security and Railroad Retirement Benefits in calendar year 1990; to the Committee on Finance.

EC–633. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, a report on trade between the United States and China, the former Soviet Union, Central and Eastern Europe, the Baltic Nations, and other selected countries for the period from July through September 1992; to the Committee on Finance.

EC–634. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–5 adopted by the Council on February 2, 1993; to the Committee on Governmental Affairs.

EC–635. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Reports and Testimony: January 1993"; to the Committee on Governmental Affairs.

EC–636. A communication from the Assistant Inspector General (Auditing), Department of Veterans Affairs, transmitting, pursuant to law, a report entitled "Review of VA's Implementation of the Anti-Influencing Requirements of Public Law 101–121"; to the Committee on Governmental Affairs.

SPECIAL REPORT

The following report of the committee was submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Special report entitled "History, Jurisdiction, and A Summary of Activities of the Committee on Energy and Natural Resources During the 102d Congress" (Rept. No. 103–8).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Peter Tarnoff, of New York, to be Under Secretary of State for Political Affairs.

Lloyd Bentsen, of Texas, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank; United States Governor of the African Development Fund; and United States Governor of the European Bank for Reconstruction and Development.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. BURNS:

S. 528. A bill to provide for the transfer of certain U.S. Forest Service lands located in Lincoln County, Montana, to Lincoln County in the State of Montana; to the Committee on Energy and Natural Resources.

By Mr. DECONCINI (for himself and Mr. LEAHY):

S. 529. A bill to amend the Food Stamp Act of 1977 to provide that narcotics addicts or alcoholics, and their children, who live under the supervision of a private nonprofit institution, or a publicly operated community mental health center, for the purpose of regular participation in a drug or alcoholic treatment program shall not be considered residents of institutions and shall be considered individual households, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MITCHELL (for himself, Mr. COHEN, Mr. DANFORTH, Mr. HOLLINGS, Mr. BOND, Mr. FAIRCLOTH, Mr. FEINGOLD, Mr. HEFLIN, Mr. HELMS, Mr. KOHL, Mr. LAUTENBERG, Mr. PRYOR, Mr. ROCKEFELLER, Mr. SHELBY, Mr. SIMON, Mr. SPECTER, and Mr. WOFFORD):

S. 530. A bill to amend the Harmonized Tariff Schedule of the United States to clarify that certain footwear assembled in beneficiary countries is excluded from duty-free treatment; to the Committee on Finance.

By Mr. DURENBERGER:

S. 531. A bill to amend the Internal Revenue Code of 1986 to increase the estate and gift tax exemption from $600,000 to $1,000,000; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. BUMPERS):

S. 532. A bill to amend section 1738A of title 28, United States Code, relating to child custody determinations and child support orders, to modify the requirements for court jurisdiction; to the Committee on the Judiciary.

By Mr. GLENN:

S. 533. A bill to amend subtitle C of the Solid Waste Disposal Act to require the preparation of a community information statement for new hazardous waste treatment or disposal facilities, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURENBERGER (for himself, Mr. DASCHLE, Mr. PRESSLER, Mr. BURNS, Mr. DORGAN, Mr. CONRAD, Mr. GRASSLEY, Mr. KEMPTHORNE, and Mr. GORTON):

S. 534. A bill to amend the Federal Crop Insurance Act to modify the provisions governing yield averages, to provide late planting coverage and prevented planting coverage, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WARNER (for himself, Mr. ROBB, Mr. SASSER, Mr. MOYNIHAN, and Mr. GLENN):

S. 535. A bill to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport, and for other purposes; to the Committee on Rules and Administration.

By Mr. SIMON:

S. 536. A bill to extend the effective period of a production incentive certificate; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 537. A bill for the relief of Tania Gil Compton; to the Committee on the Judiciary.

By Mr. PRYOR:

S. 538. A bill to amend title XIX of the Social Security Act to establish federal standards for long-term care insurance policies, and for other purposes; to the Committee on Finance.

By Mr. FORD:

S. 539. A bill to amend the Petroleum Marketing Practices Act to require any change proposed at the time of renewal of a franchise agreement for the sale of motor fuel to be fair and reasonable, to ensure fairness and balance in the application of such Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WELLSTONE (for himself, Mr. KOHL, and Mr. SARBANES):

S.J. Res. 59. A joint resolution to express the sense of Congress that the Federal Energy Regulatory Commission should refrain from further processing of restructuring proceedings pursuant to Order No. 636 until 60 days after the submission to Congress of the study of the General Accounting Office of the economic impact of the order on residential, commercial, and other end-users of natural gas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BYRD:

S.J. Res. 60. A bill to designate the months of May 1993 and May 1994 as "National Trauma Awareness Month"; 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. THURMOND (for himself, Mr. DOLE, Mr. HOLLINGS, Mr. MCCAIN, Mr. COCHRAN, Mr. WARNER, Mr. SPECTER, Mr. LOTT, and Mr. SMITH):

S. Con. Res. 14. A concurrent resolution welcoming the XLVI Congress of the Interallied Confederation of Reserve Officers (CIOR), commending the Department of Defense and the Reserve Officers Association of the United States for hosting the XLVI Congress of the CIOR, and urging other departments and agencies of the Federal Government to cooperate with and assist the XLVI Congress of the CIOR to carry out its activities and programs; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS:

S. 528. A bill to provide for the transfer of certain U.S. Forest Service lands located in Lincoln County, MT, to Lincoln County in the State of Montana; to the Committee on Energy and Natural Resources.

THE LINCOLN COUNTY, MT, PUBLIC LAND TRANSFER ACT OF 1993

Mr. BURNS. Mr. President, I rise today to introduce the Lincoln County, MT, Public Land Transfer Act of 1993. This transfer of land is long overdue.

This bill will provide for the Forest Service to transfer ownership of a small amount of land to Lincoln County in the northwest corner of my State. The lands involved are administered by the Forest Service and are located in or adjacent to the city of Libby and a remote site in the Yaak area. However, special use permits which are currently granted by the Forest Service to the county will soon expire. So these lands have to be transferred in ownership.

This transfer has been on the table for years. It is important because it will enable the county to continue to use this land and acquire small tracks of additional land for its every-day routine.

As a former county commissioner I can understand the problems faced by the people in this area. Over 72 percent of Lincoln County is owned by the Federal Government. And this ownership often hampers local governments' ability to manage for the daily needs of its residents. In addition, the intermingled ownership of the land has caused problems for the Forest Service.

This bill will aid Lincoln County by transferring only 340 acres. The areas include a landfill, airport, a cemetery, and the Libby Junior High School.

Mr. President, this is a small amount of land that means so much to the folks in Lincoln County. I would like to thank the local county commissioners for their help in resolving this matter. I urge the Senate to move quickly in resolving this problem.

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. 528

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 "Lincoln County, Montana, Public Lands Transfer Act of 1993".

SEC. 2. TRANSFER OF PUBLIC LANDS.

The Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") shall transfer in accordance with this Act approximately 340 acres of public lands generally depicted in Section 3 of this Act within 90 days of this Act becoming law.

SEC. 3. LAND TRANSFER TO LINCOLN COUNTY, MONTANA.

(a) TRANSFER.—The Secretary shall transfer, without consideration, all right, title, and interest, both surface and subsurface, the following acres of the United States to Lincoln County, Montana;

(1) Approximately 99.5 acres of public lands described as SW¼ SW¼, N½ SE¼ SW¼, SW¼ SE¼ SW¼, NW¼ SE¼ SW¼ of Section 35, T31N, R31W, PMM, commonly referred to as the old Libby Airport across State Highway 37 from the Libby Ranger Station, and SE¼ SE¼ of Section 34, except that portion lying north and west of the centerline of State Highway 37,

(2) Approximately 11 acres of public lands located in the Section 11, T36N, R27W, PMM, being that portion of Tracts 1 and 2 of Plat Number 500, Lincoln County Records, currently being occupied by the Lincoln County improvements. Said tract is subject to prior conveyance recorded in Microfilm Book 122, Page 903, Lincoln County Records,

(3) Approximately 2 acres of such lands which is a portion of the NE¼ SW¼ of Section 23, T37N, R31W, commonly referred to as the Boyd Cemetery,

(4) Timber and mineral rights at the New Libby Airport located in Sections 7 and 8, Twp, R30W, PMM,

(5) Approximately 30 acres of such lands, T30N, R31W, PMM of Section 9; NE¼ NW¼ NW¼, N½ NE¼ NW¼, comprising a portion of the campus of the Libby Junior High School,

(6) Approximately 27.68 acres which is described as Tract A100-1 on Certificate of Survey #1511,

(7) Approximately 40 acres which are currently leased from the Forest Service contained in T31N, R31W, Section 28, NE¼ NE¼; approximately 20 acres of T31N, R31W, Section 21, S½ SE¼ SE¼; approximately 25 acres of T31N, R31W, Section 27, W½ NW¼ NW¼ and N½ NW¼ SW¼ NW¼; approximately 85 acres of T31N, R31W, Section 28, E½ NE¼ NW¼ and NW¼ NE¼ and N½ NE¼ SE¼ NW¼ and N½ N½ SW¼ NE¼ and N½ NW¼ SE¼ NE¼ and N½ NE¼ SE¼ NE¼.

By Mr. DECONCINI (for himself and Mr. LEAHY):

S. 529. A bill to amend the Food Stamp Act of 1977 to provide that narcotics addicts or alcoholics, and their children, who live under the supervision of a private, nonprofit institution, or a publicly operated community mental health center, for the purpose of regular participation in a drug or alcoholic treatment program shall not be considered residents of institutions and shall be considered individual households, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD STAMP ACT OF 1977 AMENDMENT ACT OF 1993

• Mr. DECONCINI. Mr. President, Senator LEAHY and I are introducing legislation today which would amend the Food Stamp Act of 1977 to allow eligible children who accompany a parent into residential substance abuse treatment to participate in the Food Stamp Program. Under current law, narcotic addicts or alcoholics who are eligible for the Food Stamp Program can use food stamps for their meals while they are in residential treatment, while otherwise eligible family members who may accompany that individual into treatment are prohibited from doing so. Once these family members enter a treatment facility, current law dictates they can no longer receive food stamps for the duration of their stay. Depending upon the treatment facility, these individuals are expected to pay for their meals or they are forced to depend upon the largess of the facility. Such a policy is a deterrent to participation in a treatment approach which has proved successful in keeping families together and in breaking the cycle of addiction from one generation to another.

Because most of these children will have been receiving food stamps before moving to the treatment center, our bill would not significantly increase the spending for the Food Stamp Program. The Congressional Budget Office has estimated that our legislation would cost the Treasury less than $1 million next year, and less than $5 million over 5 years.

The potential cost savings, however, are significant. Mr. President, I do not have to remind anyone in this body of the devastating effect drugs are having on families in America today. The Institute on Medicine, using data from the National Institute on Drug Abuse's Household Survey, has estimated that each year between 350,000 and 625,000 infants are exposed to one or more illegal drugs in utero. Special care for cocaine-exposed babies adds more than $500 million a year nationally to the costs of normal labor, delivery and newborn care. The $500 million covers hospital costs for cocaine-exposed infants only, and does not include the money we spend each year on foster care for these children nor does it include the special care some of these children require in order to be prepared and ready for school.

Given the magnitude of these costs, effective treatment programs for mothers who abuse drugs, including alcohol, could yield significant savings within their first year of operation. Nevertheless, despite recommendations of researchers over the past two decades, women and children have been the lowest priority in terms of delivered drug treatment services. It has been estimated, for example, that 280,000 pregnant women in this country need drug treatment, but only 1 in 10 receives any help—1989 survey by the National Association of State Alcohol and Drug Abuse Directors. And according to the

National Council on Alcoholism, women account for only 20 percent of those in treatment for alcoholism.

Only recently have we witnessed a new national effort to provide treatment resources for this long-neglected vulnerable population. Toward this end, an increasing number of treatment centers are permitting substance-abusing women to bring their children with them into residential treatment. This approach removes one of the major barriers to recovery for low-income mothers, particularly single mothers, who all too often are forced to choose between the treatment they need and the children they love. It's a choice with the cards stacked against families. Mothers who do opt for treatment are often forced to leave their children behind, in some cases placing them in an already overburdened foster care system.

Moreover, studies indicate that mothers whose children reside with them during treatment for substance abuse consistently stay in treatment longer than women separated from their children, thereby increasing their chances of recovery. Amity, Inc., which offers long-term residential treatment in my hometown of Tucson, AZ, is a case in point.

Prior to August 1981, the Amity program had been traditionally male dominated. Changes were initiated that August, and a specialized women's program was put in place. As space permitted, women were allowed to bring their children into treatment with them. Mr. President, the results are impressive. Women whose children resided with them during drug treatment at Amity stayed in treatment longer than women separated from their children—506 days versus 182 days, on average.

We see similar results at Odyssey House in New York City. Seventy percent of the adult population there are parents. Sixty-eight percent are second or third generation substance-abusers. Mothers who are allowed to bring their children into treatment with them stay at Odyssey House twice as long as those without children.

Operation PAR is a comprehensive substance abuse treatment organization in the Tampa Bay area of Florida. It takes a family approach to treating addiction.

Operation PAR has data which support the notion of a high early dropout rate among women in residential treatment facilities which do not address women's issues. In these facilities, 23 percent of the men left treatment within the first 60 days. In contrast, 63 percent of the women left within this same time frame. And the reason most women gave for leaving treatment? They needed to go home to take care of their children.

To repeat: We have in place a food stamp policy which is a blatant deterrent to family participation in residential treatment programs that have been proven effective in treating addiction. Mr. President, we have a precedent for changing such a policy. In 1980, Congress amended the Food Stamp Act to allow eligible women and children residing in shelters for battered women to use food stamps for their meals. I see little difference between this category of individuals and the families of substance abusers in residential treatment centers as far as their need for food stamps is concerned.

Mr. President, I ask my colleagues to support this legislation. This change in our food stamp policy will help preserve families, provide for protection of children and increase the opportunity for successful recovery from addiction. I ask unanimous consent that the text of our legislation be printed at this point in the RECORD.

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

S. 529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CHILDREN OF NARCOTICS ADDICTS OR ALCOHOLICS PARTICIPATING IN DRUG OR ALCOHOLIC TREATMENT PROGRAMS.

(a) IN GENERAL.—The last sentence of section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2012(i)) is amended by inserting after "narcotics addicts or alcoholics" the following: ", together with their children,".

(b) CONFORMING AMENDMENT.—Section 3(g)(5) of such Act (7 U.S.C. 2012(g)(5)) is amended by inserting after "or alcoholics" the following: ", and their children,".●

By Mr. MITCHELL (for himself, Mr. COHEN, Mr. DANFORTH, Mr. HOLLINGS, Mr. BOND, Mr. FAIRCLOTH, Mr. FEINGOLD, Mr. HEFLIN, Mr. HELMS, Mr. KOHL, Mr. LAUTENBERG, Mr. PRYOR, Mr. ROCKEFELLER, Mr. SHELBY, Mr. SIMON, Mr. SPECTER, and Mr. WOFFORD):

S. 530. A bill to amend the Harmonized Tariff Schedule of the United States to clarify that certain footwear assembled in beneficiary countries is excluded from duty-free treatment; to the Committee on Finance.

REMOVING DUTY-FREE TREATMENT FROM FOOTWEAR IMPORTED FROM THE CARIBBEAN

Mr. MITCHELL. Mr. President, I am introducing legislation today that would correct a provision in the Caribbean Basin Economic Recovery Expansion Act of 1990. This bill has 16 cosponsors, including Senator COHEN, Senator DANFORTH, Senator HOLLINGS, Senator BOND, Senator FAIRCLOTH, Senator FEINGOLD, Senator HEFLIN, Senator HELMS, Senator KOHL, Senator LAUTENBERG, Senator PRYOR, Senator ROCKEFELLER, Senator SHELBY, Senator SIMON, Senator SPECTER, and Senator WOFFORD.

Under section 222 of that legislation, footwear and leather products imported from Caribbean nations enjoy duty-free status if these products are made from U.S. materials or components. This 1990 provision has caused—and will continue to cause still more factory closings and unemployment in this country. As a result, this provision will finally destroy what remains of the American footwear industry.

The Caribbean Basin Initiative was originally enacted to provide limited and specific trade benefits to Caribbean nations, but this legislation had exceptions necessary to protect import-sensitive American industries. Footwear and other leather-related products were exempted from duty-free treatment. As the 1983 House report stated:

> [G]rowth of some of these products has been substantial from certain Caribbean countries in the past two years and is likely to increase further in a very short period of time with the incentive of unlimited duty free access to the U.S. market. Second, these industries, which has already been heavily impacted by increased imports, would not survive if faced with duty-free import competition from the Caribbean Basin. The relatively few jobs remaining in these industries should not be sacrificed, as they are located primarily in small towns or countries with very little manufacturing, high unemployment, and little likelihood of alternative employment opportunities in the foreseeable future.

When new Caribbean Basin Initiative legislation was considered in 1990, the Senate went on record to support the continued protection of the American footwear industry from imported Caribbean footwear. The Senator from Oregon offered a floor amendment to reduce by 50 percent the tariffs on certain footwear imported from Caribbean nations. The Senate soundly defeated that amendment by a vote of 63 to 33.

This expressed intent did not survive conference committee action. When the conferees reconciled the bills, they included a provision that permitted duty-free imports of Caribbean products made with materials from the United States. Textile, apparel, and petroleum products were exempted from this provision. But footwear and the other leather-related products were not.

This provision was supposed to increase employment both in Caribbean nations and the United States. By encouraging Caribbean manufacturing facilities to use American-made component parts, this provision would help provide jobs in the American supplier industries. If this were the case, then it failed. This provision allows the manufacturing of component parts to occur in Caribbean nations. American workers who cut leather products and footwear components in supplier industries have lost out to workers in Caribbean nations.

To be sure, this 1990 amendment has provided generous benefits to Caribbean nations. But these benefits have an enormous cost: Fewer American jobs and increased unemployment in an already battered industry.

As a result of this legislative error, imported footwear from the Caribbean has started to flood into the United States market. Caribbean imports increased from 2.5 million pairs in 1990 to 3.1 million pairs in 1991, a 24-percent increase.

But this is only the beginning. In 1992, imported footwear from the Caribbean increased to 6.6 million pairs, a 111-percent increase over 1991. Imports of rubber footwear skyrocketed 357 percent.

Maine companies are now confronted with the agonizing decision to move their plants to the Caribbean. Footwear imported from the Caribbean is now being priced at 20 to 25 percent below the domestic market price. Since Maine footwear companies cannot compete with these prices, they are investigating the opportunities to move their facilities to the Dominican Republic, Honduras, Jamaica, or Costa Rica. The cost advantages of operating in the Caribbean Basin leave these companies few alternatives.

The purpose of this amendment is to correct an error that was made 2 years ago, an error that has cost—and will continue to cost American jobs. I ask unanimous consent that a copy of this legislation be included in the CONGRESSIONAL RECORD.

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

S. 530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF FOOTWEAR AND LEATHER-RELATED PRODUCTS.

(a) IN GENERAL.—U.S. Note 2 to subchapter II of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) in paragraph (b), by inserting "footwear, leather-related products," after "apparel article,";

(2) by striking the flush sentence following subparagraph (ii); and

(3) by adding at the end thereof the following new paragraph:

"(c) As used in this note—

"(i) the term 'beneficiary country' means a country listed in general note 3(c)(v)(A); and

"(ii) the term 'leather-related products' means articles of handbags, luggage, flat goods, work gloves, and leather wearing apparel described in section 213(h)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(h)(1)).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 1992.

Mr. COHEN. Mr. President, I am pleased to introduce this legislation with my good friend and colleague from Maine, Senator MITCHELL, and others. This bill is remedial insofar as it merely seeks to correct what I believe the Senate had already intended when it considered the Caribbean Basin Economic Recovery Expansion Act [CBERA] of 1990. This legislation restores footwear to the list of products exempt from section 222 of the CBERA which provides for duty-free treatment of products assembled in the Caribbean from United States components.

Under the Senate-passed version of the CBERA, section 222 included footwear in the list of exempt products, along with textiles and apparel. Unfortunately, this provision was not included in the final version of the legislation. Amending section 222 to include footwear in its list of exemptions would be consistent with the Senate's rejection of an amendment to the CBERA which would have reduced tariffs for shoes imported from the Caribbean by 50 percent. The Senate made clear by that vote that its desire to extend certain preferential treatment to Caribbean-made imports did not extend to import-sensitive footwear products.

The CBERA was enacted in 1983 to provide incentives for expanding the economies of the Caribbean countries through a system of duty-free preferences. With good reason, however, these preferences did not apply to many import-sensitive commodities, including certain footwear. The rationale in 1983 was that the footwear industry in the United States has been decimated over the past 20 years by import penetration and that to sacrifice what was left of the rubber footwear industry in the name of foreign assistance would be irresponsible. The facts supporting that rationale are all the more true today. In 1989, 74 percent of the rubber footwear sold in the United States was imported. The effect on my State has been tremendous. Since 1980, over 7,000 Maine footwear workers have lost their jobs and over 30 plants have shut their doors.

Restoring footwear to the list of import-sensitive products is critical. I urge my colleagues to support this legislation which restores the status quo of the CBERA with respect to footwear.

By Mr. DURENBERGER:

S. 531. A bill to amend the Internal Revenue Code of 1986 to increase the estate and gift tax exemption from $600,000 to $1 million; to the Committee on Finance.

ESTATE TAX EXEMPTION VALUATION ACT OF 1993

• Mr. DURENBERGER. Mr. President, I rise today to introduce a bill which will raise the estate and gift tax exemption from the current level of $600,000 to a new threshold of $1 million. This change would facilitate the transfer of a family farm or small business from generation to generation.

In 1992, the average age of a farmer was 53. Many of America's farmers are in marginal financial stability and are deeply concerned about their ability to pass on their operation to their sons and daughters. With farmland valued at $1,000 per acre, an average farm can quickly add up a value of $600,000 when buildings, machinery, and livestock are added into the equation.

The American dream of working hard to build a successful farm or small business of your own is a reality for many families in America. There are few pursuits in life that are more desirable than to achieve this dream, and then pass it on to your children.

Currently, however, the tax system threatens this dream. Capping the intergenerational tax-exempt transfer of assets at $600,000 threatens the ability of families to transfer the farm or small business. If a family has to liquidate the property simply to pay the taxes assessed on it, we have destroyed all that the family has worked to achieve. The current figure is simply not a realistic value of today's farms and small businesses.

It is within our power to help the families of this country. We can begin by supporting those who have given their lives to developing and maintaining a successful business or farm, by helping them to transfer their farms and businesses to their sons and daughters who can continue to pursue the American dream.

Together we can help maintain the ideals that the people in Minnesota live every day: the importance of faith, family, hard work, and neighbors helping neighbors. The family-owned and run businesses and farms have so much to offer this country, today, I offer a bill to solidify the incentive to continue these operations, without the fear that one will not be able to pass them down through the family.•

By Mr. DOMENICI (for himself and Mr. BUMPERS):

S. 532. A bill to amend section 1738A of title 28, United States Code, relating to child custody determinations and child support orders, to modify the requirements for court jurisdiction; to the Committee on the Judiciary.

CHILD SUPPORT TAX EQUITY ACT

• Mr. DOMENICI. Mr. President, I rise today to speak about two very important pieces of legislation, one which I will introduce with my good friend from Arkansas, Senator BUMPERS, and the second which was introduced by Senator BUMPERS last week and for which I am pleased to have been an original cosponsor.

It is unquestioned that families are the bedrock upon which our society is based. They provide the strong guidance that children need to withstand the messages from media, advertisers, and the entertainment industry that are directly or implicitly glamorizing alcohol, greed, violence, sexism, and drugs. Families also provide security that will allow children to grow in an environment of unsafe streets and troubled schools. Unfortunately, numerous reports have been released in the past year that articulate the difficulties families are facing just trying to survive from day to day.

It is often the norm in families with two parents for both to work. This cre-

ates difficulties with scheduling conflicts, providing adequate day care, having someone at home when the children are not in school, and simply having time for your children at the end of the day. These are only a sampling of the problems confronted by what many people view as the ideal nuclear family. These problems are only exacerbated in the growing number of single-parent families.

Fifty percent of the marriages in our country end in divorce. As a result, 1 out of every 4 children is raised by a single parent. How does a single parent possibly find the time to work and earn a decent wage, provide some type of day care, attend functions that their children are participating in, and provide the general guidance and support that children need? Unfortunately, many cannot and many single-parent families face bleak futures.

Approximately 30 percent of female-headed households live in poverty. What makes this statistic even worse is the fact that much of the hardship faced by single parents could be prevented by the provision of adequate child support by the absent parent.

Nearly three-quarters of all mothers who have custody of their children and are entitled to child support either lack child support orders or do not receive full payment under such orders. Enforcement of child support is difficult because many cases cross State lines and it is unclear which States' laws have precedent and, whether one State should abide by another State's laws.

Today, we are introducing a bill that should help to eliminate some of this confusion, the Child Support and Custody Jurisdiction Act. For the past two Congresses I have introduced this small, but important bill, that would help clarify provisions of the Parental Kidnapping Prevention Act [PKPA] regarding jurisdiction in child custody modification cases.

This year, based upon recommendations put forth by the Interstate Commission on Child Support Enforcement, I added a provision to my bill that is very similar to the custody provision, but deals with full faith and credit of child support orders.

There is a slight defect in the Parental Kidnapping Prevention Act that permits some jurisdictional competition on child custody modifications. The statute currently reads, that it is possible for a second State to modify another State's child custody decree by determining that the first State no longer has jurisdiction under its State law. This defect contributes to the kind of forum shopping that PKPA was intended to prevent.

Forum shopping encourages a parent unhappy with one court's decision, to move the children to another State hoping to get a more favorable decree. Unfortunately, this creates confusion between the States regarding jurisdiction. More importantly it creates confusion among the children of a family who are seeking some sense of normalcy after a divorce. My bill will eliminate this confusion by clarifying that a State making an original custody decree retains jurisdiction as long as that State remains the residence of the child or of either parent named in the decree.

As I previously stated, enforcement of child support is difficult because it is unclear which State retains jurisdiction in many cases. I understand that much of the confusion is a result of parents moving to another State. It seems to me that we should eliminate any needless suffering and uncertainty for the children because of jurisdictional uncertainties. It is critical for the well-being of our Nation's children that States recognize each other's child support orders until another State no longer has jurisdiction. Therefore, this bill clarifies that States will afford the necessary full faith and credit to each other regarding child support orders.

I realize that clarification to current law does not guarantee that numerous absent parents will begin to assume responsibility and provide for their children. So, I joined Senator BUMPERS in introducing the Child Support Tax Equity Act.

The Child Support Tax Equity Act allows for two very important provisions. First, it allows parents, principally mothers, who are not paid child support owed to them to take a bad debt deduction for the amount of child support that is not paid. This deduction is allowed for taxpayers who do not itemize their deductions and is allowable only if the parent's adjusted gross income does not exceed $50,000 annually. This action clearly focuses attention on lower income parents who are struggling to provide a suitable environment to raise their children. Second, this bill requires parents, principally fathers, to pay tax on the amount of any child support payments they do not make, thereby preventing a windfall for fathers who fail to pay child support.

I am very pleased to cosponsor this legislation because it accomplishes two very important objectives. Primarily, it helps children of families where no child support payments are made and it penalizes the parents who are failing in their obligation to support their children.

Many of you may recall that this bill passed the Senate last year. I look forward to working toward its passage again this year.

Mr. President, these two bills are important measures that will provide safeguards, and financial support; thus, more stable environments for our children. I will be the first to admit that much more needs to be accomplished, but I believe that both of these bills are excellent steps forward.•

By Mr. GLENN:

S. 533. A bill to amend subtitle C of the Solid Waste Disposal Act to require the preparation of a community information statement for new hazardous waste treatment or disposal facilities, and for other purposes; to the Committee on Environment and Public Works.

HAZARDOUS WASTE COMMUNITY INFORMATION STATEMENT ACT

• Mr. GLENN. Mr. President, I rise today to introduce the Hazardous Waste Community Information Statement Act. This bill is an expanded version of S. 2781 which I introduced last year. I am pleased to have Senators ROCKEFELLER and SPECTER as original cosponsors of this legislation.

The Hazardous Waste Community Information Statement Act will expand the very limited public information requirements that currently exist in the Resource Conservation and Recovery Act [RCRA]. Access to information about the economic and environmental impact of hazardous waste facilities is critically needed prior to siting a hazardous waste disposal facility.

Mr. President, the bill establishes a process to allow citizens to review important information process for siting a hazardous waste facility. The public information statement would be prepared by an independent contractor selected jointly by the community and the permit applicant. The cost of the study would be borne by the permit applicant. The bill requires that the statement be made available to the public no later than 1 year after the selection of the independent contractor.

The community impact statement must include findings on the economic and social impact of the facility, the effect on employment and recreation, the effect on emergency services and transportation, and the types of wastes that will be entering the facility. In addition, the statement would describe the demographic qualities of the proposed host community and the permit applicant's compliance record.

The purpose of the legislation is to provide information and to examine potential impacts—it is not intended to either hinder or promote construction of facilities. The availability of sound and objective information is crucial for citizens in a community being considered for a hazardous waste facility. It is clearly in the public interest to undertake a full examination of the effects of a hazardous waste facility prior to issuance of a permit for that facility.

Mr. President, hazardous waste disposal is one of the most significant problems facing State and local governments. I believe that we must aggressively pursue waste reduction at the source and recycling as the most environmentally sound ways to handle hazardous waste. Not only does waste reduction provide health and environmental benefits, but it can also provide

cost savings nationally by decreasing the amount spent on waste management.

The hazardous waste community information statement will provide citizens with a mechanism for learning about facilities proposed for their neighborhood. This knowledge is a basic right. I urge my colleagues to join in supporting this legislation. Congressmen CLINGER, SYNAR, and HOBSON have introduced this bill in the House of Representatives, and we will work together for its enactment.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD at this point.

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

S. 533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMUNITY INFORMATION STATEMENT.

(a) IN GENERAL.—Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is amended by adding at the end the following new section:

"SEC. 3024. COMMUNITY INFORMATION STATEMENT.

"(a) REGULATIONS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator shall promulgate regulations to require the preparation of a community information statement as part of the permitting processes under this subtitle for any new offsite hazardous waste treatment or disposal facility.

"(2) PUBLIC REVIEW.—Each statement shall be made available for public review. The final statement for any facility shall be available for public review before the earlier of—

"(A) 60 days before a public hearing is conducted by the permitting authority regarding the proposed issuance of the permit; or

"(B) the date that is 1 year after the date on which an independent contractor is selected under subsection (b).

"(3) USE OF STATEMENT.—The permitting authority shall take the community information statement into account in making any final decision regarding the issuance of a permit and in establishing any conditions to be imposed in the permit. The statement shall be a part of the record on which the permitting decision is based.

"(b) SELECTION OF INDEPENDENT CONTRACTOR TO PREPARE STATEMENT.—

"(1) JOINT SELECTION.—The community information statement required under this section shall be prepared by an independent contractor selected jointly, after consultation with concerned citizens, by the applicant for the permit and the chief elected official of the affected host community.

"(2) NONAGREEMENT OF CONTRACTOR.—If the applicant and chief elected official do not agree on the selection of an independent contractor within 30 days after the date on which the application for a permit under this section is filed, the permitting authority shall select the independent contractor to prepare the statement required under this section.

"(c) COSTS.—The permitting authority shall impose and collect a fee on the submission of each application for a permit for which a statement under this section is required. The fee shall cover the reasonable costs of preparing the community information statement.

"(d) REQUIREMENTS.—A community information statement meets the requirements of this section if the statement identifies and describes each of the following:

"(1) The effects of the facility on the host community, including the effects on the local economy and employment, housing, public safety, emergency preparedness, transportation systems, and recreational amenities and tourism in the area.

"(2) The types of wastes expected to enter the facility, the types of releases expected from the facility, and any human health impacts associated with the wastes and the releases.

"(3) The options or alternatives for mitigating any impacts on the affected community.

"(4) The demographic characteristics of the affected host community according to race, ethnic background, and income.

"(5) The presence in the affected host community of any—

"(A) existing solid waste treatment, storage, or disposal facility; or

"(B) site in which a release of hazardous substances (within the meaning of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) has occurred and the extent to which the site has been remediated.

"(6) Permit the record of the compliance of the applicant with State and Federal environmental regulations and laws, and the record of the compliance by any firm engaged to operate the facility or any firm that controls or is affiliated with the applicant, including any serious violations of the regulations.

"(e) JUDICIAL REVIEW OF STATEMENT.—A community information statement prepared in connection with any facility shall not be subject to judicial review in any proceeding other than a proceeding brought to challenge the issuance of a permit for a facility. In any permitting proceeding respecting a facility, the permitting authority shall take the statement into account. In any proceeding, the statement shall be treated as satisfying the requirements of this section unless the statement contains a material misstatement or omission that affected the decision of the permitting authority.

"(f) DEFINITIONS.—As used in this section—

"(1) AFFECTED HOST COMMUNITY.—The term 'affected host community' means the county, municipality, town, or township, or other general purpose unit of local government that has primary jurisdiction over the use of the land on which a facility is located or proposed to be located.

"(2) INDEPENDENT CONTRACTOR.—The term 'independent contractor' means a person who has no financial or other potential conflict of interest in the outcome of a proceeding to determine whether or not a permit should be issued for a new offsite facility for the treatment, storage, or disposal of hazardous waste.

"(3) NEW OFFSITE HAZARDOUS WASTE TREATMENT OR DISPOSAL FACILITY.—The term 'new offsite hazardous waste treatment or disposal facility' means a hazardous waste treatment or disposal facility that—

"(A) accepts for treatment or disposal hazardous waste that is not generated at the site of the treatment or disposal; and

"(B) for which a permit is issued by a State agency under this subtitle after the date of promulgation of regulations under this section.

The term shall not include any facility existing on the date of promulgation of regulations under this section, but shall include an expansion of such an existing facility if a new permit is required after such date for the expansion and if the expansion, together with all other expansions constructed after such date (or after the preparation of the last statement under this section with respect to the facility, whichever is later) increases the capacity of the facility by more than 50 percent.".

(b) TABLE OF CONTENTS.—The table of contents of such Act (42 U.S.C. prec. 6901) is amended by adding at the end of the item relating to subtitle C the following new item:

"Sec. 3024. Community information statement.".●

By Mr. DURENBERGER (for himself, Mr. DASCHLE, Mr. PRESSLER, Mr. BURNS, Mr. DORGAN, Mr. GRASSLEY, Mr. KEMPTHORNE, and Mr. GORTON):

S. 534. A bill to amend the Federal Crop Insurance Act to modify the provisions governing yield averages, to provide late planting coverage and prevented planting coverage, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL CROP INSURANCE FAIRNESS ACT

● Mr. DURENBERGER. Mr. President, I rise today to introduce the Federal Crop Insurance Fairness Act. This bill will go a long way in making necessary improvements to the Federal Crop Insurance Program.

The FCIC Fairness Act will make the program more fair for farmers, by giving them adequate coverage for their actual crop yields. It will also help taxpayers by increasing participation in Federal crop insurance and reducing the reliance that American agriculture has on ad hoc disaster assistance.

The best thing about this bill is that it was created by the real crop insurance experts—the farmers themselves. In the spring of 1991, Minnesota farmers suffered under heavy rains which either damaged their eventual yield or prevented them from planting altogether. A year ago, Minnesota corngrowers traveled to Washington and told me how Federal crop insurance failed to deliver when they finally needed to collect.

These farmers realized—too late—that the Federal Crop Insurance Program was unable to offer them adequate coverage. The reason for this is that farmers who are new to FCIC programs often have to supplement their actual production history with as many as 9 transitional yields, or regional averages, to fulfill the 10 year FCIC production requirement. For many farmers, their yield coverage is lowered by these regional averages. It was clear to these Minnesota farmers last fall, and it is clear to them now, that we need a new formula for determining yield coverage.

I have worked with these farmers to come up with a fair yield average formula. That's what this bill is all about.

The FCIC Fairness Act reforms the yield coverage provisions in order to more clearly reflect a farmer's actual production. This is done by limiting the use of transitional yield data to no more than 4 years.

Farmers currently have to provide 10 years of production history to be insured by FCIC. Since most farmers do not have 10 years of actual yield data when they enter the crop insurance program, they are forced to supplement their actual yield data with as many as 9 years of transitional yield data. Transitional yields work against the farmer by lowering his coverage, and work against FCIC by discouraging farmer participation in the program. The current system also works against the American taxpayers by forcing costly ad hoc disaster assistance during times of regional drought or heavy rains.

Inadequate coverage is the most glaring problem with FCIC. Indeed, it is the reason why this program has never lived up to its expectations. It has never given farmers a fair and viable alternative to ad hoc disaster payments.

This bill gives farmers the confidence that relying on Federal crop insurance will be better for them than taking a risk with disaster assistance.

The FCIC Fairness Act requires farmers to provide no more than 4 years of transitional yield data if they cannot provide 4 or more years of actual production history. A farmer will build upon his production history until he has 4 years of actual production data. Once a farmer reaches 4 years of actual production data, he will just continue to build on that until he has 10 years of actual data. This will ensure that farmers get adequate coverage.

Furthermore, it provides for a minimum yield coverage floor which will protect farmers from having a string of disasters lower their coverage to an artificially low level. This way, if a farmer has 1 year of good actual production and 3 years of zero production, he can still purchase adequate coverage.

The FCIC Fairness Act also improves late planting coverage by extending the late planting period 5 to 25 days after the final planting date. It changes the reduction in coverage from 10 percent every 5 days to 1 percent per day for the first 10 days to 2 percent per day for the remaining 15 days.

And, this bill increases prevented planting coverage by 15 percent, guaranteeing farmers fully 50 percent of the coverage for their crop if natural disasters prohibit them from planting.

Under the FCIC Fairness Act, both late planting coverage and prevented planting coverage will be included as part of the basic FCIC policy. This will protect farmers who in the past have been unaware that they needed to request these options from their agent—and have lost their coverage as a result.

Mr. President, the Federal Crop Insurance Fairness Act is a good bill. It is a bill by farmers for farmers. These changes will make the program more farmer-friendly and, through increased participation, will finally put the Federal Crop Insurance Corporation on sound footing.

By creating a fair system of crop insurance, we will bring more farmers into the program. With more participation, the cost to the Government will go down.

Right now, the taxpayers are getting hit with expensive farm disaster bills almost every year. Surely there's a more reasonable way to go about providing crop insurance?

The administration would like to offer coverage based only on countywide yields. I think that would be the wrong way to go. Basing coverage solely on countywide yields would give farmers more coverage than they have now—and that would translate into fewer policies than we have now.

The administration's proposal might appear as a savings in the budget, but that's an illusion—because, as we all know, the disaster payments are off-budget. If the Federal Crop Insurance Corporation is not reformed to offer better coverage—and fairer coverage—to farmers, then the Government will be right back in the business of off-budget disaster payments.

That is not savings, Mr. President. That's blue smoke and mirrors. And the time for blue smoke and mirrors has long passed.

I am proud to say that this bill is supported by the National Association of Wheat Growers, American Soybean Association, National Corn Growers Association, National Barley Growers Association, American Oat Association, Minnesota Corn Growers Association, Minnesota Soybean Association, Minnesota Association of Wheat Growers, and Minnesota Barley Growers Association.

I urge my colleagues to join me and these concerned groups of Americans in support of this legislation.●

By Mr. WARNER (for himself, Mr. ROBB, Mr. SASSER, Mr. MOYNIHAN, and Mr. GLENN):

S. 535. A bill to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport, and for other purposes; to the Committee on Rules and Administration.

NATIONAL AIR AND SPACE MUSEUM EXTENSION ACT OF 1993

Mr. WARNER. Mr. President, I rise to introduce a bill providing for the construction of an air and space annex at Dulles, VA. I am joined in this effort by my distinguished friend and colleague, the junior Senator from Virginia [Mr. ROBB]. The bill is introduced on behalf of myself, by Senator ROBB, Senator SASSER, Senator MOYNIHAN, and Senator GLENN.

This legislation would authorize the Board of Regents of the Smithsonian Institution, on which I am privileged to serve with my two colleagues, Senator SASSER and Senator MOYNIHAN. This bill would authorize that Board of Regents to commence the planning and design of an extension of the National Air and Space Museum at the Washington Dulles International Airport.

I believe we are all aware that legislation to expand the National Air and Space Museum at Washington Dulles International Airport has four times been favorably reported out of the Senate Committee on Rules and Administration and passed by the U.S. Senate. The Board of Regents of the Smithsonian has voted at least six times in favor of siting the extension at Dulles.

I hope once and for all that issue of siting has now been resolved. I think there has been a friendly debate in this Chamber and not so friendly perhaps in the House of Representatives, but here we have been able to reconcile our differences through the years, and this body was solidly on record of the advisability of putting that facility at Dulles.

This legislation is the result of many years of hard work by former Senator Jake Garn, who served on the Smithsonian Board of Regents, the Board of Regents and its staff, and the Commonwealth of Virginia. Senator Goldwater and many Senators who have departed this body have worked on this legislation through the years. The legislation represents an objective decision to do what is best for the future of the Smithsonian Institution and most importantly, the American public.

In September 1983, the Smithsonian Board of Regents first approved the National Air and Space Museum Plan to expand at Washington Dulles International Airport. Since then, the Board has expressed support for the extension at Dulles over and over again. Through four Governors—John Dalton, Charles Robb, Gerald Baliles, and now Douglas Wilder—the Commonwealth has also continued to support the concept of the extension and its location in Virginia.

This legislation would serve to further the objectives of the National Museum Amendments Act of 1965 which directs the National Air and Space Museum to "collect, preserve, and display aeronautical and space flight equipment of historical interest and significance."

I believe that it is accurate to state that the National Air and Space Museum now holds the most impressive and significant collection of spacecraft and aircraft to be found anywhere in the whole world. However, due to the limited exhibition space in the Mall Building coupled with the size and weight of many of the artifacts, only 25

percent of the museum's collection is on display. Therefore, such significant air and spacecraft as the Boeing 367-80, the Saturn V launch vehicle, the Boeing Flying Fortress, the B-29 *Enola Gay*, and the space orbiter *Enterprise* cannot be displayed and enjoyed by the nearly 10 million visitors the museum receives each year. In addition, the museum's space limitations inhibit the interpretation of aerospace technology's significant contribution to all societies and the possibilities which it holds for the future.

The limited storage space and poor conditions at the Smithsonian Garber Facility in Suitland, MD, endangers artifacts currently in the Air and Space Museum collections and curtails its ability to accept other artifacts.

Irreplaceable aircraft—a priceless part of our national heritage—are deteriorating because Congress cannot make a decision on the sighting of this museum extension. This can no longer be tolerated.

The continued, strong support from the Board of Regents, the Commonwealth of Virginia, and the Senate for this project is a testimony to the importance of the extension. I would like to reiterate that this support has been for the extension of the museum at Dulles. Therefore, I must mention the substantial financial commitment which the Commonwealth has made to this project.

Virginia's commitment includes:

$3 million interest-free loan for planning and design work;

State bonding authority to finance up to $100 million in debt for the initial construction phase of the extension;

A commitment to provide the required site improvements at a total cost of $26 million;

$6 million in direct funds toward the construction costs, and another $6 million raised through private and local contributions;

A pledge to work with local governments, the Washington Metropolitan Area Transit Authority and others to develop rail passenger service between the West Falls Church Metro Station and the museum site by the year 2000;

A willingness to initiate metro-like bus service between the extension and the Smithsonian's facilities on the Mall; and

Plans for the construction of the Barnsfield Road Interchange on Route 28 at an estimated cost of $15 million.

The support for the museum's extension at Dulles is also largely due to the site's logistical and physical characteristics.

These characteristics include: proximity to an active runway; flexibility in building configuration and space for future expansion; adequacy of existing and projected transportation networks for visitor access and artifact movement; compatibility with existing airport operations and absence of vibration, noise, and fumes; potential numbers of visitors; geological configuration and subsurface conditions; and the availability of utilities and vital support services.

It is important for the Senate to be aware of the General Accounting Office's [GAO] involvement in the proposed extension. In February and March 1991, the Smithsonian met with officials from GAO to resolve several concerns which GAO staff had expressed with the scope of the proposed extension and the Smithsonian's site selection process.

In addition to the site characteristics mentioned previously, the Smithsonian reemphasized the importance of locating the extension on the Washington metropolitan area rather that splitting the collection between the Mall location and a remote location. Such a split could not provide a comprehensive and balanced view of the history, technology, and social aspects of air and space flight. Smithsonian officials realized in the 1960's that an extension of the building in the Mall would be necessary and since that time the proposed expansion has always been viewed as an extension of the Museum on the Mall, not as a separate museum.

The Smithsonian also verified the significant cost differential in constructing and operating an extension at Dulles versus a remote location.

After much discussion and study the GAO concluded in a March 20, 1991, letter to House Interior Appropriations Subcommittee Chairman YATES that "we now believe the choice of Dulles International Airport as the preferred site can be objectively defended by the Smithsonian."

In addition, in May 1991, the Board of Regents concurred to the GAO's recommendation and agreed to reduce the scope of the extension limiting it to meeting the Museum's most immediate needs to protect, preserve, and restore the collection and provide public access to significant portions of the collection. This reduced the overall project cost to $162,000,000—half the originally estimated cost.

Mr. President, it is time for self-interested parties to accept the conclusions of the Board of Regents, the Senate Committee on Rules and Administration, the U.S. Senate, and the GAO that Washington Dulles International Airport is the most practical, convenient, and cost-effective location for the extension of the Air and Space Museum.

I call on every Member of the Senate to support this bill which will make the expansion of the National Air and Space Museum at Washington Dulles International Airport a reality. As we witnessed in the operation of Desert Storm in the Persian Gulf, air and space technology has and will continue to greatly impact every facet of our lives. The creation of this extension will enable visitors from all over the world to experience first hand the magnitude and significance of man's technological achievements.

The Mall building is now visited by a record number of individuals visiting Washington every year, and that is one of the principal bases for putting it at Dulles; so that they can couple their visit, here on the Mall, with a visit at a not too distant location at Dulles, VA. The record of the people visiting the Air and Space Museum on the Mall, I think, is only exceeded by those visiting in total numbers, the White House and perhaps the Vietnam Veterans Memorial.

Mr. President, I am joined in this effort by my distinguished colleague. I welcome the participation on this by my friend and colleague, Senator ROBB, who has, since 1983, been in the very forefront of trying to bring to the Dulles area the adjunct space facility authorized by this legislation.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. ROBB. Mr. President, I rise today as an original cosponsor of legislation to authorize the design of an extension of the National Air and Space Museum at Dulles International Airport and I commend my friend and colleague, the distinguished senior Senator, Senator WARNER, for introducing it today and for his leadership on this issue over a long period of time.

Mr. President, as my distinguished senior colleague has already noted, the Commonwealth of Virginia and I have been avid supporters of the Air and Space Museum extension at Dulles since the Smithsonian first broached the idea in 1983, during my term as Governor, and as noted as well, my distinguished successors in that office, Jerry Baliles and Doug Wilder, have maintained the Commonwealth's commitment to the project.

The Dulles extension of the Museum is a much needed addition to the Smithsonian's facilities.

The wonders that are housed in the Museum on the Mall are only a fraction of the dreams that can be housed in the Extension.

From the Enola Gay to the SR-71 to the Shuttle Enterprise, there are simply too many remarkable items that are currently inaccessible to us because the museum on the Mall can't possibly accommodate all of them.

The Smithsonian's Board of Regents has repeatedly affirmed its selection of Dulles as the appropriate site for an Air and Space Museum Extension.

Dulles has been chosen, both because its location will allow tourists easy access from the main museum on the Mall, and because the Dulles site is the most economical option available to the Federal Government.

Unfortunately, attempts have been made over the years to tamper with

the Regent's decision to site the Annex at Dulles.

The most recent attempt to do so came last year in the form of H.R. 3281, a bill to reopen the site selection process for the Extension.

I am pleased that the House overwhelmingly rejected that effort on September 30, 1992, by a vote of 317 to 106.

Mr. President, this body has on four occasions, as my distinguished senior colleague noted, approved legislation reaffirming the sound decision of the Smithsonian's Board of Regents to locate the much-needed annex to the Air and Space Museum at Dulles Airport.

It is my hope that we have, once and for all, put to rest the attempts to reopen what should be a settled question, and I simply close by urging my colleagues to enact this legislation as quickly as possible.

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

S. 535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board of Regents of the Smithsonian Institution is authorized to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport.

SEC. 2. Effective October 1, 1993, there is authorized to be appropriated to the Board of Regents of the Smithsonian Institution $8,000,000 to carry out the purposes of this Act.

By Mr. SIMON:

S. 536. A bill to extend the effective period of a production incentive certificate; to the Committee on Finance.

EXTENSION OF PRODUCTION INCENTIVE CERTIFICATE

• Mr. SIMON. Mr. President, today I am introducing a simple bill to assist a small Illinois company which was severely damaged during Hurricane Hugo. The Hampden Watch Co. sustained damage from the hurricane preventing them from using a certificate exempting them from duties on certain watch parts. The certificate is a production incentive designed to help American businesses with operations in the U.S. Virgin Islands.

Hampden's contributions to the development of the U.S. Virgin Islands since its establishment there is a record to be noted and appreciated both by the insular and Federal governments. According to Hampden, they account for 10 percent of the watch industry employment in the U.S. Virgin Islands.

According to the International Trade Administration [ITA], which implements the program, the Hampden Watch Co. was issued a production incentive certificate for 1989. Because of damage sustained from the Hurricane Hugo, the Hampden Watch Co. failed to use the certificate. Its value is approximately $130,000. While this is a small amount, it is vital to this small Illinois company. The funds have already been budgeted by the ITA to be used by Hampden. The hurricane simply prevented Hampden from using the certificate.

The ITA has the authority to issue these certificates and has been very helpful in this matter. Unfortunately, the ITA has not been granted the administrative discretion to extend the expiration date in the case of a natural disaster.

This bill simply allows Hampden to receive the duty exemption that was granted to them as both the Government and the company intended. The bill would do this on a one time only basis. I think we have a good case for extending the expiration date in these special circumstances.

Mr. President, this is an important bill. I urge its adoption by the Senate.

Mr. President, I ask unanimous consent that a copy of the bill be included in the RECORD.

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

S. 536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF PRODUCTION INCENTIVE CERTIFICATE.

The production incentive certificate, number PIC-EV-89, issued jointly by the Secretary of Commerce and the Secretary of the Interior to the Hampden Watch Company, Inc., pursuant to paragraph (h)(i)(B) of Additional U.S. Note 5 to Chapter 91 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202) (formerly paragraph (h)(i)(II) of headnote 6 of schedule 7, part 2, subpart E of the Tariff Schedules of the United States), shall be deemed to have been reissued on November 1, 1993, in the amount of its balance remaining on that date, and shall expire on October 31, 1994.•

By Mr. MURKOWSKI:

S. 537. A bill for the relief of Tania Gil Compton; to the Committee on the Judiciary.

RELIEF OF TANIA GIL COMPTON

• Mr. MURKOWSKI. Mr. President, I rise today to offer a bill to provide for the relief of Tania Gil Compton in order for her to gain U.S. citizenship.

Tania Marcela Gil, born May 28, 1975, was adopted by Ben and Carol Compton on March 23, 1992, in Cali, Colombia. Her younger siblings were adopted by the Comptons in 1989. Whether by mistake or other unknown reasons, Tania was not placed for adoption with her siblings in 1989. The parents did not know about Tania until some time after her siblings learned English.

The Comptons decided to adopt Tania to keep the family together. Although they started the paperwork for adoption prior to Tania's 16th birthday, the finalization did not occur until after she had already turned 16. Since the adoption process took so long, she is legally ineligible for citizenship through adoption.

However, in order to keep the family together and to provide a stable, loving home for Tania, with the help of the INS, I was able to help her obtain humanitarian parole for her to come to the United States. This however, does not allow Tania permanent status to reside in the United States. Two years after the parole is issued they must petition for additional time and if this is not granted, Tania would have to return to Colombia where she has no home, no family.

Tania should be allowed to become a United States citizen so that she may enjoy the citizenship her brother and sisters have without the concern of one day having to return to Colombia. this bill would legally classify Tania as a child in order for her to be allowed to apply for U.S. citizenship. Tania has fallen through the cracks and she deserves the assistance this private relief bill provides.•

By Mr. PRYOR: (for himself, Mr. REIGLE, Mr. DURENBERGER, Mr. ROCKEFELLER, Mr. MCCAIN, Mr. COHEN, Mr. GLENN, Mr. BRYAN, Mr. LEAHY, Mr. CONRAD, Mr. GRAHAM, and Mr. SHELBY):

S. 538. A bill to amend title XIX of the Social Security Act to establish Federal standards for long-term care insurance policies, and for other purposes; to the Committee on Finance.

LONG-TERM CARE INSURANCE CONSUMER PROTECTION ACT OF 1993

• Mr. PRYOR. Mr. President, I am pleased to be joined by Senators RIEGLE, DURENBERGER, ROCKEFELLER, MCCAIN, COHEN, GLENN, BRYAN, LEAHY, CONRAD, GRAHAM, SHELBY, and others in introducing today the Long-Term Insurance Consumer Protection Act of 1993. This legislation will provide basic Federal consumer protections for long-term care insurance.

I would like to take this opportunity to applaud the ongoing efforts and commitment of my colleagues who are joining me today in introducing this bill. All have played leadership roles on the issue of health insurance for older Americans and I am glad to be working with them.

During the Pepper Commission's struggle to find solutions to our long-term care problem I became interested in the possibilities that private long-term care insurance may hold. Recognizing that, for the foreseeable future, the public sector will not be able to comprehensively meet every long-term care need of our Nation, the Commission recommended the promotion and regulation of private long-term care insurance.

What this country really needs is a comprehensive system of affordable long-term care, including home and community-based care and nursing care. As the administration develops a health care reform proposal, I am hopeful that long-term care will have a prominent place in the debate. And to

the extent the proposal relies on the private market, I would expect to see the inclusion of basic consumer protections for private long-term care insurance.

In recent years, the growth in the sales of these policies has been rapid. The number of policies sold, and the number of companies selling these policies, has doubled in less than 3 years. Long-term care insurance policies have improved over the past few years, and continue to evolve. Despite the gains that have been made, room for improvement remains. Many policies contain overly restrictive limitations on benefits and do not meet basic standards recommended by the NAIC [National Association of Insurance Commissioners].

There is also room for improvement in the regulation of this insurance. The NAIC has made progress in the development of the model standards. However, recent reports from the HHS inspector general and the General Accounting Office [GAO] indicate that many States do not have important consumer protections in place.

The GAO found that most policies contain definitions that potentially limit access to beneficiaries. Such definitions can eliminate coverage for policyholders who would otherwise qualify for benefits. Also, the GAO noted that consumers risk unpredictable premium increases that make it difficult for them to retain their policies. The inspector general found that 33 States do not provide minimum consumer protections. The fact that States are adopting these standards in varying degrees and a lack of support from the industry for these standards is troublesome.

Already at risk because of inadequate regulation of this market and the fear associated with long-term care, consumers confront difficult choices in the purchase of this type of insurance. It is clear that consumers face even more complexities in understanding long-term care insurance policies than they do in understanding Medigap policies.

As chairman of the Aging Committee, I want to ensure that abuses that have plagued the Medigap market are not repeated in the long-term care market. Unfortunately, we are already hearing about problems that we cannot let go unaddressed.

Mr. President, as with any legislation being introduced, this bill is but the first step in the legislative process. We have attempted to craft what we believe represents a fair response to the varying recommendations of consumers and their advocates, the National Association of Insurance Commissioners, the insurance industry and the insurance agents.

In this effort, our goal has always been to strike the appropriate balance between the need for consumer protection with the need to assure affordability. With that in mind, each of these interested parties will have the opportunity to analyze and respond to this legislation. I look forward to their comments and suggestions on how we can strengthen this legislation and assure these important consumer protections.

The Long-Term Care Insurance Consumer Protection Act of 1993 is supported by the American Association of Retired Persons, the National Committee to Preserve Social Security and Medicare, Families United for Senior Action, and Consumers Union. I urge my colleagues to join us by cosponsoring this bill.

Mr. President, I ask that the text of the bill and a summary of its provisions be printed in the RECORD.

The material follows:

S. 538

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 "Long-Term Care Insurance Consumer Protection Act of 1993".

SEC. 2. ESTABLISHMENT OF FEDERAL STANDARDS FOR LONG-TERM CARE INSURANCE POLICIES.

(a) IN GENERAL.—Title XIX of the Social Security Act is amended by adding at the end the following new section:

"LONG-TERM CARE INSURANCE STANDARDS

"SEC. 1931. (a) IMPLEMENTATION OF POLICY STANDARDS.—

"(1) IN GENERAL.—

"(A) NEW ISSUES.—No long-term care insurance policy (as defined in subsection (i)) may be issued, sold, or offered for sale in a State on or after the date specified in paragraph (4) unless—

"(i) the Secretary determines that the State has established a regulatory program that—

"(I) provides for the application and enforcement of the standards established under paragraph (3), and

"(II) complies with the requirements of paragraph (5),

by the date specified in paragraph (4), and the policy has been approved by the State commissioner or superintendent of insurance under such program; or

"(ii) if the State has not established such a program, the policy has been certified by the Secretary (in accordance with such procedures as the Secretary establishes) as meeting the standards established under paragraph (3).

For purposes of this paragraph, the advertising or soliciting with respect to a policy, directly or indirectly, shall be deemed the offering for sale of the policy.

"(B) REVIEW OF STATE REGULATORY PROGRAMS.—The Secretary periodically shall review regulatory programs described in subparagraph (A)(i) to determine if they continue to provide for the application and enforcement of the standards established under paragraph (3).

"(2) SANCTIONS.—Any person who issues or renews a policy, on or after the date specified in paragraph (4), in violation of paragraph (1), is subject to a civil money penalty of not to exceed $25,000 for each such violation. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(3) PROMULGATION OF STANDARDS.—

"(A) IN GENERAL.—If, within 12 months after the date of the enactment of this section, the National Association of Insurance Commissioners (in this section referred to as the 'NAIC') promulgates model standards that incorporate the requirements of subsections (d) through (h), such standards shall apply under paragraph (1).

"(B) DEFAULT.—If the NAIC does not promulgate the model standards under subparagraph (A) by the deadline established in that paragraph, the Secretary shall promulgate, within 12 months after such deadline, a regulation that provides standards that incorporate the requirements of subsections (d) through (h) and such standards shall be applied under paragraph (1).

"(C) CONSULTATION.—In establishing standards under this paragraph, the NAIC or Secretary shall consult with a working group composed of representatives of issuers of long-term care insurance policies, consumer groups, and other qualified individuals. Such representatives shall be selected in a manner so as to assure balanced representation among the interested groups.

"(D) LIMITED PREEMPTION.—The standards established under this paragraph preempt provisions of State law which conflict with such standards, but nothing in this section shall be construed as preventing a State from applying standards that provide greater protection to policyholders of long-term care insurance policies.

"(4) DEADLINE FOR APPLICATION OF STANDARDS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the date specified in this paragraph for a State is—

"(i) the date the State adopts the standards established under paragraph (3), or

"(ii) 1 year after the date such standards are first established,

whichever is earlier.

"(B) STATE REQUIRING LEGISLATION.—In the case of a State which the Secretary identifies, in consultation with the NAIC, as—

"(i) requiring State legislation (other than legislation appropriating funds) in order for the standards established under paragraph (3) to be applied, but

"(ii) having a legislature which is not scheduled to meet in 1994 in a legislative session in which such legislation may be considered,

the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after January 1, 1994. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

"(5) ADDITIONAL REQUIREMENTS FOR APPROVAL OF STATE REGULATORY PROGRAMS.—For purposes of paragraph (1)(A)(i)(II), the requirements of this paragraph for a State regulatory program are as follows:

"(A) CONSUMER ACCESS TO COMPLIANCE INFORMATION.—

"(i) IN GENERAL.—The program must provide for consumer access to complaints filed with the State commissioner or superintendent of insurance with respect to long-term care insurance policies.

"(ii) CONFIDENTIALITY.—The access provided under clause (i) shall be limited to the extent required to protect the confidentiality of the identity of individual policyholders.

"(B) ACCESS TO OTHER INFORMATION.—The program must provide for consumer access to information reported under subsection (c)(4).

"(C) PROCESS FOR APPROVAL OF PREMIUMS.—The program must provide for a process for approving or disapproving proposed premium increases with respect to long-term care insurance policies and must establish a policy for the holding of public hearings prior to approval of such a premium increase. No such premium increase shall be approved (or deemed approved) unless the proposed increase is accompanied by an actuarial memorandum which supports the increase and which contains such information as may be required under the standards under paragraph (3).

"(b) REGULATION OF SALES PRACTICES.—

"(1) DUTY OF GOOD FAITH AND FAIR DEALING.—

"(A) IN GENERAL.—Each individual who is selling or offering for sale a long-term care insurance policy has the duty of good faith and fair dealing to the purchaser or potential purchaser of such a policy.

"(B) PROHIBITED PRACTICES.—An individual is considered to have violated subparagraph (A) if the individual engages in any of the following practices:

"(i) TWISTING.—Knowingly making any misleading representation or incomplete or fraudulent comparison of any health care insurance policy or insurers for the purpose of inducing, or tending to induce, any person to retain or effect a change with respect to a long-term care insurance policy.

"(ii) HIGH PRESSURE TACTICS.—Employing any method of marketing having the effect of, or intending to, induce the purchase of long-term care insurance policy through undue pressure.

"(iii) COLD LEAD ADVERTISING.—Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

"(2) COMPLETION OF MEDICAL HISTORIES PROHIBITED.—A person who is selling or offering for sale a long-term care insurance policy may not complete the medical history portion of an application.

"(3) PROHIBITION OF SALE OR ISSUANCE TO MEDICAID BENEFICIARIES.—A person may not knowingly sell or issue a long-term care insurance policy to an individual who is eligible for medical assistance (other than only as a qualified medicare beneficiary) under this title.

"(4) PROHIBITION OF SALE OR ISSUANCE OF DUPLICATE SERVICE BENEFIT POLICIES.—A person may not sell or issue a service-benefit long-term care insurance policy—

"(A) knowing that the policy provides for coverage that duplicates coverage already provided in another service-benefit long-term care insurance policy (unless the policy is intended to replace such other policy), or

"(B) for the benefit of an individual unless the individual (or a representative of the individual) provides a written statement to the effect that the coverage (i) does not duplicate other coverage in effect under a service-benefit long-term care insurance policy or (ii) will replace another service-benefit long-term care insurance policy.

In this paragraph, the term 'service-benefit long-term care insurance policy' means a long-term care insurance policy which provides for benefits based on the amount and type of services furnished, rather than on the amount of expenses incurred.

"(5) PROVISION OF OUTLINE OF COVERAGE.—No person may sell or offer for sale a long-term care insurance policy without providing to the purchaser or potential purchaser (or representative) an outline of coverage that complies with the standards established under subsection (a)(3).

"(6) CIVIL MONEY PENALTY.—Any person who sells, offers for sale, or issues a long-term care insurance policy in violation of this subsection is subject to a civil money penalty of not to exceed $25,000 for each such violation. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(c) ADDITIONAL RESPONSIBILITIES OF ISSUERS.—

"(1) REFUND OF PREMIUMS.—If an application for a long-term care insurance policy (or for a certificate under a group long-term care insurance policy) is denied or an applicant returns a policy or certificate within 30 days of the date of its issuance pursuant to subsection (h), the issuer shall refund to the applicant, not later than 30 days after the date of the denial or return, any premiums paid with respect to such a policy.

"(2) MAILING OF POLICY.—If an application for a long-term care insurance policy (or for a certificate under a group long-term care insurance policy) is approved, the issuer shall transmit to the applicant the policy (or certificate) of insurance not later than 30 days after the date of the approval.

"(3) INFORMATION ON DENIALS OF CLAIMS.—If a claim under a long-term care insurance policy is denied, the issuer shall, within 60 days of the date of a written request by the policyholder or certificate-holder (or representative)—

"(A) provide a written explanation of the reasons for the denial, and

"(B) make available all information directly relating to such denial.

"(4) REPORTING OF INFORMATION.—The issuer of a long-term care insurance policy shall periodically (not less often than annually) report to the Commissioner or superintendent of insurance of each State in which the policy is sold, and shall make available to the Secretary, upon request, information respecting—

"(A) the long-term care insurance policies of the issuer that are in force,

"(B) the most recent premiums for such policies and the premiums imposed for such policies during the previous 5-year period,

"(C) the lapse rates, replacement rates, and rescission rates for policies (by agent), and

"(D) the claims denied (as a percentage of claims submitted) for such policies.

Information under this paragraph shall be reported in a format specified in the standards established under subsection (a)(3) to carry out this subsection. For purposes of subparagraph (C), there shall not be included as a lapse of policy such a lapse due to the death of the policyholder. For purposes of subparagraph (D), there shall not be included as a denied claim a claim that is denied solely because of the failure to meet a deductible, waiting period, or exclusionary period.

"(5) ACCESS TO INFORMATION.—Each such issuer shall provide the Secretary and the Commissioner or superintendent of insurance of each State in which the policy is sold such information as the Secretary, Commissioner, or superintendent, may request.

"(6) PROVISION OF OUTLINE OF COVERAGE FOR RENEWALS.—Each issuer of a long-term care insurance policy shall provide, at the time of renewal of such a policy, an outline of coverage that meets the applicable standards established pursuant to this section.

"(7) MEDICAL ASSESSMENTS FOR THE ELDERLY.—Before issuing a long-term care insurance policy to an applicant who is 75 years of age or older, if the policy is not guaranteed issue the issuer shall obtain one of the following:

"(A) A report of a physical examination.

"(B) An assessment of functional capacity.

"(C) Copies of medical records.

"(8) CIVIL MONEY PENALTY.—Any issuer of a long-term care insurance policy who—

"(A) fails to make a refund in accordance with paragraph (1),

"(B) fails to transmit a policy in accordance with paragraph (2),

"(C) fails to provide, make available, or report information in accordance with paragraph (3), (4), or (5),

"(D) fails to provide an outline of coverage in violation of paragraph (6), or

"(E) issues a policy without obtaining certain information in violation of paragraph (7),

is subject to a civil money penalty of not to exceed $25,000 for each such violation. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(d) REQUIREMENTS RELATING TO RENEWABILITY.—

"(1) IN GENERAL.—No long-term care insurance policy may be canceled or nonrenewed for any reason other than nonpayment of premium or material misrepresentation.

"(2) CONTINUATION AND CONVERSION RIGHTS FOR GROUP POLICIES.—

"(A) IN GENERAL.—Each group long-term care insurance policy shall provide covered individuals with a basis for continuation or conversion in accordance with this paragraph.

"(B) BASIS FOR CONTINUATION.—For purposes of subparagraph (A), a policy provides a basis for continuation of coverage if the policy maintains coverage under the existing group policy when such coverage would otherwise terminate and which is subject only to the continued timely payment of premium when due. A group policy which restricts provision of benefits and services to or contains incentives to use certain providers or facility, may provide continuation benefits which are substantially equivalent to the benefits of the existing group policy.

"(C) BASIS FOR CONVERSION.—For purposes of subparagraph (A), a policy provides a basis for conversion of coverage if the policy entitles each individual—

"(i) whose coverage under the group policy would otherwise be terminated for any reason, and

"(ii) who has been continuously insured under the policy (or group policy which was replaced) for at least 6 months before the date of the termination,

to issuance of a policy providing benefits identical to, substantially equivalent to, or in excess of, those of the policy being terminated, without evidence of insurability.

"(D) TREATMENT OF SUBSTANTIAL EQUIVALENCE.—In determining under this paragraph whether benefits are substantially equivalent, there shall be taken into consideration the differences between managed care and non-managed care plans.

"(E) GROUP REPLACEMENT OF POLICIES.—If a group long-term care insurance policy is replaced by another long-term care insurance policy purchased by the same policyholder, the succeeding issuer shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

"(e) BENEFIT STANDARDS.—

"(1) USE OF STANDARD DEFINITIONS AND TERMINOLOGY AND UNIFORM FORMAT.—

"(A) IN GENERAL.—Each long-term care insurance policy shall, pursuant to standards established under subsection (a)(3)—

"(i) use uniform language and definitions, and

"(ii) use a uniform format for presenting the outline of coverage under such a policy.

"(B) CERTAIN VARIATION IN LANGUAGE PERMITTED.—Such standards may permit the use of non-uniform language, but only to the extent required to take into account differences among States in the licensing of nursing facilities and other providers of long-term care.

"(2) DISCLOSURE.—

"(A) OUTLINE OF COVERAGE.—The outline of coverage for each long-term care insurance policy shall include at least the following:

"(i) A description of the principal benefits and coverage under the policy.

"(ii) A statement of the principal exclusions, reductions, and limitations contained in the policy.

"(iii) A statement of the terms under which the policy (or certificate) may be continued in force or discontinued, the terms for continuation or conversion, and any reservation in the policy of a right to change premiums.

"(iv) A statement that the outline of coverage is a summary only, not a contract of insurance, and that the policy (or master policy) contains the contractual provisions that govern.

"(v) A statement of the value of the policy (determined in accordance with standard established to carry out this subparagraph).

"(vii) A description of the terms, specified in subsection (h), under which a policy or certificate may be returned and premium refunded.

"(viii) Information on national average costs for nursing facility and home health care and information (in graphic form) on the relationship of the benefits provided under the policy to such national average costs.

"(ix) A statement of the percentage limit on annual premium increases that is provided under the policy pursuant to paragraph (8).

"(x) Information (in graphic form) on the projected effect of inflation on the value of benefits provided under the policy during a period of at least 20 years.

"(B) CERTIFICATES.—A certificate issued pursuant to a group long-term care insurance policy shall include—

"(i) a description of the principal benefits and coverage provided in the policy;

"(ii) a statement of the principal exclusions, reductions, and limitations contained in the policy; and

"(iii) a statement that the group master policy determines governing contractual provisions.

"(C) LONG-TERM CARE AS PART OF LIFE INSURANCE.—In the case of a long-term care insurance policy issued as a part of or a rider on a life insurance policy, at the time of policy delivery there shall be provided a policy summary that includes—

"(i) an explanation of how the long-term care benefits interact with other components of the policy (including deductions from death benefits);

"(ii) an illustration of the amount of benefits, the length of benefit, and the guaranteed lifetime benefits (if any) for each covered person; and

"(iii) any exclusions, reductions, and limitations on benefits of long-term care.

"(3) LIMITING CONDITIONS ON BENEFITS; MINIMUM BENEFITS.—

"(A) IN GENERAL.—A long-term care insurance policy may not condition or limit eligibility—

"(i) for benefits for a type of services to the need for or receipt of any other services,

"(ii) for any noninstitutional benefit on the medical necessity for such benefit,

"(iii) for benefits furnished by licensed providers on compliance with conditions which are in addition to those required for licensure under State law, or

"(iv) for custodial care (if covered under the policy) only (I) to care provided in facilities which provide a higher level of care or (II) to care provided in facilities which provide for 24-hour or other nursing care not required in order to be licensed by the State.

"(B) HOME HEALTH CARE SERVICES.—If a long-term care insurance policy provides benefits for home health care services, the policy—

"(i) may not limit such benefits to services provided by registered nurses or licensed practical nurses;

"(ii) may not require benefits for such services to be provided by a nurse or therapist that can be provided by a home health aide or other licensed or certified home care worker acting within the scope of the worker's licensure or certification;

"(iii) may not limit such benefits to services provided by agencies or providers certified under title XVIII; and

"(iv) must provide benefits for personal care services (including home health aide and homemaker services), home health services, and respite care in an individual's home.

"(C) NURSING FACILITY SERVICES.—If a long-term care insurance policy provides benefits for nursing facility services, the policy must provide such benefits with respect to all nursing facilities that are licensed in the State.

"(D) MINIMUM PERIOD OF COVERAGE.—Each long-term care insurance policy shall provide benefits over a period of at least 12 consecutive months.

"(4) PROHIBITION OF DISCRIMINATION.—A long-term care insurance policy may not treat benefits under the policy in the case of an individual with Alzheimer's disease, with any related progressive degenerative dementia of an organic origin, or with any organic or inorganic mental illness differently from an individual having another medical condition for which benefits may be made available.

"(5) LIMITATION ON USE OF PREEXISTING CONDITION LIMITS.—

"(A) INITIAL ISSUANCE.—

"(i) IN GENERAL.—Subject to clause (ii), a long-term care insurance policy may not exclude or condition benefits based on a medical condition for which the policyholder received treatment or was otherwise diagnosed before the issuance of the policy.

"(ii) 6-MONTH LIMIT.—A long-term care insurance policy may exclude benefits under a policy, during its first 6 months, based on a condition for which the policyholder received treatment or was otherwise diagnosed during the 6 months before the policy became effective.

"(B) REPLACEMENT POLICIES.—If a long-term care insurance policy replaces another long-term care insurance policy, the issuer of the replacing policy shall waive any time periods applicable to preexisting conditions, waiting period, elimination periods and probationary periods in the new policy for similar benefits to the extent such time was spent under the original policy.

"(6) USE OF FUNCTIONAL ASSESSMENT.—

"(A) IN GENERAL.—Each long-term care insurance policy—

"(i) shall determine eligibility for, and level of, benefits (other than for nursing facility services) available under the policy based on a professional assessment of the policyholder's functional ability, and

"(ii) shall specify the level (or levels) of functional impairment required under such an assessment to obtain benefits other than for nursing facility services) under the policy.

"(B) APPEALS PROCESS.—Each long-term care insurance policy shall provide for an appeals process, meeting standards established under this subsection, for individuals who dispute the results of an assessment conducted under this paragraph.

"(7) INFLATION PROTECTION.—

"(A) OPTIONAL RIDER AT TIME OF INITIAL ISSUANCE.—Each long-term care insurance policy shall permit the policyholder, at the time of initial sale, an option of providing for inflation protection described in subparagraph (B).

"(B) INFLATION PROTECTION DESCRIBED.—The inflation protection described in this subparagraph provides, at the time of each annual renewal of a policy, for an increase of a specified percentage (but not less than 5 percent) in the dollar payment levels and the maximum payment limit on benefit coverage above the levels or limit in effect during the previous policy year. In applying this subparagraph, the increases shall be compounded annually and the policy may provide for rounding such an increase to the nearest multiple of $1 (in the case of dollar payment levels) or $100 (in the case of the maximum payment limit).

"(8) SPECIFICATION OF LIMITS ON PREMIUM INCREASES.—Each long-term care insurance policy shall specify a limit on the percentage increase in premiums for a policy that may be made in any between one policy year and the subsequent policy year.

"(f) NONFORFEITURE.—

"(1) IN GENERAL.—Each long-term care insurance policy shall provide that if the policy lapses after the policy has been in effect for a minimum period (specified under the standards under subsection (a)(3)), the policy will provide without payment of any additional premiums benefits equal to—

"(A) a percentage (specified under such standards) of the benefits otherwise available at term, or

"(B) such other type of benefits as such standards may provide.

"(2) ESTABLISHMENT OF STANDARDS.—The standards under subsection (a)(3)—

"(A) may not provide more than 2 additional types of benefits under paragraph (1)(B), and

"(B) may provide that the percentage or amount of benefits under paragraph (1) must increase based upon the period of time in which the policy was in effect.

"(g) LIMIT OF PERIOD OF CONTESTABILITY.—The issuer of a long-term care insurance policy may not cancel such a policy or deny a claim under the policy based on fraud or misrepresentation relating to the issuance of the policy unless notice of such fraud or misrepresentation is provided within 6 months after the date of the issuance of the policy.

"(h) RIGHT TO RETURN (FREE LOOK).—Each applicant for a long-term care insurance policy shall have the right to return the policy (or certificate) within 30 days of the date of its delivery (and to have the premium refunded) if, after examination of the policy or certificate, the applicant is not satisfied for any reason.

"(i) LONG-TERM CARE INSURANCE POLICY DEFINED.—

"(1) IN GENERAL.—In this section, except as otherwise provided in this subsection, the term 'long-term care insurance policy' means any insurance policy, certificate, or rider advertised, marketed, offered, or designed to provide coverage for each covered person on an expense incurred, indemnity, prepaid, or other basis, for one or more diagnostic, preventive, therapeutic, rehabilitative, maintenance or personal care services, provided in a setting other than an acute care unit of a hospital. Such term includes a group or individual annuity or life insurance policy or rider which provides directly (or which supplements) long-term care insurance.

"(2) POLICIES EXCLUDED.—Except as provided in paragraph (4), the term 'long-term care insurance policy' does not include any medicare supplemental policy (as defined in section 1882(g)) and any insurance which is offered primarily to provide—

"(A) basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, or major medical expense coverage,

"(B) disability income or related asset-protection coverage,

"(C) accident-only coverage,

"(D) specified disease or specified accident coverage, or

"(E) limited benefit health coverage.

"(3) TREATMENT OF CERTAIN LIFE INSURANCE POLICIES.—Except as provided in paragraph (4), the term 'long-term care insurance policy' does not include life insurance policies—

"(A) which accelerate the death benefit specifically for—

"(i) one or more of the qualifying events of terminal illness,

"(ii) medical conditions requiring extraordinary medical intervention, or

"(iii) permanent institutional confinement;

"(B) which provide the option of a lump-sum payment for those benefits; and

"(C) in which neither the benefits nor the eligibility for the benefits is conditioned upon the receipt of long-term care.

"(4) INCLUSION OF POLICIES MARKETED AS LONG-TERM CARE INSURANCE.—The term 'long-term care insurance policy' also means any product which is advertised, marketed, or offered as long-term care insurance.".

(b) REPORT ON ASSESSMENT METHODS FOR FUNCTIONAL ABILITY.—Within 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Congress a report on the different methods that may be used to conduct assessments of functional ability described in section 1931(e)(6)(A) of the Social Security Act and the relative effectiveness of each of such methods.

(c) REPORT ON SOLVENCY PROTECTION.—Within 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Congress a report on standards that may be applied to assure the solvency of insurers with respect to long-term care insurance policies.

(d) STUDY OF STANDARD MEASURE OF VALUE FOR LONG-TERM CARE INSURANCE POLICIES.—The Secretary of Health and Human Services shall provide for a study to develop a standard measure of value for long-term care insurance policies. Within 2 years after the date of the enactment of this Act, the Secretary shall submit to the Congress a report on such study.

SEC. 3. INCREASE IN FUNDING FOR LONG-TERM CARE INSURANCE INFORMATION, COUNSELING, AND ASSISTANCE.

The subsection (f) of section 4360 of the Omnibus Budget Reconciliation Act of 1990 relating to authorization of appropriations for grants is amended by inserting before the period at the end the following: "and an additional $20,000,000 for each of fiscal years 1994, 1995, and 1996, to fund such grant programs for the purpose of providing information, counseling, and assistance relating to the procurement of adequate and appropriate long-term care insurance".

SUMMARY OF S. 538: Long-Term Care Insurance Consumer Protection Act

1. CONSUMER ACCESS TO INFORMATION

Requires states to make available to consumers information regarding:

Complaints received with respect to long-term care insurance polices

The number of policies sold by company

The most recent premiums for each policy sold in the state

The lapse and replacement rates for policies

The number of policy rescissions

The claims denied as a percentage of claims submitted (excluding claims denied because the policyholder has not met deductibles or waiting periods)

Why Needed: Most states do not maintain separate files on long-term care insurance complaints, making it virtually impossible for consumers to get good, objective information about the reputation and quality of a particular company or agent. Consumers have the right to know basic information about long-term care insurance before they spend their hard-earned dollars.

2. INFLATION PROTECTION

Requires all policies to offer an inflation protection feature that provides for an increase of a specified percentage not less than 5 percent in the policy's dollar payment levels and maximum payment limit. The increases are to be compounded annually.

Why Needed: Consumers should have the option to purchase inflation protection and should be informed as to how benefits are eroded without this type of protection. However, to assure consumer flexibility and affordability, this legislation does not require all policies to have inflation protection. Assuming a conservative inflation estimate of 5 percent per year, without inflation protection a long-term care insurance policy benefit is eroded by 50 percent in just 10 years. Seniors pour thousands of dollars per year into these policies only to find that their benefits have been whittled away, just when they need protection the most.

3. NONFORFEITURE BENEFITS

Requires each policy to contain a nonforfeiture benefit which conforms to one of the 3 nonforfeiture models developed by the National Association of Insurance Commissioners (NAIC). At least one of the models identified by the NAIC must be a reduced paid-up model whereby policyholders would be guaranteed a specified percentage of benefits after a certain vesting period. Similar to a whole life policy or a home mortgage, a nonforfeiture benefit for long-term care insurance would assure that a policyholder did not have to forfeit vested equity in a policy should the policy lapse.

Why Needed: Because long-term care policies are typically held for 10 or 20 years before their benefits are used, the possibility of a policy lapsing during this period is significant. For example, assuming a conservative lapse rate of 10 percent per year, only 7 percent of policies purchased at age 65 are still in force at age 85, when they are most likely to need the coverage.

When a long-term care insurance policy lapses, the policyholder forfeits a significant amount of equity which has been built up to pre-fund future needs. Individuals often pay into long-term care insurance policies for 10, 15, 20 years or more only to find that a premium increase suddenly makes the policy unaffordable. When this happens, policyholders surrender years of equity and are left with no long-term care protection whatsoever.

4. MARKETING ABUSES

a. Explicitly prohibits "churning" whereby an individual is pressured into switching policies in order for the agent to capture a new sales commission.

Why Needed: When an individual drops an old policy to buy a new policy, they will be forced to meet new preexisting condition waiting periods, during which time they will not be covered by insurance.

b. Explicitly prohibits high pressure sales tactics.

Why Needed: Using threats, or capitalizing on the fear of financial catastrophe associated with going into a nursing home should not be tolerated, particularly with the frail elderly.

c. Prohibits agents from filling in the medical history portion of an application.

Why Needed: There is evidence of problems with agents who fill in medical history questions incorrectly. If an agent incorrectly answers these questions on behalf of an applicant, and applicant would likely face the possibility of having claims denied at a later date on the basis that the applicant misrepresented his/her health status at the time of application.

d. Prohibits sale of a long-term care insurance policy to an individual who is eligible for Medicaid. An exception is made for qualified Medicare beneficiaries (QMBs).

Why Needed: Medicaid beneficiaries, by definition, already received comprehensive coverage for long-term care services without cost-sharing requirements.

5. OUTLINE OF COVERAGE

Requires the NAIC to develop insurers to provide a standardized outline of coverage which states:

The principal benefits and exclusions under the policy

Graphic information on national average nursing home and home health care costs and their relationship to benefits provided under the policy

Graphic information on the effects of inflation on benefits provided under the policy over at least a 20 year period

A statement that the premiums for the policy will not increase more than a speci-

fied percentage during any given calendar year (the percentage specified will be developed by the insurer and may not be exceeded)

Why Needed: Currently, many insurance companies have devised their own outline of coverage which is very different in format and content than other companies, making it very difficult for individuals to compare policy provisions. In addition, consumers generally do not receive any information about how the benefits under the policy compare to average costs of such benefits, or how much the policy can be expected to be worth over time. The requirement to disclose maximum annual premium increases under the policy will bring predictability and accountability.

6. GUARANTEED RENEWABILITY

Requires all policies to be guaranteed renewable. Policies could only be cancelled for nonpayment of premium or material misrepresentation.

Why Needed: Some states still allow insurers to cancel long-term care insurance policies because the health of the policyholder has deteriorated. Guaranteed renewability prevents insurers from suddenly dropping coverage for policyholders who are no longer considered "profitable".

7. STANDARD DEFINITIONS AND TERMINOLOGY

Requests the NAIC to develop, within 12 months of enactment, standard definitions and terminology for benefits used in long-term care insurance policies.

Why Needed: Today, frivolous variations in policy definitions leave consumers confused and highly susceptible to high pressure sales pitches which try to convince them that their coverage is substandard. Consumers have the right to know that "home health care", for example, means the same thing in every policy so that they can make true comparisons based upon benefit levels and price.

8. PRIOR INSTITUTIONALIZATION

Prohibits the imposition of prior hospitalization requirements on the receipt of benefits. Also prohibits the use of prior institutionalization (i.e., a nursing home stay) requirements on the receipt on non-institutional (i.e., home and community care) benefits.

Why Needed: Despite the fact that the NAIC model act contains a prohibition on the use of prior institutionalization, several states have not adopted this provision and several insurers (large and small) still sell policies that restrict eligibility for benefits upon a stay in the hospital (usually 3 days) or a prior stay in a skilled nursing facility. A prior hospitalization requirement effectively excludes two-thirds of the policyholders from receiving nursing home benefits.

9. HOME HEALTH CARE

Prohibits limiting such benefits to services provided to RNs or LPNs or to Medicare-certified agencies and facilities. Prohibits exclusion of personal care services, such as home health aide and respite care. Requires use of a functional assessment tool for home care eligibility. Provide policyholders with an explicit right to appeal denials for home care eligibility.

Why Needed: Restricting home health care services to specific providers or Medicare-certified facilities severely limits the options of the policyholders. Often, policyholders do not need skilled nursing care; rather, they need assistance with the activities of daily living, things such as bathing, walking, feeding, toileting, and eating. In addition, Medicare-certified facilities are the exception, not the rule, and they often have long waiting lists. Policyholders should have the right to use their benefits at any license nursing or home health facility in the state.

11. TIMELY PROVISION OF INFORMATION

Requires:

a. insurers to refund premiums to policyholders within 30 days of an application denial or return under the free look period.

b. insurers to transmit the policyholder, within 30 days of a policy application approval, a copy of the actual policy or certificate.

c. insurers to give written notice, within 60 days of a claim denial, the reasons for such denial. Insurers must also make available to policyholders all information directly relating to such denial.

d. insurers to obtain, prior to the issuance of a policy, a physical exam report, a functional capacity assessment, or medical records for all applicants age 75 or older.

Why Needed: Policyholders have the right to know why their claims were denied in a timely manner and to have timely refund of premiums when appropriate. There have been documented instances where insurers delay timely information or refunds in order to buy time or discourage the policyholder from getting payment. Many policyholders are frail elderly individuals who cannot afford to fight the insurance company, or wait months for payment. Because nursing home stays are very expensive, delay in receiving claims payments can quickly result in bankruptcy for the individual and increased government costs through Medicaid.

12. COUNSELING

Provides a $20 million authorization for states to establish long-term care insurance counseling programs.

Why Needed: Counseling programs now exist in several states and have proven to be a valuable and cost effective resource for consumers seeking to get objective information about policies.●

● Mr. RIEGLE. Mr. President, today I rise in support of S. 538, the Long-Term Care Insurance Consumer Protection Act. This bill provides minimum standards for private, long-term care insurance to protect individuals who want to purchase policies consistent with their individual needs and resources. I commend the chairman of the Aging Committee, Senator PRYOR, for his continuing leadership in this area.

THE CURRENT COMPLICATED MARKET

The long-term care insurance market today, in Michigan and across the country, is confusing and the potential for abuse is high, particularly because information that consumers need to purchase policies is not readily available. It's not easy to make comparisons in benefits and price among different policies. Materials explaining benefits use different terminology and formats that add to confusion. Seniors and other purchasers must sort through a maze of limitations, waivers, and charges. Under these circumstances, it is no wonder some buy policies that do not meet their needs or adequately protect them against the high costs of long-term care. People too often make decisions out of fear and spend large sums but get little or no return.

Several studies by the U.S. General Accounting Office and inspector general underscore the need for action. Among other things, these studies outline abuses in sales practices such as pressuring people to switch to policies that require them to meet new requirements before receiving benefits. In some cases, purchasers are provided little or no information about policies that they are considering. Objective information about the quality and coverage of a particular policy is needed in a timely fashion.

Many policies are also limited in their coverage and can be very expensive. Some policies can be canceled with little notice. Others have institutionalization requirements before benefits can be collected and have limited choices concerning the type of care one can receive. In some cases, policies appear to be designed so an individual is not likely to receive benefits. We have even heard stories of where one of the most vulnerable groups—low-income seniors—have been pressured to buy policies, even though they are eligible for comprehensive benefits under Medicaid. These are problems similar to those prevalent in the Medigap insurance market which prompted Congress to enact reforms. We must act here as well.

Nationally, more than 31.2 million people are age 65 and over and 35.9 million citizens are disabled. In Michigan, more than 1.1 million people are age 65 and over and 1.5 million persons have physical or mental disability. Seniors and the disabled community are at high risk for meeting long-term health care. These demographics should be a force for change. Future increases in the number of patients requiring these services underscore the need for a sound and efficient system.

MICHIGAN CASE

Mr. President, I want to tell the story about the case of a Michigan couple that illustrates the need for the Long-Term Care Insurance Consumer Protection Act.

An insurance agent visited the home of an elderly Michigan couple and, without examining the couples' current health insurance policies, advised the couple that they should purchase long-term care and Medicare supplemental coverage. The couple informed the agent they already had four Medigap insurance policies, one long-term care and two home health care policies but the agent said their insurance was inadequate and persuaded the couple to purchase long-term nursing home insurance. The couple gave the agent a check for $5,800.11 and $11 in cash. The agent cashed the check and bought two Medicare supplemental policies and two life insurance policies. The elderly bought, on the advice of the insurance agent who did not review their existing

coverage, expensive duplicative coverage.

The long-term care insurance market is new and growing, making it even more important that we act now. The legislation we reintroduce today will continue the debate on this very important issue. People who can afford long-term care policies need basic protections so that policies are appropriate and affordable.

THE LONG-TERM CARE INSURANCE CONSUMER PROTECTION ACT

Mr. President, this bill uses a model similar to that used to enact important reforms to the Medigap supplemental insurance market several years ago. Specifically, the legislation provides a mechanism for developing national standards for long-term care policies. The model standards will be developed through the State insurance commissioners with input from consumer groups, Medicare beneficiaries, insurers, and others. These national standards include protections regarding sales practices, access to information, and policy coverage issues. The bill also expands current enforcement capacity and authority as well as provides grants to States for counseling.

In the past, I have been concerned about unnecessarily imposing financial penalties on insurers selling nonapproved policies in States that do not adopt the model simplification regulation. But in this case, recent studies show that States have not adopted the existing model regulation developed by the State Insurance Commission on a voluntary basis. The voluntary, State-by-State approach to regulation is resulting in drastic differences in consumer protection and minimum standards in many States. While my home State of Michigan has been active in passing State laws intended to protect citizens in this area, all States have not. Some uniformity is needed so citizens are informed about their choices and afforded basic protections.

In introducing the Long-Term Care Insurance Consumer Protection Act of 1993 today, we welcome comments and suggestions about this bill. The existing model regulation developed by the National Association of Insurance Commissioners was used in designing the legislation. But there are other issues to be considered such as how to ensure enforcement, simplification methods, and the need for more information on long-term care options.

This bill is supported by Consumers Union, Families U.S.A., the American Association of Retired Persons, and the National Committee to Preserve Social Security and Medicare. As I have in the past, I also intend to work closely with the National Association of Insurance Commissioners as well as the Michigan Insurance Bureau. I know insurers are concerned that this is a new market where products are constantly changing and improving. But we need some minimum standards. And in fact, this bill would still allow such innovation in the current market to occur. We will continue to work closely with all interested individuals and groups as we refine and improve the bill.

Choosing a long-term care policy is an important decision and it can also be a complicated one. I believe this proposal puts into place a mechanism for significantly reducing the potential for abusive sales practices in the long-term care market and making sure that reasonably priced and high quality insurance products are sold.

The Long-Term Care Insurance Consumer Protection Act is an important first step in addressing our Nation's long-term care health care needs, but further action is needed. We need a comprehensive strategy for providing long-term care services which incorporates the roles of both the public and private sector such as the one proposed last year in the Long-Term Care Family Protection Act. This strategy should allow individuals flexibility to best meet their own needs by building on the existing support they get from their families and communities. I will continue to work in Congress to ensure access to high quality long-term care services for all Americans.

Mr. President, I want to commend Senators PRYOR and DASCHLE for their leadership in this area. I look forward to working with them to enact this important legislation for our Nation's senior citizens and disabled persons. I urge my colleagues in the Senate to join us in cosponsoring the Long-Term Care Insurance Consumer Protection Act to ensure affordable high-quality long-term care for Americans.●

By Mr. FORD:

S. 539. A bill to amend the Petroleum Marketing Practices Act to require any change proposed at the time of renewal of a franchise agreement for the sale of motor fuel to be fair and reasonable, to ensure fairness and balance in the application of such act, and for other purposes; to the Committee on Energy and Natural Resources.

PETROLEUM MARKETING REFORM ACT

Mr. FORD. Mr. President, today I am introducing the Petroleum Marketing Reform Act. Last Congress, there were two proposals to reform the Petroleum Marketing Practices Act. S. 672, introduced in 1991, represented a first attempt at drafting meaningful reform of this statute, which is designed to balance bargaining power between franchisers, which are often large oil companies, and franchisees, which are often small, independent gas station owners. Over the course of about 18 months, a compromise was negotiated between petroleum markets, service station dealers, jobbers, and other affected parties in the petroleum marketing industry. This compromise was reflected in S. 2656, introduced in 1992.

Senator KRUEGER and I reintroduced this compromise bill again this year in the form of S. 338. The Senate Energy Committee has already held hearings on this measure this year.

The bill I am introducing today represents the precompromise version of this legislation. My purpose for introducing it today is to preserve my options and offer a contrast to S. 338, the Petroleum Marketing Practices Act amendments. S. 338 would be law today if it were not for the efforts of a single, large oil company which seeks to derail any efforts at PMPA reform. This single, large oil company is seeking greater protection from the Federal Government in the form of an expanded Federal preemption clause—much greater Federal protection than provided under the preemption clause of S. 338. An identical bill—S. 2656 from the last Congress—passed both the House and Senate Energy Committees last year. Only parliamentary maneuvering at the behest of this single, large oil company prevented this bill from becoming law.

This same oil company now seeks support to prevent S. 338 from passing the Energy Committee, or in the alternative, to find a sponsor to offer amendments which gut the Federal preemption provisions of S. 338 by creating huge exceptions. In other words, we are seeing more of the same games as we saw last Congress.

These attempts to gut S. 338 are completely unacceptable to me. I have attempted to obtain consensus in moving this bill forward. I will continue to do so. But if it becomes clear that this is no longer possible, it may be best for me to seek other means of passing the compromise reflected in S. 338. It may also be best for me to go back to the PMPA proposal which existed before the compromise, and to seek parliamentary advantage in offering this original bill in a manner which allows for an up or down vote on the floor of the Senate.

Therefore, I am introducing this earlier version of PMPA reform to provide adequate notice to my colleagues. I am hopeful that it will advance the debate on PMPA reform and, at a minimum, help preserve my options and the options of those seeking real PMPA reform.

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. 539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Petroleum Marketing Reform Act of 1993".

SEC. 2. DEFINITION OF FRANCHISE.

Section 101(1)(B) of the Petroleum Marketing Practices Act (15 U.S.C. 2801(1)(B)) is amended—

(1) in clause (ii), by striking "and" at the end;

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following new clause:

"(iii) any contract between the parties described in clauses (i), (ii), (iii), and (iv) of subparagraph (A) that is economically necessary to the operation of the franchise; and".

SEC. 3. GROUNDS FOR NONRENEWAL IN CERTAIN CASE.

Section 102(b)(3)(A) of the Petroleum Marketing Practices Act (15 U.S.C. 2802(b)(3)(A)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new clause:

"(iii) the changes or additions are fair and reasonable.".

SEC. 4. NEGOTIATION OF UNDERLYING LEASE.

Section 102(c) of the Petroleum Marketing Practices Act (15 U.S.C. 2802(c)) is amended by striking paragraph (4) and inserting the following new paragraph:

"(4) loss of the right of the franchisor to grant possession of the leased marketing premises through expiration of an underlying lease, if—

"(A) the franchise was notified in writing, prior to the commencement of the term of the then existing franchise—

"(i) of the duration of the underlying lease; and

"(ii) of the fact that the underlying lease might expire and not be renewed during the term of the franchise (in the case of termination) or at the end of the term (in the case of nonrenewal); and

"(B) in any case in which the franchisor has an option to renew the underlying lease or purchase the premises, the franchisor—

"(i) provides, not later than 90 days before the date on which the option expires, the franchisee with the name, address, and telephone number of the owner or lessor of the premises; and

"(ii) agrees not to use this paragraph as a ground for nonrenewal or termination during any term during which the franchise is able to retain possession of the premises as a result of any agreement entered into with the owner or lessor of the premises;".

By Mr. WELLSTONE (for himself, Mr. KOHL, and Mr. SARBANES):

S.J. Res. 59. A joint resolution to express the sense of Congress that the Federal Energy Regulatory Commission should refrain from further processing of restructuring proceedings pursuant to Order No. 636 until 60 days after the submission to Congress of the study of the General Accounting Office of the economic impact of the order on residential, commercial, and other end-users of natural gas, and for other purposes; to the Committee on Energy and Natural Resources.

ENERGY LEGISLATION

Mr. WELLSTONE. Mr. President, I rise to express my opposition to unfair and unjustified energy price hikes which are being imposed upon American consumers. I am not speaking about the President's proposed energy use tax, a proposal which has been made in the full light of public scrutiny. I am speaking about a much more hidden price increase being imposed upon natural gas consumers in my State and in many other States by the Federal Energy Regulatory Commission.

Last year, the Federal Energy Regulatory Commission issued Order No. 636. Through this order, FERC sought to go beyond congressional legislation deregulating the natural gas industry and completely reorder the way gas is bought and sold in the interstate market. A critical part of the order transforms pipelines, which had traditionally bought and sold gas, into common carriers shipping gas owned by others. Under this new scheme, consumers will be charged separately for the cost of transportation and the price of the natural gas itself. But FERC's order has its costs. Old take-or-pay contracts have to be bought out with the buyout costs passed on to the consumers, Mr. President, to the tune probably of billions of dollars.

In addition, fixed costs, which used to be recovered from users of natural gas based on the amount of gas used, will now be paid up front by consumers regardless of how much or how little gas they consume.

Mr. President, setting aside the pros and cons of FERC's desire to restructure the gas industry, how the order allocates economic costs raises serious questions of regional fairness; and the billions of dollars the order is expected to cost consumers will impose severe economic hardships.

All of my colleagues from natural gas-consuming States, particularly cold weather States, should be aware that this FERC order will increase the natural gas bills of their homeowners and small businesses. While consumers in Minnesota and other gas-consuming States will pay the costs—and the costs are expected to be significant—businesses in Texas, Louisiana, Oklahoma, and a few other States will reap the benefits, and the benefits are estimated to be in the billions of dollars.

Meanwhile, consumers in these and other producing States will be largely insulated from price increases because they purchase gas from within their own State, not from the interstate market which FERC is restricting.

Is this fair? Why should Minnesota and other consuming States pay for FERC's restricting of the natural gas industry? But you might ask, will these new regulations really cost consumers?

A recent article from the Washington Post indicates that consumers in this area, the Washington-Baltimore area, can expect to see their utility bills increase by as much as $500 million because of FERC's new regulations. A $500 million increase in natural gas bills for Maryland, Virginia, and the District of Columbia means that the average household will see a $100 per year increase in their natural gas bill.

In the State of Wisconsin, which like Minnesota has a much colder climate than Washington, DC, some utility executives have estimated that consumers may see their bills increase by as much as 50 percent, which could mean several hundred dollars a year in higher gas bills for consumers. If the Post article is correct, FERC's order will cost Washington-Baltimore area natural gas consumers five times as much as the President's proposal.

When you look at its total economic cost, FERC's new regulations could spell extreme economic hardship for small businesses, schools and hospitals, and farmers in my State. It would be reasonable to assume that the Federal Energy Regulatory Commission, being composed of good public servants, carefully examined these issues and took steps to address them.

Last year, I was under the impression that FERC was simply trying to avoid criticism by refusing to make public its analysis of regional, economic, and consumer impacts. But now I understand that FERC quite literally had nothing to hide. When Citizen Action appealed FERC's decision to withhold its economic analysis under the Freedom of Information Act, FERC admitted that it never did look at the regional or consumer impacts of its own order. And if that is not enough, FERC is now expediting action on proposed rate increases presuming that immediate price increases, less than 10 percent, are not significant, and that those over 10 percent will be mitigated by requiring them to be phased in.

It is obvious to me, Mr. President, that the Commission is badly biased and fails to see its order from the perspective of those who are going to have to pay these bills.

FERC's promoting expanded natural gas use may have environmental benefits and may help economically depressed communities of the producing States. Maybe we need to expand natural gas use and maybe we need more economic assistance for all of the economically depressed regions in our country, but this regulatory price hike is not the way to address these problems. It is unfair to the consumers and it is unfair to the economies of the consuming States.

So, today, along with my colleagues from Wisconsin and Maryland, Senators KOHL and SARBANES, I want to introduce a joint resolution to direct the Federal Energy Regulatory Commission to stop its proceedings under this new order. The resolution would direct FERC to withhold action until 60 days after the ongoing General Accounting Office study of the economic impacts on this order is submitted to Congress. I do not think it is too much for FERC to wait for a GAO study to carefully look at the economic impact.

Further, I introduce this resolution to register my most strenuous objections to FERC's insensitivity to consumers and to call upon the new administration to take action to change this situation. In the coming months, the Senate will have the opportunity to advise and consent on the President's nomination for at least three FERC Commissioners, a majority of the five-member Commission. It is my intention to sue all of the avenues available to me as a Member of the U.S. Senate to ensure that the views and concerns of consumers and consuming States—and I am sure I will be joined by Senator METZENBAUM as well in this effort—are fairly represented on the Commission.

Mr. President, I ask unanimous consent that the full text of the resolution being introduced today, a Washington Post article dated February 25, 1993, and the "Dear Colleague" letter distributed by myself and Senator KOHL be printed in the RECORD.

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

S.J. RES. 59

Whereas Congress has declared that a purpose of the Department of Energy is to promote the continued good health of the Nation's small business firms, public utility districts, municipal utilities, and private cooperatives;

Whereas residential and commercial consumers, hospitals, schools, and others that have been identified by Congress as high-priority users of natural gas depend on an affordable and reliable supply of natural gas;

Whereas the Federal Energy Regulatory Commission on April 8, 1992, adopted new regulations in Order No. 636;

Whereas Order No. 636 forces significant changes in the structure of the various components of the natural gas industry that will significantly increase the cost of natural gas and have other adverse effects on residential, commercial, and other high-priority users;

Whereas Order No. 636 will make residential, commercial, and other high-priority users pay all fixed costs of the national pipeline system, instead of only their reasonable share;

Whereas residential consumers will not be benefited by the cost increases, but will be forced by the order to pay all transition costs created by the industry restructuring;

Whereas the Federal Energy Regulatory Commission has failed to conduct an analysis of the economic impact of Order No. 636 on the various classes of natural gas end-users (including residential and small business users), which economic impact includes higher fixed costs, higher wellhead costs, and new transition costs;

Whereas the Federal Energy Regulatory Commission has not conducted an analysis of the economic impact of Order No. 636 on the various geographic regions of the country, and is moving with undue haste to implement Order No. 636; and

Whereas the General Accounting Office has undertaken to conduct a study of the economic impact of Order No. 636 on residential, small commercial, and other high-priority end users, as well as on large industrial customers, and to analyze the economic impact of the order on the various geographic regions of the country and on different types of local gas utilities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of Congress that the Federal Energy Regulatory Commission should refrain from further processing of restructuring proceedings pursuant to Order No. 636 until 60 days after the submission to Congress of the study of the General Accounting Office of the economic impact of the order on residential, commercial, and other end-users of natural gas.

[From the Washington Post, Feb. 25, 1993].

PIPELINE'S WOES COULD BOOST LOCAL GAS RATES

(By Thomas W. Lippman)

Natural gas consumers in the Washington-Baltimore area and nearby states are facing a bill of $500 million or more to cover a pipeline company's cost of complying with a 1992 federal order restructuring the natural gas industry.

A rate hike for local gas customers—which could cost the average household a total of $100—appears inevitable, according to utility executives. They fear the cost could be much more if federal regulators allow the pipeline to pass on to consumers a large portion of the debts that have driven it into bankruptcy court.

The timing and amount of the increase depends on the outcome of legal battles between the pipeline company, Columbia Gas Transmission Corp., and utilities, including Washington Gas Light Co., which serves the Washington metropolitan area.

The utilities say their customers will have to pay as much as $500 million to cover Columbia's "transition costs" for complying with Federal Energy Regulatory Commission (FERC) Order 636. That order takes pipeline companies out of the business of buying and selling natural gas, and converts them into shippers for others.

In addition, Columbia, which has been in bankruptcy proceedings since 1991, is trying to pass on to the utilities some of the burden of covering Columbia's debts to its creditors. Those debts total $11.3 billion, according to the creditors' calculations.

Washington Gas, Baltimore Gas and Electric Co. and other local gas companies from the Eastern Shore to Dayton, Ohio, have joined forces to fight Columbia's effort to pass on its bankruptcy costs.

The utilities and consumer groups contend that FERC, in two previous cases, already allowed the pipeline to bill the utilities for some of the same debts now before the bankruptcy court. But FERC has rejected appeals by the utilities to declare that none of the debt will be added to the transition costs, according to lawyers in the case.

"We are talking about billions of dollars," said Stanley W. Balis, a Washington lawyer who represents Richmond and Charlottesville, which run their own retail gas companies. "Our view is that Columbia is not entitled to recover any of the costs [of settling with its bankruptcy creditors] because they predate Order 636."

"Let's say the total is $1 billion or something bizarre like that," said Washington Gas President Jeremiah K. Hughitt. "For customers in Washington, you are looking at $100 [in added bills] for every $1 billion" awarded to Columbia by FERC.

In position papers circulated by the utilities, the assumption is that the total cost will be about $1.1 billion. Columbia says it does not know how much it will seek to pass on.

"We have never given an estimate of how much we would seek to recover in the 636 proceeding," Columbia Gas spokesman David Dodrill said from the company's office in Charleston, W. Va. "We are not seeking to recover $11.3 billion; that is a number that is going to change drastically in the claims estimation process."

Adding to the complexity of the case, FERC itself is beset by uncertainty because four of its five members are lame ducks. Two have announced their intention to resign, and the terms of two others have expired.

Unlike the oil industry, in which the same company often controls the product from wellhead to retail pump, the natural gas industry has traditionally been composed of three segments: producers, who drill and operate the wells; pipeline companies, which buy the gas from producers and transport it around the country; and local companies such as Washington Gas, which buy from producers and sell to homeowners and businesses.

For many reasons, FERC decided last year to restructure the industry. Among other things, Order 636 essentially ended the pipelines' role as buyers and sellers, converting them into shippers of gas bought and sold by others. Each interstate pipeline company was directed to submit a compliance plan, including a projection of its costs for such things as canceling its now-invalid purchase contracts.

FERC set a Nov. 1, 1993, deadline to approve all compliance plans. But Columbia's case is unique because it is in Chapter 11 bankruptcy proceedings. It filed for bankruptcy in 1991 because it was unable to escape from long-term contracts with producers in which it was paying as much as $6.70 per 1,000 cubic feet of gas selling at retail for $1.30.

Columbia's customers, which also include Delmarva Power and Light Co. and Frederick Gas Co., serve about 8 million retail customers in the District and 15 states.

How much each household or business would pay will depend on how much of Columbia's creditors' claims the bankruptcy court validates, and on what percentage of that amount FERC lets Columbia pass through. State regulators generally permit local utilities to pass such cost increases along to retail customers because the utilities' rates of return—a measure of profitability—are guaranteed.

In an order denying the utilities' request to postpone considering Columbia's 636 compliance proceeding, FERC said, "Columbia's bankruptcy creates uncertainty for its customers. On the other hand, indefinite suspension of the restructuring proceedings would not provide certainty either."

A FERC official said, "We are very cognizant of consumers' concerns."

Hughitt said Washington Gas did not have the option of walking away from Columbia and using some other pipeline to supply its gas. "Almost 80 percent of the gas that serves this metropolitan area comes through the Columbia system. It's vital to our operation," he said.

U.S. SENATE,
Washington, DC, March 2, 1993.

DEAR COLLEAGUE: Last year, the Federal Energy Regulatory Commission (FERC) issued Order No. 636 which consumer and public interest groups charged would cost homeowners and small businesses billions of dollars.

Now, as FERC begins implementing this Order, we are beginning to see its impact on

consumers unfold. As the attached article from the Washington Post indicates, Washington-Baltimore area consumers can expect to see their utility bills increase by as much as $500 million to pay for the costs of complying with FERC's Order. Some utility executives in colder-weather states have stated that this Order will lead to a 50 percent increase in natural gas bills for their residential consumers.

FERC Order No. 636 seeks to restructure completely the way natural gas is sold and transported. Substantial "transition" costs will be incurred along the way. According to Citizen Action, the National Association of State Utility Consumer Advocates, the Consumer Federation of America, and the National Council of Senior Citizens, the results of the restructuring will be "anti-consumer, anti-competitive and will drain billions of dollars out of local economies."

Last year, Citizen Action sought to obtain FERC's internal economic analysis of the Order through the Freedom of Information Act (FOIA). At first, it appeared FERC simply wanted to hide potentially damaging information when it denied the FOIA request. Now, on appeal, FERC has disclosed that it did conduct an analysis of the Order's economic impact on end-users.

Despite the clear potential for severe economic impacts, FERC is moving forward with unseemly haste to implement the Order. At the request of former FERC Chairman Allday, FERC has suspended action on at least fifteen docketed cases and given restructuring of the natural gas pipeline industry under Order No. 636 "priority over all other matters pending before the Commission and [has decided] to proceed with all due haste."

At the request of several members of Congress, GAO currently is conducting a study of the economic impact of Order No. 636 on residential, small commercial, and other high priority end-users. GAO also has been asked to analyze the economic impact of Order No. 636 on different geographic regions of the country, and on different types of local gas utilities.

This independent analysis by GAO is essential not just because FERC has failed to provide its own credible analysis, but also because of the potential extraordinary economic impact of this Order on gas consumers. Compared to the recently much discussed impacts of an energy use tax, consumers in cold weather states are likely to see much higher price increases as a result of FERC Order No. 636!

We intend to introduce the attached Senate Joint Resolution urging FERC to refrain from further implementing the Order until Congress has had 60 days to review the GAO's conclusions.

You can express your concern about FERC's action by joining as a cosponsor of this resolution. If you would like to join as an original cosponsor, please have your staff contact Alan Schoem or Karl Gawell of Senator Wellstone's staff at 4-5641 by March 8.

Sincerely,

PAUL DAVID WELLSTONE.
HERB KOHL.

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. HOLLINGS, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 4, a bill to promote the industrial competitiveness and economic growth of the United States by strengthening and expanding the civilian technology programs of the Department of Commerce, amending the Stevenson-Wydler Technology Innovation Act of 1980 to enhance the development and nationwide deployment of manufacturing technologies, and authorizing appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes.

S. 7

At the request of Mr. MCCONNELL, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 7, a bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes.

S. 9

At the request of Mr. MCCAIN, the names of the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from New Hampshire [Mr. GREGG], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 9, a bill to grant the power to the President to reduce budget authority.

S. 11

At the request of Mr. BIDEN, the names of the Senator from Tennessee [Mr. MATHEWS], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 21

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 21, a bill to designate certain lands in the California Desert as wilderness to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

S. 91

At the request of Mr. THURMOND, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 91, a bill to authorize the conveyance to the Columbia Hospital for Women of certain parcels of land in the District of Columbia, and for other purposes.

S. 103

At the request of Mr. NICKLES, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 103, a bill to fully apply the rights and protections of Federal civil rights and labor laws to employment by Congress.

S. 208

At the request of Mr. BUMPERS, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 208, a bill to reform the concessions policies of the National Park Service, and for other purposes.

S. 261

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 261, a bill to protect children from exposure to environmental tobacco smoke in the provision of children's services, and for other purposes.

S. 265

At the request of Mr. SHELBY, the name of the Senator from Indiana [Mr. COATS] 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.

S. 277

At the request of Mr. SIMON, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 277, a bill to authorize the establishment of the National African American Museum within the Smithsonian Institution.

S. 289

At the request of Mr. REID, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 289, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 322

At the request of Mr. DECONCINI, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 322, a bill to amend the Land and Water Conservation Fund Act of 1965 to ensure sufficient funding for Federal and State projects and for maintenance and security needs, to encourage multipurpose acquisitions, and for other purposes.

S. 349

At the request of Mr. LEVIN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 349, a bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

S. 366

At the request of Mr. EXON, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 366, a bill to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry.

S. 368

At the request of Mr. BUMPERS, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 368, a bill to amend the Internal Revenue Code of 1986 to pro-

vide a capital gains tax differential for individual and corporate taxpayers who make high-risk, long-term, growth-oriented venture and seed capital investments in startup and other small enterprises.

S. 409

At the request of Mr. GLENN, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 409, a bill to extend the terms of various patents, and for other purposes.

S. 412

At the request of Mr. EXON, the name of the Senator from Rhode Island [Mr. PELL] 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. 416

At the request of Mr. DECONCINI, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 416, a bill to authorize the provision of assistance to the victims of war in the former Yugoslavia, including the victims of torture, rape, and other war crimes and their families.

S. 424

At the request of Mr. DODD, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 424, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 438

At the request of Mr. GRAHAM, the names of the Senator from Virginia [Mr. WARNER], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 438, a bill to amend the Internal Revenue Code of 1986 to remove certain high-speed rail facility bonds from the State volume cap.

S. 452

At the request of Mr. CONRAD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 452, a bill to amend chapter 17 of title 38, United States Code, to establish a program of rural health-care clinics, and for other purposes.

S. 462

At the request of Mr. BUMPERS, the names of the Senator from Wisconsin [Mr. FEINGOLD] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 462, a bill to prohibit the expenditure of appropriated funds on the United States International Space Station Freedom program.

S. 463

At the request of Mr. BUMPERS, the names of the Senator from Wisconsin [Mr. FEINGOLD], the Senator from North Dakota [Mr. DORGAN], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 463, a bill to prohibit the expenditure of appropriated funds on the Superconducting Super Collider program.

S. 465

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 465, a bill to amend the International Revenue Code of 1986 to encourage the production of biodiesel and certain ethanol fuels, and for other purposes.

S. 473

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 473, a bill to promote the industrial competitiveness and economic growth of the United States by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the United States, and for other purposes.

S. 479

At the request of Mr. DODD, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 479, a bill to amend the Securities Act of 1933 and the Investment Company Act of 1940 to promote capital formation for small businesses and others through exempted offerings under the Securities Act and through investment pools that are excepted or exempted from regulation under the Investment Company Act of 1940 and through business development companies.

S. 481

At the request of Mr. SIMON, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 481, a bill to amend the National Labor Relations Act to give employers and performers in the live performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 482

At the request of Mr. BOREN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 482, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 487

At the request of Mr. MITCHELL, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Maryland [Mr. SARBANES], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 493

At the request of Mr. COHEN, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 493, a bill to amend the Public Health Service Act to facilitate the entering into of cooperative agreements between hospitals for the purpose of enabling such hospitals to share expensive medical or high technology equipment or services, and for other purposes.

S. 503

At the request of Mr. D'AMATO, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 503, a bill to amend the Immigration and Nationality Act to provide that members of Hamas (commonly known as the Islamic Resistance Movement) be considered to be engaged in a terrorist activity and ineligible to receive visas and excluded from admission into the United States.

S. 517

At the request of Mr. BUMPERS, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 517, a bill to reduce the deficit in the Federal budget for fiscal year 1994 by limiting to $2,000,000,000 the amount that may be appropriated for the Strategic Defense Initiative.

S. 518

At the request of Mr. BUMPERS, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 518, a bill to reduce the deficit by limiting the amount of appropriations which may be available to the intelligence community for fiscal year 1994.

S. 519

At the request of Mr. BUMPERS, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 519, a bill to reduce Federal budget deficits by prohibiting further funding of the Trident II ballistic missile program.

S. 520

At the request of Mr. BUMPERS, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 520, a bill to prohibit the expenditure of appropriated funds on the Advanced Solid Rocket Motor Program.

S. 527

At the request of Mr. D'AMATO, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 527, a bill to provide for, and to provide constitutional procedures for the imposition of, the death penalty for causing death through the use of a bomb or other destructive device.

SENATE JOINT RESOLUTION 22

At the request of Mr. SPECTER, the names of the Senator from Wyoming [Mr. SIMPSON], and the Senator from Tennessee [Mr. MATHEWS] were added as cosponsors of Senate Joint Resolution 22, a joint resolution designating

March 25, 1993 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 42

At the request of Mr. BUMPERS, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of Senate Joint Resolution 42, a joint resolution to designate the month of April 1993 as "Civil War History Month."

SENATE JOINT RESOLUTION 52

At the request of Mr. PACKWOOD, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of Senate Joint Resolution 52, a joint resolution to designate the month of November 1993 and 1994 as "National Hospice Month."

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. EXON, the names of the Senator from Montana [Mr. BAUCUS], the Senator from New York [Mr. MOYNIHAN], the Senator from Tennessee [Mr. MATHEWS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Hawaii [Mr. INOUYE], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Oklahoma [Mr. BOREN], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Concurrent Resolution 9, a concurrent resolution urging the President to negotiate a comprehensive nuclear weapons test ban.

SENATE RESOLUTION 24

At the request of Mr. DANFORTH, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Resolution 24, a resolution urging the criminal prosecution of persons committing crimes against humanity, including participation in mass rapes, in Bosnia-Herzegovina.

SENATE RESOLUTION 68

At the request of Mr. D'AMATO, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Resolution 68, a resolution urging the President of the United States to seek an international oil embargo through the United Nations against Libya because of its refusal to comply with United Nations Security Council Resolutions 731 and 748 concerning the bombing of Pan Am Flight 103.

SENATE RESOLUTION 70

At the request of Mr. BRADLEY, the names of the Senator from Ohio [Mr. GLENN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Oregon [Mr. PACKWOOD], the Senator from Washington [Mrs. MURRAY], the Senator from Ohio [Mr. METZENBAUM], the Senator from Hawaii [Mr. INOUYE], the Senator from Arizona [Mr. DECONCINI], the Senator from Texas [Mr. KRUEGER], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Resolution 70, a resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

SENATE CONCURRENT RESOLUTION 14—RELATIVE TO THE 46TH CONGRESS OF THE INTERALLIED CONFEDERATION OF RESERVE OFFICERS

Mr. THURMOND (for himself, Mr. DOLE, Mr. HOLLINGS, Mr. MCCAIN, Mr. COCHRAN, Mr. WARNER, Mr. SPECTER, Mr. LOTT, and Mr. SMITH) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 14

Welcoming the XLVI Congress of the Interallied Confederation of Reserve Officers (CIOR), commending the Department of Defense and the Reserve Officers Association of the United States for hosting the XLVI Congress of the CIOR, and urging other departments and agencies of the Federal Government to cooperate with and assist the XLVI Congress of the CIOR to carry out its activities and programs.

Whereas the Interallied Confederation of Reserve Officers (CIOR), an association of reserve officers from thirteen of the nations comprising the North Atlantic Treaty Organization, will hold its XLVI Congress at Washington, District of Columbia, during the period August 1 through 6, 1993; and

Whereas the United States, through the Department of Defense, will conduct military competitions in conjunction with and as a constituent part of the XLVI Congress of that organization: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States—

(1) extends to the Interallied Confederation of Reserve Officers (CIOR) a cordial welcome to the United States on the occasion of the XLVI Congress of that organization to be held in Washington, District of Columbia, during the period August 1 through 6, 1993;

(2) commends the joint effort of the Department of Defense and the Reserve Officers Association of the United States in hosting the XLVI Congress of the CIOR; and

(3) urges all departments and agencies of the Federal Government to cooperate with and assist the XLVI Congress of the CIOR in carrying out its activities and programs during that period.

Mr. THURMOND. Mr. President, I rise to introduce a concurrent resolution welcoming the 46th Congress of the Interallied Confederation of Reserve Officers [CIOR] and commending the Department of Defense and the Reserve Officers Association for hosting this notable gathering. I am joined in this resolution by the distinguished minority leader, Senator DOLE, and Senators HOLLINGS, MCCAIN, COCHRAN, WARNER, SPECTER, LOTT, and SMITH.

Mr. President, the CIOR represents over 800,000 Reserve officers from the 12 nations of the North Atlantic Alliance. Since its inception in 1948, the confederation has supported NATO defense doctrine and the strategy that has led to startling changes in Eastern Europe. The CIOR has a permanent representative to the NATO Military Committee and a CIOR office exists on the international military staff.

Mr. President, to meet future crisis, the Atlantic Alliance, the most successful defense alliance in history, will rely heavily on the ability to mobilize reserves to supplement the active duty forces which are being rapidly downsized. The CIOR supports a strong reserve structure and seeks to strengthen the Atlantic Alliance by promoting contacts and training exchanges among Reserve officers of NATO nations.

To foster an exchange of ideas and promote the goals of the organization, the CIOR holds an annual congress, alternating the venue among member countries. The 46th Congress, which is the third held in the United States, will take place in Washington, DC, during the first week of August. It will be held under the able leadership of Maj. Gen. Evan Hultman, the executive director of the Reserve Officers Association of the United States, who is serving as the president of the CIOR for 1992–94.

Success is also assured because of the men who serve as honorary chairmen for the 1993 Congress: Gen. Andrew J. Goodpaster, Gen. Alexander Haig, Gen. Bernard Rogers, and Gen. John Galvin.

Mr. President, in requesting the 1993 Congress be held in the United States President Reagan wrote: "I am certain that our government will make every effort to see that the CIOR's Congress in the United States will be most productive and rewarding."

Mr. President, our concurrent resolution is intended to support the President's announcement. I urge its early consideration and ask my colleagues to join me in welcoming the Interallied Confederation of Reserve Officers to the United States on the occasion of the 46th Congress.

AMENDMENTS SUBMITTED

NATIONAL VOTER REGISTRATION LEGISLATION

JEFFORDS AMENDMENTS NOS. 70–72

(Ordered to lie on the table.)

Mr. JEFFORDS submitted three amendments intended to be proposed by him to the bill (S. 460) to establish national voter registration procedures for Federal elections, and for other purposes, as follows:

AMENDMENT No. 70

On page 29, strike line 19 and insert the following:

"on the date that is the earlier of—

"(A) the date on which there has been adopted and placed in effect amendment to the constitution of the State to permit compliance with this Act; and

"(B) the date that is 120 days after the date by which, under the constitution of the

State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect such an amendment; and".

AMENDMENT NO. 71

On page 4, between lines 17 and 18 add the following:

(3) A State that—

(A) demonstrates to the Federal Election Commission that 90 percent or more of all eligible members of the voting age population in the State was registered to vote in the most recent Federal election at any time; and

(B) has in place a program for the removal of names of ineligible voters from official lists of eligible voters that is substantially equivalent to that described in section 8.

AMENDMENT NO. 72

On page 4, line 10, strike "either or both" and insert "1 or more".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MATHEWS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, March 9, 1993, at 2:30 p.m., in executive session, to act on certain pending military nominations, discuss and finalize plans for hearings on gays in the military, and discuss other committee business.

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

COMMITTEE ON FINANCE

Mr. MATHEWS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 9, 1993, at 10 a.m. to hold a hearing on the administration's trade policy goals and priorities.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MATHEWS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 9 at 12:15 p.m. to hold a business meeting to vote on pending items.

The PRESIDING OFFICER. Without objection, it is so ordered

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MATHEWS. Mr. President, I ask unanimous consent that the Government Affairs Committee be authorized to meet on Tuesday, March 9, at 10 a.m. for a hearing on the subject: disposing of plutonium in Russia.

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

COMMITTEE ON THE JUDICIARY

Mr. MATHEWS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 9, 1993, to hold a hearing on the nomination of Janet Reno to be U.S. Attorney General.

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

ADDITIONAL STATEMENTS

IRAN'S SECRET BLUEPRINT TO DESTROY THE BAHA'I COMMUNITY

• Mr. LIEBERMAN. Mr. President, we have recently received profoundly distressing news about the Baha'i community of Iran.

A secret Iranian Government document which recently came to light provides chilling evidence of Iran's calculated plan to destroy this peaceful religious community.

This disturbing news came to my attention in a report from an old friend and my former neighbor in Connecticut, Firuz Kazemzadeh, who is one of the elected members of the governing council of the American Baha'i community. Dr. Kazemzadeh recently retired after more than 30 years on the faculty of Yale University, where he was a distinguished professor of history.

He has testified many times before congressional committees concerned with Iran's human rights abuses, and he is widely recognized for his insights into the situation in Iran and the plight of this persecuted religious community—the largest religious minority group in Iran.

The secret Iranian document is brief, but its meaning is clear. It is a deliberate plan, written and approved by the highest level officials of the Iranian Government, to destroy the Baha'is.

The Iranian blueprint is labeled "confidential," but it was revealed in a recent United Nations report.

No matter that the Baha'is are natives of Iran. No matter that they are a law-abiding community, in keeping with their religious beliefs which require them to obey the civil law of whatever country in which they reside.

The official Iranian plan states that the Iranian Government's dealings with the Bahai's "must be in such a way that their progress and development are blocked."

The plan goes on to describe in detail the ways in which Bahai's are to be blocked. They must be expelled from schools or universities "once it becomes known that they are Bahai's. They are to be denied employment "if they identify themselves as Bahai's," and they should be denied "any position of influence, such as in the educational sector."

Moreover, the plan states, "to the extent that it does not encourage them to be Bahai's, it is permissible" for Bahai's to have ration booklets, passports, burial certificates, and work permits.

In one particularly ominous provision, the secret blueprint calls for a plan "to confront and destroy their cultural roots outside the country." According to Dr. Kazemzadeh, this refers to Iran's actions to counteract efforts in support of Iranian Bahai's by the American Bahai community, as well as the German, Canadian and Brazilian Bahai's.

As a recent editorial in the New York Times points out, "it is of some solace that this code was kept secret, an implicit tribute to the norms of tolerance that Iran flouts."

And we might take heart from the fact that the secret blueprint does not call for the outright physical annihilation of the Bahai's—although it clearly leaves open the possibility for additional arrests and executions.

More than 200 Bahai's have been executed and thousands imprisoned on account of their religion, since the Islamic regime took power in 1979.

Arrests and executions are not the only way to destroy a vulnerable minority group, however. The detailed instructions contained in Iran's secret blueprint may call for less violent and less dramatic actions, but they are just as sure a prescription for the destruction of a peaceful, law-abiding community.

In a few weeks we will dedicate a new museum in Washington, the Holocaust Memorial Museum. Although most of its displays will emphasize the horrors of the Nazis' efforts to destroy the Jewish communities of Europe, the purpose of this museum goes beyond the need to keep alive the memory of the tragedies of the past.

Indeed, the message of the Holocaust Museum is to read the lessons of the 1930's and 1940's as a caution against other attempts by tyrannical governments which seek to destroy a vulnerable ethnic or religious minority group.

Since 1982, Congress has adopted five concurrent resolutions of support for the religious rights of Bahai's. I was an active cosponsor of the most recent appeal, the Bahai community emancipation resolution, adopted in July 1992.

We must renew our efforts to signal our support for the Bahai's, and to emphasize that the Senate condemns Iran's continuing persecution of this peaceful religious minority. And we must make clear to the President and to the American public which values religious liberty, that Iran's religious persecution of Bahai's is an important factor to be considered in the development of any relationships between our Government and the Government of Iran.•

A TRIBUTE TO FLORENCE

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the city of Florence in Boone County.

Florence is a rapidly growing city located in the northernmost tip of Kentucky, just south of Cincinnati. Flor-

ence lies among Boone County's hilly terrain and is bordered on the north and west by the Ohio River.

Nearly two centuries ago, a small, sleepy town called Crossroads occupied the land Florence rests on today. This early name was a good indicator of what the future held for the northern Kentucky community. Today, Florence is home to the Cincinnati-Northern Kentucky Airport which served over 11 million passengers last year, and provides nonstop service to several European capitals, as well as most United States cities. Florence is also intersected by Interstate 75, which brings approximately 65,000 cars a day through the city.

Visitors to Florence are immediately welcomed by a red and white striped water tower which simply announces to guests: "Florence Y'all." These two words signify to visitors that perhaps Florence is more of a hometown, spend-the-afternoon-with-you place, rather than a piece of a thriving metropolis' puzzle.

Florence is gaining notoriety as the home of Turfway Park, a thoroughbred racetrack which hosts the annual Jim Beam Stakes. The Jim Beam Stakes has produced the winner in four of the past nine triple crown races. Recently, the Jim Beam purse was increased to $600,000. Promoters now bill the stakes as the richest triple crown prep race.

Because of the proximity to Cincinnati, Florence has become a regional manufacturing and trade center. More than 8,000 jobs are provided through manufacturing, and nearly 12,000 jobs exist in wholesale and retail trade. By the end of the 1980's, more than $25 million a year was being invested in new commercial and residential construction.

I applaud the city of Florence and the strong economic base being built in the community. Florence truly is an outstanding Kentucky city.

Mr. President, I ask that an article from the Louisville Courier-Journal be submitted in today's RECORD.

The article follows:

FLORENCE

(By Beverly Bartlett)

A mile away on Mall Road, all of Northern Kentucky, it seems, is going shopping.

They do so at the rate of about 75,000 people a week at the Florence Mall, the largest establishment of its kind in Northern Kentucky, perhaps the largest in the state. But it's only one part of the retail trade along Mall Road, where discount stores and electronics shops and clothing stores have sprouted since the late 1970s.

Before Christmas each year, the crowds at the Florence Mall edge upward to about 200,000 people a week, meaning the mall's 5,500 parking places are in hot demand.

But on Main Street in downtown Florence, the sidewalks are empty, time passes slowly and a parking place is nothing special. Pull up to the curb and claim your spot.

A word of caution, however: Do yourself a favor and park on the side of the street on which you have business. Crossing Main Street is no simple task.

Just ask Janet and Jewell Scott, who recently waited several minutes to pull out of a drugstore parking lot and onto Main Street.

Janet Scott shook her head as her husband finally eased into the roadway during a short break in traffic. "This," she said, "is why we don't like it busy." Main Street, Florence, is not really busy. The three barbershops that line these few blocks seem to be doing no more than a passing trade. The music shop looks empty. There aren't any lines, for the moment at least, in the drugstore.

But the traffic! The steady stream of cars gives you a peek into modern day Florence, a place where the mayor sums up growth's price to a community in one word.

"Traffic," she says.

It is in this sense, if in few others, that Main Street is still representative of the community. In a city where the daytime population is four to five times greater than the number of people who actually live there, it seems somehow fitting that on Main Street—which is also U.S. 25—people pass through, but don't stop.

Florence also is a place that people pass through.

They pass through the Cincinnati-Northern Kentucky Airport, which borders the city to the north and served more than 11 million passengers last year much to the dismay of some silence-loving Florence residents who live under the flight patterns.

And they pass through via Interstate 75, by a rate of about 85,000 cars a day, according to some Transportation Cabinet estimates.

It is because of the interstate traffic, mostly, that Florence is known. You do not travel through Florence via I-75 and not notice you've entered the place. A red and white striped water tower announces the city to you, using two simple, friendly and somehow boastful words:

Florence Y'all.

It is an almost jarring sight, here in the shadow of a major metropolitan area, in one of the most modern cities in the state. It suggests a slow-paced, spend-the-afternoon-with-you sort of friendliness in a place marked more by the type of impersonal politeness used by telephone salespeople.

This is, after all, a place where retail trade has grown to the point that people commute to town to buy things from people who have commuted to town to sell them. These are no longer hometown transactions.

And some longtime residents mourn the change. Charles R. Callen, who has been police chief in Florence since 1976 and lived there nearly all of his life, said he makes a conscious effort to frequent longtime local businesses like Florence Hardware, avoiding the temptations of the chain home-improvement centers that have moved in.

"You can go there and buy things and maybe pay a little less for them," he says, "But to me you can't forget the little guy who was here when no one else was and you needed him."

But he concedes that most people don't think that way. A lot of newcomers prefer Bob Evans or Perkins to Stringtown Restaurant, which operates in a Main Street building that dates back to 1909.

Some of today's Stringtown customers hung out at the place when it was just a bus stop with snacks, says cashier Jackie Gadd, who did that very thing as a 13-year-old in 1947.

Today the employees still know most customers by name, she said.

But "even here, that's dying," she said. "We're seeing a lot of new faces. People will call and say, 'I've heard about you, but where are you?'"

It is just another way that the smalltown feeling recedes. Years ago, "you could go to the neighbors and just open the door and walk in," Callen said. "Now I don't even know my neighbors, some of them, let alone opening the door and walking in."

The booming airport and the construction of the interstate helped bring change to the small community, known nearly two centuries ago as Crossroads. By the 1980s, Florence was a regional manufacturing and trade center, and toward the end of the decade, new commercial and residential construction poured into the town at a rate of $25 million a year.

But still, Callen doesn't get too melodramatic about the changes that growth has brought to his city. It makes for more crime, he says, but mostly just shoplifting and people breaking into cars.

Callen, like many in Florence, has accepted the changes, which were brought more by circumstance than courting, more by location than longing.

"The city itself didn't have any real desire to grow or not," said Mayor Evelyn Kalb. "There were outside forces that generated the growth. . . . I can't say I regret the growth. It's been good."

The good side includes the fact that the city is now able to afford a library.

And Ted. J. Bushelmann, a native who is the airport spokesman, has gladly accepted a longer commute time. Traffic has slowly increased the time it takes him to drive from home to work from nine minutes to 14 minutes.

"But now what I've got in between is five nice restaurants and a nice hotel," he says, "so if someone comes in from out of town and I don't want them to stay with me I have some place to put them."

And he can pick up a good meal on his way home.

The "y'all" sign came with the growth, though the car and airplane traffic, the lighted restaurant signs and hotels all seem to contradict the message.

The water tower was built to serve the mall and was to serve as a mall promotion, proclaiming simply "Florence Mall."

But shortly after painting the water tower, city officials learned that sign regulations wouldn't allow them to advertise the privately-owned mall.

So the word "mall" had to go. But painting over it would have been expensive. Then Mayor C.W. "Hop" Ewing opted to only paint over the two sides of the M and add an apostrophe.

The city has chosen to retain the message each time it has repainted the water tower.

"God gave us that name," says a slightly bemused Jim Collins, the city's vice mayor and the county administrator, "so let's do something with it."

The city has not embraced the airport quite so wholeheartedly. It is one of the largest employers in the area. Fifty companies employ about 8,500 workers. But it's also the loudest distraction for the city, a problem that has worsened in the two years since the airport—which is a major regional hub for Delta Air Lines—started a $1 billion expansion and renovation program.

"You go out in the yard and you have to stop talking," said William Conrad, whose neighborhood is among those affected by the noise. "It's terrible."

It's terrible enough, in fact, that Boone County Judge-Executive Kenneth Lucas, who also serves on the airport board, estimates

that over the next several years "hundreds of millions of dollars" will have to be spent to alleviate the problem through such methods as soundproofing or buying homes.

The airport board is awaiting approval from the Federal Aviation Administration for a "passenger facility charge," which would be added to all tickets and generate $15 million a year for noise abatement.

The airline passengers will not notice the soundproofing going on below, probably not notice the extra dollar or so added to their ticket price and a lot of them may remain oblivious that the airport known popularly as Cincinnati is in Kentucky.

They pass over and do not know.

They are like Robin Sapp, who lives near Newport and who shops often at the Florence Mall.

Ask her about the community of Florence.

"We shop here a lot," she says, "but we don't know anything about it other than right here around the mall and some eating places."

Is there a downtown Florence, a residential section, an old building?

Sheepishly, she smiles.

"I just asked my husband the other day if there was."

Population (1990): Boone County, 57,589; Florence, 18,824.

Per capita income (1989): Boone County, $16,607, or $2,784 over the state average.

Jobs (1991): Manufacturing, 8,268; wholesales/retail, 11,815; services, 6,450; state/local government, 2,649 contract construction, 1,034.

Big employees (1991): Delta Air Lines, 2,800; St. Luke Hospital, 1,720; DHL Airways, 750; Equitable Bag Co. Inc., 590; Mazak Corp., 565.

Transportation: Air—Cincinnati-Northern Kentucky International Airport borders the city, it is served by major commercial airlines and is a hub for Delta, which provides non-stop service to London, Paris and Frankfurt, Germany, besides domestic flights, Highways—Interstates 75 and 71 bisect the county, Rail—CSX Transportation and Norfolk Southern serve the area. Water—Barge service on the Ohio River.

Education: Boone County Public Schools, 10,670. Nine colleges and universities, including Northern Kentucky University are located in the Cincinnati-Northern Kentucky area.

Media: Boone County Recorder and Dixie News, both weeklies.

Topography: Boone County's hilly terrain is bordered on the north and west by the Ohio River.

FAMOUS FACTS AND FIGURES

Boone County has been immortalized in popular culture. At the turn of the century, novelist John Uri Lloyd, according to local historian Bill Conrad, "laced his novels together with the history of Boone County." Lloyd spent part of his youth in the area and called Florence "Stringtown on the Pike," a reference to the way the town was strung along the pike that today is U.S. 25. About 20 years ago, country-music star Kenny Price wrote and recorded "The Sheriff of Boone County," making then-Sheriff Melvin Collins a sort of mini-celebrity.

Burlington, the Boone County seat, seems to be 150 miles from fast-paced Florence. The huge county building dwarfs the town and sits only a couple of blocks from farms. But Florence seems even farther from Rabbit Hash, a picturesque community that draws tourists because of its colorful name. A general store has operated along the Ohio River in Rabbit Hash since 1831. Today, it offers crafts for tourists as well as groceries for residents.

Mary Draper Ingles, often called the "first white woman to enter Kentucky," was brought by Indians to Big Bone Lick from her home in Virginia. The Indians had taken Ingles, two of her sons and her sister-in-law prisoner. The Ingleses were separated after being captured in July 1755. Only Ingles was brought to what is now Boone County, where the Indians produced salt. Ingles and another women escaped and slowly worked their way homeward, braving the weather and near-starvation. Ingles returned home to her husband by the end of November, about 40 days after she escaped. One of her sons died in captivity. The other was returned to the family in 1768.

The Jim Beam Stakes at Turfway Park has produced the winner in four of the past nine Triple Crown races. The purse recently was increased to $600,000, and the race is now billed as the "richest" Triple Crown prep race.●

THE 32D ANNIVERSARY OF THE PEACE CORPS

● Mr. COVERDELL. Mr. President, March 1, 1993, marked the 32d anniversary of the Peace Corps of the United States. During that period the Peace Corps has sent over 135,000 American citizens to serve as volunteers in over 100 countries throughout the world. These volunteers have contributed to building friendships between citizens of the United States and those of foreign countries and have worked under often difficult conditions to advance the development of host country economies. The Peace Corps has been broadly recognized throughout the world for its many achievements, and its supporters represent a broad bipartisan profile of the American citizenry. The Peace Corps has been honored by heads of state and other international leaders and during the course of its 32 years has actually worked with and taught many of these leaders during their youth.

There is no question that the Peace Corps has carried the best of the American spirit and generosity around the globe. The men and women who have served in the Peace Corps have also brought back to the United States a wealth of knowledge about foreign cultures and an appreciation for the complexities and values of these cultures. Returned Peace Corps volunteers have moved into positions of influence and importance throughout the private and public sectors and continue to provide insightful contributions to our country in the area of world affairs.

During my own tenure as Director of Peace Corps, I had the privilege and pleasure of sending volunteers to the newly democratic countries of Eastern Europe and to establish the Worldwide Schools Program, a program designed to link, during their service, Peace Corps volunteers with school systems back in the United States.

The U.S. Senate can rightfully be proud of 32 years of distinguished service of the Peace Corps, and I would like to add my own declaration of pride and support for the agency's many achievements throughout its history.●

REREFERRAL OF BILL—S. 284

Mr. MATHEWS. Mr. President, I ask unanimous consent that S. 284, a bill to amend the Food Stamp Act of 1977, be discharged from the consideration of the Committee on Indian Affairs and referred to the Committee on Agriculture, Nutrition, and Forestry.

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

ORDER FOR STAR PRINT—S. 491

Mr. MATHEWS. Mr. President, I ask unanimous consent that a star print be made of S. 491, the American Health Security Act of 1993, to reflect the changes I now send to the desk.

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

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

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

ORDERS FOR TOMORROW

Mr. MATHEWS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Wednesday, March 10; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day, and that there 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 following Senators recognized for the time limits specified: Senators HEFLIN, GRAMM, PRYOR, and BOXER for up to 10 minutes each; and Senator FEINSTEIN for up to 15 minutes.

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

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276, as amended, appoints the Senator from Montana [Mr. BURNS] as vice chairman of the Senate delegation to the Interparliamentary Union during the 103d Congress.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. MATHEWS. Mr. President, if there be no further business to come before the Senate today, I now ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 4:27 p.m., recessed until Wednesday, March 10, 1993, at 10 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate March 5, 1993, under authority of the order of the Senate of January 5, 1993:

DEPARTMENT OF STATE

J. BRIAN ATWOOD, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF STATE FOR MANAGEMENT, VICE JOHN F.W. ROGERS, RESIGNED.

LYNN E. DAVIS, OF VIRGINIA, TO BE UNDER SECRETARY OF STATE FOR INTERNATIONAL SECURITY AFFAIRS, VICE FRANK G. WISNER, RESIGNED.

TIMOTHY E. WIRTH, OF COLORADO, TO BE COUNSELOR OF THE DEPARTMENT OF STATE, VICE ROBERT B. ZOELLICK, RESIGNED.

Executive nominations received by the Secretary of the Senate March 8, 1993, under authority of the order of the Senate of January 5, 1993:

OFFICE OF PERSONNEL MANAGEMENT

JAMES B. KING, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT FOR A TERM OF 4 YEARS, VICE CONSTANCE BERRY NEWMAN, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

JEAN NOLAN, MARYLAND, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE MARY SHANNON BRUNETTE.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

DANIEL B. CONABLE, OF NEW YORK

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

WARREN J. CHILD, OF MARYLAND
FRANKLIN D. LEE, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

MELVIN W. SEARLS, JR., OF COLORADO

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

FREDERIC GAYLOR, OF VIRGINIA
MICHAEL J. HAND, OF VIRGINIA
THEODORE, J. VILLINSKI, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

ROBERT BEMIS, OF MASSACHUSETTS
BRIAN E. CARLSON, OF VIRGINIA
DON REED HAMILTON, OF OKLAHOMA
MYRON L. HOFFMANN, OF MARYLAND
ANNE M. SIGMUND, OF KANSAS
DAVID M. WILSON, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JAMES J. CALLAHAN, OF MARYLAND
ROBERT J. CALLAHAN, OF ILLINOIS
SUSAN ANN CLYDE, OF VIRGINIA
JEREMY F. CURTIN, OF PENNSYLVANIA
MARK E. DILLEN, OF CALIFORNIA
LOUIS P. FALINO, JR., OF PENNSYLVANIA
CHRISTIAN FILOSTRAT, OF NEW YORK
RICHARD D. GONG, OF FLORIDA
ROBERT B. HALL, OF CALIFORNIA
FRANK L. JENISTA, OF FLORIDA
LINDA JEWELL, OF ARKANSAS
SAMIR M. KOUTTAB, OF VIRGINIA
GREGORY LAGANA, OF CALIFORNIA
CORNELIUS C. WALSH, OF VIRGINIA
WILLIAM J. WEINHOLD, OF VIRGINIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICE OF CLASS 1, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

WILLIAM M. TAPPE, OF NEW YORK

U.S. INFORMATION AGENCY

AGOTA M. KUPERMAN, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS 2, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

KENNETH A. COHEN, OF FLORIDA

DEPARTMENT OF COMMERCE

TAPAN BANJERJEE, OF MAINE
RAJENDRA DHEER, OF MARYLAND
GARY GALLAGHER, OF OKLAHOMA
SANDRA T. GAMO, OF THE DISTRICT OF COLUMBIA
GERT LINDENAU, OF WISCONSIN
DAR J. PRIBYL, OF OKLAHOMA
CAROL ROSS, OF FLORIDA
LOUIS E. SANZ DE SANTAMARIA, II, OF TEXAS

FOR REAPPOINTMENT IN THE FOREIGN SERVICE AS A FOREIGN SERVICE OFFICER OF CLASS 3, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ALAN ROGER TOUSIGNANT, OF MASSACHUSETTS

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS 3, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

DANA SUZANNE BAKER, OF NEW YORK
SUSAN KLING, OF ILLINOIS
DAVID J. KOSTELANCIK, OF ILLINOIS
GARACE A. REYNARD OF TEXAS
LAWRENCE G. RICHTER, OF CALIFORNIA
CARL R. SIEBENTRITT, OF VIRGINIA
HOYT BRAIN YEE, OF CALIFORNIA

DEPARTMENT OF AGRICULTURE

MICHAEL FAY, OF NORTH DAKOTA
STEPHEN HAMMOND OF VIRGINIA
ROBERT MACKE, OF THE DISTRICT OF COLUMBIA
BOBBY G. RICHEY, JR., OF THE DISTRICT OF COLUMBIA
SCOTT SINDELAR, OF MARYLAND
LEWIS STOCKARD, OF MARYLAND
RONALD VERDONK, OF VIRGINIA

DEPARTMENT OF COMMERCE

MERRITT T. COOKE, OF PENNYVLVANIA
GAIL STANFORD DEL ROSAL, OF MICHIGAN
DAVID W. FULTON, OF VIRGINIA
RICHARD S. KANTER, OF HAWAII
JULIE SNYDER, OF LOUISIANA
KAREN WARE, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS 4, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

DAVID JONATHAN BAME, OF VIRGINIA
COLOMBIA DE LOS ANGE BARROSSE, OF VIRGINIA
JOHN T. BERNLOHR, OF CALIFORNIA
JAMES ALBERT BOUGHNER, OF CALIFORNIA
ROBERT WEST BOYNTON, OF CONNECTICUT
PAUL ALLEN BROWN, OF TEXAS
ROBERT WALTER CARLSON, OF NEW JERSEY
WILLIAM BRENT CHRISTENSEN, OF OREGON
JOHN ALLEN CUSHING, OF WASHINGTON
THOMAS FREDERICK DAUGHTON, OF NEW YORK
JOHN WINTHROP DAYTON, III, OF TEXAS
ISABELLA DEBARROSO DETWILER, OF CALIFORNIA
JOHN WALTER DINKELMAN, OF WYOMING
ROBERT WILLIAM FORDEN, OF CALIFORNIA
ROBERT PATRICK FRAZIER, OF TEXAS
JEROME DOUGLAS GAINES, OF TEXAS
DAVID R. GALINDO, OF CALIFORNIA
THOMAS G. GALLO, OF NEW JERSEY
ANN K. GANZER, OF WISCONSIN
JUDITH GRACE, OF COLORADO
GLENN GRIFFIN, OF TEXAS
KATHLEEN DANA HANSON, OF FLORIDA
JENNIFER CONN HASKELL, OF OREGON
FELIX HERNANDEZ, JR., OF CALIFORNIA
DANIEL HOLTZMAN, OF NEW YORK
MAKILA JAMES, OF NEW YORK
LAURENCE KENT JONES, OF CALIFORNIA
ROBERT R. KIENE, OF OREGON
DEBORAH E. KLEPP, OF NEW YORK
STEPHEN L. KONTOS, OF NEW YORK
MICHELLE A. LABONTE, OF MASSACHUSETTS
CHRISTINE LEE, OF THE DISTRICT OF COLUMBIA
WM. THAD MCARTHUR, JR., OF WASHINGTON
DAVID TAFT MORRIS, OF THE DISTRICT OF COLUMBIA
ELEANOR J. NAGY, OF OHIO
DANIEL E. NEHER, OF MARYLAND
BRIAN ANDREW NICHOLS, OF RHODE ISLAND
JOSEPH S. PENNINGTON, OF FLORIDA
LISA J. PETERSON, OF NEW YORK
ANN ELIZABETH PFORZHEIMER, OF NEW YORK
H. DEAN PITTMAN, OF MISSISSIPPI
JOHN MARK POMMERSHEIM, OF NEW YORK
MARK JUSTIN POWELL, OF OHIO
MONIQUE VALERIE QUESADA, OF FLORIDA
PATRICIA SHEEHAN QUINN, OF CALIFORNIA
TIMOTHY GERARD RYAN, OF NEW JERSEY
DAVID J. SAVASTUK, OF VIRGINIA
ALFRED SCHANDLBAUER, OF TEXAS
ADAM MATTHEW SHUB, OF NEW YORK
GEORGE NEIL SIBLEY, OF CONNECTICUT
ROBERT JOEL SILVERMAN, OF NEVADA
WILLIAM ARTHUR SLAVEN, OF NEW JERSEY
PAMELA NAKAHATA SMITH, OF VIRGINIA
SARAH ANN SOLBERG, OF CALIFORNIA
KATHRYN ANN SOLON, OF NEW MEXICO
A. JAMES STRUDWICK, OF WISCONSIN
DAPHNE MICHELLE TITUS, OF CALIFORNIA
KURT WALTER TONG, OF CALIFORNIA
CAROL TRIMBLE, OF ILLINOIS
THOMAS A. UNDERWOOD, OF THE DISTRICT OF COLUMBIA
PETER MARK VAN BUREN, OF WASHINGTON
R. STEVEN VOIEN, OF CALIFORNIA
JANET STEPHENS WHITESIDE, OF VIRGINIA
DONNA KATHRYN WOODWARD, OF NEW YORK
CHRISTOPHER FRANCIS WURZEL, OF CALIFORNIA

DEPARTMENT OF COMMERCE

ALICE A. DAVENPORT, OF MARYLAND
MARIA B. GALINDO, OF MARYLAND
JONATHAN MARKS, OF CONNECTICUT
PATRICK O. SANTILLO, OF NEW YORK

U.S. INFORMATION AGENCY

ISAAC D. RUSSELL, OF MASSACHUSETTS

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE AND THE U.S. INFORMATION AGENCY TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MICHAEL WESLEY ADAMS, OF VIRGINIA
STEFANIE AMADEO, OF NEW JERSEY
WILLIAM ANDREW ANDERSON, OF VIRGINIA
ROBERT M. ANTHONY, OF OKLAHOMA
STEPHEN J. ARTNER, OF VIRGINIA
ANNE M. ARVISH, OF MONTANA
JAN A. BARKER, OF VIRGINIA
DAVID J. BARTH, OF VIRGINIA
JOHN FIELD BATES, OF VIRGINIA
DOUGLAS COVELL BAGLEY, OF WISCONSIN
JONATHAN JAY BEIGHLE, OF WASHINGTON
JOHN R. BELL, OF VIRGINIA
SUSAN TEBEAU BELL, OF SOUTH CAROLINA
WILLIAM DAVID BENT, OF THE DISTRICT OF COLUMBIA
RANDY W. BERRY, OF COLORADO
EVAN S. BETZER, OF VIRGINIA
PAUL W. BLANKENSHIP, OF TEXAS
ROBERT M. BLUM, OF MARYLAND
JUAN M. BRACETE, OF FLORIDA
SUSAN RIDLEY BRADEN, OF MARYLAND
SUSAN ALLEN BRADLEY, OF VIRGINIA
REBECCA T. BROWN, OF THE DISTRICT OF COLUMBIA
MARILYN JOAN BRUNO, OF NEW YORK
BRENT DOUGLAS BRYSON, OF VIRGINIA
RENEE GOODRICH BRYSON, OF VIRGINIA
MARK C. BUGAY, OF VIRGINIA
PAUL M. CANTRELL, OF ARIZONA
RICHARD CHELUNE, OF CONNECTICUT
FRANCES CHISHOLM, OF NEW HAMPSHIRE
NANCY COHEN, OF THE DISTRICT OF COLUMBIA
CHARLES GARY COLE, OF CALIFORNIA
RANDALL KRIS COLEMAN, OF VIRGINIA
MARIE CHRISTINE DAMOUR, OF VIRGINIA
MONELLE DAUGHERTY, OF VIRGINIA
NATHANIEL PABODY DEAN, OF MASSACHUSETTS
LESLIE STEPHEN DEGRAFFENRIED, OF TEXAS
WILLIAM P. DIAMOND, OF MARYLAND
SUSAN N. DINGEE, OF FLORIDA
SHAWN DORMAN, OF NORTH CAROLINA
DAVID ADAMS DUCKENFIELD, OF THE DISTRICT OF COLUMBIA
KIM M. DUFFY, OF THE DISTRICT OF COLUMBIA
WILLIAM G. DUGGLEBY, OF MARYLAND
CHRISTOPHER G. DUNNETT, OF FLORIDA
ROBIN LISA DUNNIGAN, OF CALIFORNIA
LEVON A. ELDEMIR, OF CALIFORNIA
JILL MARIE ESPOSITO, OF CONNECTICUT

ROBERT N. FARQUHAR, JR., OF VIRGINIA
THOMAS R. FAVRET, OF PENNSYLVANIA
KATHLEEN FELMEY, OF VIRGINIA
DAVID JOSEPH FIRESTEIN, OF TEXAS
LAWRNECE C. FITZMORRIS, OF VIRGINIA
DAVID M. FRIEDMAN, OF VIRGINIA
GEORGE H. FROWICK, OF CALIFORNIA
MICHAEL EDWARD GARROTE, OF PENNSYLVANIA
J. ROBERT GARVERICK, OF OHIO
ANNA S. GHONIM, OF VIRGINIA
JOANNE GILLES, OF NEW YORK
BENJAMIN GIMENO, OF VIRGINIA
ANTHONY RICHARD GIOVANNIELLO, OF CALIFORNIA
JOSEPH B. GRIFFITH, OF VIRGINIA
WILLIAM LEWIS GRIFFITH, OF NEW YORK
ALEXANDER JAMES GROSSMAN, OF TEXAS
DEBORAH ZAMORA GROUT, OF NEW MEXICO
HELEN HAMILTON HAHN, OF FLORIDA
RUTH MARY HALL, OF RHODE ISLAND
SCOTT I. HAMILTON, OF ILLINOIS
HOLLY S. HANKE, OF VIRGINIA
JOHN A. HARRIS, OF UTAH
EDWARD N. HARRISON, OF THE DISTRICT OF COLUMBIA
PATRICK M. HASLACH, OF OREGON
DAVID C. HERMANN, OF MASSACHUSETTS
JOHN R. HIGI, OF NORTH CAROLINA
ANDREW S. HILLMAN, OF NEW YORK
GERARD THOMAS HODEL, OF NEW YORK
DIRK J. HOFSCHIRE, OF NEBRASKA
ERIK ANDERS HOLM-OLSEN, OF NEW JERSEY
RAYMOND ERIC HOTZ, OF KENTUCKY
FRANCIS HOWARD HUGHES, M.D., OF VIRGINIA
DAVID W. HUNTER, OF THE DISTRICT OF COLUMBIA
TIFFANY ANN JACKSON-ZUNKER, OF CALIFORNIA
DONALD EMIL JACOBSON, OF CALIFORNIA
KAREN R. JENKINS, OF VIRGINIA
DONALD NORMAN JENSEN, OF VIRGINIA
MARK SCOTT JOHNSEN, OF CALIFORNIA
MARK COOLIDGE JOHNSON, OF NEW YORK
KAREN A. JONES, OF VIRGINIA
KENNETH H. KEEFE, OF FLORIDA
GERALDINE F. KEENER, OF CALIFORNIA
JOHN DODGE KILGORE, OF ILLINOIS
BEN S. KIM, OF MARYLAND
DANIEL C. KING, OF MARYLAND
DANIEL CHARLES KIRYELEJZA, OF VIRGINIA
CHRISTOPHER A. LANDBERG, OF THE DISTRICT OF COLUMBIA
CYNTHIA Z. LAO, OF VIRGINIA
MARK H. LUNARDI, OF PENNSYLVANIA
JEANNE M. MALONEY, OF TENNESSEE
JAMES EMMET MALSTER, OF MAINE
DEENA FATHI MANSOUR, OF THE DISTRICT OF COLUMBIA
MICHAEL J. MARUT, OF THE DISTRICT OF COLUMBIA
PAUL O. MAYER, OF KANSAS
SCOTT D. MCDONALD, OF VIRGINIA
CRAIG W. MCGARRAH, III, OF VIRGINIA
KATHLEEN I. MCGRATH, OF THE DISTRICT OF COLUMBIA
JENNIFER ALLYN MCINTYRE, OF MARYLAND
PAMELA J. MCLAUGHLIN, OF VIRGINIA
BRAD MCLEMORE, OF TEXAS
ELISABETH MILLARD, OF MARYLAND
DONALD LEROY MOORD, OF FLORIDA
KAREN MORRISSEY, OF VIRGINIA
MANISH NANDY, OF THE DISTRICT OF COLUMBIA
GEORGE P. NEWMAN, OF NEW YORK
GRANT F. NEWSHAM, OF VIRGINIA
EDWARD WADE O'CONNOR, OF PENNSYLVANIA
DERRICK MEYER OLSEN, OF VIRGINIA
TIMOTHY JAMES O'NEIL, OF VIRGINIA
MATTHEW A. PALMER, OF MASSACHUSETTS
SOOKY WYNNE PARK, OF MARYLAND
BETH ANN PAYNE, OF VIRGINIA
SARAH S. PENHUNE, OF MASSACHUSETTS
JOHN DAVID PETERSON, OF OREGON
SARAH H. PHELPS, OF MARYLAND
THOMAS JOSEPH NICHOLAS PIERCE, OF CONNECTICUT
LISA MARIE PRITCHARD, OF MINNESOTA
MARK STEPHEN PROKOP, OF CONNECTICUT
PATRICK ROBERT QUIGLEY, OF VIRGINIA
VANGALA SHIVA RAM, OF NEW YORK
CHARLES RANDOLPH, IV, OF CONNECTICUT
LYNGRID SMITH RAWLINGS, OF THE DISTRICT OF COLUMBIA
KATHLEEN M. REDGATE, OF VIRGINIA
WALTER SCOTT REID, III, OF VIRGINIA
GRETCHEN L. ROY, OF MARYLAND
ROBERTO J. SARTORI, OF OREGON
GARY S. SCHNEIDER, OF MARYLAND
KORY R. SELLERS, OF VIRGINIA
CYNTHIA CORGIN SHARPE, OF TEXAS
LESLIANNE SHEDD, OF WASHINGTON
KATHLEEN SUSAN SHEEHAN, OF THE DISTRICT OF COLUMBIA
DANA COHN SHELL, OF CALIFORNIA
JONATHAN L. A. SHRIER, OF MARYLAND
CATHERINE ANN SHUMANN, OF VIRGINIA
PAUL M. SIMON, OF FLORIDA
PHILIP JOHN SKOTTE, OF NEW YORK
JAMES A. SLUTNAM, OF VIRGINIA
WILLARD TENNEY SMITH, OF TEXAS
MARK A. STANDIFORD, OF VIRGINIA
GREGORY WILLIAM SULLIVAN, OF VIRGINIA
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KENNETH A. THOMAS, OF OREGON
JENNIFER ANN THOMPSON, OF PENNSYLVANIA
JOSEPH F. TILGHMAN, JR., OF CONNECTICUT
TERRENCE LEIGH TOOLEY, OF VIRGINIA
DONNA R. VANDENBROUCKE, OF VIRGINIA
REGINA F. VENTRE, OF VIRGINIA
BETTY WALSH, OF THE DISTRICT OF COLUMBIA
SELIN H. WARNELL, OF VIRGINIA
JAMES M. WEBB, OF VIRGINIA
IVAN WEINSTEIN, OF NEW JERSEY
C. PAUL WILLEBEEK-LEMAIR, OF VIRGINIA
ROBERT FORREST WINCHESTER, OF CALIFORNIA
JEAN M. WIRTENSON, OF VIRGINIA
HARLOD GREIG WOODLEY, OF VIRGINIA
ALEXANDER S. WYSOCKI, OF NEW YORK
CLARENCE CARL YUILL, OF VIRGINIA
ELAINE A. ZENOBLE, OF VIRGINIA
JANET L. ZERRUSEN, OF VIRGINIA

COUNSULAR OFFICERS OF THE UNITED STATES OF AMERICA:

EDWARD WILLIAM CANNON, OF FLORIDA
BERNARDINO A. GONZALEZ, OF MARYLAND

SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

EDWARD OLIVER, JR., OF MARYLAND

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE, PREVIOUSLY PROMOTED WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED ON OCTOBER 8, 1992, NOW TO BE EFFECTIVE APRIL 7, 1991:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS ON MINISTER-COUNSELOR:

JAMES F. CREAGAN, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE, PREVIOUSLY PROMOTED INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED ON OCTOBER 8, 1992, NOW TO BE EFFECTIVE APRIL 7, 1991:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JAMES CURTIS STRUBLE, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE OCTOBER 6, 1991:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JOHN R. BACA, OF TEXAS
DANIEL L. DOLAN, OF PENNSYLVANIA

WITHDRAWALS

Executive message transmitted by the President to the Senate on March 9, 1993, withdrawing from further Senate consideration the following nominations:

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THE FOLLOWING NAMED PERSONS TO BE COMMISSIONERS OF THE COPYRIGHT TRIBUNAL FOR TERMS OF 7 YEARS, WHICH WERE SENT TO THE SENATE ON JANUARY 5, 1993:

EDWARD J. DAMICH, OF VIRGINIA.
BRUCE D. GOODMAN, OF PENNSYLVANIA.

HOUSE OF REPRESENTATIVES—*Tuesday, March 9, 1993*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

In thankfulness and gratitude we express our appreciation for the opportunity to work in this place and to serve the people of this land. We pray, O God, that we will have enthusiasm for our tasks, vision to lead along the path of justice, strength and integrity for our responsibilities, wisdom to walk the paths of truth, and the perseverance to accomplish those good deeds that lift the spirits of people everywhere and express the unity that we all share. In Your name, we pray. Amen.

THE JOURNAL

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

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

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

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

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

Ms. DUNN. 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.

Pursuant to rule I, the vote on the Speaker's approval of the Journal will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Washington [Ms. DUNN] please come forward and lead the House in the Pledge of Allegiance?

Ms. DUNN 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.

BILL CLINTON'S ECONOMIC PACKAGE WILL CREATE JOBS

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

Mr. DERRICK. Mr. Speaker, interest rates have have been falling and that is a good sign that an energized recovery may be around the corner.

But lower interest rates and a slight ease in the unemployment rate are no substitutes for job creation.

This recession will not be a real recovery until the economy is fueled by many, many high-octane jobs.

At this stage in the last seven recessions, the economy has typically recovered 237 percent of the jobs lost. In the current recession, we have recovered only 29 percent of the jobs lost.

President Clinton's economic package contains a balanced mixture of spending cuts, sacrifice and investment to create more jobs and to reduce the deficit.

With the support of the Congress and every citizen, the Clinton blueprint to restore the economy will succeed.

The Clinton plan asks the American people to link hands and to stride into the future. If we fail we will have surrendered to the status quo and the blame game of the past.

Every investment of the President's plan is offset—dollar by dollar—through spending cuts in existing programs.

Mr. Speaker, the investments in the Clinton economic plan will strengthen our economy through job creation.

PUNISHING DISSENT

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

Mr. THOMAS of Wyoming. Mr. Speaker, an article in the New York Times yesterday shed considerable light on the Clinton administration's view of democratic debate.

Apparently, a Democratic Member of the other body raised important questions about the President's package while consulting with Vice President AL GORE.

He said the President's proposal was "high on taxes and low on cuts," precisely the opinion of many Members of both parties.

And what was the response of the Clinton administration: They decided to move a project from Alabama, the Senator's home State, to Texas, as a sign of disapproval with the idea of principled dissent.

Is that the way to proceed with an economic package? Punish all dissent, and reward only those who keep quiet? Is that the message that we want to send to our children about the virtues of democracy?

I do not think so. I urge the President to listen more and punish less those who have problems with his package.

□ 1210

KEEP CUTTING, MR. PRESIDENT

(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, according to the Washington Post today, President Bill Clinton has agreed to cut spending by $55 billion more than he originally intended.

I commend the President for moving in the right direction.

Still, let us not be fooled into thinking that the President's package has enough spending cuts.

In fact, these further cuts only barely make up for the shortfall discovered by CBO last week. In that analysis, CBO concluded that the President's plan would achieve $60 billion less in spending cuts than the President originally said.

And these cuts do not offset President Clinton's plan to spend more on unnecessary investment.

Mr. Speaker, President Clinton needs to understand this simple fact. We need to cut spending so that we can make progress on the deficit, not to allow us to spend more on something else.

Keep cutting, Mr. President, and stop spending. Only then will we balance our budget.

DEFICIT REDUCTION IS KEY TO FUTURE ECONOMIC GROWTH

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

Mr. PAYNE of Virginia. Mr. Speaker, I believe, as do most Americans, that our efforts to reduce our massive Federal Budget deficit is the key to future economic growth for our Nation and meaningful job creation for our people.

So, it is surprising that the response to the President's economic plan by the American people is very positive.

Importantly, the international reaction to the President's plan is also very positive.

Recently, Secretary of the Treasury Lloyd Bentsen met with other finance ministers of the G–7 nations.

In the past, out of control deficits led other G–7 nations to doubt the ability

and the resolve of the United States to be a player in the effort to stimulate and sustain global economic growth.

Now that the United States has demonstrated the will to reform its own fiscal practices policies, we speak with renewed authority on the international economy.

Our ability to participate as meaningful partners in these global economic discussions will help fuel greater economic growth and opportunity here in America and around the world.

OPEN RULE ASKED ON SPENDING CUTS

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

Mr. ZELIFF. Mr. Speaker, only 2 short years ago, we, as freshmen Members, cast one of our first votes after 2½ full days of emotional and soul-searching debate to commit U.S. troops in the Persian Gulf.

The Members were divided, emotions were taut, there was sincere conviction on both sides.

I was proud of the House that day. It was representative government at its finest. All the Members were heard. Fair play prevailed. Each Member stood up for his or her principles.

No point of view was muzzled. The majority prevailed. But the minority had their say.

Today, we face a different kind of war. Our country is in danger from within. America's economic future is in jeopardy. A courageous new President is committed to change and has called for action. President Clinton has asked the Members of this House to propose specific ways to cut our bloated budget.

The problem is that the leadership of the President's party will not give us an open rule to propose those spending cuts that their President has asked us for.

Mr. Speaker, the decisions on how to fight this economic war deserves the same kind of fair play and decency that you showed 2 years ago.

In the name of our children and our grandchildren, give us an open rule to propose spending cuts. America's economic future depends once again on courageous, nonpartisan leadership. Give us an open rule on spending cuts. Let there be votes so that the people can see who is for cutting spending.

The Speaker has a responsibility to be fair and allow the democratic process in the people's House to take place so that this economic war can be won for America.

PRESIDENT'S PLAN IS ONE OF VISION AND COURAGE

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

Mr. RAHALL. Mr. Speaker, the gridlockers are at it again—preaching the status quo over change. They have labeled President Clinton's plan as more unnecessary spending and they could not be more wrong.

Bill Clinton's plan is one of vision and courage. It is a plan the American people can support as real change and real investment in our Nation.

And for those who still feel we can continue down the same old path of do-nothing, wait-and-see economics, I offer them these undeniable facts:

The unemployment rate in February was higher than it was at the bottom of the recession.

There are more unemployed people today, after 23 months of a heartless recovery, than at the worst point of every other postwar recession but one.

Mr. Speaker, the unemployment rate in my home State of West Virginia is over 10 percent. My constituents cry out for action. They desperately need the economic stimulus package which will create jobs right away. They desperately need the long-term investment in Head Start, vo-tech education, and our small businesses that will help them to prosper in the future.

So instead of do-nothing, gridlock partisan politics, let us invest in America again. Let us start creating the jobs that will mark our entrance into the global marketplace. Let us make the United States the economic envy of the world.

It takes only the courage to change and the willingness to invest in the America of tomorrow.

INTRODUCTION OF AMENDMENT TO REDUCE NONSTATUTORY COMMITTEE SPENDING BY 25 PERCENT

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

Ms. DUNN. Mr. Speaker, 3 weeks ago, President Clinton spoke with great passion and eloquence of the need for the United States to put its fiscal house in order and of his vision for this country. Quite frankly, I disagree on his views of broad new taxes for the families of America. And quite frankly, I believe that the public is having increased concerns regarding taxes that will reach deeply into the pocket of every—and I repeat every—middle-class family in America.

But Mr. Speaker, today, I wish to speak of the area of spending cuts where there is total agreement.

Thus, Mr. Speaker, tomorrow, on behalf of myself and my freshman Republican colleagues, I will introduce a modest amendment before the Accounts Subcommittee, that will reduce nonstatutory Committee spending by 25 percent. This amendment will cut one-quarter from last years total authorization for the standing committees and will make allowances for the many committees that have a history of lean budgeting and fairly allocating resources.

Mr. Speaker, the American public has indeed signalled a willingness to sacrifice. But I believe their definition of sacrifice is for their elected officials to first cut spending. I hope every Member will contact the membership of the Accounts Subcommittee and tell them that the need to put America's fiscal house in order must begin right here, in America's House of the people.

It is quite simple, with regard to spending cuts, Congress must lead the way.

JOB RECOVERY IS PRESIDENT'S FIRST PRIORITY

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

Mr. McDERMOTT. Mr. Speaker, President Clinton has presented a package of economic stimulus proposals aimed at putting people back to work. It makes needed and long overdue public investments, and is paid for—dollar for dollar—by more than 150 specific cuts in other domestic programs.

Unfortunately, those who—last year—urged us to do nothing while the recession roared, now argue that we should ignore the alarmingly low rate at which new jobs are being created by the technical recovery now underway.

The fact is, a recovery is not really a recovery until we recover jobs lost during a recession.

By that measure the current technical recovery is hardly a recovery at all. For example, February's unemployment levels were actually higher than unemployment levels recorded in March 1991—at the very bottom of the recession.

Last year, the American people voted for change. One of the fundamental changes they voted for was a robust economy which creates jobs; and a recognition of the fact that the Federal Government has an important role to play in helping to bring that about.

Like millions of other Americans, job recovery is the President's first priority.

I urge my colleagues to make it their priority as well, and to join the effort to put Americans back to work.

HEALTH EXAMS

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

Mr. GILMAN. Mr. Speaker, according to a 1989 survey conducted by the

Health Insurance Association of America, only 34 percent of conventional health insurance companies cover annual adult physical exams. The percentages for physicals increase to 42 percent in the PPO programs, and 95 percent for HMO's.

Periodic health exams are extremely important for the whole population in order to detect possible diseases or other health problems. For women over 50 years old, screening with mammography and physical examination has been associated with a reduction of at least 30 percent in mortality from breast cancer. In addition, almost all of the nearly 5,000 deaths annually from cervical cancer could be prevented through early detection and treatment. Moreover, an estimated 45 percent of heart disease deaths could be prevented or, at the least, postponed through improved hypertension control.

My bill, H.R. 36, the Comprehensive Preventive Health and Promotion Act of 1993, will provide coverage for periodic health exams under private health insurance plans, and for any health benefit programs of the Federal Government.

Mr. Speaker, I urge my colleagues to take a close look at H.R. 36, the Preventive Health Care Act and join me in my effort to produce a healthier nation.

□ 1220

MAYORS BACK CLINTON

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

Mr. MENENDEZ. Mr. Speaker, I rise today to bring my colleagues' attention to the support expressed for the President's economic plan by William Althaus, the president of the U.S. Conference of Mayors. Mayor Althaus, the Republican mayor of York, PA, has said, and I quote, "the people of this country are entitled to see this program enacted in its entirety."

Mr. Speaker, this endorsement only highlights the absurdity of the continued blind opposition to the plan from our Republican colleagues, who publicly demand more spending cuts, but actually propose none which would meet with acceptance even from their own party. Hot air about spending cuts is not enough. A billion dollar cut isn't worth a dime unless it passes Congress, and frankly, what I have heard from the other side of the aisle simply does not make the grade.

Mr. Speaker, I submit that Mayor Althaus' endorsement is one we might have expected from congressional Republicans, too, were they free of the influence of the Republican leadership—which makes it party policy to oppose the President's plan, not because this is not a good plan, but because this is not their plan.

Mayor Althaus' message to House Republicans is simple and to the point:

> I would urge the Republicans not to pick apart and characterize it as "politics as usual." I think an instantaneous negative reaction is more "politics as usual" in the light of this bold a proposal.

Mr. Speaker, I couldn't agree more.

MESSAGE TO BILL CLINTON: DON'T USE SOCIAL SECURITY FOR YOUR SPENDTHRIFT HABITS

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

Mr. ROTH. Mr. Speaker, here is the front page of last Saturday's Appleton Post Crescent. It states that the President's Budget Director wants to go after Social Security, tax Social Security, and cut Social Security benefits. The Democrats, the article states, are going after the people on Social Security.

Mr. Speaker, 41 million Americans depend on Social Security. These are benefits they have paid for. Today 134 million workers are paying into the Social Security fund to earn their future benefits. But now, Mr. Speaker, the Clinton White House wants to raid Social Security to cover up the budget mess.

The American people know the truth. Social Security has nothing to do with the deficit. It is unfair to make the elderly and disabled Americans pay the bill that the big spenders in Congress are running up, $1 billion of debt each and every day.

Mr. Speaker, $1 billion a day of debt each and every day; that is the legacy of the Democrat Party to the future of our country.

It is wrong for the White House to take money out of people's Social Security accounts. That is just like stealing from the pension fund or from a bank account.

Some of us vote day in and day out in this House for a balanced budget. Our message to Bill Clinton is:

"Don't use Social Security for your spendthrift habits. Keep your hands off of Social Security."

We have an obligation to our senior citizens to be fair, just, and honest with them. They, our senior citizens, have put their trust and confidence in us. We cannot betray that trust and confidence. Let us all vow to protect Social Security.

INTRODUCTION OF LEGISLATION TO ENSURE INTEGRITY OF U.S. TRADE NEGOTIATORS

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

Ms. KAPTUR. Mr. Speaker, America must do all it can to ensure the integrity of our U.S. trade negotiators, and we must rid U.S. campaign practices of foreign influence. Thus, Mr. Speaker, I have introduced three bills to achieve these goals: to clean up foreign trade lobbying in our Nation's Capital and to create a professional trade service corps.

The Ethics in Foreign Lobbying Act, a bill I first introduced in the 102d Congress with our former colleague, Frank Guarini, will establish a clearinghouse and require a disclosure of foreign lobbying efforts, as well as ban contributions to U.S. campaigns from foreign-controlled corporations and trade associations.

The second bill, the Foreign Agents Compulsory Ethics in Trade Act, will close the revolving door of U.S. Government officials leaving high-level trade positions, and going to work for the other side, and then lobbying our Government.

The third bill, Mr. Speaker, creates a professional trade service corps, an elite body of trade negotiators to solve the problem of short tenure and revolving door service among current U.S. trade negotiators.

Please join me in cosponsoring these bills. The American people deserve no less.

CLEAN WATER ACT RESEARCH AMENDMENTS

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

Mrs. MORELLA. Mr. Speaker, recently I introduced the Clean Water Act research amendments. It is necessary to reevaluate our national approach to water quality problems. The Federal Water Pollution Control Act has taken steps to ensure swimmable and fishable waters for our residents. Pollution in lakes, streams, and rivers, however, persists in all areas of the country.

The Clean Water Act needs updated science to support its regulatory and monitoring efforts. This scientific base is the goal of the bill I have introduced. We also need to reorient our water research programs to tackle such problems as nonpoint source pollution, ground water, and contaminated sediments, and wetlands restoration.

The Clean Water Act research amendments will also set up through the U.S. EPA a technology development and demonstration grant program to test, identify and demonstrate innovative wastewater treatment and water conservation technologies.

Mr. Speaker, I know that the Clean Water Act amendments will assist in improving such waterways as the Chesapeake Bay, as well as the Great Lakes, the Gulf of Mexico, and Long Island Sound. I ask my colleagues to join me in improving the research portions

of the Clean Water Act and to consponsor H.R. 1116.

PRESCRIPTION FOR ECONOMIC RECOVERY AND DEFICIT REDUCTION

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

Mr. POMEROY. Mr. Speaker, the economic health of this country is being battered on two fronts.

First, like a virus we just cannot shake, we continue to be sapped by the effect of the recession. While economic indicators show us on the rebound, millions of unemployed workers across the country can testify the economy is still quite sick and needs help.

Second, we are plagued with the chronic affliction of too much debt. This condition is bad and getting worse by a magnitude approaching $1 billion a day. Like severe obesity, our burgeoning deficit threatens our future and saps vitality from our present economic strength.

The toughest part of our present dilemma is that both conditions require attention. You cannot achieve steady, sustainable recovery without bringing down the deficit.

On the other hand you cannot make meaningful deficit reduction if the economy suffers a relapse and slides back into a recession with another round of layoffs, job loss, and business failures.

Mr. Speaker, that is why the economic prescription advanced by the President addresses both goals: economic recovery and deficit reduction. As we evaluate the package we must keep in mind a central fact: You cannot have one without the other.

SAVE BILLIONS, REPEAL DAVIS-BACON

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

Mr. STEARNS. Mr. Speaker, we can cut more than $1 billion per year from the Federal budget without raising taxes or affecting a single program. At the same time, we can increase opportunities for young people and give American families more for their tax dollar.

Do such win-win situations really exist?

Yes, if Congress is willing to repeal a law that was passed for all the wrong reasons more than 60 years ago, the Davis-Bacon Act.

The Davis-Bacon Act was passed in the 1930's to prevent some Americans from competing for work on Federal construction projects. It required the Federal Government to pay artifically high wages to all workers while, at the same time, preventing unskilled laborers from working on these projects.

For the last 60 years, taxpayers have paid billions more than necessary for many construction tasks where unskilled laborers could have contributed. These laborers, often minorities, usually poor, and always needing an opportunity, have been shut out by the very Government which is supposed to protect them.

As we look for ways to bring our Nation's budget into balance, let's bring repeal of the Davis-Bacon Act to the floor of the House for debate so that Americans can hear the facts about this costly and unfair anachronism.

□ 1230

AN AMERICAN BUDGET

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

Mr. BARLOW. Madam Speaker, there is a pride building across America. People of all ages, Republicans, Democrats, liberals, and conservatives are thankful that at last we are putting our Nation on the road to financial health.

This budget that is an American budget. We are going to give our children and our grandchildren that to which they are entitled, a country that is strong, a country that is proud, a country that has its finances in order.

FBI AND BATF AGENTS COMMENDED FOR THEIR WORK AT THE WORLD TRADE CENTER

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

Mr. OXLEY. Madam Speaker, as a former special agent of the Federal Bureau of Investigation, I take great pride in the astute investigative work being conducted by agents of the FBI and the Bureau of Alcohol, Tobacco and Firearms into the February 26 bombing of the World Trade Center.

It is often months or even years before investigations of this nature begin to yield firm conclusions. However, thanks to advanced forensic skills and quality detective work, Federal agents made their first arrest within 1 week of the bombing.

While there is still much work to do in investigating this cowardly and despicable act, I take this opportunity to commend the investigators involved for their expertise and professionalism.

As an aside, I note that this incident points up the importance of the Federal death penalty for terrorist acts, and I recommend that the Justice Department seriously consider its application in this case.

Madam Speaker, based on the extent of the bomb damage at the World Trade Center, it is a miracle that only five people lost their lives. Americans have a right to feel outraged and to expect their Government to respond accordingly.

PRESIDENT CLINTON'S ECONOMIC PLAN

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

Mr. KLINK. Madam Speaker, in parts of my district the official unemployment rate is above 12 percent. The real unemployment rate is nearly twice that much in certain pockets. Nationwide, our job creation has not kept pace with the rest of the economic recovery. In fact, in an historical sense this recovery is not providing nearly as many jobs as recoveries from past recessions did.

The Clinton economic package will provide jobs for our constituents. The Clinton plan invests in our Nation's infrastructure, which will create jobs now and increase our productivity and our competitiveness in the future.

The President wants to invest in industrial conversion for communities and families devastated by defense cutbacks so that workers will continue to have good jobs and communities can thrive again. President Clinton wants to put 100,000 more police officers on the street. That means more jobs and less crime. Over 5 years the Clinton package will create 8 million new jobs.

Madam Speaker, we need those jobs.

CLINTON PLAN FOCUSES ON SPENDING INCREASES AND HIGHER TAXES

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

Mr. EWING. Madam Speaker, while selling his economic recovery plan to the American people, President Clinton has linked his support to patriotism. His supporters have accused the Republicans of being responsible for gridlock even though the Democrats control both the executive branch and both Houses of the legislature.

But questions should be raised about the economic package that President Clinton has proposed. How can we afford it, with increases in spending by hundreds of billions of dollars?

The best stimulant package that we could give this country is to leave the billions of dollars in new taxes with the American people.

Ross Perot has correctly said on CBS this morning "We are getting major new social programs every day, all of which are magnificent in concept, but when you are broke, you can't go to Europe" and I would add: And paid for by new taxes.

That is why we must first cut spending before we even think of funding another program or raising taxes. The best way to invest in our children's future is to cut the deficit.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4, NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-27) on the resolution (H. Res. 119) providing for the consideration of the bill (H.R. 4) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, which was referred to the House Calendar and ordered to be printed.

A BLUEPRINT FOR CHANGE AND A GROWING ECONOMY

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

Mrs. MINK. Madam Speaker, after 12 long years, finally, a blueprint for change in America has finally arrived from the White House. President Clinton's budget emphasizes what our country's most important resource, the American people, have been lacking for so many years. For the next 5 years discretionary spending is frozen at the 1993 level. It will allow us to reorder our priorities and begin investing in America's future. The President's investments begin with the most precious segment of our population: our children. Full funding for Head Start, a total of $8 billion over 4 years to serve nearly 1.4 million eligible disadvantaged children; $2.6 billion over 4 years for full funding of WIC. The new administration is dedicated to creating a national service program, to help young people pay for a college education, while serving their communities. The President is also committed to increasing jobs in a growing economy: 500,000 jobs by the end of this year. Assistance for dislocated workers, one-stop career shopping, summer youth jobs and training, and a 50-percent expansion of the Job Corps program by the year 2001. Finally Madam Speaker, we have a President who is responding to the needs of his Nation.

IN SUPPORT OF THE NOMINATION OF JANET RENO AS ATTORNEY GENERAL OF THE UNITED STATES

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

Mr. DIAZ-BALART. Madam Speaker, I rise today in support of the nomination for Attorney General of my friend and constituent, Janet Reno.

I had the privilege of working as an assistant State attorney with Miss Reno some years ago, and I always considered it an honor to be able to serve my community as one of her prosecutors.

Janet Reno has, for many years, enjoyed the support and admiration of those who know her best, the people of south Florida.

She has been overwhelmingly reelected, time and time again, as Dade County's prosecutor, not only because of the effectiveness of her work, but also because of her calling to public service, her sensitivity toward all the people she has served—especially the victims of crime—her extraordinary accessibility, and above all, her integrity.

We in south Florida know that America will be well served by the first woman to become Attorney General of the United States, and we are proud of Miami's own, Janet Reno.

WE ARE SERIOUS ABOUT DEFICIT REDUCTION

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

Mrs. LOWEY. Madam Speaker, I rise to commend President Clinton and the House Budget Committee on their resolve—which I share—to make real cuts in the Federal budget deficit. Last night's action by our Budget Committee to cut an additional $63 billion in spending over the next 5 years makes clear that we are serious about putting the Nation's economic house in order. The President has signed off on most of those added cuts and shows that he is willing to go the extra mile to meet the deficit reduction challenge.

Blue smoke and mirrors budget plans are history. Gridlock is a thing of the past. The American people have made clear that they are ready for a Government that tells them the truth and faces up to the budgetary mess which has grown year after year for the last decade. Today, we have a President and a Congress working together to place our economy on sound footing.

Last night's action is just one more clear indication that the American people will at long last see results.

ACHEY-BREAKY PROMISES

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

Mr. DREIER. Madam Speaker, it is no secret that President Clinton is an accomplished musician. We have all seen him play his saxophone at one time or another, and a number of us got to see him appear on a national network. I sense that he might also be a budding country and western singer. Actually if he were, his No. 1 hit would be "Achey-Breaky Promises."

He would sing of his sad habit of breaking promises to middle-income Americans. He would wax poetic on his need to raise taxes on those making only $20,000 a year. And he would croon mournfully about his energy tax, which will cost the average American about $500 a year.

President Clinton would also lament, in this ballad, about his inability to change from an old Democrat, into a new Democrat, despite his campaign promises.

Madam Speaker, after the Clinton administration finally gives us the bad news on their plans to increase both taxes and spending, I suggest that working Americans come up with their own country anthem.

It would be a song about the tough times caused by Clintonomics. It would be called "My Achey-Breaky Wallet."

□ 1240

OLD GLORY CONDOMS ALLOWED TO UNFURL

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

Mr. TRAFICANT. Madam Speaker, the Old Glory Condom Corp. appealed a prior decision that banned their red, white, and blue condoms. Now, Old Glory contended that the use of their red, white, and blue condoms was in fact a patriotic act. And, guess what? The U.S. Trademark Office of Appeals agreed with that.

Here is what the panel said. The name Old Glory and its logo of a flag shaped like and unfurled condom is neither scandalous nor offensive nor unconstitutional.

No wonder the American people are losing confidence in our Government. What is next, the Congressional Medal for Benedict Arnold? When our Government starts treating the flag like an Old Glory condom, something should be done.

COMMITTEE FUNDING CUTS

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

Mr. HUTCHINSON. Madam Speaker, the first action of the reform coalition in Congress was to end the select committees. We changed the committee system with this reform. But it cannot and should not be used as an excuse to ignore the overstaffing and overfunding of other committees.

Now that the sun is setting on the select committees, we are hearing whispers that we should leave the other committees alone, and even permit the

5 percent increase in funding that the Budget Committee has proposed. This is unacceptable.

At this point, we just have not cut enough—the current proposal is a spending increase pretending to be a spending cut. If we stop reform at the select committees, we will be like the dieter who bought himself a pint of gourmet ice cream, and was pleased by his own restraint because he did not buy a quart. We have got to cut all the fat, not just a little bit.

The American people are being asked to do more with less. Congress can do the same. When people write and call to tell me, cut spending first, I hear the message. The time has come to cut committee budgets by 25 percent this year and 50 percent over 5 years.

THE PEOPLE OF GUAM SAY CONSOLIDATE NAS AGANA AND ANDERSEN AIR FORCE BASE

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

Mr. UNDERWOOD. Madam Speaker, we have heard a lot lately about the need to trim Federal budgets. Military cuts are prominently recommended. However, when it comes to specific base closures, we often hear NIMBY [not in my backyard]. I am here to say PIMBY [please in my backyard].

The people of Guam support a rational consolidation of two bases, located a mere 7 miles apart. Naval Air Station Agana could move its operations to Andersen Air Force Base, which recently closed its B-52 wing. The Navy agrees, such a move is plausible. So does GAO. And, most importantly, so do the people of Guam.

Those of us who live on Guam recognize the benefits of consolidation. It would allow our international airport to expand, strengthening our local economy and creating more private sector jobs. And it would mean the eventual return of land to the people of Guam, something all of us have prayed for.

The New York Times reported that the Navy has placed NAS Agana on its preliminary list. I urge Secretary of Defense Les Aspin to include the air station on his list of recommended bases. I will personally petition the Base Realignment and Closure Commission to consolidate NAS Agana and Andersen Air Force Base. And I implore the Congress to see that here, on the island of Guam, we are not resisting a base closure. We welcome it.

ABOLISH DAVIS-BACON

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

Mr. MILLER of Florida. Madam Speaker, as we look for ways to control the burgeoning budget deficit and reinvigorate the American economy, we should look first at the pointless regulations and costs Congress imposes. One of the worst examples of such congressional malpractice is the continued existence of the archaic Davis-Bacon Act of 1931. By mandating a prevailing wage for laborers employed in public construction projects, Davis-Bacon dramatically increases the costs of Federal construction projects. In a 1979 report to Congress, the General Accounting Office recommended that the act be repealed, noting that the continued existence of the law was unnecessary, impractical, and inflationary, resulting in unnecessary construction and administrative costs of several hundred million dollars annually. The Congressional Budget Office projects that repeal of Davis-Bacon would generate Federal budget savings totaling $5.3 billion over 5 years. Before we ask taxpayers to once again pay higher taxes to reduce the deficit, we should cut spending and abolish this nonsensical law.

NATIONAL ARBOR DAY

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

Mr. KLEIN. Madam Speaker, last week, it was my great pleasure to reintroduce legislation that has a rich legacy in this great body and throughout our glorious Nation. House Joint Resolution 127 will designate April 30, the last Friday in that month, National Arbor Day, continuing a 121-year tradition of planting trees and honoring our Nation's vital forest resources.

From California's giant sequoias to the proud hemlocks of my own New Jersey, to the cherry blossoms whose gorgeous blooms grace this Capital each spring, America's trees are crucial to the global ecosystem and serve every single American no matter where they live.

Trees provide us shade from the summer swelter and a break from the winter's brutal wind. They help secure our coastlines, yield watershed protection, and create a natural habitat for scores of wildlife. They give us oxygen, lumber, fuel, and other valuable materials, and add beauty to this expansive Nation.

We have already deliberated many highly contentious matters in this young session and that is why I am pleased to bring forward a bill that everyone can embrace. I urge my colleagues to cosponsor National Arbor Day.

SOCIAL SECURITY IS NOT AN ENTITLEMENT PROGRAM

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

Mr. BAKER of California. Madam Speaker, President Clinton's economic plan unfairly targets seniors with higher taxes on their Social Security benefits.

Let me read a portion of a letter from a senior couple in my hometown of Danville, CA:

> I am retired, a pensioner, and my wife and I are on a fixed income and drawing Social Security. My annual income is over $32,000. President Clinton's proposal to increase the proportion of Social Security payments which is taxable from 50 to 85 percent would increase my income tax by $1,800.
>
> If I were still working and not drawing Social Security, I would pay no additional income taxes under the President's proposal.
>
> This is discriminatory toward retirees living on a fixed income * * * it is not compatible with the concept of a fair and equal contribution.

What this new tax and spend Democrat administration is telling future generations is don't save, don't invest. If you do we will tax you to death. And when the health plan comes out, higher inheritance taxes will appear.

Social Security is not a welfare program. It is a supplemental retirement system which employees and their employers pay into all of their lives.

Social Security benefits should not be means tested and should not be taxed.

WATER PRIORITIES IN CALIFORNIA

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

Mr. LEHMAN. Madam Speaker, I cannot help but express my amazement at the discomfort felt by many of my fellow Californians at the notion that the military bases in their districts are going to be closed, causing loss of income, increased unemployment, and economic uncertainty.

Just last year many of these same Members voted to take the Federal irrigation water that has nourished thousands of farms in the San Joaquin Valley, employed tens of thousands of people, and created a multibillion dollar economy, and give it instead to fish. Today in central California, we face a continuing manmade drought. Over 17 percent of our people are unemployed.

□ 1250

Thousands of acres of formerly fertile ground are being idled. The banks are refusing to make loans because of the uncertainty over water restrictions. Only welfare is booming, and the chain reaction, my colleagues, will hit local supermarkets soon.

Let me console my fellow Californians in this difficult hour. Maybe we can take some of these abandoned mili-

tary bases and convert them to fish hatcheries and wildlife habitat so the unemployed can hunt and fish in natural surroundings.

THE FEBRUARY JOB FIGURES AND THE CLINTON STIMULUS PLAN

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

Mr. RAMSTAD. Mr. Speaker, as a member of the Joint Economic Committee, I was heartened on Friday by the new unemployment figures, which showed the largest monthly job gain in 4 years. This good employment news comes on the heels of 3.2 percent growth in the gross domestic product over the last 4 quarters, a real business investment increase of 12 percent and real housing growth of 15 percent.

New business startups rose 14 percent last year. For all of 1992, venture capital financing rose to $2.5 billion, which was double the previous year.

Clearly, these figures indicate that our Nation is poised for real healthy economic recovery and more substantial job growth.

Mr. Speaker, it is clear that we do not need to add to our already suffocating deficit with another $30 billion in deficit spending.

Above all, President Clinton's proposal to levy the biggest tax increase in the history of the country is the wrong medicine for a recovering but still vulnerable economy.

It would be a mistake to extract $328 billion from the revenue stream and give it to more government.

THE BEHAVIOR OF TEENS

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

Mrs. SCHROEDER. Mr. Speaker, I am coming here not to talk about new legislation, but I am writing letters today to the Nation's Governors to try and use some of the powers we gave them in 1988.

I chair the Select Committee on Children, Youth, and Families, and we have been very concerned about the risky behavior of teens, looking into the interlock of teen pregnancy and teen violence. The statistics only get worse.

Today I am asking the Governors to please look at the powers we gave them in 1988, to consider whether or not they would give AFDC payments to people under age, if they do not have an adult in the home.

I think this is a very important communication to teens, that we do not think they are ready to be parents yet. And they need some adult in the home to be helping them, as they make those important decisions.

There is no State in the Union that would allow a teen to adopt a baby. Yet we see them having babies right and left.

This is certainly not going to help either the baby or our future if we do not try to get this under control. So I hope our Governors look at the power we gave them and we see whether or not that works in sending a strong message that we want them to stay in school and be emotionally prepared to be parents before they become parents.

LISTEN TO BETTY EASINGWOOD

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

Mr. SMITH of Texas. Mr. Speaker, in San Angelo, TX, there is a great restaurant called Zentner's Daughter. It is now managed by Mr. Zentner's daughter herself, Betty Easingwood, and her husband, Richard.

Not long ago, the owners met to discuss the restaurant's financial situation. Betty says she realized their slim margin of profit would be eaten away by President Clinton's proposed taxes.

Betty objected so strongly to President Clinton's new taxes that she sacrificed advertising her luncheon and dinner specials. Instead of putting "Catfish Special $4.50" on the restaurant's large outdoor sign, Betty decided to put up another message in large black letters. The sign now reads, "Congress Cut Spending Before New Taxes."

She knew intuitively and as a result of real business experience that the Government spends too much and then expects middle-income folks to pay for it in taxes. She is right.

Recently, Ross Perot pointed out that only one person on President Clinton's White House team had ever created a job or built a business. It is unfortunate that the President's own advisers do not know first-hand what it means to run a business.

President Clinton would do better to listen to people like Betty Easingwood, who work hard, meet a payroll, and know we do not need new taxes to pay for more new spending.

THE FEDERAL COURT DECISION ON DELEGATE VOTING

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

Ms. NORTON. Mr. Speaker, yesterday a Federal court vindicated the decision of this House to empower delegates to vote in the Committee of the Whole. Still, some of my good friends and colleagues on the other side of the aisle would deny me and others like me. These colleagues are partisan first; Americans who stand for democracy last.

In effect, they say that since the court has said that the Committee of the Whole is important, delegates should be excluded. Never mind that House rules provide for a revote in the few cases where delegates alone are the margin of victory or defeat. Not to worry that my residents pay more per capita in Federal income taxes to the Federal Treasury than those of almost all of my colleagues. Forget democracy in the People's House.

History will not forget attempts to deny democracy. Neither, fortunately, did the court yesterday.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 490

Mr. DORNAN. Mr. Speaker, I ask unanimous consent to take my name off the bill that we are going to discuss today, H.R. 490. I did not know the Columbia Hospital for Women did abortions.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from California?

There was no objection.

DISTRICT OF COLUMBIA STATEHOOD

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

Mr. DORNAN. Mr. Speaker, I would like to address myself to the distinguished gentlewoman from the District of Columbia [Ms. NORTON], one of the most beautiful cities in the world and more good, hard-working citizens here than all the other island delegate areas put together.

We just have not fully debated this issue or thought it through.

I would like to ask the gentlewoman the following: Are you going to set up a unicameral legislature like Nebraska, or will you have State senators for the State of Columbia and State representatives with all the offices and staff that go with that? Will you have an attorney general and all the constitutional offices that all the States have? Will you have a supreme court of the State of Columbia with seven justices or nine, like California, and where will all the office buildings come from that? And then when you realize you do not have the money to have a house of representatives and a State senate and a State supreme court and all these constitutional officers, will you set up toll booths on all the beltway entrances into the city and the bridges across the Potomac and charge us to come in here and do work? Of course, we Congress people will be exempted, but the average tourist and the average worker will be charged to pay for all of this.

Let us debate statehood for the District of Columbia reasonably and debate it in depth.

THE 10TH ANNIVERSARY OF HOUSE PASSAGE OF SOCIAL SECURITY AMENDMENTS OF 1983

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

Mr. PICKLE. Mr. Speaker, I remind my colleagues that in 1983 the Congress was faced with one of the most difficult and important issues that it has ever had to deal with—restoring the financial solvency of the Social Security system. In the spring of 1983 the Social Security trust funds were nearly insolvent, the system was on the verge of collapse, and the headlines were filled with predictions of disaster for our Nation's senior citizens. These predictions proved wrong, because on this day, March 9, 1983, the House rose to this challenge and passed historic legislation, the Social Security Amendments of 1983.

No one can argue with the success of these amendments. Today the Social Security trust funds are strong and growing stronger. Indeed the Social Security system is in as financially strong a position as it has ever been. Retirees are secure in their benefits and workers and employers are not facing the threat of ever-increasing FICA payroll taxes. Because of the leadership of the House on this day 10 years ago, the Social Security system continues to be the most successful social insurance program in our Nation's history.

In looking back on this historic legislation, I am struck by three keys to its success. First, the legislation was comprehensive. As they would say today, it represented fair shared sacrifice. It was combination of benefit spending cuts and tax increases, and it took a little hide and hair from everybody. Second, it was developed as a result of close cooperation between the administration and the Congress. Finally, the legislation was adopted with bipartisan support.

I believe that the approach Congress used in restoring the solvency of the Social Security system is a model which should be applied as we face the broader budget problems that confront the Federal Government today. It worked in the case of Social Security. And, at the time when we are facing so many difficult economic decisions, we should be thankful that we no longer face the specter of a collapsing national retirement system.

TRANSLATING COMMITMENT TO ACTION

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

Mr. GOSS. Mr. Speaker, the struggle of a handful of men desperately seeking attention from the Federal Government they served nearly 50 years ago has reached a turning point. This week, a Veterans' Affairs Subcommittee is holding long-awaited hearings on the issue of the Navy's secret chemical warfare testing program involving toxic mustard and lewisite gases during World War II. This is hopefully a giant step in the right direction of properly acknowledging the service of these veterans who put their trust and their bodies into the hands of their Government and were grossly abused and eventually ignored as a result. Mr. Speaker, we have come an awfully long way from one lonely congressman urging attention to this matter to a commitment from the President of the United States that Government is going to right this terrible wrong at last. It is my sincere hope that, for a change, the bureaucracy can be speeded up in time to make a meaningful difference in these people's lives. Let us be sure to turn commitment into action for these forgotten heroes.

□ 1300

TRULY PUTTING AMERICA BACK TO WORK

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

Mrs. COLLINS of Illinois. Mr. Speaker, the arguments from the other side of the aisle that strong economic recovery will come without our assistance truly defies logic. Now, while some of my colleagues on the other side of the aisle continue to clamor for the invisible hand to work its economic magic, more residents in all congressional districts across the Nation continue to wonder whether the jobs and wages they have today will be there tomorrow if we do not soon administer President Clinton's well-balanced economic stimulus package.

There are very hopeful signs that the economy may be starting to improve, and the President's solid plan provides a foundation for the continuation of this new growth. Yet, without this much needed stimulus, the jobs erosion we have experienced over the past 12 years will continue. When President Clinton took office on January 20, 6½ million Americans could not find fulltime work. Mr. Speaker, try telling these struggling Americans that such problems will simply take care of themselves.

We must give this economy the strong boost, outlined by President Clinton, that it needs so that idle and underemployed American workers can reap the long-term benefits it produces. As President Clinton so aptly stated in his address to Congress a few weeks ago, "there's no recovery worth its salt that doesn't put the American people back to work." Frankly, Mr. Speaker, without President Clinton's economic stimulus package, there is little chance for real recovery, and, without the bold measure he has outlined, the recovery that might accidentally occur will not only not be worth its salt, but it will also not be sustained.

BALANCE THE BUDGET

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

Mr. SMITH of Michigan. Mr. Speaker, over the past several weeks, I have received hundreds of phone calls, letters, and postcards telling me to cut spending first. I agree completely. Overspending by Congress is a crisis because it is lowering our standard of living, reducing good jobs and the prospect for a good future.

As a member of the House Budget Committee, I have chaired one of seven working groups reviewing Government spending. I have studied over 200 specific proposals to reduce spending and have reviewed proposals to establish percentage spending reductions for most of all Government spending programs through a required annual sequester over 3 years.

The so-called entitlement programs must all be cut. It is sensible, even reasonable that we increase Social Security retirement age 1 month per year over the next 36 years. Also, individuals that have gotten back everything they have contributed to FICA plus a reasonable compounded interest rate should not receive payments in years they make more than $100,000.

Some of the experienced Members of Congress have suggested that it would be impossible to balance the budget and actually have the Federal Government spend no more than it receives in revenues. I suggest that this country's deficit spending is now at a crisis state and we must make dramatic spending cuts if we are to have strong economic recovery and leave to future generations any chance for prosperity.

Specifically, some of the spending cuts I have proposed in addition to percentage reductions include reducing mass transit subsidies, eliminating subsidies for public housing that is vacant, eliminating low-priority Department of Transportation projects, cutting in half funding for the arts and humanities, reducing fraud—such as by verifying tenant incomes with IRS data when computing Federal housing subsidies—and reductions in defense civilian costs.

The defense reductions that I support are slightly more than President Bush proposed but only about one-half what President Clinton has recommended.

In addition, I am pushing for a pay freeze on all Federal employees, including Congressmen, and cuts in welfare.

These are just a few of the cuts I have supported in the discussions of a budget substitute package.

Throughout this process of reviewing the entire Federal budget, I have had to weigh the priorities of existing programs. It is true that many programs have value. The value of these programs is not as important as the value of having a secure future.

One of the Nation's highest priorities must be to increase savings by having the Federal Government stop borrowing so much money to pay for today's consumption. Increasing taxes will also reduce savings and, according to experts, actually result in job loss. Taxes collected are dollars unavailable for private enterprise and innovation.

The people, through private enterprise, know best how to spend their money. Our goal over the next 5 years is to eliminate deficit spending without tax increases and then we should actually begin paying back the debt.

THE STIMULUS PACKAGE IS CRUCIAL TO TRUE ECONOMIC RECOVERY

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

Mr. MAZZOLI. Mr. Speaker, I have had the pleasure of visiting just today with several members of the Louisville Board of Aldermen, and I had the pleasure last week of visiting in my office with the mayor of our city, Mayor Abramson, and county judge executive of our community, David Armstrong.

The message has been the same, Mr. Speaker. That is, while the economic numbers are improving—the rate of unemployment is declining somewhat, and the indices seem to be pointing toward economic recovery—economic recovery is not at hand, and therefore the President's proposal on economic stimulus is very important.

We cannot be distracted or deterred from the goal, which is to put Americans and Louisvillians and Kentuckians back to work.

The President's stimulus package, which will be taken up in this body next week, will have that salutary effect of putting our people back to work. I therefore would ask my colleagues to support the stimulus program. It will help us to do what we were sent here to do, to take care of the people's business.

CONGRESS NEEDS TO SPEND THE PEOPLE'S MONEY WISELY

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

Mr. BOEHNER. Mr. Speaker, in the next few weeks we will be asked to consider the part of the President's plan he calls a stimulus package. But exactly what is in this stimulus package that the President claims will create new jobs?

Let us look at his program. Only one-fourth of his plan calls for infrastructure investment with most of the rest made up of a laundry list of pet projects that will only increase the deficit: $200 million for AIDS prevention; $81 million for National Weather Service equipment; $23 million for unspecified green programs; $28 million to the government of the District of Columbia to help them balance their budget; $2 billion to forgive student loans; and $423 million for homeless programs.

Mr. Speaker, how does this create any new, real jobs? Who does this spending stimulate except maybe the liberal faculty at Harvard or Berkeley? If we are to grow the economy and reduce the deficit, we need to spend the people's money wisely. There is no economic stimulus here; it is just more of the same—tax and spend.

DEMOCRATS ACCOUNTABLE IF ECONOMIC PROGRAM BACKFIRES

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

Mr. ROHRABACHER. Mr. Speaker, I have just arrived back from California, and there are a lot of people out there hopping mad. They were told that there would be tax increases but it would just be taxing the other guy. They were told that it was going to be taxing the rich, and when they to some degree or another in California did go to President Clinton during the last election, they thought they were buying the program that President Clinton had suggested when he was running for election. Now, surprise, surprise, they realize they are going to be taxed, and the Social Security recipients earning $25,000 a year are going to be taxed.

I do not believe that President Clinton was playing straight with us during the election. That is how he became President. I do not believe that the economic stimulus package that is being presented will stimulate the economy.

However, President Clinton will be held accountable, as will the Democrat Party, because the Democrat Party now controls both Houses of Congress and the Presidency. If the economy gets worse and if this country is taxed into a recession, the Democrats will be held accountable.

STIMULUS PACKAGE WILL REQUIRE $400 BILLION IN NEW TAXES

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

Mr. BURTON of Indiana. Mr. Speaker, I listened to some of my Democrat friends today say that we would be blind opponents of change, that we were opposed to this blueprint for change, that we were opposed to investing in America.

Let me just say to my friends in this Chamber, my Democrat friends, the American people will not be hoodwinked for very long. President Clinton's economic stimulus package and tax increases amount to almost $400 billion in new taxes and fees, $400 billion. That is more than double the largest tax increase in U.S. history. The last one we had in 1990, for which we spent $2.70 for every $1 in new taxes, that last tax increase put us into an economic recession, and this tax increase is going to more than double that.

If we take $400 billion out of the collective pockets of America, we are going to cause real economic problems. The airline industry, with the Btu taxes, tells me that many are going to go bankrupt because they are going to have to pay 15 cents more per gallon for jet fuel, and that is just one example.

Let us reevaluate what we are doing. Let us cut spending first before we even talk about tax increases.

URGING EACH CONGRESSIONAL COMMITTEE TO REDUCE ITS COSTS

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

Mr. CASTLE. Mr. Speaker, I rise to urge my colleagues to focus the spotlight of deficit reduction on the operations of this House. Specifically, Mr. Speaker, the House should reduce funding for standing committees.

President Clinton and the Congress are asking the American people to make some great sacrifices in the name of fiscal responsibility. Yet, this commitment to sacrifice is nowhere to be seen in the new funding requests by the committees of the House. This is not good government, nor is it fair to the American people.

At a time when families, businesses and States throughout this country are eliminating wasteful spending and reprioritizing expenditures to balance their budgets—in Congress, it's business as usual. My message is simple: With our current budget deficit, every committee should be seeking to reduce its costs, not secure an increase in 1993.

I applaud those committees that have proposed a cut in their funding or are at least holding the line at last year's level. I cannot in good conscience support the increases many committees are seeking. It is a perfect example of do as I say, not as I do government.

The Republican Members of the freshman class have proposed that House committees reduce their funding by 25 percent. I ask that the Commit-

tee on House Administration give this proposal serious consideration. At the very least, the majority should propose its own reduction plan. Elimination of the select committees is a start, but it is certainly not the only cost saving action needed this year. The standing committees must begin a streamlining process as well. Business as usual by Congress in funding its own operations will only increase the cynicism and doubt of the American people over this body's ability to address the serious problems facing our Nation.

Mr. Speaker, the House Administration Committee can score a victory for good government tomorrow. I urge them to do so.

□ 1310

CONVEYANCE OF LAND TO COLUMBIA HOSPITAL FOR WOMEN

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill [H.R. 490] to provide for the conveyance of certain lands and improvements in Washington, DC, to the Columbia Hospital for Women to provide a site for the construction of a facility to house the National Women's Health Resource Center, as amended.

The Clerk read as follows:

H.R. 490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF LAND.

(a) ADMINISTRATOR OF GENERAL SERVICES.—Subject to sections 2 and 4, the Administrator of General Services (hereinafter in this Act referred to as the "Administrator") shall convey, for $12,800,000 to be paid in accordance with the terms set forth in subsection (d)(2) and other consideration required by this Act, to the Columbia Hospital for Women (formerly Columbia Hospital for Women and Lying-in Asylum; hereinafter in this Act referred to as "Columbia Hospital"), located in Washington, District of Columbia, all right, title, and interest of the United States in and to those pieces or parcels of land in the District of Columbia, described in subsection (b), together with all improvements thereon and appurtenances thereto. The purpose of the conveyance is to provide a site for the construction by Columbia Hospital of a facility to house the National Women's Health Resource Center (hereinafter in this Act referred to as the "Resource Center"), as described in the Certificate of Need issued for the Resource Center in conformance with District of Columbia law and in effect on the date of conveyance.

(b) PROPERTY DESCRIPTION.—The land referred to in subsection (a) was conveyed to the United States of America by deed dated May 2, 1888, from David Fergusson, widower, recorded in liber 1314, folio 102, of the land records of the District of Columbia, and is that portion of square numbered 25 in the city of Washington in the District of Columbia which was not previously conveyed to such hospital by the Act of June 28, 1952 (Public Law 82-423). Such property is more particularly described as square 25, lot 803, or as follows: all that piece or parcel of land situated and lying in the city of Washington in the District of Columbia and known as part of square numbered 25, as laid down and distinguished on the plat or plan of said city as follows: beginning for the same at the northeast corner of the square being the corner formed by the intersection of the west line of Twenty-fourth Street Northwest, with the south line of north M Street Northwest and running thence south with the line of said Twenty-fourth Street Northwest for the distance of two hundred and thirty-one feet ten inches, thence running west and parallel with said M Street Northwest for the distance of two hundred and thirty feet six inches and running thence north and parallel with the line of said Twenty-fourth Street Northwest for the distance of two hundred and thirty-one feet ten inches to the line of said M Street Northwest and running thence east with the line of said M Street Northwest to the place of beginning two hundred and thirty feet and six inches together with all the improvements, ways, easements, rights, privileges, and appurtenances to the same belonging or in anywise appertaining.

(c) DATE OF CONVEYANCE.—

(1) DATE.—The date of the conveyance of property required under subsection (a) shall be the date which is 1 year after the date of receipt by the Administrator of written notification from Columbia Hospital that the hospital needs such property for use as a site to provide housing for the Resource Center.

(2) DEADLINE FOR SUBMISSION OF NOTIFICATION.—A written notification of need from Columbia Hospital shall not be effective for purposes of subsection (a) and paragraph (1) unless the notification is received by the Administrator before the date which is 1 year after the date of the enactment of this Act.

(d) CONVEYANCE TERMS.—

(1) IN GENERAL.—The conveyance of property required under subsection (a) shall be subject to such terms and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States. Such terms and conditions shall be consistent with the terms and conditions set forth in this Act.

(2) PAYMENT OF PURCHASE PRICE.—Columbia Hospital shall pay the $12,800,000 purchase price in full by not later than the date of conveyance under subsection (c).

(3) QUITCLAIM DEED.—Any conveyance of property to Columbia Hospital under this Act shall be by quitclaim deed.

(e) TREATMENT OF AMOUNTS RECEIVED.—Amounts received by the United States as payment under this Act shall be paid into, administered, and expended as part of the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)).

SEC. 2. LIMITATION ON CONVEYANCE.

No part of any land conveyed under section 1 may be used, during the 30-year period beginning on the date of conveyance under section 1(c)(1), for any purpose other than to provide a site for a facility to house the Resource Center and any necessary related appurtenances to that facility.

SEC. 3. SATELLITE HEALTH CENTERS.

(a) REQUIREMENT.—

(1) IN GENERAL.—Not later than 4 years after the date of the conveyance under section 1, Columbia Hospital, after consultation with the District of Columbia Commission of Public Health and the District of Columbia State Health Planning and Development Agency, shall establish, maintain, and operate 3 satellite health centers.

(2) PERSONS TO BE SERVED.—One of the satellite health centers shall provide comprehensive health and counseling services exclusively for teenage women and their children. The other 2 satellite health centers shall provide comprehensive health and counseling services for women (including teenage women) and their children.

(3) LOCATION.—The satellite health centers shall be located in areas of the District of Columbia in which the District of Columbia Department of Public Health has determined that the need for comprehensive health and counseling service provided by the centers is the greatest. In locating such centers, special consideration shall be given to the areas of the District with the highest rates of infant death and births by teenagers.

(b) COMPREHENSIVE HEALTH AND COUNSELING SERVICES.—In subsection (a), comprehensive health and counseling services include—

(1) examination of women;

(2) medical treatment and counseling of women, including prenatal and postnatal services;

(3) treatment and counseling of substance abusers and those who are at risk of substance abuse;

(4) health promotion and disease prevention services;

(5) physician and hospital referral services; and

(6) extended and flexible hours of service.

(c) REQUIRED CONSIDERATION.—The establishment, operation, and maintenance of satellite health centers by Columbia Hospital in accordance with this section shall be part of the consideration required by this Act for the conveyance under section 1.

SEC. 4. REVERSIONARY INTEREST.

(a) IN GENERAL.—The property conveyed under section 1 shall revert to the United States—

(1) on the date which is 4 years after the date of such conveyance if Columbia Hospital is not operating the Resource Center on such property; and

(2) on any date in the 30-year period beginning on the date of such conveyance, on which the property is used for a purpose other than that referred to in section 2.

(b) REPAYMENT.—If property reverts to the United States under subsection (a), the Administrator shall pay to Columbia Hospital, from amounts otherwise appropriated from the fund established by section 210(f) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 490(f)), an amount equal to all sums received by the United States as payments for the conveyance under section 1, without interest on such amount.

(c) ENFORCING REVERSION.—The Administrator shall perform all acts necessary to enforce any reversion of property to the United States under this section.

(d) INVENTORY OF PUBLIC BUILDINGS SERVICE.—Property that reverts to the United States under this section—

(1) shall be under the control of the General Services Administration; and

(2) shall be assigned by the Administrator to the inventory of the Public Buildings Service.

SEC. 5. DAMAGES.

(a) DAMAGES.—Subject to subsection (b), for each year in the 26-year period beginning on the date which is 4 years after the date of conveyance under section 1(c)(1), in which Columbia Hospital does not operate 3 satellite health centers in accordance with section 3 for a period of more than 60 days, the Columbia Hospital shall be liable to the United States for damages in an amount equal to $200,000, except that this subsection shall not apply after the date of any reversion of property under section 4.

(b) LIMITATION IN DAMAGES.—The maximum amount of damages for which Columbia

Hospital may be liable under this section shall be $3,000,000.

(c) ADJUSTMENTS FOR INFLATION.—The amount of damages specified in subsection (a) and the maximum amount of damages specified in subsection (b) shall be adjusted biennially to reflect changes in the consumer price index that have occurred since the date of the enactment of this Act.

(d) ASSESSMENT AND WAIVER.—For any failure by Columbia Hospital to operate a satellite health center in accordance with section 3, the Administrator may—

(1) seek to recover damages under this section; or

(2) waive all or any part of damages recoverable under this section for that failure, if the Administrator—

(A) determines the failure is caused by exceptional circumstances; and

(B) submits a statement to the District of Columbia Commission of Public Health and the Congress, that sets forth the reasons for the determination.

(e) CONVEYANCE DOCUMENTS.—The Administrator shall include in the documents for any conveyance under this Act appropriate provisions to—

(1) ensure that payment of damages under this section is a contractual obligation of Columbia Hospital; and

(2) require the Administrator to provide to Columbia Hospital notice and an opportunity to respond before the Administrator seeks to recover such damages.

SEC. 6. REPORTS.

During the 5-year period beginning one year after the date of the conveyance under section 1, Columbia Hospital shall submit to the Administrator, the appropriate committees of the Congress, and the Comptroller General of the United States annual reports on the establishment, maintenance, and operation of the Resource Center and the satellite health centers.

SEC. 7. MEMBER INSTITUTES.

The Resource Center should—

(1) include among its outreach activities the establishment of formal linkages with no less than 6 universities or health centers throughout the Nation, to be known as "member institutes" in furtherance of the purposes of the Resource Center; and

(2) provide national notice of the opportunity such entities have to participate in programs and activities of the Resource Center.

The SPEAKER pro tempore (Mr. BISHOP). Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume. H.R. 490, as amended, authorizes GSA to sell land to the Columbia Hospital for Women that is adjacent to the Hospital. The hospital will pay $12.8 million for the land, and construct a facility to house its national women's health resource center.

The bill contains strong provisions to protect the Government interest in the land; and very importantly, there is no cost to the Federal Government. The resource center, with its educational, research, and outreach activities will make a significant contribution to improving the quality of health care for all American women.

The bill also provides that the hospital will establish three satellite health centers in the District of Columbia. These health centers will be located in the areas of the District where the need for health care for women and their children is most critical.

The amendment to the bill, which I proposed, clarifies and strengthens the resource center's national outreach program, whereby the resource center will work with universities and health centers across the country to extend the benefits and information of this excellent resource center to women across the Nation. Mr. Speaker, this legislation was approved by the House on September 29, 1992, but not enacted. Since Congress began consideration of this bill over 46,000 women have died of breast cancer and approximately one-half million women have died of cardiovascular disease. I support H.R. 490 as amended, and urge expeditious action on this very sound, important legislation.

Mr. Speaker, I include for the RECORD a statement of administration policy on this bill, as follows:

STATEMENT OF ADMINISTRATION POLICY

The Administration supports enactment of H.R. 490, which would provide for increased attention to health issues of specific concern to women.

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

Mr. Speaker, I rise in support of H.R. 490, a bill to convey a parcel of Government-owned land located at 2400 M Street, NW., Washington, DC, to Columbia Hospital for Women. Columbia Hospital will pay the General Services Administration [GSA] $12.8 million for this land at the time of conveyance. This land will be used to construct the National Women's Health Resource Center.

Mr. Speaker, for 6 years, Congress has considered legislation to transfer this parcel of land to Columbia Hospital. Original proposals in 1987 called for a no-cost transfer to the Hospital. GSA and this committee resisted this effort. Two years later, legislation was reintroduced which called for $5 million to be paid by Columbia Hospital. This figure was raised to $10 million to be paid in installments, then raised to $12 million, again to be paid in installments.

H.R. 490 represents a unique opportunity for the Federal Government to earn money, rather than spend money. This bill will earn $12.8 million on the sale of this land and will send a positive message to women that we are concerned with women's health issues.

H.R. 490 reflects the years of negotiations on the price of this land, as well as the safeguards contained in the bill. Columbia Hospital is obligated to develop the National Women's Health Resource Center within 4 years of conveyance of the land. Otherwise, the land reverts to GSA. This land may only be used for the resource center for the next 30 years. If the property is used for any other purpose, it shall revert to GSA.

The resource center should create an outreach effort to no fewer than six universities and resource centers nationwide, to be known as member institutions to further the purpose of the resource center.

Mr. Speaker, I believe it is time to move forward on this legislation. Land values are declining, and while it is not a policy of GSA to sell land not excess to its needs, this represents a unique circumstance for Congress to assist in the development of an important resource center directed to women's health issues. I urge enactment.

Finally, I wish to thank the chairman of the Subcommittee on Public Buildings and Grounds, the gentleman from Ohio [Mr. TRAFICANT], who has shown spirited leadership in moving this bill forward in a bipartisan manner. It has been a pleasure working with you in moving this bill. I also wish to thank the full committee leadership, our chairman, Mr. MINETA, and our ranking minority member, Mr. SHUSTER. They quickly established themselves as able legislators, as evidenced by the quick action on this bill.

Mr. Speaker, I urge enactment of H.R. 490.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MINETA], our handworking chairman of the full Committee on Public Works and Transportation.

Mr. MINETA. Mr. Speaker, I thank the gentleman for yielding me this time.

The Columbia Hospital for Women is an impressive institution. Historically, it has served both the District of Columbia and the Nation by offering excellent medical care to women and by pioneering in research and clinical services that have provided models for improved care for women throughout the country.

Columbia's premiere efforts include: the first area institution to offer mammography; the area's first hospital-based infertility clinic; the first prenatal clinic in the city; and the first hospital in the United States to utilize ultrasound in diagnosing women.

Within the Columbia Hospital, the National Women's Health Resources Center originated as a concept in the 1980's to meet the need for expanded health education resources for women in the District and the Nation. The center integrates clinical research, educational programs, and informational services. It focuses on identifying health problems of women that need further research and on creating greater access to the results of the research that has been done on women's health issues.

The resource center is the only national institution dedicated exclusively to the improvement of women's health. In addition, the resource center disseminates information on important women's health care issues such as breast cancer and domestic violence.

Today, more than ever before, our Nation is facing a health care crisis, and as women's social roles and environments have changed, so have their health needs. Increasing numbers of women are living under the dual roles of managing a home and a career. Nearly half of them are single parents. Women are living longer and with a greater sense of independence. With this changing lifestyle, women need not only medical care and advice, but sociological and psychological counsel to help lead healthy and productive lives at any age.

Mr. Speaker, I believe the land transfer provided by H.R. 490 will produce a very significant public benefit because it will help make it possible for the hospital and resource center to achieve even greater contributions to the health care of women.

Furthermore, the bill not only accomplishes these important purposes, it does so without cost to the Federal Government. The bill authorizes a land transfer, for which the hospital would compensate the Federal Government $12.8 million, thereby reducing the Federal deficit by that amount.

Mr. Speaker, I want to commend Chairmen CONYERS, STARK, and COLLINS for their invaluable efforts on making this a successful piece of legislation. I also want to give special recognition to subcommittee chair JIM TRAFICANT for his leadership in making this a truly national program, and to BUD SHUSTER and JOHN DUNCAN for their cooperation in moving this bill expeditiously.

Mr. Speaker, I urge passage of H.R. 490.

□ 1320

Mr. DUNCAN. Mr. Speaker, I yield 5 minutes to the very distinguished ranking member of the full committee, the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I rise in strong support of this legislation. Usually we come to this Chamber to pass legislation to spend the taxpayers' money. But today we are here to receive the taxpayers' money. Not only the $12.8 million that the Federal Government will receive for the sale of this land, but also it is important to emphasize that the alternative to selling this land, I am told, is to continue to house Government bureaucrats in that facility at a cost of $63 million.

So, really, the swing here for the taxpayers of America is a $75.8 million positive financial swing.

Beyond the dollars, however, it is very important to note that this is a worthy purpose, one that focuses on women's health care, and also it is very important to note, I believe, that the Federal Government will not be required to pay for either the building or operating of this facility.

So, this is good for the Government, good for health, good particularly for women's health, and I strongly urge support of this legislation.

Mr. TRAFICANT. Mr. Speaker, I yield such time as she may consume to the very capable gentlewoman from the District of Columbia [Ms. NORTON], who deserves a lot of credit on this bill.

Ms. NORTON. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in very strong support of H.R. 490. I want to especially express my most sincere thanks to committee chair, NORMAN MINETA, subcommittee chair, JAMES TRAFICANT, and the ranking member, JOHN DUNCAN, for their considerable effort and swift action to bring this project to fruition.

Thanks to their bipartisanship and objectivity, this was the first bill to come before the full committee and is the first to be reported to the floor this session.

Mr. Speaker, for over two decades Columbia Hospital for Women and the District of Columbia have sought passage of legislation which would authorize the sale and conveyance of Federal land to the hospital for the construction of a building to house the first National Women's Health Resource Center in our country's history. In an almost novel request to this body, the hospital proposes to perform this public service without the help of 1 penny of taxpayers' funds. At this time when Congress is challenged to address the beleaguered condition of our health care system, I cannot imagine that my colleagues will fail to appreciate the value of H.R. 490.

The focus and benefits of H.R. 490 are both significant and national. The Columbia Hospital for Women is a preeminent institution, renowned for its long record of high-quality health care delivery to meet the unique health needs of women and infants. As a result of this land conveyance, the resource center will build on Columbia Hospital's distinguished 127-year history to provide critically important women's health education programs, clinic research, and information services to health care consumers and professionals nationwide. As the Congress has acknowledged, the health needs of women have long been neglected in the absence of a national health care focus like that which will be offered by the resource center.

This bill is a national response to women's health concerns. The resource center will be collaborating with universities throughout the country. As member institutes universities will assist the center in developing its research agenda and defining educational goals responsive to the needs of both consumers and health care professionals throughout the nation. In addition, because the center will be located here in the Nation's Capital, H.R. 490 brings special benefits to metropolitan area residents in particular. In addition to the price to be paid for the land itself, H.R. 490 requires as part of the quid pro quo that the hospital establish and operate three satellite health centers in the District of Columbia in exchange for the conveyance of the land. This exchange will contribute to increasing the survival of newborns at a time when our country's infant mortality rate is shamefully high compared to that of other developed countries, nowhere higher than in the District of Columbia. The accessibility of adequate prenatal care will help to reduce the rate of infant mortality and to increase the overall health of the women receiving care. Thus, not only will the Nation benefit from H.R. 490, but the District of Columbia will benefit from satellite centers which will serve low-income women most in need of comprehensive health care.

Most impressively, there is no cost to American taxpayers. Columbia Hospital is not asking the Federal Government for 1 Federal cent. Columbia Hospital will finance this acquisition with 100-percent private funding. Mr. Speaker, rarely does Congress have the pleasure of considering a bill for construction of a facility, much less one as vital as this one, that does not also sport a price tag for the taxpayers.

The fact is that Congress is directly responsible for raising the cost of this facility because of several years' delay in approving this bill. At a time when the President urges every citizen to make a contribution toward the well-being of our Nation, I urge my colleagues to allow Columbia Hospital's to offer its own gift—a national resource center for research and education to improve the health of women and children in our country.

Mr. DUNCAN. Mr. Speaker, I yield 5 minutes to my good friend, the distinguished ranking member of the Committee on the District of Columbia, the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, H.R. 490 directs the General Services Administration to sell 1.2 acres of Federal property in northwest District of Columbia to the Columbia Hospital for Women for $12.8 million, payable in full at the time of the conveyance. While the terms of this sale have been improved over several years of disagreement, it is still a poor management decision and poor public policy.

Despite the hospital's extensive lobbying effort to market this as a unique national resource, the National Women's Health Center is plainly just another business deal. There is no competition for the subsidy Columbia will

receive. Columbia Hospital has been trying to obtain this Federal property for 30 years in order to expand its clinical services. Certainly there is nothing wrong with an organization's desire to expand its business opportunities. However, I strongly object to the sacrifice of the substantial Federal interest in this property.

Columbia's claim that its National Women's Health Resource Center will be a unique public service of national importance is questionable for several reasons. First, the clinical services being provided are not new to this area nor unique to the Nation. There are numerous facilities in the Washington, DC area which provide the very same diagnostic and treatment services offered by Columbia. Nearly three-quarters of the resources of this project will be devoted to these clinical services.

Similarly, there are numerous agencies and institutions which promote public awareness and patient education regarding women's health. While Columbia's efforts maybe valuable, they certainly are not unique. The difference is that other institutions must go through the competitive process for Federal support but Columbia does not.

Columbia Hospital does not, by its own admission, possess any particular expertise in conducting medical research. There are a host of institutions in this area which have proven track records in women's health research, but Columbia is not among them.

Finally, it is uncertain whether this sale would be in the public interest. This is not surplus land. GSA has plans to improve this property and build a site that would help consolidate State Department employees. The failure to relocate the Federal employees as GSA has recommended will cost the taxpayers more than $30 million. GAO has reported that billions of dollars could be saved if the Federal Government owned office space rather than leased it. As Federal policy, this sale is a step in the wrong direction.

I strongly question whether this is an appropriate use of the land held in the public trust and, therefore, must oppose H.R. 490.

□ 1330

Mr. TRAFICANT. Mr. Speaker, before I yield time to our next speaker, I, too, want to commend the gentleman from Pennsylvania [Mr. SHUSTER], an outstanding graduate of the University of Pittsburgh, for his leadership on our committee and welcome him here today.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. STARK], chairman of the Committee on the District of Columbia.

Mr. STARK. Mr. Speaker, I would like to speak on behalf of H.R. 490, as amended.

We have heard it described well by my colleague, the gentlewoman from the District of Columbia [Ms. NORTON].

We have heard the gentleman from Ohio [Mr. TRAFICANT], the distinguished chairman of the subcommittee, explain to us the Federal interest in this.

We have heard our colleague, the gentleman from California [Mr. MINETA] outline for us much of the benefits.

The District of Columbia Committee has passed this legislation in the 100th, the 101st, and the 102d Congress, and I hope we can pass it one last time with your forbearance and proceed.

Let me not review the need for medical care for women and children in the District of Columbia, or whether or not Columbia Hospital is a preeminent research or health care institution. I am not qualified to make that judgment for you; but I think I am qualified to spot a fairly decent business deal.

For those of you, who read as I do every day, the number of pieces of property that the Resolution Trust Corporation has for sale and think that getting $12,800,000, which is a couple million dollars over appraisal, is not a singularly good business deal for the U.S. Government, guess again.

It is a dilapidated 100,000-square-foot building that the GSA says will have to be torn down.

The State Department in testimony before our committee indicated they will not consolidate anything. They are still spread all over town and there are plenty of office locations that are ready to be used with far more modern facilities than the existing building that is there.

It is a corner out of a block, surrounded on two sides by streets and on two sides by hospital property. It could not, with the height limits, be a commercial building under any circumstances.

Second, there are no bids. It is a wonderful thing to think that we might build Disney Land East. We might do a whole host of things with it, but the fact is that right now it is virtually not being used, and here is a private charitable nonprofit corporation that wants to give the Federal Government $12,800,000, and I stand here and if somebody wants to walk up and add another couple million dollars, we will go back to the committee and see if we cannot get you a little more, I say to the chairman, the gentleman from Ohio [Mr. TRAFICANT], but I think that getting $12,800,000 and providing free community health care centers for women and children who might not otherwise have any medical care, it is belaboring the point to decide whether it is the best medical care or just more good medical care.

We have a win-win situation. We win $12 million, almost $13 million and change, where there are no other bidders. We provide some additional facilities to an institution which has provided excellent medical care in the District of Columbia.

Mr. Speaker, I would urge that we support this bill at this time.

Mr. Speaker, the purpose of H.R. 490, as amended, is to authorize the Columbia Hospital for Women to purchase 1.2 acres of adjacent Federal land for the construction of a building to house the National Women's Health Resource Center. The nonprofit, federally chartered Columbia Hospital for Women has agreed to pay $12.8 million for the land. The center will be a national women's health resource center to collect information, conduct investigations and research, and to disseminate information on women's health.

The full Committee on the District of Columbia voted in the 102d Congress to report a bill, H.R. 3703, a bill similar to H.R. 490, and filed House Report 102–912, part I, last Congress in support of passage of that measure. The bill passed by unanimous voice vote. Although there was consistent opposition to the bill by the committee's minority members, the ranking minority member said during floor debate:

> But I can assure my colleagues that the work of the House District of Columbia Committee and the House Public Works Committee has improved the terms in favor of the Federal government * * * some of our initial objections have been satisfied. All of the improvements made in H.R. 3703 result in a better deal for the American taxpayer.

Bills similar to H.R. 490 have been favorably reported by the House District of Columbia Committee in the 100th, 101st, and 102d Congresses. H.R. 490 was referred to three House committees. I want to thank the Chair of the House Public Works Committee, Chairman MINETA, and the subcommittee Chair, Mr. TRAFICANT, for bringing this bill with only minor amendments forward in such a timely manner.

I, on behalf of the House District of Columbia Committee, have written the Speaker to indicate that the committee has completed its consideration of H.R. 490 and supports its conclusion on today's Suspension Calendar by a unanimous vote.

Again, this legislation and the National Women's Health Resource Center is a significant national public health benefit that the Congress should seek to support and promote.

Mr. DUNCAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington [Ms. DUNN], one of our finest freshman Members.

Ms. DUNN. Mr. Speaker, let me extend my appreciation to the gentleman for yielding me this time.

Mr. Speaker, I wish to give my full support to H.R. 490 which will authorize the sale of undeveloped land to Columbia Women's Hospital for the establishment of a national woman's health resource center.

This center will serve as a clearinghouse for information on women's health issues. It will link groundbreaking research being done at universities across the country to identify the unmet health concerns of women. This will provide a meaningful opportunity for health professionals, consumers and public officials to enhance national awareness of women's health issues, ranging from the treatment and prevention of breast cancer,

to the assistance of victims of domestic violence.

Mr. Speaker, as women constitute a greater portion of the labor force, there is heightened interest in the health issues that confront them. The sale of this land, for the development of such a center, should thus be seen as a sound economic decision that does not add a single penny to the national debt.

Mr. Speaker, I urge my colleagues to support H.R. 490 as a step forward in women's health research.

Mr. TRAFICANT. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Illinois [Mrs. COLLINS], the former chair of the Subcommittee on Government Activities and Transportation of the Committee on Government Operations, and I thank her for all her efforts on behalf of this legislation.

Mr. Speaker, I wonder if the gentleman from Tennessee would yield the gentlewoman some additional time.

Mr. DUNCAN. Mr. Speaker, I yield an additional 3½ minutes of my time to the gentlewoman from Illinois [Mrs. COLLINS].

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that the gentlewoman from Illinois [Mrs. COLLINS] be allowed to control the 7 minutes allotted to her.

The SPEAKER (Mr. BISHOP). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Illinois [Mrs. COLLINS] is recognized for a total of 7 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, I thank the chairman and the ranking member of the Committee on Public Works and Transportation for being so generous with their time.

I rise in full support of this legislation and do so on behalf of the Government Operations Committee and to act as floor manager of the Government Operations Committee.

Mr. Speaker, I rise in support of H.R. 490, which will enable the Government to sell certain GSA-controlled land in the District of Columbia to the Columbia Hospital for Women. The land, located next to the hospital, would become the site of a facility to house the National Women's Health Resource Center, an affiliate of the hospital. Funding and construction of the resource center would come from the hospital.

The resource center is unique among health organizations in this country because it presents a comprehensive combination of services related to women's health needs that include research, clinical, informational, and educational functions on national and local levels.

This legislation originated in the 100th Congress in the Government Operations Committee and has enjoyed active House consideration in each succeeding Congress. During the 100th and the 101st Congress, I chaired the Government Operations Committee subcommittee responsible for the then-pending bills. On the basis of our thorough investigations and hearings, I became convinced of the special need for such a center, of the potential of the resource center to make a major contribution toward filling that need, and of the hospital's capacity to carry out funding and development as well as to assist with the center's mission.

Our subcommittee had to decide if the dollar value of the land to GSA would be matched by the consideration flowing from the hospital; namely, a large cash payment to GSA's Federal buildings fund plus the significant intangible public benefits both from the resource center and from three satellite health centers in underserved areas of the District of Columbia to be established and operated by Columbia Hospital. It was the subcommittee's unanimous conclusion that combined benefits of the proposal would greatly exceed the costs.

I want to explain women's need for such a resource center by restating some well-known facts: Women have different physiologies and lifestyles from men. We live significantly longer. We are more likely to contract chronic, disabling diseases which require hospitalization. We suffer with the problems of unplanned pregnancy. We are more likely to be hospitalized from a large number of diseases and medical conditions from which men are free.

Furthermore, our social and economic roles are both different and changing. We have always been more likely than men to be living in poverty. Nearly half of women today are single parents. Notwithstanding all these facts and more, the health care system has been slow to recognize and deal with known basic differences between men and women. The process demands speeding up. The proposed resource center would help provide and guide such acceleration.

Mr. Speaker, the provisions of H.R. 490, have been carefully crafted. Their language has evolved through a period of more than 5 years. The present form has come about as a result of close cooperation and consultation among the three committees of jurisdiction: The Committees on Government Operations, the District of Columbia, and Public Works and Transportation. I commend the work of their present and past chairmen as well as that of the chairs of the concerned subcommittees for having supported this evolution. I would particularly recognize the gentleman from Ohio [Mr. TRAFICANT], whose subcommittee of the Public Works and Transportation Committee has done major work this Congress in bringing the bill before us today. Let me also recognize the work of one who is absent, our former colleague from Illinois, Gus Savage, who as chairman of the Public Buildings and Ground Subcommittee helped to bring about House passage of last year's bill, H.R. 3703.

Perhaps I can be forgiven some pride in the fact that H.R. 490 reflects the basic terms which my subcommittee in the 101st Congress worked out with the hospital and the other committee then concerned, the Committee of the District of Columbia under the chairmanship of RON DELLUMS. These terms were a purchase price of $12 million to be paid the Government and the hospital's agreement to add to its community services the establishment and operation of three satellite health centers for mothers and teenagers in medically underserved communities of the District of Columbia.

H.R. 490 will increase the hospital's cash payment to the Federal buildings fund of $12.8 million. It will preserve the commitment for the three satellite health centers and it contains mechanisms to assure that the purposes of the bill will be achieved. To this end, options of property reversion and monetary penalties are provided for.

Mr. Speaker, The Federal Property and Administrative Services Act expresses the policy of Congress that Federal surplus real property may be donated to serve public health purposes. The land affected by our bill is, of course, not surplus property, even though for many years it has been greatly underutilized. The small structure now on the lot is old and dilapidated. Renovation is not feasible. Only lately has GSA taken steps to plan for a new and larger Federal building there. It seems to have required the imminence of our legislation to prod GSA into belated action. This is my point: If the Congress by general law has sanctioned the cost-free transfer of valuable surplus land to a public health organization, then it is consistent with such a policy to sell this underutilized GSA land to a major public health entity for $12.8 million and in addition realize the extraordinary public health benefits this project offers.

To sum up, Mr. Speaker, I know of few bills that have been so thoroughly studied and so carefully drafted as has H.R. 490. I have followed this legislation closely for four Congresses and I am convinced that H.R. 490 offers to the Congress an unprecedented opportunity to serve the special health needs of women and children, nationally and locally, not only without Federal outlays but with receipt of a cash payment that reasonably relates to the current estimated value of the property. I urge my colleagues to follow last year's example of a unanimous House and again approve this legislation.

□ 1340

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

Mr. Speaker, I would like to close simply by saying this:

There are very few Members of this body who have opposed more spending bills than I have. I yield to no one in my concern for the national debt. It has been my greatest legislative priority to try to do something about our horrible national debt and these horrendous deficits we have been having year after year.

But this is not a spending bill. This is a bill to receive money for the Federal Government. This $12.8 million price that has been placed on this property is a very fair price according to the most recent assessment and according to the most recent appraisal. In fact, it is $2.8 million approximately above both the assessment and the most recent appraisal.

This is a fair bill for the taxpayers. It is a good bill. I urge its support.

Mr. Speaker, I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. TUCKER], Compton's former mayor.

Mr. TUCKER. Mr. Speaker, I thank my distinguished chairman of the Subcommittee on Public Buildings and Grounds, the gentleman from Ohio [Mr. TRAFICANT], for yielding this time to me.

Mr. Speaker, I am just very happy to join in with my colleagues on this bill in which I believe both sides of the aisle have come together and said that we are doing something, not only for the women of America, but for the American public and health care. I am happy to applaud the work of so many who have preceded before me. I am proud to be a member of the Subcommittee on Public Buildings and Grounds, and I am proud of the work Chairman TRAFICANT and done, proud of this cosponsorship by the chairman of the full Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA]. I most certainly appreciate the comments and the support from the gentlewoman from the District of Columbia [Ms. NORTON] and others, the gentleman from California [Mr. STARK], the gentleman from California [Mr. DELLUMS] who have carried this legislation for many years, and I am glad to see that it has finally come to fruition and that we can finally get his land conveyed.

This is not only a question of conveyance which will not add a cost to the deficit, but it is actually a great demonstration of investment as our President has talked about, Mr. Speaker. We are investing today for the health care needs of women all across this country and particularly women who are underserved, and, Mr. Speaker, I think that this is the best example that we can give to the 103d Congress and to the American public as to how we can get off the dime, get off the gridlock and really see the health care needs of women and minorities in this country served.

So, Mr. Speaker, I applaud the effort by this subcommittee and by all of those on both sides of the aisle who have brought to the floor and made this a reality.

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

Mr. Speaker, in closing want to thank the gentleman from Tennessee [Mr. DUNCAN]. His constructive leadership has helped us to bring this bill forth.

I want to commend everyone who worked on this bill over previous Congresses, and also thank all of the staff on both sides of the aisle.

I think this is a tremendous bill. Eighty-six percent of all health research money spent in America today is spent and invested on diseases of men. This is an indictment. This bill is a step in the right direction. I am very proud of all those who have participated.

Mr. EMERSON. Mr. Speaker, the issue before us passed through the appropriate subcommittee and the full committee on Public Works and Transportation. I was generally supportive of this land transfer in those committees. However, issues are raised by other committees who share jurisdiction over this subject that were not considered in Public Works, and frankly these concerns cause me concern about bringing this bill up under this procedure. It needs further work.

Mr. HOYER. Mr. Speaker, today I rise in support of H.R. 490, the Columbia Hospital for Women land purchase. This is an important bill which has already passed by the House last fall. Unfortunately, the bill never became law.

H.R. 490 authorizes a land transfer from the General Services Administration to the Columbia Hospital for Women, and mandates that the land be used solely for expanding the National Women's Health Resource Center. Under the bill's provisions, the Columbia Hospital for Women to pay $12.8 million for the property. The bill should also require the hospital to operate three satellite health care centers in the District of Columbia for women and children most in need of those services.

At a time when the Government is increasingly criticized for neglecting women's health care, I believe today's legislation offers an opportunity for our Government to demonstrate its commitment to women's health care needs.

Reports regarding the failure to include appropriate numbers of women as subjects in clinical trials, as well as the disturbingly high rate of gynecologic-obstetric surgeries are indicative of the need to better address women's reproductive health issues. Over 675,000 women underwent surgical removal of their uterus last year.

We need more research like that conducted at the National Women's Health Resource Center. Over 12,400 women die each year of ovarian cancer; 44,000 women died from breast cancer in 1990. I believe statistics like this illustrate better than anything, the great need for the services provided by the center.

Last year, I introduced the Women's Reproductive Health and Medicine Act to infuse women's health research with more money and I believe this bill moves us in that direction. Moreover, the center's strong effort to marry cutting edge research with the provision of services and information is critically important. Our efforts to expand health research would be futile if we did not also work to get that information out of the lab and into the hands of doctors and patients.

I am pleased to again support this important bill and I urge my colleagues to lend their support too.

Mr. TRAFICANT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BISHOP). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 490, as amended.

The question was taken.

Mr. BLILEY. 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 339, nays 69, not voting 22, as follows:

[Roll No. 55]

YEAS—339

Abercrombie	Clyburn	Gephardt
Ackerman	Coleman	Geren
Andrews (ME)	Collins (GA)	Gilchrest
Andrews (NJ)	Collins (IL)	Gillmor
Andrews (TX)	Collins (MI)	Gilman
Applegate	Conyers	Gingrich
Archer	Cooper	Glickman
Bacchus (FL)	Coppersmith	Gonzalez
Bachus (AL)	Costello	Goodlatte
Baesler	Coyne	Gordon
Baker (CA)	Cramer	Grandy
Barcia	Crane	Green
Barlow	Crapo	Greenwood
Barrett (NE)	Danner	Gunderson
Barrett (WI)	Darden	Gutierrez
Becerra	de la Garza	Hall (OH)
Beilenson	Deal	Hall (TX)
Bereuter	DeLauro	Hamburg
Berman	Derrick	Hamilton
Bevill	Deutsch	Harman
Bilbray	Dicks	Hastert
Bishop	Dingell	Hayes
Blackwell	Dixon	Hefley
Blute	Dooley	Hefner
Boehlert	Duncan	Hilliard
Boehner	Dunn	Hinchey
Bonilla	Durbin	Hoagland
Bonior	Edwards (CA)	Hobson
Borski	Engel	Hochbrueckner
Boucher	English (AZ)	Hoekstra
Brewster	English (OK)	Hoke
Brooks	Eshoo	Holden
Browder	Evans	Horn
Brown (CA)	Everett	Houghton
Brown (FL)	Ewing	Hoyer
Brown (OH)	Fazio	Huffington
Bryant	Fields (LA)	Hughes
Bunning	Filner	Hunter
Byrne	Fingerhut	Hutchinson
Calvert	Fish	Hutto
Camp	Flake	Hyde
Canady	Foglietta	Inglis
Cantwell	Ford (MI)	Inslee
Cardin	Fowler	Jacobs
Carr	Frank (MA)	Jefferson
Castle	Franks (CT)	Johnson (CT)
Chapman	Franks (NJ)	Johnson (GA)
Clay	Frost	Johnson (SD)
Clayton	Furse	Johnson, E. B.
Clement	Gallegly	Johnston
Clinger	Gallo	Kanjorski

Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowey
Machtley
Mann
Manton
Manzullo
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schroeder
Schumer
Serrano
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (TX)
Snowe
Solomon
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates

NAYS—69

Allard
Armey
Baker (LA)
Ballenger
Bartlett
Bateman
Bentley
Bilirakis
Bliley
Burton
Buyer
Callahan
Coble
Combest
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Emerson
Fawell
Gekas
Goodling
Goss
Grams
Hancock
Hansen
Herger
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Lewis (CA)
Lewis (FL)
Linder
Livingston
McCandless
McMillan
Meyers
Mica
Moorhead
Myers
Oxley
Packard
Petri
Rohrabacher
Roth
Royce
Schiff
Sensenbrenner
Smith (NJ)
Smith (OR)
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Upton
Vucanovich
Walker
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—22

Barton
Condit
Cox
Cunningham
DeFazio
Dellums
Dickey
Edwards (TX)
Fields (TX)
Ford (TN)
Gejdenson
Gibbons
Hastings
Henry
Maloney
Margolies-Mezvinsky
McDade
Owens
Sanders
Scott
Sharp
Watt

□ 1410

The Clerk announced the following pairs:

On this vote:

Mr. Dellums and Mrs. Maloney for, with Mr. Cunningham against.

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

Mr. SMITH of Michigan and Mr. THORNTON changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, due to a meeting with constituents off the Hill, I missed the vote on H.R. 490, a bill to convey certain land to the Columbia Hospital for Women. Had I voted, I would have supported my colleagues in voting to authorize the sale of land to the hospital.

THE JOURNAL

The SPEAKER pro tempore (Mr. BISHOP). The pending business is the question of the Chair's approval of the Journal.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 256, noes 153, not voting 21, as follows:

[Roll No. 56]

AYES—256

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Bateman
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
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Duncan
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hayes
Hefner
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Hyde
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McHale
McKinney
McNulty
Meehan
Menendez
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
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
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—153

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Collins (GA)
Crane
Crapo
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Emerson
Everett
Ewing
Fawell
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mfume
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Santorum
Saxton
Schaefer

Schiff	Solomon	Upton
Schroeder	Stearns	Vucanovich
Sensenbrenner	Stump	Walker
Shaw	Sundquist	Walsh
Shays	Talent	Weldon
Shuster	Taylor (MS)	Wolf
Skeen	Taylor (NC)	Young (AK)
Smith (MI)	Thomas (CA)	Young (FL)
Smith (OR)	Thomas (WY)	Zeliff
Smith (TX)	Torkildsen	Zimmer

NOT VOTING—21

Barton	Ford (TN)	Maloney
Condit	Gibbons	McDade
Cox	Harman	McDermott
Cunningham	Hastings	Meek
DeFazio	Henry	Sanders
Dellums	Hilliard	Scott
Fields (TX)	Hutchinson	Watt

□ 1429

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. EDWARDS of Texas. Mr. Speaker, during rollcall vote No. 55 on H.R. 490, I was on the floor inserting my card in the machine. I thought I had voted "aye," but my vote was not recorded. I had certainly every intention of voting in favor of H.R. 490 and thought I had done so.

PERSONAL EXPLANATION

Mr. DICKEY. Mr. Speaker, I was unavoidably detained and missed the vote on H.R. 490. Had I been here I would have voted "yea" on that particular bill.

PERSONAL EXPLANATION

Mrs. MALONEY. Mr. Speaker, because of an emergency landing by my plane on my way to Washington, I unavoidably missed rollcall vote 55 on conveyance of land to the Columbia Women's Hospital, and rollcall vote 56. Had I been present, I would have voted "aye."

HOUR OF MEETING ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 1 p.m. on tomorrow.

The SPEAKER pro tempore (Mr. BISHOP]. Is there objection to the request of the gentleman from Maryland?

There was no objection.

THE PRESIDENT'S CHALLENGE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. RICHARDSON. Mr. Speaker, President Clinton said he was serious about deficit reduction, and he presented a serious plan. President Clinton said there would be more spending cuts, and the Democratic Congress has responded with a resounding "yes," close to $60 billion more.

President Clinton said that we should vote first on spending cuts, and that is going to happen. President Clinton said he is serious about health care reform, and he will present his plan to Congress in early May.

The President also said he was serious about doing something about the deficit crunch and the credit crunch, and he will announce his plans tomorrow.

President Clinton said he was serious about defense conversion, and he will announce his plans on Thursday.

President Clinton, Mr. Speaker, is providing leadership. We should get behind him. The American people are behind him. I know that is uncomfortable for some, but the record shows the American people are behind him, and we should do the same.

Mr. Speaker, we have a choice—positive, responsible change, or more of the same. The President understands it, the American people understand it, and now we must prove that we understand it by passing the President's package of deficit reduction and investment in the future.

The President has challenged us and the American people. He has presented a comprehensive plan that combines serious deficit reduction with a much-needed stimulus package. That plan, combined with additional spending cuts that we will offer, will result in one thing—jobs.

We must show the American people that gridlock is dead and that we can move from the status quo. We must pass this plan. Polls show that the American people overwhelmingly support the President and understand that every American must pull their fair share.

Mr. Speaker, this plan offers the best shot we have at creating jobs and moving the economy in the right direction. We must stand together and pass it.

THE LONG BEACH NAVAL SHIPYARD: A SUCCESS STORY FOR MINORITIES

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

Mr. HORN. Mr. Speaker, recently I had the opportunity to visit the Long Beach Naval Shipyard on the occasion of its 50th anniversary. For 50 years, the Long Beach Naval Shipyard has been a vital institution, not only for the Navy, not only for the city of Long Beach, but also for the entire Ventura, Los Angeles, Orange, San Bernadino, and Riverside area. For $1, the land upon which the shipyard sits was given to the Navy.

For five decades, this symbiotic relationship between the community and the shipyard has grown and thrived. Needless to say, the shipyard has always served this country's national defense needs, and stands ready to do so well into the future. I would like to use this moment to highlight the one all-important aspect behind the shipyard's reputation as the most efficient, cost-effective shipyard in the Navy: its employees.

Today, minority employees are over 50 percent of its work force of the Long Beach Naval Shipyard. A wide diversity of ethnic backgrounds are represented by these productive working men and women. While we as a nation still struggle with ethnic and racial tensions, the Long Beach Naval Shipyard represents a model of integration and advancement for people of color. For the African-American community in my district, the shipyard has represented a stepping stone into a future of good, high-paying, high-skilled employment when other such opportunities did not exist.

Mr. Speaker, I commend to your attention the following article written by a very able reporter, Mr. Bill Hillburg of the Long Beach Press-Telegram. As Mr. Hillburg observes:

Given the huge impact on the African-American community, current and former shipyard employees fear that their hard-won gains may be lost amid the so-called peace dividend. "We African-Americans feel a sense of security at the shipyard and we've done a good job for the Navy and the country," said [J.B.] Larkins. "We don't deserve to be on the new list of proposed base closings (due to be released by the Pentagon on March 15)." Roosevelt Langston summed up the potential impact of a shutdown. "Losing the shipyard would be very bad for the Long Beach area as a whole," he said. "But for black communities in Long Beach and Compton it would be an economic disaster."

The story that follows tells of the hard-fought success of such leaders in the shipyard as J.B. Larkins and David Grayson, and of the men and women who went before them. It also illustrates what a devastating impact the closure of the Long Beach Naval Shipyard would have on the minority community throughout the South Bay. As we move into a new round of military base closures, this is an article that should not be missed.

[From the Long Beach Press-Telegram, Feb. 28, 1993]

THE STEP UP

(By Bill Hillburg)

LONG BEACH.—In 1940, most of Long Beach's African-Americans were employed as domestic servants, janitors or bootblacks. That same year, the city sold 105 acres of land on Terminal Island to the Navy for $1.

Three years later, the empty strand known as Brighton Beach had been transformed into the Long Beach Naval Shipyard. And the fortunes of the city's African-Americans had taken a permanent turn for the better.

Over the past 50 years, the Long Beach Naval Shipyard has evolved into the economic hub of the area's African-American community. From the day it opened in February 1943, the yard offered employment, security and advancement opportunities to African-American men and women.

Today, African-American workers account for 27 percent of the yard's 4,200 workers (an

estimated 60 percent of all yard workers are members of minority groups). They range from apprentices launching their careers to key management personnel.

The Navy began employing African-Americans in its shipyards before World War II. Among those pioneering workers were retirees Luther Evans and Percy Daggs, both of Long Beach. Evans began his career in 1939 at the Charleston (S.C.) Naval Shipyard. Daggs, a St. Louis native, was hired in 1941 at the Pearl Harbor Naval Shipyard in Hawaii.

Both Daggs and Evans were working at Pearl Harbor on Dec. 7, 1941, when the Japanese attacked. They earned Navy commendations for their performance under fire and later worked to repair the shattered ships of the Pacific Fleet.

"I realized all of my opportunities with the Navy," said Daggs, who came to work at the Long Beach yard in 1944. "I was able to give my wife and five children a good life in Long Beach."

"I had a good career and success in Long Beach," said Evans, who came to the yard in 1949. He now shares his good fortune by doing volunteer work at the California Recreation Center and the Long Beach Senior Center.

During the war years, the yard hired thousands of African-Americans who had flocked to Long Beach from Texas, Arkansas, Oklahoma, Louisiana and other southern states. A willingness to work hard was the only criteria for employment.

The shipyard ran 'round the clock from 1943 to 1945 as 16,000 employees labored to repair ships that had been shattered at Pearl Harbor, Midway, the Coral Sea and other battles. African-American workers—who made up more than a quarter of that work force—helped to set performance records, including a one-month span during which 15 damaged ships were refitted.

After the war, the shipyard began giving hiring preference to veterans. The African-American vets who sought employment at the yard wanted more than just a job. They wanted careers.

During the war years, most African-American shipyard workers had been employed as laborers, janitors or in other menial tasks. After the war, black vets began pressing for skilled work and membership in labor unions.

Compton resident Roosevelt Langston recalled the reception he got at the shipyard in 1946. "I was among the many unwanted," he said. "And, like other blacks, the yard tried to steer me into a menial job."

Langston had served 38 months in the Pacific in the Army's all-black 76th Coast Artillery and had been trained in communications and electronics. He was offered a job pushing a broom.

It took Langston two years to fight his way into an apprentice program as a pipe coverer and insulator. But getting into his trade's union, Local 20 of the Heat, Frost and Asbestos Workers, proved impossible.

While the federal government offered a degree of job security to African-American workers, their working conditions still lagged behind those of white unionized workers. And the need for union representation became even clearer to African-American workers in 1949, when the shipyard was deactivated by the Navy (it remained closed until early 1951).

"When we closed down, most white workers got placed in private industry jobs by their unions," said Langston. "We had to stick with the Navy or be unemployed. I had to go clear up to the China Lake Naval Weapons Depot for another Navy job."

Langston's union and other yard units placed a number of hurdles in the way of prospective African-American members. Local 20, for example, required new members to pay a $300 initiation fee and to be sponsored by three members in good standing.

"When you found sponsors, they had to appear in person at the union meeting held to consider new applicants (such sessions were only held twice a year). If your sponsors didn't show up, which was often the case, you didn't get in."

While the vast majority of the shipyard's union units were integrated without incident, Local 20 refused to budge. In 1962, when it was finally ordered by the Navy to begin accepting African-Americans as members, the unit's leadership opted instead to stop representing yard employees.

"Advancement was always a slow process," said Compton resident Bernard Flemons, an Army veteran from Oklahoma who began working at the yard as a welder in June, 1945. "But, all in all, the yard offered tremendous opportunity for blacks. It offered a vast variety of jobs and chances for advancement."

By the time he retired in 1971, Flemons had advanced to a supervisor's job in supply.

J.B. Larkins, a veteran of the Air Force's Strategic Air Command, took a pass when he was steered into a laborer's job in 1956. He came back to the yard on his own terms in 1959 when he was finally offered the shipfitter's job he had applied for.

"We still have to fight for our rights," said Larkins. "But, compared to the private industry, the shipyard has always offered us unsurpassed opportunity."

Langston ultimately advanced during his career, attaining a management position in personnel. In the early 1960s, he also helped to found the Brotherhood Congress, an organization that paved the way for more African-American advancement.

"Management was frustrating us one by one, so we decided to organize," said Langston. "We also decided to go to the top."

Congress members began airing their concerns in monthly meetings with the yard's Navy commanders. In turn, those Naval officers began taking interest in employees' problems and ordered reviews and reforms. By 1971, the shipyard had established an Equal Opportunity Advisory Council. Today, that labor-management panel handles most employment issues at the yard.

The shipyard's importance to the African-American community didn't end with the World War II generation. Larkins, who today leads the Long Beach Naval Shipyard Employees Association, stresses that young African-Americans are still being offered opportunities at the yard.

The yard's outreach began in the early 1970's, when young African-Americans were recruited for summer work programs.

David Grayson of Long Beach signed on as a "summer aide" in 1971, after his graduation from Dorsey High School in Los Angeles.

"I liked the work and it got me interested in electronics," he said. "I stayed with the yard, working swing shifts, while I went to UCLA. The yard allowed me to support myself during college and I earned my electrical engineering degree in 1975."

Grayson was made a supervisor in 1980 and this year was promoted to general foreman of the shipyard's electricians.

"We don't have that summer youth program anymore," noted Grayson. "It was cut during the Reagan years. I hope President Clinton will bring it back so that other young people get the same chance that I enjoyed."

Isaac Burr, a Los Angeles Jefferson High grad who was hired on as an apprentice shipfitter in 1965, can also attest to the yard's opportunities. "This place gave me a chance, and I was able to make the most of it." said Burr. Today, he is the shipyard's project superintendent and its highest-ranking African-American employee.

Wanda Heard of Compton, a personnel specialist, said the shipyard remains committed to outreach in the African-American community. She noted that, over the years, officials and workers have participated in the Watts Summer Festival and a number of job fairs. African-American employees also stage an annual Black Heritage Dinner.

The Long Beach Naval Shipyard is also a co-sponsor of the new Compton Regional Job Training Center, a $6 million facility that opened Tuesday.

Given its huge impact on the African-American community, current and former shipyard employees fear that their hardwon gains may be lost amid the so-called "peace dividend."

"We African-Americans feel a sense of security at the shipyard and we've done a good job for the Navy and the country," said Larkins. "We don't deserve to be on the new list of proposed base closings (due to be released by the Pentagon on March 15)."

Roosevelt Langston summed up the potential impact of a shutdown. "Losing the shipyard would be very bad for the Long Beach area as a whole," he said "But for black communities in Long Beach and Compton it would be an economic disaster."

NORTH AMERICAN FREE-TRADE AGREEMENT: FOOD SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, at a hearing of the Subcommittee on Commerce, Consumer Protection and Competitiveness on February 18, concerns were raised that the North American Free-Trade Agreement will lead to an increase in the importation of fruits and vegetables from Mexico. Mexico's standards restricting the use of pesticides on food are different than ours, in some cases considerably weaker.

Two concerns were raised. First, the Mexican Government has no enforcement mechanism to ensure that Mexican growers comply with even the standards it has established. These standards are based on those set by the International Food Organization, and permit trace levels of DDT and other substances which are not permitted in our country.

Second, our Government does not have a sufficient number of inspectors at the United States-Mexico border nor the testing capability to ensure that fruits and vegetables coming into the United States comply with our country's pesticide standards. Testing procedures used by the Food and Drug Administration are able to detect only about half of possible pesticides used.

As a result, witnesses said the reality is that Mexican growers are able to use whatever pesticides they want on produce grown in that country. According to the General Accounting Office which was also represented at our hearing, the pesticide violation rate for Mexican fruits and vegetables is more than twice as high as for United States grown produce.

Furthermore, Mexico is known to have approved uses for 58 different pesticides on food that we have not approved. In addition Mexico permits 17 pesticides to be used on food that the United States has no approved use for at all.

Six of these seventeen pesticides are used on produce Mexico exports to the United States. Mexico claims that 10 of the pesticides for which there tolerances are different than our own are critical to its agricultural industry.

The North American Free-Trade Agreement [NAFTA] sets up a dispute settlement procedure which Mexico could use to challenge our stricter pesticide standards as being trade barriers. I am concerned because under the NAFTA procedures, the United States would have only one representative on a trinational panel to make a determination on a possible Mexican challenge.

A witness representing the Florida Fruit and Vegetable Association testified that pesticide differences constitute an unfair playing field that has more than just health consequences for the United States. It has job consequences. He estimated that NAFTA could cost the State of Florida alone 50,000 jobs in its agricultural sector.

Finally, if Australian meat can enter the United States as Canadian meat simply because it is transhipped through Canada, there is certainly reason to be concerned about the transhipment of fruits and vegetables from Central and South American countries through Mexico. Given the inadequacy of Mexico's pesticide enforcement capability, this concern is considerably heightened.

We then have to ask ourselves, as we did 2 years ago, should free trade mean that we restrict our Government's efforts and responsibility for protecting the health and safety of American citizens? The answer to this question must be, a resounding "no."

Free trade must be accompanied by sufficient guarantees that health and safety standards our country has established are not compromised. Until those guarantees are firmly put in place, the benefits of free trade must be postponed.

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REDUCE DEFICIT SPENDING BY INCREASING TAXES?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I make my comments today to express my concern about the proposal to increase taxes as a way to reduce deficit spending.

I think it is, first, important that we ask ourselves: Why is reducing the deficit, why is it important that we reduce our overspending for the U.S. Government?

The fact is that our savings in this country are some of the lowest in the world. If you look at the Asian rim countries where Japan is saving 20 cents out of every dollar they earn, if you look at Korea, which saves about 35 cents out of every dollar they earn, guess what we in the United States save out of every dollar we earn: about 2 percent. That means that we have less money available not only to borrow for a college education or to buy a new car or a new home, but maybe, most importantly, it means that money is less available for business to invest in the new machinery and new equipment and the new technology that can increase our efficiency.

The United States now trails the rest of the industrialized world in terms of our rate of increase in productivity. Also, we trail the rest of the G–7 countries, the industrialized world, in terms of our investment in new machinery and new equipment and technology per worker. Now, that means that we are becoming less productive as compared to those other countries.

The capital, the savings that we have in this country is now being sucked up by a Federal Government whose spending is out of control. We have developed a credit card mentality where we are willing to borrow from future generations, from our kids and our grandkids, in order to satisfy the consumption spending that allows what many Congressmen, many politicians, think gets them reelected to office.

I say we cannot increase taxes, which are a form of savings, to pay for reduced spending at the Federal level which are also a negative form of savings, because it defeats part of the goals and part of the purpose of reducing the deficit, and that purpose is to make more money available for individuals to spend their money, their hard-earned money, I would add, the way they prefer, to have more money and capital available for business improvement and expansion so that we can have the economic recovery, so that we can regain the job growth that we have had in the past, and so that we can have a strong future for our kids and grandkids.

DISCOVERY DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD], is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, on Saturday, March 6, Guam celebrated Discovery Day. Ferdinand Magellan, Spain's famous explorer, landed on Guam on March 6, 1521, with a starving crew suffering from scurvy.

The Chamorros, the indigenous people of Guam, welcomed Magellan and his crew's arrival. The Chamorros replenished Magellan's water supply. The Chamorros stocked Magellan's ships with fresh fruits and other foods and the Chamorros extended great hospitality to Spain's explorer, who later became memorialized as the first European to circumnavigate the Earth.

During the 1500's the Chamorros were known for their expert craftsmanship in building canoes. Consequently, the Chamorros were curious about Magellan's skiffs.

Historians are not clear what caused the ensuing event, but somehow Magellan's crew believed that the Chamorros were stealing their skiff. More than likely, the Chamorro people were simply expecting reciprocity for the hospitality they extended to the intruders on the shores of Guam.

Magellan landed a crew to allegedly punish the people, and the crew burned between 40 to 50 houses, destroyed several Chamorro boats and killed 7 Chamorro men. And then they left.

It seems ironic that Guam would celebrate a day which actually led to death and destruction on the island, and it seems ironic that Guam would celebrate a day alleging its discovery, when in fact, Guam was not a desolate island; it was a populated island, with organized societal structures with a full and robust civilization.

The commemoration of Magellan's visit is now ironically merged with the celebration of Guam's native culture. Last week and this week, Guam is celebrating Chamorro Week during which schools, businesses, and community organizations take the time to reflect upon the meaning, the spirit, and the survival of the Chamorro people. As one of the originators of the celebration in Guam schools, I take great pride in acknowledging the spirit of self-renewal and self-discovery which Guam is currently undergoing.

I also must take note of the historical disaster which befell the Chamorro people of Guam as a result of contact with the Europeans. In the century after Magellan, Spanish missionaries decided to settle the Mariana Islands. As a result of this decision, war and disease reduced the native population by an estimated 90 percent. Miraculously, the people survived so that their descendants, I among them, can proudly say "we survived."

A great Chamorro leader of the 17th century saw the meaning of colonialism and the physical, as well as mental, consequences of domination. Hurau is commemorated in history as having made a speech to his warriors. I want

his speech to be inserted in the RECORD so that his generation of Chamorros can be remembered for their heroism, and so that future generations of Chamorros will be reminded of this heroism, and so that all Americans will become knowledgeable of the history and trials of a great people.

HURAU SPEECH TO HIS WARRIORS

The Europeans would have done better to remain in their own country. We have no need of their help to live happily. Satisfied with what our islands furnish us, we desire nothing else. The knowledge which they have given us has only increased our needs and stimulated our desires. They find it evil that we do not dress. If that were necessary, nature would have provided. They treat us as gross people and regard us as barbarians. But do we have to believe them? Under the pretext of instructing us they are corrupting us. They take away from us the primitive simplicity in which we live. They dare to take away our liberty which should be dearer to us than life itself. They try to persuade us that we will be happier and some of us have been blinded into believing their words. But can we have such sentiments if we reflect that we have been covered with misery and maladies ever since these foreigners have come to disturb our peace? Before they arrived on the island we did not know insects. Did we know rats, flies, mosquitoes and all the other little animals which constantly torment us? These are the beautiful presents they have made to us. And what have their floating machines brought us? Formerly we did not have rheumatism and inflamations. If we had sicknesses we had remedies for them. But they have brought us their diseases but do not teach us the remedies. Is it necessary that our cupidity and evil desires make us want to have iron and other bagatelles which only render is unhappy? The Spaniards reproach us because of our poverty, ignorance and lack of industry. But if we are poor, as they claim, then what do they search for here? If they didn't have need of us, they would not expose themselves to so many perils and make such great efforts to establish themselves in our midst. For what purpose do they teach us except to make us adopt their customs and subject ourselves to their laws and lose the precious liberty left to us by our ancestors? In a word they try to make us unhappy in the hope of an ephemereal happiness which can be enjoyed only after death.

They treat our history as fables and fictions. Haven't we the same right concerning that which they teach us as incontestable truths? They abuse our simplicity and good faith. All their skill is directed towards tricking us; all their knowledge tends only to make us unhappy. If we are ignorant and blind, as they would have us believe, it is because we have learned their evil plans too late and have allowed them to settle here. Let us not lose courage in the presence of our misfortune. They are only a handful. We can easily defeat them. Even though we don't have their deadly weapons which spread destruction all over, we can overcome them by our number. We are stronger than we think and we can quickly free ourselves from these foreigners and regain our former freedom.

I take the opportunity to bring this historical background to the House in order to provide the basis of understanding for a very important piece of legislation, which will be introduced this month, the Commonwealth bill for Guam.

After four centuries of colonial rule, Spanish, American, and Japanese, the people of Guam are entering a new world of self-discovery.

Discovery by others is not nearly as important as discovery of one's self.

Definition by others is meaningless if you cannot initially define yourself.

Determination of your future pales in significance to self-determination.

Guam, in full partnership with the United States, and in strong desire to remain an integral part of the United States, is now undergoing a process of self-discovery, self-definition, and self-determination.

This process will eventually wind its way through this body and call upon each and everyone of us to, not only treat with respect the experiences of the people of Guam, but to fully apply the best principles of democracy and fair play which makes America the great Nation that she is.

In the coming weeks, I will explain in greater detail the Guam proposal for Commonwealth, their proposal for partnership, the proposal for justice, democracy, and fair play for a unique, but important, part of the American family.

In conclusion, I must believe that Guam celebrates Discovery Day to recognize our rich culture, to understand our true history, which will enable us to understand how we are perceived, to articulate our true history so that we, along with the United States, in this New World order era, can redefine, yet maintain, our strong relationship, yet allow Guam to have a greater voice in how Guam is governed.

TRANSPORTATION OF PRODUCE ACT EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan [Miss COLLINS] is recognized for 5 minutes.

Miss COLLINS of Michigan. Mr. Speaker, I rise to provide a complete explanation of the legislation I introduced this afternoon, the Transportation of Produce [TOP] Act. I introduced this bill for several reasons: to feed undernourished and hungry Americans without undermining the objectives of USDA farm surplus removal programs, to create badly needed jobs, and to open a dialog on an underutilized budget account under the administrative control of the U.S. Department of Agriculture.

My initial interest in this bill arose when I discovered that there are fresh market produce commodities which are often destroyed or not harvested because the produce does not meet the minimum size, grade, or other specifications required under various Government-sanctioned marketing orders. These orders are developed and approved by grower committees to effectuate orderly marketing of specified fresh fruits, vegetables, and other horticultural crops grown in certain regions of the country. Although marketing orders help growers make a profit on their commodity, and are intended to achieve other beneficial objectives, they can also lead to the waste of some of our agricultural bounty. For example, last year under the California tree fruit agreement, it was estimated that 5 million pounds of peaches and nectarines did not meet market order size standards. The market order prohibited the selling of this fruit on the fresh markets, even though the fruit was perfect in every way except for its size.

Some of this fruit was in fact used—for example, the marketing order permits it to be processed into dried or canned goods at plants—for which growers are paid a much lower price than they would be for fruit bound for the fresh market. Often, these growers find it more economical to simply leave it on the trees, or on the ground. Since there are Federal marketing orders for 43 commodities such as potatoes, onions, and table grapes, try to imagine the amounts of produce that are going to waste. This is truly shameful as each month more than 20 million Americans rely on food banks and soup kitchens.

Growers are permitted under the orders to donate this excess fruit to local food distribution sites such as food banks, soup kitchens, and homeless shelters, and some do. There are currently no restrictions on growers for donating food, nor should there ever be a need for such restrictions. Growers decide on the marketing order, and growers decide who will receive their excess commodity. Under my bill, none of these factors will change. My bill will simply ensure that food which growers wish to donate, but are unable to because they lack the funds, workers, transportation, or other resources, can have their produce harvested, collected, and delivered to a food distribution site, using section 32 money, which is explained below.

Under my bill, the Department of Agriculture would be required to expend for TOP at least 25 percent of the so-called section 32 contingency fund [CF]. This CF is a discretionary pot of USDA-controlled money for making emergency purchases of surplus commodities during the course of the fiscal year. USDA can carry over up to $300 million from one fiscal year to the next in unused section 32 moneys, and much of this ends up in the CF.

As an example, here is how the contingency fund was determined—and how much of it was spent for emergency surplus purchases—for fiscal year 1991: at the start of the year, the entire section 32 account had about $5.453 billion at its disposal; this represented the equivalent of 30 percent of

prior-year customs receipts, plus more than $300 million in unobligated or recovered funds from the prior year.

Of this $5.453 billion, $71 million was transferred to the Commerce Department for fisheries-related activities—Federal law requires this transfer, which is based on 30 percent of the revenue earned from fish product imports. Another $14 million went to USDA's Agricultural Marketing Service for administrative expenses associated with its direct food purchasing services and its oversight of Federal marketing orders. Another $351 million was set aside for direct commodity purchases mandated by the National School Lunch Act. Finally, about $4.7 billion was transferred directly to the cash account of the child nutrition programs run by USDA's Food and Nutrition Service. That left approximately $316 million for USDA to spend during the course of the fiscal year for emergency surplus commodity purchases. It actually spent about $54 million for such emergency purchases, leaving an unobligated CF at the end of fiscal 1991 of $262 million.

My research shows that over the past 11 years, an unobligated, carryover, balance averaging $186 million existed at the start of each fiscal year. This is in effect, the so-called section 32 CF. Out of this total, an average of only about $55 million was expended for emergency buys over the course of the years. This still left $130 million for other buys. Twenty-five percent of this total, the amount my bill would require USDA to spend, would have averaged about $32 million annually for the TOP Program. This would still have left an average of nearly $100 million in the section 32 contingency fund at years' end.

I understand that there will be some hesitancy on the part of the Department of Agriculture, and on the part of the subcommittee on Rural Development, Agriculture and Related Agencies under the Appropriations Committee to utilize this fund. The fund has always been jealously guarded by agricultural commodity groups who have come to rely on it for emergency surplus purchases over the course of a given year. I understand their hesitancy, but in the name of fiscal responsibility, in the name of jobs, and in the name of millions of undernourished and hungry Americans, this Congress must use all resources available to the Nation. The section 32 contingency fund is an emergency fund. I believe that 30 million hungry Americans can be called a national emergency, and I believe that the matter in which the proposed allocations would be used is consistent with the purpose of the contingency fund. It will benefit the agricultural producers because it will be encouraging the domestic consumption of farm products by diverting surpluses from normal channels and expanding that use by low-income groups—an explicit purpose of the section 32 authorizing legislation. I believe Congress should mandate the use of this fund for the purposes of this act.

There has been discussion about eliminating the marketing order system. However, I do not believe that Congress will be able to reach a consensus on ending marketing orders. The reason for this is that marketing orders are agreed to be growers of any particular commodity. The selection of the specifications of the marketing order must in general be agreed upon by two-thirds of growers of a commodity. By decreasing the amount of produce introduced into the primary market, the cost of the produce is increased which increases profits for growers. For this reason, I do not oppose marketing orders, I only oppose the waste of an abundant and nutritious food source.

Mr. Speaker, I believe that my bill is good policy, with low implementation and administrative costs. Precedent exists for the types of contracts which would be established by the Secretaries of Agriculture and Transportation, and for nonprofit and other private sector participation.

In closing, this plan is very simple. It will prevent the waste of tons of unused produce, it will create many jobs in the transportation industry, and it will feed numerous undernourished and hungry Americans. The Federal Government will only act as a facilitator, with a minimum of interaction with the day-to-day operations of the Transport of Produce [TOP] Program. The benefits of this act far outweigh any gain in protecting the sanctity of the contingency fund, and I urge my colleagues to consider this as they judge the value inherent in this bill.

As the numbers published following this statement in the contingency fund analysis demonstrate, the lowest amount in the CF surplus (in 1985) was approximately $37 million. Twenty-five percent of this amount is about $9 million. In 1985, that would have meant an estimated $9 million would have been spent to feed Americans and put them to work. Even after spending these funds, over $27 million would have remained at year's end in the contingency fund. In 1992, $159 million remained in the CF, after all surplus farm purchases were made. That would have meant that nearly $40 million would have been spent to feed the hungry and create jobs. In 1992, nearly $120 million still would have remained in the contingency fund at year's end.

Allowing this money to sit, unused, in this contingency fund is simply abominable. We have food going to waste while there are mouths to feed, and while there is a dire need to create jobs. We have the resources to accomplish this goal. My bill takes all of these factors into account. I urge my colleagues to support this legislation.

USDA CONTINGENCY FUND [CF] SURPLUS—1983–93

[In thousands of dollars]

	CF [1]	CF—		25 percent of CF surplus	CF funds remaining
		Spent [2]	Surplus		
Year:					
1983	$281,701	$75,437	$206,264	$51,566	$154,698
1984	185,355	99,191	86,169	21,692.25	64,476.75
1985	95,218	58,111	37,107	9,276.75	27,830.25
1986	178,830	44,122	134,708	33,677	101,031
1987	158,931	12,054	146,877	36,719.25	110,157.75
1988	221,589	98,325	123,264	30,816	92,448
1989	116,868	7,359	109,509	27,377	82,132
1990	132,717	26,474	106,243	26,560.75	79,682.25
1991	294,168	54,284	239,884	59,971	179,913
1992	262,430	102,928	159,502	39,875.5	119,626.5
1993 (estimate)	120,787	24,100	96,687	24,171.75	72,515.25
Average	186,235.8	54,762.30	131,474	32,882.1	98,591.88

[1] Represents unobligated sec. 32 balance at start of year.

[2] Represents funds spent for emergency surplus removal.

Definition: Sec. 32 funding is a permanent appropriation, equivalent to 30 percent of U.S. customs receipts, authorized under sec. 32 of the act of August 24, 1935 (Public Law 74–320). The CF portion of sec. 32 is determined annually based upon funds remaining after USDA determines its other allocations for sec. 32 dollars. By law, up to $300,000,000 of the prior year's unexpended funds can be carried over to the next year, and used for the CF.

Findings: The average annual USDA sec. 32 unobligated balance (in effect, the CF) for the past 11 years is approximately $186,000,000. The average amount spent annually over the past 10 years from the CF for emergency farm surplus removals and other purposes is approximately $55,000,000. The average amount in the annual CF "surplus" is $131,000,000. The average amount that would be spent on the TOP Program annually would be approximately $32,000,000. This would still leave an annual average of nearly $100,000,000 in the emergency contingency fund, after the TOP Program is funded.

□ 1450

PROTECTIVE SAFER MEDICAL DEVICES

The SPEAKER pro tempore (Mr. KLINK). Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, neither you nor I know the incredible horror affiliated with an accidental needlestick. Melissa Campbell of San Francisco, however, did know firsthand. Five and a half years ago, while working as a nurse in the AIDS unit of a hospital, she gave a patient an injection, crossed her hands while removing the needle and jabbed herself. Melissa Campbell died in November 1992 from AIDS.

It is essential that health care workers like Melissa Campbell be protected. Her suffering could have been prevented with the use of protective medical devices in the workplace. Representative RANGEL and I are today reintroducing a bill designed to provide a safer workplace for health care personnel.

This bill would put the most valuable protective tool into the hands of frontline health care workers and health care administrators—information. This bill requires the Commissioner of the Food and Drug Administration to devise safety performance standards and to annually update these standards with attention to how the devices currently on the market measure up. It is expected that the Commissioner would look to experts in the field when developing these performance standards. This information will support the work of union representatives, hospital administrators, and others who have the goal of incorporating the safest technologies available.

The bill will also use the Tax Code to make it economical for health facilities to use safer needle devices. The tax provision will not take effect until 1997 so as to give manufacturers, marketers, and health care facilities time to develop the most reliable, low-cost, mass-produced safe needles possible. Using the Tax Code to place a temporary excise tax on unsafe needles bought by health care providers will ensure that there is a future mass market for safer needles, and this mass market will in turn result in manufacturing economies of scale that should greatly reduce the price of safer needles. Individual purchasers, such as insulin-using diabetics, would not pay any extra.

THE PROBLEM

Health care workers have long been aware of the risk of on-the-job exposure to infectious diseases. However, with AIDS, hepatitis B, and drug-resistant tuberculosis increasing, the workplace can be deadly without proper safeguards. For these caregivers, a split second prick from a hypodermic needle can mean a year of unmeasurable fear while they wait to see if they become infected with a disease which may end in chronic debilitation or death.

The protection of health care workers from the hazard of needlesticks has been tragically neglected. Today alone, more than 2,100 health care workers will have sustained preventable needlesticks, and 44 of them will plunge needlessly into crisis and uncertainty as they begin their wait for HIV or hepatitis test results.

Current estimates are that 800,000 accidental needlesticks occur each year. Over 50 percent of these are caused by unnecessary needles, that is, needles used to access intravenous equipment. In a recent report, a University of California at San Francisco professor disclosed that 22 percent of medical students and 15 percent of dental students were accidentally exposed to blood last year. Approximately 15 percent of all nurses receive accidental needlesticks each year and in one hospital 8 percent of all employees sustain a needle injury in 1 year.

ACCIDENTS CAN BE REDUCED

Experts estimate that half of needlestick injuries could be eliminated with the use of improved devices which minimize exposure to contaminated needles. Many new products have been introduced into the market that attempt to make devices with needles safer. Self-sheathing hypodermic needles and catheter connections are available but are not yet in widespread use due to a higher price for safer devices as compared to conventional needles.

In a study conducted by the New York State Department of Health in 1991, after implementation of devices using safer technologies, the number of sharps-related injuries decreased 30.8 percent and IV-related injuries decreased 75 to 93 percent. Data gathered by Dr. Hanine Jagger, and others, at the University of Virginia suggest that "88 percent of needlesticks could potentially be eliminated by product redesign or substitution."

THE COST DIFFERENTIAL

Many health care facilities have not adopted this equipment due to the cost involved. As an example, for a hospital to transition to a needleless IV system can cost as much as $10,000 for each 100 beds. Currently, IV systems with safety devices can cost as much as 2.5 to 6.5 times the current market rate for devices without safety features.

What may not be apparent to health care facility administrators is that the cost of one needlestick resulting in HIV infection exceeds the average cost of converting one hospital to a needleless system. For example, the estimated average cost of treating just 1 person with AIDS is $102,000 while the cost of converting an average 300-bed hospital to a safer device is only $31,000. As product designs improve, and as incorporation of these technologies becomes more widespread, the savings to life and ledger will increase as well.

As to non-IV system needle devices, which are often referred to as "sharps," much progress can also be made. Presently, the annual cost of producing one safer "sharp" device is approximately 90 cents per needle. However, with mass production, manufacturers estimate the production costs of this safer needle device to drop to just 14 cents. This bill will encourage just such low-cost production.

Regardless of the cost differential, this is a safety step which should be taken. As K. Seifert, director of sales, BioPlexus, Inc., stated in his testimony before the Subcommittee on Regulation, Business Opportunities, and Energy, on February 7, 1992, "In any other high risk occupation, no one would be asked to justify the cost of safety goggles compared to losing an eye. The risk from a needlestick is not to sight but to life."

CONCLUSION

Mr. Speaker, this is a tax bill, but I expect—I hope—it will never raise a dime. Its purpose is to signal to the marketplace that a change is needed to save lives by eliminating unsafe devices in an area where we know how to do better. Passing this bill in 1993 could ensure that by the beginning of 1997, health care professionals would be free from the fear of contracting deadly diseases through accidental needlesticks.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 36 of the Internal Revenue Code of 1986 (relating to certain other excise taxes) is amended by inserting after subchapter D the following new subchapter:

"Subchapter E—Certain Medical Items

"Sec. 4491. Imposition of tax.

"Sec. 4492. Definitions and special rules.

"SEC. 4491. IMPOSITION OF TAX.

"(a) GENERAL RULE.—There is hereby imposed on the taxable sale of any taxable medical item a tax of 10 cents per item.

"(b) TERMINATION.—No tax shall be imposed by this section on any sale after December 31, 1999.

"SEC. 4492. DEFINITIONS AND SPECIAL RULES.

"(a) TAXABLE MEDICAL ITEM.—For purposes of this subchapter—

"(1) IN GENERAL.—The term "taxable medical item' means any item—

"(A) which is—

"(i) a syringe, or

"(ii) an item which is designed to be part of an intravenous system and to which a standard prescribed under paragraph (2) applies,

"(B) which is manufactured or produced in the United States or entered into the United States for consumption, use, or warehousing, and

"(C) which does not meet the applicable standard prescribed under paragraph (2).

"(2) ANTINEEDLESTICK PREVENTION STANDARDS.—Not later than the date 1 year after the date of the enactment of this section, the Commissioner of the Food and Drug Administration shall prescribe safety performance standards for syringes, and such components of intravenous systems as such Commissioner deems appropriate, for purposes of preventing accidental needlestick injuries to health care providers. Not less frequently than annually, such Commissioner shall review such standards and make such revisions as such Commissioner may deem appropriate. Before prescribing any such standards or making any revisions of such standards, such Commissioner shall consult with appropriate private sector experts.

"(3) EXEMPTIONS.—The Commissioner of the Food and Drug Administration may by regulation provide for such exemptions from the tax imposed by section 4491 as such Commissioner may deem appropriate.

"(b) TAXABLE SALE.—For purposes of this subchapter—

"(1) IN GENERAL.—The term 'taxable sale' means any sale of a taxable medical item to a health care provider for use in the United States in providing health care services, but only if such sale is the first sale to such a provider for such use after manufacture, production, or importation.

"(2) HEALTH CARE PROVIDER.—The term 'health care provider' means any person or entity (including a governmental entity) which provides services covered under the insurance program established by title XVIII

of the Social Security Act and which has a provider number issued pursuant to such program.

"(c) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this subchapter—

"(1) UNITED STATES.—The term 'United States' has the meaning given such term by section 4612(a)(4).

"(2) DISPOSITION OF REVENUES FROM PUERTO RICO AND THE VIRGIN ISLANDS.—The provisions of subsections (a)(3) and (b)(3) of section 7652 shall not apply to the tax imposed by section 4491."

(b) The table of subchapters for chapter 36 of such Code is amended by inserting after the item relating to subchapter D the following new item:

"Subchapter E. Certain medical items."

(c) The amendments made by this section shall apply to sales after December 31, 1996.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. CUNNINGHAM (at the request of Mr. MICHEL) for today, on account of family illness.

Mr. MCDADE (at the request of Mr. MICHEL) for today and the balance of the week on account of medical reasons.

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 Member (at the request of Mr. DICKEY) to revise and extend his remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

(The following Members (at the request of Miss COLLINS of Michigan) to revise and extend their remarks and include extraneous material:)

Miss COLLINS of Michigan, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. UNDERWOOD, for 15 minutes each day, on March 10, 11, and 12.

Mr. CONYERS, for 60 minutes each day, on March 9, 10, 11, 12, 15, 16, 17, 23, 24, 25, 26, 29, 30, and 31.

Mr. SKELTON, for 60 minutes, on March 12.

Mr. POSHARD, for 60 minutes each day, on March 16 and 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DICKEY) and to include extraneous matter:)

Mr. SCHAEFER.

Mrs. MORELLA.

Mr. GILMAN.

Ms. SNOWE.

(The following Members (at the request of Miss COLLINS of Michigan) and to include extraneous matter:)

Mr. MONTGOMERY.

Mr. KREIDLER.

Mr. STARK in three instances.

Mr. MAZZOLI.

Mrs. SCHROEDER.

Mr. TOWNS.

Mr. LEVIN.

Mr. KLECZKA.

Mr. SANDERS.

Mr. GLICKMAN.

Mrs. MALONEY.

Mr. MATSUI in two instances.

ADJOURNMENT

Mr. HORN. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 10, 1993, at 1 o'clock p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

865. A letter from the Chairman, Federal Maritime Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

866. A letter from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting a draft of proposed legislation entitled, "Omnibus Nuclear Power Safety and Security Enhancement Act of 1993"; jointly, to the Committees on Energy and Commerce, Natural Resources, and the Judiciary.

867. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting on behalf of the President, the annual report on the Panama Canal Treaties, Fiscal Year 1992, pursuant to 22 U.S.C. 3871; jointly, to the Committees on Merchant Marine and Fisheries, Foreign Affairs, the Judiciary, and Post Office and Civil Service.

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:

Ms. SLAUGHTER: Committee on Rules. House Resolution 119. Resolution providing for the consideration of the bill (H.R. 4) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes (Rept. 103-27). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4. A bill to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes; with an amendment (Rept. 103-28). 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. MATSUI:

H.R. 1248. A bill to amend the Trade Act of 1974 to provide for the review of the extent to which foreign countries are in compliance with bilateral trade agreements with the United States; to the Committee on Ways and Means.

By Mr. BARTLETT (for himself, Mr. ARMEY, Mr. BLUTE, Mr. BONILLA, Mr. BUYER, Mr. COX, Mr. DIAZ-BALART, Mr. DORNAN, Mr. EMERSON, Mr. EVERETT, Mr. GILCHREST, Mr. GINGRICH, Mr. GREENWOOD, Mr. HOKE, Mr. HUNTER, Mrs. JOHNSON of Connecticut, Mr. MCKEON, Mrs. MORELLA, Mr. POMBO, Mr. QUINN, Mr. HASTINGS, and Mrs. MALONEY):

H.R. 1249. A bill to permit Members of the House of Representatives to use their unspent official allowances for college scholarships for residents of their congressional districts and for reduction of the national debt; to the Committee on House Administration.

By Mr. TAYLOR of Mississippi (for himself, Mr. STUDDS, Mr. LIPINSKI, Mr. FIELDS of Texas, Mr. BATEMAN, and Mr. TAUZIN):

H.R. 1250. A bill to amend the coastwise trade laws to clarify their application to certain passenger vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. BARTLETT (for himself, Mr. ARMEY, Mr. BACHUS of Alabama, Mr. BAKER of California, Mr. BALLENGER, Mr. BLILEY, Mr. BLUTE, Mr. CANADY, Mr. CASTLE, Mr. COX, Mr. CRANE, Mr. CRAPO, Mr. DELAY, Mr. DICKEY, Mr. DOOLITTLE, Mr. DORNAN, Mr. EMERSON, Mr. EVERETT, Mrs. FOWLER, Mr. GILCHREST, Mr. GINGRICH, Mr. GOODLATTE, Mr. GRAMS, Mr. GREENWOOD, Mr. HOEKSTRA, Mr. HOKE, Mr. HORN, Mr. HUFFINGTON, Mr. HUNTER, Mr. SAM JOHNSON of Texas, Mr. ISTOOK, Mr. KIM, Mr. KING, Mr. KINGSTON, Mr. KLUG, Mr. KNOLLENBERG, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. MANZULLO, Mrs. MEYERS of Kansas, Mr. MILLER of Florida, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCINNIS, Mr. MCKEON, Mr. MCMILLAN, Mr. MICA, Ms. MOLINARI, Mr. POMBO, Ms. PRYCE of Ohio, Mr. QUINN, Mr. ROBERTS, Mr. ROHRABACHER, Mr. ROYCE, Mr. SAXTON, Mr. SHAYS, Mr. SMITH of Michigan, Mr. SPENCE, Mr. THOMAS of California, Mr. TORKILDSEN, Mr. WELDON, Mr. BROWN of Ohio, Ms. ENGLISH of Arizona, Mr. GENE GREEN, Mr. HASTINGS, Mr. MINGE, and Mr. PENNY):

H.R. 1251. A bill to permit Members of the House of Representatives to use their unspent official allowances for reduction of the national debt; to the Committee on House Administration.

By Mr. BUNNING:

H.R. 1252. A bill to repeal title X of the Congressional Budget and Impoundment Control Act of 1974; jointly, to the Committees on Government Operations and Rules.

H.R. 1253. A bill to give the President line-item veto rescission authority over appropriation bills; jointly, to the Committees on Government Operations and Rules.

By Miss COLLINS of Michigan (for herself, Mr. STOKES, Mr. HASTINGS, Ms.

NORTON, Mrs. MALONEY, Mr. BLACKWELL, Mr. WHEAT, Mr. CONYERS, Mrs. COLLINS of Illinois, Ms. WATERS, and Mr. CLYBURN):

H.R. 1254. A bill to encourage and assist producers, processors, and other handlers of agricultural commodities to donate edible, but unmarketable, agricultural commodities to food banks, soup kitchens, and homeless shelters, to the Committee on Agriculture.

By Mr. STARK (for himself, Mr. LEVIN, Mr. MCDERMOTT, and Mr. CARDIN):

H.R. 1255. A bill to amend title XI of the Social Security Act to extend the penalties for fraud and abuse assessed against providers under the medicare program and State health care programs to providers under all health care plans, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. FRANKS of Connecticut:

H.R. 1256. A bill to amend the Internal Revenue Code of 1986 to require State unemployment insurance laws to establish a system under which workers may purchase insurance to cover the costs of health insurance during periods of unemployment; to the Committee on Ways and Means.

By Mr. KENNEDY (for himself and Mr. GONZALEZ):

H.R. 1257. A bill to reconstitute the Federal Insurance Administration as an independent agency within the executive branch, provide for minimum standards applicable to foreign insurers and reinsurers providing insurance in the United States, make liquidity assistance available to well-capitalized insurance companies, and provide for public access to information regarding the availability of insurance, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KLECZKA:

H.R. 1258. A bill to amend the Trust Indenture Act of 1939 to require that indentures prohibit corporate acquisitions or reorganizations unless the successor corporation assumes the responsibility to make payments under the indenture; to the Committee on Energy and Commerce.

By Mr. LANTOS:

H.R. 1259. A bill to provide for the economic conversion and diversification of industries in the defense industrial base of the United States that are adversely affected by significant reductions in spending for national defense; jointly, to the Committees on Banking, Finance and Urban Affairs, Education and Labor, Small Business, Foreign Affairs, and Public Works and Transportation.

By Mr. LEWIS of Florida (for himself, Mr. ROHRABACHER, Mr. ROYCE, Mr. BLUTE, Mr. CALVERT, Mr. BARTLETT, and Mr. GRAMS):

H.R. 1260. A bill to provide for the establishment of a joint aeronautical research and development program between the National Aeronautics and Space Administration and the Department of Defense, and for other purposes; jointly, to the Committees on Armed Services and Science, Space, and Technology.

By Mr. MACHTLEY:

H.R. 1261. A bill to prohibit any type of class III gaming on Indian lands within a State except for the type of class III gaming specifically allowed by that State; to the Committee on Natural Resources.

By Mr. MANTON (for himself and Mr. ACKERMAN):

H.R. 1262. A bill to require explosive materials to contain taggants which enable law enforcement authorities to trace the source of the explosive material, whether before or after detonation; to the Committee on the Judiciary.

By Mr. MCCLOSKEY:

H.R. 1263. A bill to amend title XVIII of the Social Security Act to direct the Secretary of Health and Human Services to determine whether individuals entitled to benefits under the Medicare Program meet the requirements for status as qualified Medicare beneficiaries under the Medicaid Program, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. MINK:

H.R. 1264. A bill to amend section 203 of the National Housing Act to reduce the minimum downpayment required for a mortgage on a 1- to 4-family residence located in Alaska, Guam, Hawaii, or the Virgin Islands to be eligible for mortgage insurance under such act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PORTER:

H.R. 1265. A bill to provide for special immigrant status for certain aliens working as journalists in Hong Kong; to the Committee on the Judiciary.

By Mr. RAVENEL:

H.R. 1266. A bill to provide permanent duty-free treatment for certain menthol feedstocks; to the Committee on Ways and Means.

By Mr. RICHARDSON:

H.R. 1267. A bill to grant state status to Indian tribes for purposes of enforcement of the Solid Waste Disposal Act; to the Committee on Energy and Commerce.

By Mr. RICHARDSON (for himself and Ms. ENGLISH of Arizona):

H.R. 1268. A bill to assist the development of tribal judicial systems, and for other purposes; to the Committee on Natural Resources.

By Ms. SNOWE:

H.R. 1269. A bill to establish a comprehensive recovery program for communities, businesses, and workers adversely affected by the closure or realignment of military installations; jointly, to the Committees on Armed Services, Energy and Commerce, Ways and Means, Government Operations, Education and Labor, Banking, Finance and Urban Affairs, and Public Works and Transportation.

By Mr. ZIMMER:

H.R. 1270. A bill to amend title 11 of the United States Code to make non-dischargeable claims of governmental units for costs that are incurred to abate hazardous substances and for which the debtor is liable under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, certain claims under the Solid Waste Disposal Act, and claims under State laws similar in subject matter to such acts; and for other purposes; to the Committee on the Judiciary.

By Mr. COOPER (for himself, Mr. TANNER, Mr. CLEMENT, Mr. GEJDENSON, Mr. MCCLOSKEY, Mr. PETERSON of Minnesota, Mr. STUDDS, Mr. FINGERHUT, and Ms. KAPTUR):

H.J. Res. 137. Joint resolution to express the sense of Congress that the Federal Energy Regulatory Commission should refrain from further processing restructuring proceedings pursuant to Order No. 636 until 60 days after the submission to Congress of the General Accounting Office's study of the economic impacts of the order on residential, commercial, and other end-users of natural gas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARKEY:

H.J. Res. 138. Joint resolution to designate the week beginning April 12, 1993, as "National Public Safety Telecommunicators Week"; to the Committee on Post Office and Civil Service.

By Mrs. LLOYD (for herself and Mr. FISH):

H.J. Res. 139. Joint resolution to designate the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, as "National Home Care Week"; to the Committee on Post Office and Civil Service.

By Mr. MAZZOLI:

H.J. Res. 140. Joint resolution designating the first week of October 1993 as "National Safe Place Week"; to the Committee on Post Office and Civil Service.

By Mr. MCDERMOTT:

H.J. Res. 141. Joint resolution declaring October as Filipino American History Month; to the Committee on Post Office and Civil Service.

By Mr. SAXTON (for himself, Mr. RAVENEL, Mr. LAZIO, and Mr. HYDE):

H.J. Res. 142. Joint resolution designating the month of August as "National Lighthouse Month"; to the Committee on Post Office and Civil Service.

By Mr. BILIRAKIS (for himself, Mr RAHALL, Mr. ZIMMER, Mr. JOHNSON of South Dakota, Mr. KING, Mr. EMERSON, Mr. MCCANDLESS, Mr. LIGHTFOOT, and Mr. DOOLITTLE):

H. Res. 120. Resolution expressing the sense of the House of Representatives against the enactment of any reduction or delay in cost-of-living adjustments for beneficiaries under title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. HALL of Ohio (for himself and Mr. EMERSON):

H. Res. 121. Resolution to establish the Select Committee on Hunger; to the Committee on Rules.

By Mr. KING:

H. Res. 122. Resolution to establish a Select Committee on POW and MIA Affairs; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

53. By the SPEAKER: Memorial of the House of Representatives of the State of South Carolina, relative to base closure; to the Committee on Armed Services.

54. Also, memorial of the Senate of the State of West Virginia, relative to desecration of the flag; to the Committee on the Judiciary.

55. Also, memorial of the General Assembly of the State of South Carolina, relative to organ and tissue donation programs; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BILBRAY introducted a bill (H.R. 1271) for the relief of Peter J. Montagnoli; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Miss COLLINS of Michigan, Mr. BACCHUS of Florida, Mr. FILNER, Mr. SKAGGS, Mrs. UNSOELD, Mr. SCHAEFER, Mr. LANTOS, Mr. HAMBURG, Mr. FINGERHUT, and Mr. JOHNSTON of Florida.

H.R. 26: Mr. CARDIN, Mr. GREENWOOD, Mr. LANTOS, Mr. NADLER, and Mr. RUSH.

H.R. 28: Mr. BILIRAKIS.

H.R. 94: Mr. SANDERS, Mr. RAMSTAD, and Mr. HYDE.

H.R. 97: Mr. FRANK of Massachusetts, Mr. YATES, Mrs. SCHROEDER, Mr. FILNER, Mr. JEFFERSON, Mr. FALEOMAVAEGA, Mr. FROST, and Mr. EVANS.

H.R. 109: Mr. LAZIO and Mr. TORRICELLI.

H.R. 118: Mr. RICHARDSON.

H.R. 138: Mr. HANSEN, Mr. SKEEN, Mr. BONILLA, and Mr. ARMEY.

H.R. 159: Mr. COLLINS of Georgia, Mr. MANZULLO, Ms. MOLINARI, and Ms. ROS-LEHTINEN.

H.R. 170: Mr. BAKER of Louisiana and Mr. GALLEGLY.

H.R. 171: Mr. BREWSTER, Mr. LIVINGSTON, and Mr. BOEHNER.

H.R. 224: Mr. FOGLIETTA, Mr. LANTOS, Mr. ENGEL, Mr. HAMBURG, Mr. SWIFT, Mr. JEFFERSON, and Ms. DANNER.

H.R. 266: Mr. SCOTT, Mr. KOPETSKI, Miss COLLINS of Michigan, and Mr. STRICKLAND.

H.R. 322: Mr. MURPHY, Mr. DEFAZIO, Mr. GORDON, Mr. PORTER, Mr. BARLOW, and Mr. MCCLOSKEY.

H.R. 356: Mr. JACOBS.

H.R. 424: Mr. OBERSTAR and Mr. HOLDEN.

H.R. 467: Mr. TOWNS, Mrs. MINK, Mr. BERMAN, Mr. OLVER, Mr. MCHALE, Ms. MOLINARI, and Mr. WASHINGTON.

H.R. 470: Ms. BYRNE.

H.R. 471: Ms. BYRNE.

H.R. 509: Mr. BOEHNER.

H.R. 513: Mr. MCKEON, Mr. STRICKLAND, Mr. FIELDS of Texas, Mr. MICA, Mr. VALENTINE, and Mr. GILLMOR.

H.R. 522: Mr. RANGEL, Mrs. E.B. JOHNSON, Mr. CLAY, Mr. RUSH, and Mr. EVANS.

H.R. 556: Mr. KLEIN.

H.R. 571: Mr. TOWNS.

H.R. 578: Mr. GLICKMAN and Ms. MEEK.

H.R. 658: Mr. CARR.

H.R. 749: Mr. KOLBE and Mr. REED.

H.R. 772: Mr. PARKER, Mrs. FOWLER, and Mr. MACHTLEY.

H.R. 773: Mr. THOMAS of Wyoming, Mrs. MEEK, Mr. WYNN, Mrs. BENTLEY, Mr. SANGMEISTER, Mr. KYL, Mr. PARKER, Mr. GOSS, Mr. ZIMMER, Mr. GUNDERSON, Mr. SMITH of New Jersey, Mr. LAZIO, Mr. ARMEY, and Ms. MOLINARI.

H.R. 786: Mrs. MALONEY.

H.R. 790: Mr. MINGE, Mr. JACOBS, Mr. HAMBURG, and Mrs. MORELLA.

H.R. 794: Mr. GILCHREST, Mr. GILMAN, Mr. TRAFICANT, Mr. RIDGE, Mr. WALSH, and Mr. PICKLE.

H.R. 801: Mr. GILMAN.

H.R. 830: Mr. DREIER.

H.R. 857: Mr. ARMEY.

H.R. 874: Ms. BYRNE.

H.R. 882: Mr. KYL.

H.R. 887: Mr. STEARNS.

H.R. 929: Ms. SNOWE, Mr. MINGE, Mr. BUNNING, and Mr. HANCOCK.

H.R. 947: Mr. CHAPMAN, Mr. COLLINS of Georgia, and Mr. ROMERO-BARCELÓ.

H.R. 963: Mr. MCCLOSKEY and Mr. BLILEY.

H.R. 999: Mr. REED, Mr. FRANK of Massachusetts, Mr. SHAYS, Mr. SANTORUM, Mr. JACOBS, Mr. CRANE, Mr. BAKER of Louisiana, Mr. BEREUTER, Mr. ROHRABACHER, Mr. FAWELL, Mr. THOMAS of Wyoming, and Mr. VENTO.

H.R. 1009: Mr. WASHINGTON, Mr. JACOBS, and Mr. PARKER.

H.R. 1026: Mr. GREENWOOD, Mr. SMITH of New Jersey, Mr. DICKEY, Mr. ARMEY, Mr. BALLENGER, Mr. BAKER of California, and Mr. KINGSTON.

H.R. 1032: Mr. RIDGE.

H.R. 1035: Mr. LAZIO and Mr. LEVY.

H.R. 1036: Mr. KILDEE, Mr. ENGEL, Mr. ANDREWS of New Jersey, Mrs. MINK, and Mr. STRICKLAND.

H.R. 1051: Mr. CLYBURN.

H.R. 1112: Mr. MORAN and Mr. LAFALCE.

H.R. 1131: Mr. ALLARD, Mr. MCMILLAN, Mr. LEVY, Mr. GOODLATTE, and Mr. MACHTLEY.

H.R. 1132: Mr. TORRICELLI.

H.R. 1141: Mr. MANTON.

H.R. 1157: Mr. SCHUMER, Mr. KING, Mr. GILMAN, and Mr. ACKERMAN.

H.R. 1172: Mr. LANTOS, Mr. FRANK of Massachusetts, Ms. VELÁZQUEZ, Mr. SERRANO, Mr. MARTINEZ, Mr. CONYERS, and Mr. DARDEN.

H.R. 1174: Mr. DE LUGO and Mr. PETERSON of Minnesota.

H.R. 1191: Mr. SOLOMON and Mr. HERGER.

H.J. Res. 10: Mr. LAZIO, Mr. ROHRABACHER, Mr. MOLLOHAN, and Mr. KNOLLENBERG.

H.J. Res. 22: Mr. ARMEY and Mr. SMITH of New Jersey.

H.J. Res. 78: Mr. ARCHER, Mr. BLUTE, Mr. COBLE, Mr. COLEMAN, Mr. EMERSON, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FAWELL, Mr. GEKAS, Mr. HEFNER, Mr. HENRY, Mr. HOBSON, Mr. HOYER, Mr. HUTTO, Mr. INHOFE, Mr. KING, Mr. LANCASTER, Mr. MARTINEZ, Mr. MATSUI, Mr. MCCOLLUM, Mr. MCDERMOTT, Mr. MCHUGH, Mr. MCNULTY, Mr. MURPHY, Ms. NORTON, Mr. PALLONE, Mr. PAYNE of New Jersey, Mr. PETERSON of Minnesota, Mr. PICKETT, Mr. QUILLEN, Mr. SANDERS, Mr. SAWYER, Mr. SMITH of Iowa, Mr. TRAFICANT, Mr. VALENTINE, Mr. WAXMAN, and Mr. YOUNG of Florida.

H.J. Res. 90: Mr. PALLONE, Mr. SABO, and Mr. WALSH.

H.J. Res. 111: Mr. TOWNS, Mr. FILNER, Mr. FALEOMAVAEGA, Mr. FROST, and Mr. HANSEN.

H.J. Res. 129: Mr. SOLOMON and Mr. HERGER.

H.J. Res. 135: Mr. BRYANT, Mr. CLYBURN, Mr. PARKER, Mr. LEVY, and Miss COLLINS of Michigan.

H. Con. Res. 6: Mr. YOUNG of Florida, Mr. ISTOOK, Mr. MACHTLEY, Ms. DUNN, Mr. MINGE, Mr. NEAL of North Carolina, Mrs. FOWLER, Mr. PAXON, Mr. BUYER, Mr. GOODLATTE, and Mr. TANNER.

H. Con. Res. 15: Mr. TORRICELLI, Mr. MCHALE, and Mr. CLYBURN.

H. Con. Res. 18: Mr. ARMEY, Mr. GOODLATTE, and Mr. KYL.

H. Con. Res. 20: Ms. MEEK, Ms. NORTON, Ms. E.B. JOHNSON of Texas, Mr. RANGEL, Mr. GUNDERSON, Mrs. MINK, Mr. RUSH, and Mr. EVANS.

H. Con. Res. 37: Mr. STARK, Mr. EVANS, Mrs. KENNELLY, Mr. MCDERMOTT, Mr. LAROCCO, Mr. MAZZOLI, Mr. FINGERHUT, Mr. WILLIAMS, Mr. BEILENSON, Mr. KREIDLER, Mr. POSHARD, Mr. EDWARDS of California, Mr. LEHMAN, Mr. ACKERMAN, Ms. SLAUGHTER, Mr. SKAGGS, Ms. WOOLSEY, Ms. MALONEY, Mr. WAXMAN, Mr. ENGEL, Mr. HAMBURG, Ms. PELOSI, Mr. COLEMAN, Mr. MINGE, Mr. FROST, Mr. TORRES, Mr. REED, Mr. FILNER, Mr. MEEHAN, Mr. KANJORSKI, Mr. SAWYER, Mr. TORRICELLI, Mr. WALSH, Mrs. UNSOELD, Mr. BERMAN, Mrs. MORELLA, and Mr. POMEROY.

H. Con. Res. 45: Mrs. KENNELLY, Mr. MACHTLEY, Ms. MALONEY, Mr. ABERCROMBIE, Mr. LIPINSKI, Mr. DEUTSCH, Mr. CRAMER, Ms. BROWN of Florida, Mr. MCNULTY, Mr. ACKERMAN, Mr. WOLF, Mr. COSTELLO, Mr. JACOBS, Mrs. UNSOELD, Mr. SARPALIUS, Mr. MCHUGH, Mr. MARKEY, Mr. GUNDERSON, Mr. GREENWOOD, Mr. SOLOMON, Mr. MCHALE, Mr. MOLLOHAN, Mr. LEWIS of California, Mr. RUSH, Mrs. SCHROEDER, Mr. HOCHBRUECKNER, Mr. FINGERHUT, Mr. BLUTE, Ms. DUNN, Mr. WYDEN, Mr. ROYCE, Mrs. BYRNE, Mr. HALL of Ohio, Mr. CLINGER, Mr. MILLER of California, Mr. COLEMAN, Mr. HINCHEY, Mrs. JOHNSON of Connecticut, Mr. PORTER, Mr. KYL, Mr. DEFAZIO, Mr. KLEIN, Mr. POMEROY, Mr. SHAYS, Mr. WASHINGTON, Mr. SANGMEISTER, Mr. EVANS, and Mr. LEACH.

H. Res. 35: Mr. PASTOR, Mr. ENGEL, Ms. DELAURO, Mr. MURPHY, Mr. ROYCE, Mr. MCNULTY, Mr. LEVY, and Mr. WASHINGTON.

H. Res. 50: Mr. BAKER of Callifornia.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 490: Mr. DORNAN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4

By Mr. SOLOMON:

—Insert after section 2003 of the bill the following section:

SEC. 2004. ADMISSION TO THE UNITED STATES OF ALIENS INFECTED WITH THE AIDS VIRUS.

(a) ADMISSION.—Notwithstanding any other provision of law, regulations or directives concerning the exclusion of aliens on health related grounds, infection with HIV, the human immunodeficiency virus, shall constitute a communicable disease of public health significance for purposes of section 212(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(A)(1)(A)(i)).

(b) REPORT REQUIRED.—The President shall submit a report by September 1, 1993, containing—

(1) An assessment of the anticipated costs of the admission to the United States of persons with HIV to public health care programs, including such costs as will be borne by States and municipalities, and private insurers and health care providers;

(2) an estimate of the number and origins of persons infected with HIV likely to seek entry into the United States before December 31, 2003;

(3) an assessment of the effectiveness of the Immigration and Nationality Act in preventing persons entering the United States likely to become a public charge, as well as the ability to enforce this Act with regard to persons infected with potentially costly health conditions including, but not limited to HIV;

(4) the cost implications of refugees entering or likely to enter the United States, who carry the HIV virus;

(5) a comparison of the anticipated public and private health care costs associated with aliens infected with HIV with the cost attributable to the entry of aliens suffering from other health conditions.

(c) HIV TESTING.—Except as otherwise provided in subsection (d) the Attorney General, in consultation with the Secretary of Health

and Human Services, shall provide for the testing of aliens for infection with HIV in accordance with the policy in effect on January 1, 1993.

(d) WAIVER AUTHORITY.—Subsection (e) may be waived by the Attorney General, in consultation with the Secretary of Health and Human Services for non-immigrants who, except for the provisions of this Act, would be admissible to the United States, and who seek admission for 30 days or less for the purpose of—

(1) attending educational or medical conferences;

(2) receiving medical treatment;

(3) visiting close family members;

(4) conducting temporary business activities; or

(5) visiting for pleasure (tourism);

and in addition such non-immigrants may be admitted without questions as to whether they are carriers of the HIV virus, at the discretion of the Attorney General.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary of Health and Human Services to prescribe regulations concerning communicable diseases of public health significance, other than infection with the human immunodeficiency virus in accordance with section 212(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(A)(i)).

House Resolution 119

By Mr. SOLOMON:

—Strike all after the resolving clause and insert in lieu thereof the following: "That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate which shall be confined to the bill and the amendment made in order by this resolution, and which shall not exceed two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and the amendment shall be considered as having been read. It shall be in order to consider the amendment printed in the Congressional Record of March 9, 1993, by, and if offered by, Representative Solomon of New York, or a designee, said amendment shall not be subject to amendment but shall be debatable for not more than exceed 30 minutes to be equally divided and controlled by Representative Solomon and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.".

EXTENSIONS OF REMARKS

WHY IT ISN'T MANAGED COMPETITION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. STARK. Mr. Speaker, the advocates of managed competition are often asked how do we know if their theories will work? Do we dare entrust the Nation's entire health care policy to this untested scheme? In recent months, they have frequently replied by pointing to the recent success of the 800,000-plus California Public Employees Retirement System [CalPERS] as an example of managed competition that currently exists and works.

Following is a letter from the head of CalPERS asking that this stop.

CalPERS' health program was not modeled after "managed competition" as defined by the authors of the term.

The letter is particularly important for noting that CalPERS wants nothing to do with taxing the health benefits of workers and retirees—a key to the managed competition model. They are also very distrustful of unquestioned reliance on HMO's:

While we also deal with HMO's, at the same time we are troubled by the fact that some of them are corporations, driven by the need for profits to satisfy shareholders, and by the knowledge that excessive profits in a capitated setting can be obtained through underutilization.

The most interesting point, perhaps, is toward the end, where the letter warns that if we adopt managed competition and set up a national board and a system of health insurance purchasing cooperatives, we better not let the foxes into the chicken coop—that we need to keep the providers off these boards and make sure that the boards are run by and for the consumer and the patient:

In the event HIPCs become a part of the health care scene, each person on these boards should meet similar fiduciary standards of conduct—with breaches subject to criminal penalties—that the CalPERS Board is obligated to meet.

Mr. Speaker, when you look at the Jackson Hole group and the people who are supporting the theory of managed competition, you see that they are the big insurance, pharmaceutical, and for-profit hospital companies. The same ones who have created the current crisis. They would volunteer for frontal lobotomies before they would accept a managed competition plan that met CalPERS definition of consumer interest—and I would suggest that if we want to go down the road of managed competition that we adopt CalPERS idea and make this a consumer-run operation.

The full text of the letter follows:

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM,
Sacramento, CA, March 4, 1993.

Hon. PETE STARK,
U.S. House of Representatives, Washington, DC.

DEAR PETE: Over the past few months, the health care reform debate has begun to focus on so-called "managed competition," and the California Public Employees' Retirement System (CalPERS) health program is being cited as a model. Although we are proud of our innovation, cost efficiency and success, CalPERS' health program was not modeled after "managed competition" as defined by the authors of the term.

As you know, I am President of the CalPERS Board, and in that capacity, I want to thank you for your support of the active and retired public workers of California who are members of CalPERS. In 1991, when our independence was threatened, you championed our cause in the Congress with hearings, meetings in California, comments to the press and remarks in The Congressional Record. Our Board and members are deeply grateful for your interest, and we therefore want to set the record straight on how our health system works and our role in any health reform program that is being developed in Washington.

Our health program provides coverage for 887,000 public employees (and their family members) of nearly 800 government entities—75 percent of which have fewer than 100 employees, with some having only 2 or 3 workers. The program involves 19 Health Maintenance Organizations (HMOs) as well as a self-funded fee-for-service plan using Preferred Provider Organizations (PPOs) for members in areas not served by capitated arrangements and for those who choose to be served through this more traditional method.

Under "managed competition," employers would join in Health Insurance Purchasing Cooperatives (HIPCs) to negotiate with HMOs and other group practices charging capitation payments for a standard benefits package. Because of the similarities to our multiple employer cooperative, our use of HMOs, and our uniform benefits package, some consider us a prototype of "managed competition." Frankly, however, we were engaged in group purchasing with HMOs long before the terms "managed competition" and its companion "health insurance purchasing cooperative" were ever coined.

Furthermore, our program differs from "managed competition" in a number of important ways. For example, the advocates of "managed competition" believe that an essential component of the program is the taxation of employer-provided health benefits. We strongly disagree. We see a health benefits tax as not only a Federal preemption of the labor-management bargaining process, but also as a stalking horse for taxation of pension contributions and plan earnings.

"Managed competition" advocates would build an entire system around HMOs. While we also deal with HMOs, at the same time we are troubled by the fact that some of them are corporations, driven by the need for profits to satisfy shareholders, and by the knowledge that excessive profits in a capitated setting can be obtained through underutilization. Furthermore, we are curious as to the reasons for the anomalous situation in which a large non-profit staff model HMO has charges and year-to-year increases greater than the publicly traded HMOs.

We use HMOs because we are in California, where HMOs have a long history of use by our citizens. We recognize that California may be unique in this regard, and many areas of the nation do not have in place large HMO networks nor do the citizens feel comfortable using them.

As for our cooperative feature, CalPERS has worked with a large number of employers and their employees for pension plan purposes. Furthermore, for years health benefits have been provided through a CalPERS program. Thus, when the unending, annual increases in health care prices reached a breaking point, we were already positioned to react.

Those ever-burgeoning price increases reduced the standard of living for all workers—cutting into their paychecks and raising the amount of money they must pay for their health care directly. For retirees—many on fixed incomes—the impact has been especially severe and cruel. Our Board felt strongly that we had to take a forceful stand in behalf of our members to curtail these price increases and get our costs under control.

Last year, we negotiated a 6.1 percent rise in overall programs costs, but this year we decided to do better. A complex series of alternative plans containing more than 1,100 variations in benefits was converted into a uniform benefits package. This made it simple for consumers to see what they were getting for their money, enabling them to compare apples to apples and shop for their provider on a level playing field based solely upon price, quality and access. In addition, the Board directed its negotiating team to obtain a zero percent increase in costs.

Earlier this month, we announced that for health plan contracts effective August 1, 1993, there would be an average 1.4 percent increase in premiums. In the aggregate, the 19 HMOs providing health care to 80 percent of our members actually reduced their premiums by 0.4 percent, while our self-funded fee-for-service program, covering 20 percent of our members, rose only 7.9 percent—half the rate of increase for such programs nationwide.

In accomplishing this goal, we were not reading from some managed competition "guidebook." We said that we were tired of paying more each year and we assumed that efficiencies and economies could be obtained from the providers. Nor did we set a "global budget," as some health reform advocates propose. The State of California and its subdivisions were out of money and the employers just could not afford to pay more. Some public employees had to take cuts in pay and shoulder more of the health cost burden. We told the staff negotiators that we could not pay any more for health benefits in the coming fiscal year than we are paying in the current year.

As a result of aggressive negotiations and the implementation of a uniform benefits

package, some plans actually broadened benefits and decreased co-pay charges while other plans increased co-pays. In no case was there a reduction in benefits. While modest co-pay increases affected 40 percent of the members, these same members received an average $15 reduction in their monthly premiums. The remaining 60 percent of the members actually had benefits broadened and/or co-pay reductions. As you can see, it would be a very big mistake to characterize the savings we achieved as a cost shift to members.

The change to a single, uniform system-wide benefits package is only a one-time phenomenon. Now, we can really get to work. We will be able to test just how much fat there is in the system next year when we intend to negotiate further savings. In essence, we will continue to extract more price concessions from providers. some would suggest that further cost containment will be achieved by reducing eligibility and/or benefits. It would be yet another big mistake to assume that the CalPERS Board would allow this to happen.

Our Board is committed to continuing to provide affordable, comprehensive, quality health care to its active and retired members into the next century. Our board is comprised of elected representatives of employee organizations and retirees as well as employer representatives. We are accountable to the members of our program, and like your own constituents, we hear from them. Quite simply, we have no interest whatsoever in shrinking eligibility and reducing benefits and calling such actions "savings."

We are cognizant that our firm policy to obtain continuing price concessions from providers could result in pricing shifts to other purchasers. This is an area that needs to be monitored. As for our own program, we have developed—and we will continue to enhance and apply—quality and utilization review systems to monitor the performance of our plans. One of the purposes of these systems is to ensure that the price concessions we obtain are not offset by reductions in quality.

The health care economy is perverse in that the supply of providers creates the demand. As you know, I am an economist. I am aware of the studies that show that health care costs in the HMO-intense areas such as San Francisco Bay and Minneapolis rise at the same rate as in areas where fee-for-service dominates. A nation of HIPCs could, in theory, unleash marketplace forces to bring real demand into equilibrium with supply, reducing prices in capitated and fee-for-service settings.

Of one issue, however, I am certain. I do not believe we could have achieved the savings we have if providers and insurers (including HMOs, PPOs and indemnity companies) were represented on our Board. Our Board, comprised of representatives of employers and employees, made common sense, financial, non-medical decisions, free from the potentially intimidating influence of providers. Although we have medical and academic advisors, in the end, our board of consumers—employee and retiree representatives and employers—made the decisions.

It is my view that the Medicare and Medicaid programs were co-opted at their outset in the 1960s when the fiscal intermediary and agent functions were given over to the agents of the provider communities. You have worked hard to loosen their hold on Medicare, in particular. I further believe that efforts at health planning were doomed in the 1970s when providers took their seats on the consumer side of the tables at health systems agencies.

In the world in which you operate, it will be difficult to keep the foxes out of the chicken coop. I fear that when all of the political deals are made and all of the constituencies are satisfied, health care reform will be doomed unless health care providers and insurers are seated together on only one side—not both sides—of the bargaining table.

The reason why our Board took its responsibilities with regard to these health care price negotiations so seriously is that we are fiduciaries. In the event HIPCs become a part of the health care scene, each person on these boards should meet similar fiduciary standards of conduct—with breaches subject to criminal penalties—that the CalPERS Board is obligated to meet.

CalPERS is certainly pleased and honored that both the Clinton Administration and Congressional health leaders have recognized our achievements in holding down costs while providing quality health services to our beneficiaries, and we are very willing to share with them our methods and experience. We intend to respond to requests for information about our health program, but such responses should not be interpreted as an endorsement of one approach over another.

In that regard, we trust that we will not be further swept along with this debate as a result of the General Accounting Office audit of so-called HIPC models. Your Health Subcommittee directed that CalPERS be included within the scope of that audit. Although we hope that the information developed by the audit of CalPERS will make a positive contribution to the health reform debate, we want to make clear that we did not solicit inclusion in the audit nor do we consider our participation an endorsement of "managed competition" or any other health reform concept.

CalPERS has a full plate of responsibilities and problems here at home, and we hope that you will help ensure that we are not pulled into a debate that will distract us from our purpose of providing for the health and retirement benefits of close to one million Californians.

As always, thank you for your consideration and assistance. In late March, the Board will be in Washington, and we will be certain to call for an appointment so we can discuss with you in person our program and philosophy on health care delivery to our members. It will be good to see you again.

Sincerely,

WILLIAM DALE CRIST,
President, Board of Administration.

INTRODUCTORY STATEMENT REGARDING TRADE AGREEMENTS COMPLIANCE ACT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. MATSUI. Mr. Speaker, today I rise to reintroduce legislation which will provide for the timely and effective review of the extent to which foreign countries are complying with bilateral trade agreements with the United States. I urge my colleagues to consider cosponsoring this important legislation.

Chapter I of title III of the Trade Act of 1974, as amended in 1988, includes a provision that gives the U.S. Trade Representative discretionary authority to monitor implementation of each trade agreement entered into by the United States. Under this existing provision, section 306, if the Trade Representative exerts this discretionary authority, conducts a review, and concludes that a foreign country is not satisfactorily implementing a trade agreement, the Trade Representative is required to determine what further action will be taken under the authority granted under section 301 of the act.

Unfortunately, the current review process simply does not ensure adequate oversight of existing bilateral trade agreements. The review process needs to be opened up so that our industries, which are directly impacted by these trade agreements; first, have access to the review process, second, have the right to petition their government, and third, can call attention to wrongdoing on the part of our trading partners. The absence of effective review procedures encourages foreign countries to enter into agreements with the United States and then disregard the commitments which were made.

My legislation seeks to remedy this problem by amending section 306 of the Trade Act to allow an interested party to request, at certain intervals, a review of any existing bilateral trade agreement. Under the terms of my legislation, an interested party is defined as an individual that has a significant economic interest that has been adversely affected by the failure of a foreign country to comply with the terms of a trade agreement. Upon receipt of a written request for review, the Trade Representative would have 90 days to review whether or not a foreign country was complying with the terms of the appropriate trade agreement.

In conducting the review, the Trade Representative would be directed to take into account a number of factors including structural policies and tariff or nontariff barriers which may have contributed directly or indirectly to noncompliance with the terms of the trade agreement. The Trade Representative would also be authorized to consult with the Secretaries of Commerce and Agriculture, with the U.S. International Trade Commission, and to receive public comment. Lastly, under this legislation, the Trade Representative would continue to have the discretionary authority to conduct reviews of existing trade agreements provided for under section 306.

These modifications will introduce a degree of accountability to our trade laws. The message is simple: if our trading partners agree to certain measures, they should be held accountable if they fail to abide by their commitments. Indeed, this proposition was clearly embodied in the section 301 process enacted by Congress in 1988. By adopting the 301 provisions, Congress explicitly acknowledged that violations of trade agreements are unjustifiable, and are deserving of our attention. The legislation which I am reintroducing completes the process Congress formulated in 1988, so that trade agreements will have meaning, that there will be accountability and oversight in the process of implementing these very agreements.

Quite simply, this legislation is designed to ensure that our trading partners do not take

advantage of the United States. It does not redefine what foreign trade practices are unfair. It simply confirms the obvious: failure to comply with a trade agreement is not fair trading practice. The only way to ensure that the commitments in trade agreements, some of which are actually extensions of previously unfulfilled agreements, are fulfilled, is to raise the degree of oversight of the agreements. It is time the United States forcefully asserted its rights under trade agreements, and the Trade Agreements Compliance Act is designed to assist U.S. industry in this regard.

This proposal was favorably acted upon in the Ways and Means Committee and included in the Omnibus Trade bill that passed the House last year. In addition, the Trade Agreements Compliance Act was also included in H.R. 11, the second tax bill passed by the Congress and then vetoed by President Bush. Given this past action, I am extremely hopeful that this measure will be successfully enacted during this congressional session, and I encourage my colleagues to support me in this important initiative.

FREEDOM FOR SYRIAN JEWRY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. SCHUMER. Mr. Speaker, I rise today to advise my colleagues that this past Saturday Jews around the country observed Shabbat Zachor, a Sabbath of Remembrance for four Jewish women who were brutally murdered while seeking to flee from Syria in 1974. I urge my colleagues to take this opportunity to reflect on the plight of the 1,400 Jews who today continue to live a fearful existence in Syria, held hostage by the brutal dictator Hafez Assad and forbidden to travel. Over the years, Syrian Jews have been arrested, held without trial, and tortured.

In April, 1992, after years of pressure from Congress and the executive branch, the Syrian Government began allowing Jews to leave the country. Twenty-seven hundred visas were issued and 2,500 people arrived in the United States. However, since October 1992, very few exit permits have been granted. Despite Syrian Government protestations that the travel policy for Jews has not changed, only a small number of individuals have been permitted to leave in the past months. Today, Assad continues to hold 1,400 Syrian Jews prisoner in his country.

Secretary Christopher raised the issue of freedom for Syrian Jews when he met with Hafez Assad just 2 weeks ago. Despite Assad's promise to the Secretary, the situation has not changed and Syrian Jews continue to suffer.

Let us think of this Shabbat Zachor as the year that Americans resolved to seek freedom for Syrian Jews, as we have for so many people around the globe.

PUNITIVE PSYCHIATRY IN SOCIALIST CUBA

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mrs. MORELLA. Mr. Speaker, I have been among those in Congress who have worked to bring greater attention to the abuse of human rights in Cuba. Dr. Armando Lago, a Cuban-American constituent who has written about the Castro regime's use of psychological torture, recently brought to my attention an article on the subject which appeared in, of all places, the Moscow News. I have excerpted parts of the article; I believe that Members will find it of interest:

PUNITIVE PSYCHIATRY IN SOCIALIST CUBA

(By Vladimir Orlov)

For the first time ever, Russian delegate at the UN voted for a resolution condemning human rights violations in Cuba. The UN Human Rights Commission in Geneva has censored the Castro regime for its suppressions of political opponents. The communist newspaper "Granma" describes Russia's move as "a base and treacherous betrayal".

JOSÉ

Cuba has travelled in just thirty years the road travelled by the Soviet Union in more than seventy. In the lifetime of just one generation, Cuba has graduated from "revolutionary justice" to "revolutionary legality", from destruction of "class enemies" to "political re-education" and to diagnoses like "indifference to socialism".

Cuban state security has taken control of psychiatric diagnoses. Hospitals are controlled by security men, the interior and public health ministries. Under Cuban law, any person held by security bodies can be subjected to psychiatric examination.

Investigators openly threaten to place in a psychiatric hospital both normal persons and those with psychiatric ailments if they are dissidents.

Victims. Leonardo Hidalgo Pupo, 20, Addressing thousands of fans attending a boxing match, he shouted: "Down with Fidel Castro! Let's end the dictatorship of Fidel Castro!" He was seized, dragged away from the ring, beaten up and arrested. According to some sources, he suffered from a brain tumour. After a brief spell at the Villa Marista security service headquarters he was taken to the Carbó-Serviá psychiatric hospital and diagnosed as a "paranoid schizophrenic".

Most victims of the regime are kept at the Carbó-Serviá which is controlled by the Havana Psychiatric Hospital (Mazorra is its former name). Carbó-Serviá and Mazorra have come to be words Cubans, especially young ones, used to remind anyone who talks too much of the potential danger.

The Carbó-Serviá is an old gloomy building, an eyesore among the smart modern structures. Each crumbling room inside has 90 folding beds arranged in rows. Next to the rooms is a canteen with cement floor and benches. Mental patients are employed as orderlies, who often beat up and rape normal patients. Two dissidents were murdered by mental cases.

Victims. Carlos Braulio Adames Barcindez of Santiago de Cuba was taken to the Gustavo Machin psychiatric hospital for his anti-Castro graffiti and subjected to three sessions of electric shock therapy without anesthetic.

Luis Alberto Pita Santos, 43. A former teacher of Marxism-Leninism, he became opposed to the regime. Took part in the Cuban Human Rights Commission and was arrested on charges of "running a secret printing shop". Diagnosed as "psychiatrically disturbed" he spent at least 26 days at the Carbó-Serviá.

The victim is secured to the floor wet with the vomit, urination and excrements of the previous victims. Next he is put in cold water for better conductivity with the electrodes affixed to the head and genitals. The current is switched on till the victim stops thrashing about and loses consciousness.

There is evidence that at least seventeen dissidents were administered large doses of psychotropic drugs forcibly. Those who resisted were beaten up to a state where they were no longer able to resist. Some drugs are added to food, and the only way to preserve your brain from slow destruction is to go on hunger strike.

Victim. Samuel Martinez Lara, certified psychiatrist, 40. Received a degree from the University of California, Berkeley, in 1976 and returned to Cuba. In 1982, Cuban special services demanded that he reveal details about one of his patients. He refused, and was arrested on charges of spying for the CIA since he studied in the U.S. His wife and son were also arrested "for planning to illegally leave Cuba" under Article 247 of Cuban Criminal Code.

While in prison, the psychiatrist met Cuban human rights activists Ricardo Bofil and Elizardo Sánchez. Then he was released, rearrested, threatened with being "dumped in a psychiatric hospital and warned that he would be tortured there.

Samuel joined the Human Rights Party and in an interview with the American CBS TV refer to Castro's Cuba as "the most criminal and repressive regime on the continent". He staged a demonstration outside the Soviet Embassy in Havana. Soon after, a crowd of "angry working people guided by revolutionary intuition" burst into the apartment where human rights activists were holding a secret meeting, staged a crackdown and handed them over to the police.

He was tried for crimes against state security and certified as a "mental case". He was finally ordered to leave Cuba last June and now lives in Miami.

Cuban-type "therapy" of dissidents is importantly different from the Soviet one in that it doesn't bother much about diagnoses. As few as eleven political patients were officially recognized mental cases. One of them is Julio Vento Roberes was diagnosed thus; "He imagines himself a protector of human rights". The other dissident has written in his case history: "Indifferent to socialism".

Whereas the Soviet psychiatry was a camouflage and sometimes very clever, that made it possible for the regime to conceal the real number of political prisoners and even to achieve a more "liberal" image, Fidel needs no camouflage. Political psychiatry there is simply a different version of torture.

ESPRIT AT CORE OF HARD-BIT APPLE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. RANGEL. Mr. Speaker, I commend the following article to the attention of my col-

leagues. It articulates poignantly the valor, bravery, and decency displayed by the emergency service personnel and the occupants of the World Trade Center during the explosion 2 weeks ago.

ESPRIT AT CORE OF HARD-BIT APPLE

Let's leave aside for the moment the crushing problems caused by large-scale Manhattan terrorism, the bomb at the World Trade Center: the five dead, the thousand injured, the shattered nerves and lives, the cleanup to come.

We don't know exactly what happened. All we know is that once it did, everyone behaved magnificently. Once again, New Yorkers are exposed: They are nice people.

Why were New Yorkers able to cope, to evacuate the twin towers without panic and hysteria, without the trampling of rock concert and soccer stadium catastrophes? New Yorkers are so accustomed to adversity, congestion and impossible conditions that they were equal to an unparalleled disaster.

Every day in their gritty lives, they are so elbowed, jostled, crammed, that it is almost second nature to them. Add in clouds of acrid black smoke, jammed, unlit stairwells—these are differences of detail, not kind. Everyone, from Gov. Mario Cuomo to the kindergartners trapped in an elevator between the 36th and 35th floors behaved like troupers. One group of 14 children who took seven hours to come down, went andante cantabile, singing, "I love you, you love me."

We all have a new standard to live by. We must ask ourselves, could we struggle down 100 floors in the pitch dark, being suffocated by smoke, not knowing what the next step would bring, with no one in charge and no guiding voice to tell us what to do? Probably not. New Yorkers looked after their own. A pregnant woman was passed down the steps; a paraplegic was carried by a relay of colleagues; a woman in a wheelchair was picked up and handed down. The brokers and lawyers came through, along with the police officers, firefighters, mechanics and engineers. As New Yorkers, they had always expected the worst.

New York's big secret is that New Yorkers are nice to each other. they don't think a great deal of out-of-towners. It is the contempt of the Marine for the Sunday soldier. Only New Yorkers can keep the pace, stand the gaff, push ahead. They have little to say to foreigners, because when you come right down to it, what do they know? Foreigners can't cope with the crazies, the line-jumpers, the subway crush.

But watch them among themselves, and you will see kindness, solicitude, even tenderness. Observe the tired worker easing into a seat at a counter where he eats every night. The waitress who has just barked at three pallid foreigners for one reason or another, or maybe because she just felt like it, will approach the toiler and lean over, all sympathy: "Tough day?" or "Mother better?" And, "We have apple tonight, I saved you a piece."

The edge is for the others, the people who come to town and don't walk fast enough or talk fast enough to be any good to anybody. New Yorkers walk around with a chip on the shoulder, exuding "survival of the fittest" sternness. Except, as a bomb blast proved, they don't mean it. One lawyer went back to his office to rescue a colleague in a wheelchair.

Politeness campaigns are periodically launched in New York by embarrassed officialdom. They don't often work because your real New Yorker equates polite with weak. Taking time to say "good morning," "excuse me," or "thank you" will slow you down, could mean you'd lose your place on the side walk, backing up pedestrian traffic for 50 blocks. You could lose your train, bus, taxi.

Cuomo understands his city. He made a speech that was pure New York, bristling with defiance. The terrorist or terrorists, whoever they may be, chose the wrong city for their date with terror. Did they think they could slow down New York, empty its skyscrapers? No way. The governor has offices in the World Trade Center, can't wait to get back in them. Do the maniacs think that bombs will frighten the city out of existence? "Don't bother," says the governor with the approved brusqueness.

When San Francisco had its earthquake in 1989, there were tales of rescue and kindness and sacrifice. Nobody was surprised; this is the land of the street pantomime, the astrological sign, the self-esteem commissions.

But New York? This explosion of kindness, this automatic heroism? Yes, it happened. Nothing New York can do about it. We have their number now. Maybe, bombs and all, we won't be so afraid to go there again.

TRIBUTE TO RON SCHMIDT

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. KOPETSKI. Mr. Speaker, last fall shortly after the November election, Oregon lost a hero, Oregon lost a dear friend and Oregon lost a piece of herself. Oregon lost Ron Schmidt, age 56, to a lengthy battle with cancer. Oregon lost someone who built a better Oregon. For 30 years Ron Schmidt worked to make Oregon a better place to live. And he did.

One local columnist wrote of Ron Schmidt,

He taught me what it takes to be an Oregonian. It has something to do with being willing to take risks, with caring, with being decent, with being a maverick, with being forgiving, with never, ever, being afraid. But—mostly—it has to do with recognizing that being an Oregonian is a responsibility, not a right. It has to do with cherishing this place, with revering its special magic.

Oregon Senator MARK HATFIELD, in one of many tributes to Schmidt, stated, "He was a builder, always looking for ways to make his community better."

Ron Schmidt was quoted, "I have had a love affair with Oregon all my life." Shortly before his death, Schmidt said, "There is a feeling here in Oregon that is different from any other place. There is a feeling of caring, of innovation, willing to try things. There is an honesty in this State."

Schmidt served under Gov. Tom McCall, clearly one of our greatest Governors, for 8 years beginning in 1966. As an administrative assistant press aide and finally Governor McCall's executive assistant, Ron Schmidt was known as the idea man. During the McCall administration, Schmidt played vital roles in adopting a variety of legislation. In 1967, the McCall administration supported the Willamette greenways bill. This legislation set aside money to preserve the natural beauty along the Willamette River and helped cities and counties acquire rights to new riverside park properties. Today, 26 years later, the Willamette River waterfront in Portland is one of Oregon's greatest and most beautiful attractions. Thousands of Oregonians, and visitors to Oregon, use the waterfront each and every day.

The McCall administration also passed the Nation's first bottle bill in 1971. Known as the Oregon Beverage Container Act, this legislation defined Oregon as a leader in environmental awareness. The House of Representatives is once again considering bottle bill legislation; some 22 years after Oregon passed this legislation.

In 1975, Ron went on to found Oregon's most influential and successful public relations firm, Pihas, Schmidt and Westerdahl. Known as the State's top spin doctor, Schmidt attracted some of the biggest firms in Oregon. Schmidt's firm also worked on over 20 statewide ballot measures and incredibly lost only two campaigns. Ron Schmidt helped persuade Oregonians to support the Oregon lottery, to build the Oregon Convention Center and to oppose a variety of property tax limitations measures.

Ron's last public pitch epitomizes his commitment to and love for Oregon. Schmidt spoke on several occasions against the controversial ballot measure 9. This oppressive ballot measure would have limited the rights of homosexuals and lesbians in our State. Schmidt told one group that his one last wish was to live to see measure 9 defeated. On election night, Schmidt was informed of ballot measure 9's resounding defeat and he scribbled the words, "It will bring Oregon together again."

Mr. Speaker, Ron Schmidt's legacy and contribution to Oregon will be felt for generations to come. Future generations may not know his name, but they will live within his vision of Oregon. Truly, Ron Schmidt was one of Oregon's greatest empire builders.

Mr. Speaker, I offer this tribute to my friend, Ron Schmidt, and add my condolences to his partner, friend, and spouse, Ede Schmidt.

GRANT STATE STATUS TO INDIAN TRIBES FOR ENFORCEMENT OF SOLID WASTE DISPOSAL ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. RICHARDSON. Mr. Speaker, today I am introducing a bill which amends the Solid Waste Disposal Act to authorize the Administrator of the Environmental Protection Agency to treat Indian tribes as States for purposes of enforcing the provisions of the Solid Waste Disposal Act. The Congress has approved similar amendments to the Clean Water Act, the Safe Drinking Water Act, and the Clean Air Act. This bill is the next logical step to provide for the consistent treatment of Indian tribes as sovereign governments. This bill will provide Indian tribes with the assistance to establish regulatory programs on the reservation to address issues related to solid waste.

Over the many years that States have received assistance from the EPA, States have

developed comprehensive environmental protection programs and have developed the regulatory capacity to directly administer federally delegated programs under the Safe Drinking Water Act, the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act. Over this same period of time, Indian tribes were not eligible to receive assistance from the EPA to develop environmental protection programs and to build tribal environmental regulatory capacities. The provisions of this bill will allow Indian tribes the same opportunities that are available to the States to build program capacity and fully develop tribal environmental protection programs under the authority of the Solid Waste Disposal Act. The bill will enable Indian tribes to effectively plan and develop a reservation specific approach to environmental protection in the same manner the State environmental programs have been encouraged to develop and plan.

This bill provides that the Administrator may treat an Indian tribe as a State if the Indian tribe has a governmental body carrying out substantial governmental powers; and the regulatory authority to be exercised by the tribe pertains to land and resources held by the tribe, held by the United States in trust for the tribe, held by an individual tribal member if is subject to a trust restriction, or is otherwise in Indian country; and the Administrator determines that the Indian tribe is reasonably capable of carrying out the duties required under the act and any applicable regulations. The bill allows Indian tribes to enter into cooperative agreements with States to jointly plan and administer the requirements of the act subject to the approval of the Administrator. Finally, the bill authorizes the Administrator to undertake an inventory of hazardous waste sites and open dumps located within Indian country. The Administrator is authorized to assist Indian tribes to upgrade open dumps to comply with the Solid Waste Disposal Act.

Mr. Speaker, it is time that we extend to Indian tribes the same opportunities to develop environmental protection programs to address all aspects of environmental quality. The Environmental Protection Agency must provide consistent treatment to Indian tribes across all environmental media areas. This legislation will provide Indian tribes with the tools necessary to plan and develop sound environmental policies and programs. I look forward to working with my colleagues on the Energy and Commerce Committee on this important measure and urge my colleagues to support this bill.

NATIONAL HEALTH CARE ANTI-FRAUD ACT OF 1993

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. STARK. Mr. Speaker, today I am pleased to join with my colleague Mr. LEVIN in introducing H.R. 1255, the National Health Care Anti-Fraud Act of 1993. This bill establishes an effective national program to control fraud, waste, and abuse in our health care system.

Few issues affect the American people as profoundly as the exploding costs of health care. Health care costs have escalated to more than $900 billion this year. President Clinton has focused national attention on the problem of controlling the rising costs of health care.

According to recent polls, most Americans believe that health care costs are skyrocketing because of waste, corruption, and profiteering. According to the U.S. General Accounting Office [GAO], as much as 10 percent of health care costs, or $90 billion, is lost each year to health care fraud and abuse.

In 1992, the General Accounting Office reviewed public and private efforts to control one fraudulent scheme known as the rolling labs scheme. The rolling labs scheme involved the performance of enormous numbers of unnecessary tests and the submission of falsified claims in order to receive payments. In 1986, as a result of an extensive investigation by the inspector general, the rolling labs ceased treating Medicare and Medicaid beneficiaries. However, these rolling labs continued operating and billing the private insurers until July 1991. Over a 10-year period, the rolling labs scheme resulted in $1 billion of fraudulent claims to public and private insurers.

Most fraudulent activities involve both Government programs and private payers. Few States have as comprehensive health care fraud laws as the Medicare and Medicaid programs. The bill would establish a national health care fraud and abuse program, coordinated by the Office of the Inspector General [IG] of the Department of Health and Human Services. With 16 years of successful investigations in Medicare and Medicaid fraud, the IG has the most experience of any Federal agency in investigating health care fraud. The IG has been innovative and active in this field by providing training to other law enforcement agencies and by being a founding member of the National Health Care Anti-Fraud Association.

The bill would extend Medicare and Medicaid's proven enforcement remedies of civil monetary penalties and criminal penalties to private payers. The policies are proven and represent 25 years of experience in fighting fraud and abuse under Medicare.

Though the Federal Government does a better job than the private sector in rooting out fraud and stopping abusive practices, they could do more. For example, the IG was successful in securing nearly $7 billion in savings to the Medicare Program through enforcement of existing Medicare anti-fraud and abuse statutes. Unfortunately, the IG has to spend money to make money and that is not happening. In 1992, the IG's budget was reduced by $6 million.

The National Health Care Anti-Fraud Act of 1993 includes and builds upon recent recommendations of the administration's task force to combat health care fraud and abuse. Under H.R. 1255, civil monetary penalty amounts would be increased to no more than $10,000 per item or service and damage amounts would be increased to no more than triple the amount claimed. A new administrative civil monetary penalty for kickback violations also would be established.

The bill also includes provisions restricting durable medical equipment suppliers from making unsolicited telephone contacts with beneficiaries. These provisions were included in H.R. 3837, which passed the House on August 3, 1992.

I believe that the time has come for action on this issue. Over the past 3 years, this subcommittee has held four hearings on issues relating to fraud and abuse. As my colleagues know, ample evidence exists to show that fraudulent activity is costing all of us money. I would like to thank the members of this subcommittee, particularly Mr. LEVIN, for their contributions.

By enacting the National Health Care Anti-Fraud Act of 1993 we can stop unscrupulous providers and realize significant savings.

A summary of the bill follows:

SUMMARY OF THE NATIONAL HEALTH CARE ANTI-FRAUD AND ABUSE ACT OF 1993

1. ALL-PAYER FRAUD AND ABUSE PROGRAM

The Secretary of Health and Human Services would establish and coordinate an all-payer national health care fraud control program to restrict fraud and abuse in private and public health care programs. The Secretary would be authorized to conduct investigations, audits, evaluations and inspections relating to the delivery of and payment for health care. The administration of the national program would include the coordination of the Medicare and Medicaid fraud and abuse programs.

2. COORDINATION WITH LAW ENFORCEMENT AGENCIES AND THIRD PARTY INSURERS

The Secretary would be required to consult with and arrange for the sharing of data with the Attorney General, State law enforcement agencies, State Medicaid fraud and abuse units, State agencies responsible for the licensing and certification of health care providers and third party insurers.

3. REGULATIONS REGARDING ALL-PAYER FRAUD AND ABUSE PROGRAM

The Secretary shall establish standards to carry out the program.

(a) Information standards.—All qualified health insurance plans, providers and others would be required to cooperate with the national fraud control program and to provide such information necessary for the investigation of fraud and abuse. The Secretary would establish procedures to assure the confidentiality of the information required by the national fraud and abuse program and the privacy of individuals receiving health care services. A qualified immunity would be provided to persons providing information to the Secretary under the national health care fraud and abuse program.

(b) Disclosure of ownership information.—In applying for unique provider numbers, providers would be required to disclose information that the Secretary deems appropriate, including information relating to the ownership of a health care entity.

(c) Standards related to issuance of provider identification codes.—The Secretary would be required to develop standards relating to the issuance of provider identification codes.

4. AUTHORIZATION OF APPROPRIATIONS FOR INVESTIGATIONS AND OTHER PERSONNEL

The fraud and abuse staff within the Office of the Inspector General of the Department of HHS would be increased to administer the national health care fraud control program. The bill provides authorizations of $300 million in 1995, $350 million in FY 1996, $400 million in FY 1997, and $450 million in FY 1998.

5. ENSURING ACCESS TO DOCUMENTATION

The Inspector General of the Department of Health and Human Services is authorized

access to documentation in accordance with the Inspector General Act of 1978. Any individual or entity who fails to comply with a request of the Office of the Inspector General of the Department of HHS for records, documents and other information necessary to carry out activities under the all-payer fraud and abuse control program may be excluded from participating in Medicare and State health care programs.

6. ESTABLISHMENT OF ANTI-FRAUD AND ABUSE TRUST FUND

The bill provides that a portion of the civil money penalties, fines and damages assessed would be deposited in a trust fund. The assets of the fund would be used, in addition to such appropriated amounts, to meet the operating costs of the national health care fraud control program.

7. APPLICATION OF CIVIL MONETARY PENALTIES TO ALL PAYERS

The provisions under the Medicare and Medicaid programs which provide for civil monetary penalties for specified fraud and abuse violations would apply to similar violations for all payers in the national health care system.

The violations would include billing for services not provided, submitting fraudulent claims for payment, hospitals giving financial incentives to physicians to reduce or limit care provided to hospital inpatients, and other violations currently included under the Medicare program.

Violations specifically tailored to the Medicare and Medicaid programs would not, however, constitute violations under the all-payer fraud and abuse control program. Such violations include overcharging under an assignment agreement and physician or supplier participation agreement, charging more than limiting charge or actual charge restrictions, and giving false or misleading information concerning hospital services which could reasonably be expected to influence a decision concerning when to discharge a patient.

8. APPLICATION OF CRIMINAL PENALTIES TO ALL PAYERS

The provisions under the Medicare and Medicaid program which provide for criminal penalties for specified fraud and abuse violations would apply to similar violations for all payers in the national health care system. The violations would include willful submission of false information or claims, acceptance of kickbacks, bribes or rebates in return for referral for services, and other violations currently included under the Medicare program.

For providers who violate specified fraud and abuse provisions, penalties would include fines, treble damages and imprisonment. The Secretary would also identify opportunities for the satisfaction of community service obligations that a court may impose upon the conviction of an offense under this section.

Violations specifically tailored to the Medicare and Medicaid programs would not, however, constitute violations under the all-payer fraud and abuse control program. Such violations include knowingly making a false statement concerning qualifications of an institute in order that the institute qualifies for Medicare, knowingly charging for services under Medicaid in excess of rates established by the State, and knowingly and repeatedly violating the terms of assignment agreements under Medicare.

9. AMENDMENTS TO ALL-PAYER FRAUD AND ABUSE PROVISIONS

The following revisions would apply to both the Medicare and Medicaid program and the all-payer fraud and abuse program.

(c) Civil monetary penalties.—The bill would clarify that claiming a higher code for purposes of reimbursement is prohibited and subject to civil monetary penalties. An intermediate civil monetary penalty would be established for anti-kickback violations. The current civil monetary penalty would be increased to no more than $10,000 for each item and service, and the assessment would be increased to three times the amount claimed for such items or services.

(b) Private right of enforcement.—An individual who has suffered damages as a result of a violation of the civil monetary penalty section of the Medicare and Medicaid statute would be permitted to bring an action in the U.S. District Court, if after expiration of a 60-day period the Secretary does not notify the individual that the Secretary intends to pursue a civil monetary penalty. If after one year, the Secretary has not proceeded with reasonable due diligence in investigating the matter, the individual may proceed with an action.

If the Secretary proceeds with the action, the individual may receive an amount the Secretary decides is appropriate restitution. If the Secretary does not proceed with an action, 10% of the proceeds of the action or settlement of a claim would be deposited in the anti-fraud and abuse trust fund.

(c) Criminal penalties.—The current employer-employee statutory exception would be clarified to prohibit payments to employees based on value and volume of referrals to the employer.

The United States may bring an action in an appropriate District Court of the United States, as currently provided under the civil monetary penalties section, to enjoin activity which makes a person subject to a criminal penalty and enjoin the person from concealing, removing, encumbering, or disposing of assets which may be required in order to pay a criminal penalty.

10. AMENDMENTS TO MEDICARE FRAUD AND ABUSE PROGRAM

The following revisions would only apply to the Medicare and Medicaid programs and would not constitute violations under the all-payer fraud and abuse program.

(a) Mandatory exclusion.—The Secretary currently has authority to exclude individuals and entities from Medicare and Medicaid based on convictions of program-related crimes and convictions relating to patient abuse. The bill would extend the Secretary's authority to felony convictions relating to fraud and felony convictions relating to controlled substance.

(b) Permissive exclusion.—The bill would extend the current permissive exclusion authority for entities controlled by a sanctioned individual to individuals with controlled interest in sanctioned entities.

The bill also would establish minimum periods of exclusion for certain violations already specified in the Medicare and Medicaid statute.

(c) *Civil monetary penalties.*—The bill would clarify that the routine waiver of Medicare Part B copayments and deductibles would be prohibited and subject to civil monetary penalties. In addition, providing items or services at less than the fair market value and retention by an excluded individual of an ownership or control interest of an entity who is participating in Medicare or Medicaid would be prohibited and subject to civil monetary penalties.

(d) *Quality of care sanctions.*—The bill would establish civil monetary penalties, of not more than $10,000, for each case in which the practitioner or person failed to substantially comply with the corrective action plan of the Peer Review Organization. In addition, the requirement that the provider be shown to be "unwilling or unable" to meet obligations agreed to by the provider before the Secretary may exclude the individual from participating in Medicare would be deleted.

11. RESTRICTION OF TELEMARKETING OF DURABLE MEDICAL EQUIPMENT TO MEDICARE BENEFICIARIES

Supplies would be prohibited from making unsolicited telephone contacts with beneficiaries, unless the beneficiary gives permission to the supplier, or the supplier has furnished the beneficiary with a Medicare covered item within the preceding 15 months. No payment would be made for any items furnished in violation of these provisions.

The Secretary is required to exclude from programs under the Social Security Act suppliers who knowingly make prohibited telephone contacts to such an extent that the supplier's conduct establishes a pattern of contacts in violation of the prohibition. The supplier must refund any amounts collected on a timely basis to patients or be subject to certain sanctions.

12. HMO INTERMEDIATE SANCTIONS UNDER MEDICARE

The Secretary would also be able to impose civil money penalties on Medicare-qualified HMOs for violations of Medicare contracting requirements.

13. EDUCATION OF MEDICARE BENEFICIARIES ABOUT THE EXISTENCE OF FRAUD AND ABUSE

The Secretary would notify individuals at the time of enrollment under Medicare and periodically thereafter through mailings regarding the existence of health care fraud and abuse. In addition, the Secretary would establish a mechanism for individuals to report health care fraud and abuse.

14. PUBLICATION OF SANCTIONS AGAINST PROVIDERS

The Secretary would be required to publish on a quarterly basis in the Federal Register a report of all final adverse actions against health care practitioners under the all-payer fraud and abuse program, including criminal convictions, exclusions from participation in Federal and State programs, civil monetary penalties and license revocations and suspensions.

15. STUDY ON ELECTRONIC FORMAT PROCESS

The Secretary shall conduct a study regarding the process of providing information, in an electronic format, on ownership information required under the ownership referral provisions.

16. ADMINISTRATIVE PROVISIONS

(a) Uniform claims.—All claims submitted by providers would be in a uniform claims format.

(b) Unique Provider Identification Code.—Each provider would be required to submit claims using a unique provider identification code.

(c) Common coding.—Coding of procedures and diagnoses would follow uniform formats.

17. EFFECTIVE DATE

The amendments would apply on or after January 1, 1995.

CONGRESSIONAL SALUTE TO THE NEWEST HONOREES INDUCTED INTO THE NATIONAL FOOTBALL FOUNDATION AND COLLEGE HALL OF FAME

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to 10 Sacramento high school students who have been selected as this year's National Football Foundation Sacramento Valley Chapter's Scholar Athletes of the Year. Also being recognized are four adult honorees for their contributions to the community.

Tonight, at a ceremony in Sacramento, the following student athletes will be recognized for their academic, football, and community service achievements: John Chavez, Oakmont High School; Sheldon Cooney, Jesuit High School; Dan Gieck, Roseville High School; Marshall McCauley, Nevada Union High School; Chad Overhauser, Rio Americano High School; Robert Tucker, Grant Union High School; Darren Cline, Davis High School; Jon DeVille, Oak Ridge High School; Brian Jones, Del Campo High School; Kevin McKechnie, Chirstian Brothers High School; and Richard Rubiales, Lincoln High School. The adult honorees who are to be congratulated for their achievements in their own distinguished football careers and their continued service to the community are: John Ralston; Jim Rattie; Ken O'Brien, Jr.; and Bob Vukajlovich.

Mr. Speaker, I commend the 1993 National Football and College Hall of Fame Honorees and request my colleagues to join me in saluting these outstanding individuals.

STUDENTS AND TEACHERS CAUGHT IN TWIN TOWERS EXPLOSION

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. SCHUMER. Mr. Speaker, what began as a class trip to one of New York's most famous tourist attractions last week took a traumatic turn of events when the students and their teachers were caught in the Twin Towers for hours due to the devastating explosion that paralyzed lower Manhattan.

I would like to take this opportunity to commend these brave teachers and paraprofessionals, from Brooklyn and Queens public schools 91, 95, and 191, for their courage and leadership:

Rose Bradley, P.S. 95.
Dorothy Byrd, P.S. 95.
Angela Damato, P.S. 91.
India Fishon, P.S. 95.
Diane Freedman, P.S. 95.
Fred Gelfard, P.S. 91.
Marguerite Giordano, P.S. 95.
Shirley Jahre, P.S. 95.
Lisa Perri, P.S. 95.
Rosemarie Russo, P.S. 95.
Bernadette Samuels, P.S. 191
Carol Susi, P.S. 191.
Anna Marie Tesoriero, P.S. 95.
Lydia Traveso, P.S. 95.

The students are fortunate to have such devoted and caring teachers, who did everything they could to lead these children safely out of the building during the crisis. It is reassuring to know that our children are in such goods hands.

SUFFERING IN ARMENIA

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mrs. MORELLA. Mr. Speaker, I rise today to draw the attention of my colleagues to the terrible suffering which the Armenian people are enduring because of Azerbaijan's blockade of their nation.

The situation in Armenia is rapidly deteriorating and requires our immediate attention. House Resolution 86, which was recently introduced by Congressman BONIOR, provides a framework for constructive United States involvement in the search for a lasting and equitable resolution to the crisis in the caucasus. This sense-of-the-House resolution can help offset the immediate effects of the blockade and, hopefully, bring an end to the war which has devastated this region.

I encourage my colleagues to support House Resolution 86. This resolution condemns the blockade of Armenia and Nagorno-Karabagh by Azerbaijan, while simultaneously requesting that the United States continue to provide immediate humanitarian assistance to offset the severe shortages in Armenia caused by the blockade.

The House has previously passed similar legislation, particularly the Freedom Support Act, which restricted United States aid to Azerbaijan until it ceased its blockade and other forms of aggression against Armenia and Nagorno-Karabagh. Azerbaijan, unfortunately, has failed to cease its blockade and continues to attack Armenia and Nagorno-Karabagh. As a result, we have witnessed an alarming increase in the death rate in Armenia, primarily among infants and the elderly. Recent reports from Armenia inform us that the country is largely without heating fuel, electricity, food, and other winter supplies desperately needed to survive through the nation's cold, harsh winter.

We must make it clearly understood to Azerbaijan that the United States will not tolerate deliberate attempts to economically incapacitate a nation as a means of achieving political goals. If such aggressive policies by Azerbaijan are allowed to continue unchallenged, the threat to regional stability will continue to grow. This would greatly damage our long-term interest in the maintenance of peace along the southern tier of the former Soviet Union.

I would like to commend my respected colleague, Mr. BONIOR, for introducing this important and timely legislation. This resolution outlines several important elements of a policy designed to eventually establish stability and order in this region. I urge my colleagues to join me as a cosponsor of House Resolution 86.

BASE CLOSURE RECOVERY BILL

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Ms. SNOWE. Mr. Speaker, I rise today to reintroduce comprehensive legislation to assist the people of communities that face severe economic hardship as a result of military base closures.

In just a few days, the Department of Defense will release its list of recommended base closures for the 1993 round of the base closure process. When that list comes out, thousands of people across the country, and numerous Members of Congress, will feel as I felt when the people of Maine learned 2 years ago that Loring Air Force Base had been recommended for closure.

For over four decades the people of Aroostook County in my district gave unwavering and loyal support to Loring Air Force Base. As the scheduled date of the base's closing draws near, the county is faced with the loss of nearly 20 percent of its employment, 14 percent of its income, and 17 percent of its population. The loss of Loring will be devastating.

Is that any way to reward the people who have given so much to our Nation's security? Definitely not. It is certainly no way to reward the hard working people of Maine, or in dozens of other communities across this Nation that will be hit, and hit hard, by military base closings in the coming years.

By reintroducing this legislation, the Comprehensive Base Closure Reform and Recovery Act, I am signaling my continued commitment to help these people and their communities. This legislation deals with all aspects of community recovery: economic, environmental, housing, etc. This bill will permit the Federal Government to live up to its responsibility to the communities that have so faithfully supported our Armed Forces over the decades.

The Comprehensive Base Closure Reform and Recovery Act addresses environmental cleanup; it provides employers with tax incentives to hire former military base employees; and it includes economic adjustment and conversion assistance for the local communities.

The major provisions of this bill would:

Require that before a military base is officially closed, or its operations substantially reduced, at least 75 percent of the environmental cleanup required under Federal law be completed. Also, it stipulates that not later than 2 years after a military base is closed, or its operations substantially reduced, all environmental cleanup efforts shall be completed.

Grant employers who hire people whose jobs have been terminated as a result of a base closure or realignment eligibility for the Targeted Jobs Tax Credit [TJTC]. The TJTC allows employers to take a 40-percent credit on the first $6,000 in wages that the newly hired employee receives.

Require that if the principal home of a military employee living near a closed military

base is sold for less than fair market value, and the employee successfully participates in the U.S. Army Corps of Engineers' Housing Assistance Program [HAP], any amount of money received to help compensate for the loss in the home's value will not be treated as income, subject to Federal income taxes.

In addition, the Housing Assistance Program portion of the bill has been expanded to cover employees of school districts, due to the high percentage of students in these districts who are military and/or civilian Federal employee dependents.

This legislation directs the Economic Development Administration [EDA] to ensure that Federal funds are reserved for communities identified by the administration as the most substantially and seriously affected by the closure of military installations. To accommodate this mandate, this bill increases the EDA's current funding authorization level from $80 million in fiscal year 1993 to $200 million in each of fiscal years 1994 through 1996.

Direct the Secretary of Defense to create a program to guarantee up to $10,000 worth of loans, per individual, tc civilian employees of the Department of Defense at, or in connection with, a military base scheduled to be closed or realigned. The bill provides the Defense Secretary with the needed authority to develop and administer this program.

Directs the Secretary of Defense to convey to eligible State or local governments all right, title, and interest of the United States in any military installation scheduled to be closed pursuant to the base closure law, CERCLA-Superfund, and the Solid Waste Disposal Act. Under this section of the legislation, property at military installations will be turned over to State/local governments in the following order of priority: a political subdivision designated by State law to receive the conveyance of such property rights; the State; then to one or more political subdivisions which would best serve the interests of the residents of the local region, providing that these subdivisions accept the conveyance. Pending such conveyance, the Secretary of Defense is required tc maintain the real property and personal property to prevent its deterioration.

Directs the Federal Government when entering into contracts with private businesses for the closure of a military base, to give preference to business located in the general vicinity of the closed military base. The bill's language specifically mentions environmental restoration and mitigation as an area where local small business should get preference in getting Federal contracts.

In drafting this bill, I have worked to include a wide range of concerns that have been brought to my attention, as a result of the experiences of northern Aroostook County that is confronting the prospect of Loring's closure in 1994. I welcome the input of any and all concerned Mainers, and other interested parties, as this measure works its way through the legislative process.

I strongly urge all of my colleagues in the House to demonstrate their support for efforts to help local communities survive the impact of a closed military base by cosponsoring the Comprehensive Base Closure Reform and Recovery Act.

TRIBUTE TO DON CARLOS HINES

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Ms. ESHOO. Mr. Speaker, with deepest regrets, I must advise you and my colleagues in Congress of the death last week of Dr. Don Carlos Hines. Dr. Hines, a Phi Beta Kappa graduate of Stanford University and a graduate of the Stanford Medical School, had a distinguished career as a doctor, drug researcher, and lecturer. Moreover, Don Carlos was a dedicated family man and a dear friend to many. He was a first cousin to our colleague, DON EDWARDS.

Don Carlos was a man of varied interests. After obtaining his medical degree, he practiced internal medicine in Palo Alto, during which he also taught at Stanford Medical School. In 1939, he accepted a medical research position at Eli Lilly & Co. in Indianapolis, where he managed clinical drug investigations, edited a text on pharmacology and therapeutics, and participated in production of several films on pharmacy. After 27 years with Eli Lilly, he returned to California to become a lecturer in medicine and pharmacology at the University of California Medical Center in San Francisco. During his 5 years there he also took on the computerization of the center's pharmaceutical records.

Don Carlos was also a founding member of Friends of the Stanford String Quartet and served on its board of directors until 1991. In addition, he was a talented golfer, an outdoorsman, and a world traveler.

Mr. Speaker, we have lost more than a notable medical professional and lecturer in Don Carlos Hines. We have lost a dear friend, someone whose charm, warmth, decency, and selflessness touched the lives of many. He will be missed dearly by his family and many friends, and I send condolences to his widow, Anne, and his family.

[From the Mercury News, Feb. 28, 1993]

DON HINES, 89, OF PALO ALTO, DOCTOR, DRUG RESEARCHER, LECTURER

Don Carlos Hines was a man of varied interests who was able to make careers in two related fields, both of them technically demanding.

Dr. Hines, 89, a physician and pharmacologist and a Palo Alto resident the past six years, died Feb. 15 of congestive heart failure at Stanford University Medical Center.

Dr. Hines was a Phi Beta Kappa graduate of Stanford University in 1927 and obtained his medical degree there as well. He and his wife, Anne, built their first home on the university campus in 1934.

He practiced internal medicine for several years in Palo Alto, during which he also taught at the Stanford medical school. In 1939, he accepted a medical research position at Eli Lilly and Co. in Indianapolis.

During his 27 years with the firm, Dr. Hines managed clinical drug investigations, edited a text on pharmacology and therapeutics and participated in production of several films on pharmacy. He retired in 1967 as director of medical special services.

Dr. Hines, who was born in San Jose, then returned to California and became a lecturer in medicine and pharmacology at the University of California Medical Center in San Francisco. During his five years there, he also took on the computerization of the center's pharmaceutical records.

Dr. Hines and his wife built a house at Sea Ranch on the Sonoma County coast, where he was president of the homeowners association during the early 1970s, when the development had difficulties with the new California Coastal Commission over public access requirements.

Dr. Hines was a founding member of Friends of the Stanford String Quartet and served on its board of directors until 1991. Another of his interests was Yosemite National Park, with which he became acquainted when he worked as a waiter at Camp Curry during summers of his college years.

During their 59 years of marriage, the Hineses traveled extensively throughout the world, including the Arctic, Antarctica and a three-week pack trip in the Sierra for their honeymoon.

Dr. Hines and his father, Dr. A. Don Carlos Hines, a San Jose physician for 47 years, were winners of the first father-son California golf championship in 1922 on the Del Monte course near Carmel.

"He was interested in everything, and he was an extremely thorough person," said his daughter, Judy Kramer of Palo Alto.

"When you traveled with him, he could tell you about the geological history of the area, about its people, what lay the other side of the hill. . . . He was a wonderful teacher, and that's what people remember about him."

THOUGHT FOR THE DAY

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mrs. SCHROEDER. Mr. Speaker, every day schoolteacher's jobs become more difficult in America. The economy and failing families push more duties on teachers and give them less to work with. The Select Committee on Children, Youth, and Families has tried to point this out in hearings but the following poem written by a young, energetic, idealistic teacher in my district says it all:

Everyday to the student who cries I say, tell me, I'll fix it.
Everyday to the student who fails to say, I know you can do it.
Everyday to the student who hits I say, you are loved.
Everyday to the student who succeeds I say, you did it.
Everyday to the student who risks I say, you've just begun.
Everyday to the student who doubts I say, you are important.
Everyday to the student who screams I say, I won't leave you.
Everyday to the student who laughs I say, you are appreciated.
Everyday to the student who hides I say, I'll keep looking.
Everyday to the student who helps I say, you are needed.
How do I say do without, wait your turn, there's none left, no more time, no more help?
How do I say you're too costly?
How can we make their needs match our bottom line?—by Diana Golden

THE NATIONAL HEALTH CARE ANTI-FRAUD AND ABUSE ACT OF 1993

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. LEVIN. Mr. Speaker, it is my pleasure today to join with Mr. STARK in introducing a comprehensive piece of legislation to combat one of the greatest travesties in our country today—health care fraud, abuse, and waste. Our bill, the National Health Care Anti-Fraud and Abuse Act of 1993, will establish a seamless system for detecting, deterring, and prosecuting health care fraud and abuse. It will also make it easier for upstanding health care professionals to provide needed care. A section-by-section summary of the bill follows my statement.

I have long been involved in this issue. As you may remember, several years ago it was reported that some cataract surgeons in the Detroit area were abusing the Medicare program and receiving over $1 million each per year. We had a hearing on these provisions, and it was clear that inappropriate surgery was not proper health care. It was more like robbery of the taxpayers.

The Congress has heard of other instances of abuse and outright fraud from a variety of health care providers. These have included charging millions of dollars for laboratory tests which were never performed, or charging Medicare higher rates for the same lab tests than it does private insurance. In some cases Medicare has been charged many times the retail price of medical supplies, such as $200 for a foam mattress that wholesales for $29. Just last month a constituent sent me a hospital bill which included a $6 charge for simply being handed one pill. Recently, I myself was subject to an outrageous charge for medication—$90 for a prescription when an over-the-counter medicine was just as effective. There is clearly something very wrong with the way health care—the business of health care—is practiced in this country.

These are not new issues. The Ways and Means Health Subcommittee has held annual hearings on this issue, and the General Accounting Office [GAO] and others have issued numerous reports describing the problems and identifying specific solutions. In putting together this legislation we have also consulted with many groups including the GAO, the HHS's Office of Inspector General, the Department of Justice, and many private organizations about the best methods for attacking this problem.

Many popular publications and media sources have issued articles and reports about health care waste and fraud. Several of these have included advice to individuals about preventing fraud and waste. Individuals do have a vital role to play, but it must be accompanied by effective, coordinated efforts by the Federal, State, and private sources to protect the public from fraudulent and abusive practices.

It is estimated that of the over $800 billion we spent last year for health care in this country, up to 10 percent was wasted on fraudulent or unnecessary care. It appears that the abuses are getting more sophisticated, more organized, and more costly each year. That is why we need a coordinated national effort to match the sophistication of those who are violating the system. Our legislation provides just such an enhanced role for the inspector general's office in coordinating public and private efforts to prevent and prosecute fraud and abuse. Our legislation provides additional resources for the inspector general's office to reverse the relative stagnation in funding, which has occurred over the last decade.

In some cases the problems are with health care providers who are stretching or breaking the rules of the system by falsely billing or providing unnecessary care. If this were a children's game, and rules were merely being stretched, it might be OK. However, we are talking about the health, lives, and economic security of 260 million Americans.

Health care providers hold a public trust. It should be clearly noted that providers includes all types of health care workers, from physicians, to nurses, to ambulance companies, to clinical labs. I believe the trust embodied in the traditional patient-doctor relationship should extend to all health care providers. The trust people place in health providers is no less sacred than the public trust of elected officials—both are entrusted with the welfare of the people, and both are entrusted with billions of tax dollars. In addition, nobody should think that merely padding bills robs only the insurance company and not the individual. In fact, these acts of fraud hurt individuals through higher copayments, premiums, and taxes.

I have asked myself, "Is there any reason why health care providers should be held to any less of a standard?" I think not. That is why along with the comprehensive national all-payer antifraud and abuse bill, which we are introducing today, I am also joining Mr. STARK in cosponsoring H.R. 345, the Comprehensive Physician Ownership and Referral Act of 1993.

These two pieces of legislation together will help ensure that health care dollars are used honestly instead of lining the pockets of already wealthy health care entrepreneurs.

Yesterday the Ways and Means Health Subcommittee held a hearing on issues related to all-payer fraud and abuse. I look forward to soliciting additional ideas from the witnesses, and others, in order to further strengthen our efforts to assure the American taxpayers that their money and tax dollars are being spent on health care, not greed.

MICROSOFT ANTITRUST ACTION

HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. KREIDLER. Mr. Speaker, I am inserting into the RECORD an important article from the March 8, 1993, edition of the Washington Post regarding an antitrust action being taken against Microsoft by the FTC. The products created by Microsoft are crucial, not only to the economy of the State of Washington, but to the United States in the markets of the world. However, some competitors have argued that Microsoft violated antitrust laws in order to gain an advantage in the computer marketplace. The FTC began investigating the matter 2 years ago, but, in all this time, has been unable to reach a consensus on the allegations. The author of this article suggests that Microsoft's success has been due to its hard work and careful product development, rather than unfair marketplace advantages. Indeed, Microsoft has played a significant role in bringing the United States to a position of a dominance in the world computer marketplace. It would be unfortunate if any FTC actions, taken in relation to this case, resulted in a loss of the innovative and important work done by Microsoft.

AN UNWARRANTED ANTITRUST CASE AGAINST MICROSOFT

(By T.R. Reid)

Something fascinating happened a few weeks back when I wrote a rave review in this space of Borland's great new spreadsheet program, "Quattro Pro for Windows." Readers started sending letters and faxes arguing that Microsoft Excel is better.

The comparative merit of spreadsheet programs is something PC buffs can and will argue about forever. I still think I'm right about Q-Pro, though readers made some forceful points. The fascinating thing about this reaction, however, is that anybody bothered to write at all. Excel wasn't even mentioned in the column. But users like the Microsoft Corp. product so much they wanted to argue its merits.

That tells you an awful lot about Microsoft, doesn't it? Here's a company that gets to know its customers so well and develops its products so carefully that people are moved to send unsolicited fan mail about Microsoft software to computer columnists. It's that kind of dedication and skill that has made Microsoft's MS-DOS and Windows the operating environments on nearly all of the personal computers in the world.

Microsoft's success in operating environments, in turn, has been a key reason for other U.S. companies' domination of the global PC hardware and software markets. That's what makes it depressing to report that the U.S. government still is evidently pursuing an investigation of Microsoft on antitrust grounds.

When this case was last discussed, it was noted that the Federal Trade Commission staff was reportedly talking to Microsoft's competitors, including WordPerfect, Lotus, Borland and other topnotch software companies that have watched in despair as Microsoft produced good programs at prices low enough to win a big chunk of the market.

One of the complaints often heard is that Microsoft has an unfair advantage because it makes and sells operating environments, like DOS and Windows, as well as the application programs that run in these environments. This may well be an advantage, but it's one that Microsoft earned. Any company could have written a program like Windows, but Microsoft was the one that actually committed the huge investment and the thousands of person-years required to do the job. It doesn't seem right for the government to punish a company for hard work.

Last month, according to numerous leaks reported in the trade press, the FTC commissioners met for their crucial vote on the case—and couldn't decide whether to act.

The key vote was reportedly 2-to-2 on a motion pushed by the FTC staff to issue an injunction against some Microsoft sales practices.

You might think, with no resolution after more than two years of digging, that the FTC would let sleeping dogs lie. But the regulators must not have enough to keep them busy, so the case against Microsoft will drag on.

This tends to bring to mind the government's long and ill-fated antitrust pursuit of International Business Machines Corp. back in the 1970s. This cost the taxpayers—not to mention IBM—millions of dollars, all based on the theory that IBM was too dominant for others to compete against. This belief was already doubtful, with competitors popping up in new computer lines, when the government ignominiously dropped the case after 13 fruitless years.

Today, of course, with IBM on the run in so many product lines, it's a sad joke to think of the company as too dominant.

Microsoft right now is a terrific company—smart, hard-working, adamantly refusing to sit back on its laurels. But Microsoft is no more impregnable than Big Blue was. You already can see the beginnings of tough competition for the next generation of PCs: the new RISC microprocessor chips various companies are producing that won't necessarily use MS-DOS; the competing "environments" under development like IBM's OS/2, the "Pink" system from the Apple Computer Inc.-IBM joint venture, Taligent and NextStep, the brainchild of PC industry visionary Steve Jobs.

This competition, in turn, will force Microsoft to make needed improvements in Windows, which is still slow and surprisingly clunky in daily use. The threat of competition will be a better corrective for whatever ails Microsoft than any remedy bureaucrats might come up with.

President Clinton is looking for 100,000 government jobs to eliminate. He might profitably start in the section of the FTC where a lot of people are spending their days on an unnecessary potential legal fight against a company that has made itself, by dint of hard work, a key asset for the United States in the markets of the world.

PAYING THE POPULATION PIPER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Ms. WOOLSEY. Mr. Speaker, last week Werner Fornos, president of the Population Institute, testified before the House Foreign Operations Subcommittee on International Population and Family Planning Priorities. I found his testimony both prudent and compelling, and a week after Mr. Fornos testified, the lead editorial in the San Francisco Examiner expressed strong support for his recommendations. I recommend to my colleagues the following editorial:

PAYING THE POPULATION PIPER

One of the most important changes President Clinton can make in U.S. foreign policy is relatively inexpensive and redeems a campaign pledge. He should immediately restore full funding to the United Nations Population Fund.

To repair this broken promise America made a quarter-century ago would cost about $100 million a year, less than 1 percent of our annual foreign aid budget.

The U.S. contribution to the U.N. fund was cut off by the Reagan administration in 1985 because some U.N. family planning funds were spent on abortion services. U.S. funding, which amounted to $46 million that year, was never restored. The Bush administration killed a $15 million appropriation last summer.

The U.N. Population Fund is the world's largest multinational provider of family planning assistance to developing countries, birthplace for 92 million of the 100 million people added to the world each year. More than 100 countries support the fund, and the United States was the biggest contributor from the fund's founding in 1967 until 1985. The world's population is 5.5 billion. If current trends continue, that number could double by the year 2050, and ultimately grow to 14 billion—or more.

Nothing is more intertwined in improving the human condition than limiting population. President Clinton has said that "the protection of the environment—as well as the daunting challenges of development, human rights, refugees and world health—are all related to the vital issue of population growth . . . The Earth's resources and delicate ecosystems are straining under this unsustainable burden."

The United States, Clinton said, can "lead the quest for sustainable development by supporting efforts to stem global population growth."

Family planning has worked. During the last 20 years, the number of women of childbearing age in the developing world using birth control increased from 9 percent to 50 percent, according to World Health Organization figures cited by Werner Fornos, president of the Population Institute, in testimony to Congress last week. And during those two decades, the average number of births per woman dropped from 6.1 children to 3.9.

Still, half the world's 910,000 daily conceptions are unplanned, Fornos said. Much education remains to be done.

Clinton has reversed other Reagan-Bush policies based on politics, including "ungaging" federal family planning clinics. He should do it again on population funding.

The United States has reneged on doing its share to help for eight years. It's time we lived up to our worldwide commitment.

TRIBUTE TO MARTIN C. FAGA

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. GLICKMAN. Mr. Speaker, on March 5, 1993, Martin Faga completed 30 years of outstanding Government service when his resignation as Assistant Secretary of the Air Force for Space, and Director, National Reconnaissance Office [NRO] took effect.

Unless you served on the Intelligence Committee, or perhaps the Appropriations Subcommittee on Defense, you may not have known Marty Faga. For the past 3½ years, Marty led the NRO, an organization whose very existence had been, until a short time ago, highly classified. As head of the NRO, Marty was responsible for ensuring that the United States has the technological capacity to produce and maintain the spaceborne and airborne assets needed to acquire intelligence anywhere around the world. That intelligence is used to support such activities as the monitoring of arms control agreements, indications and warning, and the planning and conduct of military operations.

While Director of the NRO, Marty also served as the Assistant Secretary of the Air Force for Space, a position in which he was responsible for the supervision of Air Force space matters, with primary emphasis on policy, strategy, and planning. In addition to advising the Secretary of the Air Force and the Air Force Chief of Staff on space policies, plans, and programs, he coordinated relations between the Air Force and the other services, NASA, and the executive departments responsible for commercial space activities.

The members and staff of the Intelligence Committee took great pride in Marty's accomplishments in these positions because he was one of our own. Marty served on the staff from 1977 when the committee was established until he left for the executive branch in 1989. His expertise was in the program and budget area and, in addition to mastering the details of literally hundreds of intelligence activities, he directed the program and budget authorization staff for 5 years. His work on the committee was unfailingly thorough, and his recommendations always objective. Marty's judgment was respected and trusted by those who served on the committee. I can think of no higher compliment to pay anyone who works on a congressional staff.

Mr. Speaker, the Congress and the Nation have benefited significantly from Marty Faga's service. On behalf of the committee, I want to wish him continued success as he directs his talents and energies toward new challenges.

THE FEDERAL GOVERNMENT SPENDS MILLIONS ON PARTIES AND COCKTAILS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. STARK. Mr. Speaker, less than a month ago President Clinton gave his State of the Union address. In it he aptly expressed the need to reduce the deficit with both spending cuts and tax increases.

Since the speech, I have received countless letters of support for the President's plan from my constituents. However, many have also expressed their concern that before the Federal Government raises taxes, we should eliminate wasteful spending.

In looking through the Federal budget for 1993, I have found a sizable amount of Federal spending which could be cut with no pain to the taxpayer.

This is the $8,775,775 we spent in 1993 for official receptions and parties.

These funds usually appear throughout the budget as, "official reception and representational expenses."

I am including in the RECORD a chart of the agencies which receive these funds so that my colleagues can better examine how this

money is being spent. I think you will find that this is spending we can no longer afford.

President Clinton has already proposed cutting back on the Federal lobbying deduction and many businesses have reduced their entertainment and expense accounts in order to remain competitive. Congress should do no less.

I urge my colleagues to join me to make sure that these Federal cocktails are not included in the 1994 budget.

The table of Official Reception & Representational Funds in Fiscal Year 1993 Appropriations follows:

Official Reception & Representational Funds in FY1993 Appropriations

Federal dollars spent on all representational and reception funds	$8,775,775
Federal dollars spent on reception and representational funds overseas	1,987,000
Commerce, Justice, State, Judiciary, and Related Agencies:	
Department of Justice	45,000
Parole Commission	1,000
U.S. Attorneys	8,000
U.S. Marshals	6,000
FBI	45,000
Drug Enforcement Agency	45,000
Immigration & Naturalization Service	5,000
Federal Prison System	6,000
Equal Employment Opp. Comm.	2,500
Fed. Communications Commission	4,000
Federal Maritime Commission	2,000
Federal Trade Commission	2,000
Securities and Exchange Commission	3,000
State Justice Institute	2,500
Department of Commerce (official entertainment)	3,000
International Trade Administration (official representation expenses abroad)	327,000
Export Administration (official representation expenses abroad)	25,000
U.S. Travel & Tourism Administration (official representation expenses abroad)	15,000
Judiciary:	
Supreme Court	10,000
Administrative Office of U.S. Courts	7,500
Federal Judicial Center	1,000
U.S. Sentencing Commission	1,000
Office of U.S. Trade Representative	98,000
Small Business Administration	3,500
Department of State (representation allowances)	4,900,000
Diplomatic emergencies (representation expenses not included in total)	1,000,000
International Conferences and Contingencies (representation expenses not included in total)	200,000
Arms Control and Disarmerment	100,000
Board for International Broadcasting	52,000
International Trade Commission	2,500
USIA—domestic (entertainment and official receptions)	25,000
USIA—abroad (representation expenses)	1,285,000
Total	7,032,500
Legislative Branch Appropriations:	
Senate Majority Leader (representation allowances)	15,000
Senate Minority Leader (representation allowances)	15,000
Secretary of Senate (expense allowances)	3,000
Senate Sergeant at Arms (expense allowances)	3,000
Majority Secretary of State (expense allowances)	3,000
Minority Secretary of Senate (expense allowances)	3,000
Speaker of the House (official expenses)	25,000
House Majority Leader (official expenses)	10,000
House Minority Leader (official expenses)	10,000
House Majority Whip (official expenses)	5,000
House Minority Whip (official expenses)	5,000
Committee on House Administration (interparliamentary receptions and gratuities to heirs of House employees)	632,000
House Clerk	1,000
House Sergeant at Arms	500
Office Technology Assessment	3,500
Congressional Budget Office	2,500
Architect of the Capitol	1,000
Library of Congress—incentive awards	5,000
Library of Congress—Overseas Field Office	12,000
Government Printing Office	2,500
General Accounting Office	7,000
Total	764,000
Department of the Treasury:	
Dept. of the Treasury	25,000
Dept. of the Treasury—international	73,000
Federal Crimes Enforcement Network	4,000
Fed. Law Enforcement Training Center	7,000
Bureau of Alcohol, Tobacco, and Firearms	10,000
U.S. Customs Service	20,000
Internal Revenue Service	25,000
Secret Service	12,500
White House Office (official entertainment)	20,000
Official Residence of the Vice President	90,000
Administrative Conference of the U.S.	1,000
Federal Elections Commission	5,000
General Services Administration	5,000
Office of Government Ethics	1,500
Office of Personnel Management	2,500
Total	301,500
Foreign Operations:	
Export-Import Bank: Board of Directors	20,000
Agency for International Development:	
(entertainment expenses)	5,000
(representation allowances abroad)	95,000
Foreign Military Financing Program:	
(entertainment)	2,000
(representation allowances)	50,000
International Military Education and Training	50,000
Inter-American Foundation	2,000
Peace Corps	4,000
Trade and Development Program	2,000
Total	230,000
Agriculture, Rural Development, FDA, and Related Agencies:	
Office of the Secretary	8,000
Office of Dept. Secretary.	3,000
Fed. Crop Insurance Corp.	700
Ag. Conservation Prog. (for displays and exhibits at State, interstate, and international fairs within the U.S. not included in total)	15,000
Foreign Agricultural Service	125,000
Office of International Cooperation	3,000
Commodity Futures Trading Commission	700
Farm Credit Administration	1,500
Total	141,900
VA, HUD, and Independent Agencies:	
Dept. of Veterans Affairs	25,000
Department of Housing and Urban Development	7,000
Independent agencies:	
Consumer Product Safety Commission	500
Cemeterial Expenses, Army	1,000
Environmental Protection Agency	6,000
Executive Office of the President:	
Council on Environmental Quality	875
National Space Council	1,000
Office of Science and Technology Policy	2,500
Federal Emergency Management Agency	2,500
Federal Aeronautics and Space Administration	35,000

U.S. Antarctic Research Activities	2,500
National Science Foundation	6,000
Selective Service System	1,000
Total	90,875

Departments of Labor, Education, Health and Human Services, and Related Agencies:

Dept. of Health and Human Services	37,000
Dept. of Education	7,500
Dept. of Labor	7,500
Fed. Mediation and Conciliation Service	2,500
National Mediation Board	2,500
Total (Note: "no funds made available to the Corporation of Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for government officials or employees")	57,000

Department of Transportation and Related Agencies:

Dept. of Transportation	40,000
National Transportation Safety Board	1,000
Interstate Commerce Commission	1,500
Panama Canal Commission—Board	11,000
Panama Canal Commission—Secretary	5,000
Panama Canal Commission—Administration	30,000
Total	88,500

Energy and Water:

Army Corps of Engineers, Chief Engineers	5,000
Department of Energy	35,000
Bonneville Power Administration Fund	3,000
Western Area Power Administration	1,500
Federal Energy Regulatory Commission	3,000
Total	47,500

District of Columbia:

Mayor	2,500
Chairman of City Council	2,500
City Administrator	2,500
Chief Judge, D.C. Court of Appeals	1,500
Chief Judge, Superior Court	1,500
Executive Officer of D.C. Courts	1,500
Total	12,000

Dept. of Interior and Related Agencies:

Office of the Secretary	7,500

Dept. of Defense:

Court of Military Appeals (representation expenses)	2,500

Military Construction	0

Except where noted, the amounts listed are for "official reception and representation expenses."

ISSUES ON AGING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. RANGEL. Mr. Speaker, I commend to the attention of my colleagues the comments and insights of Harvey Finkelstein, president/CEO of the Jewish Home and Hospital for Aged, in New York. Mr. Finkelstein offers some constructive suggestions for the financing of long-term health care. I am certain that his ideas will surface again in our continuing dialog on health care reform in the coming months.

ISSUES ON AGING—AN OPEN LETTER TO THE PRESIDENT AND TO CONGRESS

DEAR MR. PRESIDENT AND LADIES AND GENTLEMEN OF THE HOUSE OF REPRESENTATIVES AND THE UNITED STATES SENATE: The heat and rhetoric of the national elections are behind us and the people have spoken. The challenges facing the Administration and Congress are great. The electorate has made it abundantly clear that healthcare is one of this nation's most pressing issues. And, nowhere is the need more pressing than among the elderly. There are 31 million Americans over age 65, and the numbers will increase dramatically in the years to come.

Two things have been happening simultaneously: The number of people needing longterm care is increasing rapidly, and the costs for such care are growing dramatically.

To avoid a crisis it is urgent to explore new alternatives in addressing longterm care needs. It is equally important to create fresh approaches in providing the funding for that care.

In recent years, a number of proposals have been made to change the way government pays for longterm care. These range from simple tinkering with existing systems, to creating radically new structures.

Based on long years of hands-on experience and the realities of the world of longterm healthcare, I offer these suggestions.

Let's start with Medicare. Most seniors learn too late that Medicare doesn't cover most of the costs of nursing home care. Medicare and Medicaid should be integrated to provide comprehensive services at home, in outpatient programs and in the nursing home. This integration would result in impressive savings and would serve all persons in need.

I also urge you to eliminate the discriminating practices against Alzheimer's patients who are currently not covered under Medicare. More funding is needed to conduct vital research in finding the cause, the cure and the prevention of this fatal disease, which afflict 4 million Americans—creating despair and imposing intolerable financial burdens on the millions of family members of these victims.

Touching on another matter, the supply of doctors trained in geriatric medicine is woefully inadequate to meet the needs of today's seniors. All nursing facilities should be encouraged to affiliate with medical schools or teaching hospitals, similar to the Jewish Home's affiliation with the Mount Sinai School of Medicine.

The training of medical students and graduate physicians is necessary to provide the medical expertise and leadership for tomorrow's nursing homes and hospitals and geriatric outpatient programs.

Here are some other promising concepts for consideration:

Tax changes—deductions and tax credits to encourage families to care for an impaired parent or relative.

Establishing tax-deferred Individual Health Insurance accounts—similar to existing IRAs.

Deregulation—to remove the extraordinary burden of paperwork on nursing home staff. This would free the staff to provide more "hands-on" care.

Creating conditions to help employers include certain long-term care benefits as part of their employee fringe benefits.

New or revised laws to encourage such innovations as home equity conversions or so-called reverse annuity mortgages to provide the cash needed to pay for services.

As America ages, we must find the way to provide and finance high quality care, both in the community and in our longterm care facilities. No older person should be forgotten or abandoned by our society.

Respectfully,

HARVEY FINKELSTEIN,
President/CEO,
The Jewish Home and Hospital for Aged.

THE JEWISH HOME & HOSPITAL FOR AGED,
New York, NY, February 8, 1993.

Hon. JOHN SHEINER,
Office of Congressman Charles Rangel,
Washington, DC.

DEAR MR. SHEINER: Emile Milme suggested that I write to you.

I am enclosing a tear sheet from our magazine, Vim & Vigor, as well as the magazine itself. The Congressman is on the mailing list.

We believe that the open letter from our chief executive officer gets right to the heart of one of our most pressing healthcare issues.

We know, of course, of Congressman Rangel's outstanding position on healthcare issues, and ask that he do us the honor of reading Mr. Finkelstein's comments into the Congressional Record.

Thank you for your consideration.

With all best wishes.

Sincerely,

ED SILVERMAN,
Deputy Director, External Affairs.

VIEWS AND ESTIMATES OF PRESIDENT CLINTON'S DEFENSE BUDGET PLAN

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. SPENCE. Mr. Speaker, in an effort to keep my colleagues apprised of important defense issues, I would like to insert the following letter that I sent to Chairman SABO, of the House Budget Committee, on my views and estimates of President Clinton's fiscal year 1994–98 defense budget plan.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, March 5, 1993.

Hon. MARTIN OLAV SABO,
Chairman, Budget Committee, Washington, DC.

DEAR MR. CHAIRMAN: Consistent with the Budget Act and your letter of February 18, 1993, I am providing to you and your colleagues on the House Budget Committee my "views and estimates" of President Clinton's fiscal year 1994–1998 defense plan.

I am, however, concerned with the accelerated schedule that the Budget Committee appears to be operating under. In your letter, you attribute the hurried schedule to "concern about the economy", yet last week the Commerce Department reported that the economy grew at a rate of 4.8% during the last three months of 1992, the best quarterly performance in five years. This performance means that the economy's 4.1% rate of growth during the second half of the last year was almost twice that of the first half of the year. As such, I am not convinced that the economic situation justifies considering a budget resolution before the President has even submitted his budget request.

In so much as President Clinton's February 17, 1993, presentation "A Vision for Change in America" provides few details beyond top-line spending figures, only general observations are possible. However, in order to put the President's five-year plan to cut the defense budget by $127 billion in budget authority (BA) and $112 billion in outlays into proper context, it is imperative to first understand the impact that eight consecutive years (FY 1986–93) of real decline in defense spending has already had on the U.S. military.

To date, since the Reagan-Bush defense build-down began in FY 1986, defense budget authority has declined by 27% in real terms. Had President Bush's FY 1994–97 defense plan been implemented, the real decline in defense spending would have amounted to 32%. Based on preliminary data, real decline in defense spending from FY 1986–97 under President Clinton's proposal could approximate 45%. Under either of the Bush or Clinton plans, by FY 1997 defense spending as a percentage of GDP will be at its lowest level since before World War II.

While President Clinton promises that his stimulus package will create 500,000 jobs over the next two years, DoD has put 530,000 active duty, reserve, and civilian personnel out of work since 1988. Last year alone, DOD cut 178,000 active duty personnel. When you consider dependents, the number of individuals impacted by these cuts easily doubles or triples. To put these personnel figures in a comparative context, the financial markets shook following General Motors' December 1991 announcement that it would lay-off 75,000 personnel over a four-year period.

Estimates of private sector defense-related lay-offs (direct only) resulting from the Reagan-Bush build-down of the last six years approaches 1 million. These industry figures reflect, at least in part, the fact that funding for the procurement of weapons systems has declined by 57% since 1985. For example, Secretary Cheney alone proposed termination of 129 weapon systems.

During the last four years, Base Closure Commissions have recommended the closure or realignment of 172 domestic bases, almost 10% of DOD's domestic base infrastructure. We anticipate significant additional closures of domestic bases this year and in 1995. Overseas, in the last three years DoD has announced it will end or reduce operations at 661 installations, representing approximately 40% of its overseas base infrastructure. Since 1990, the U.S. military endstrength in Europe has been cut by almost 50%, from 314,000 to approximately 171,000. It seems a foregone conclusion that U.S. troop strength in Europe will continue to drop to 100,000 or less under President Clinton. In the Pacific, the U.S. is already implementing a 25% troop reduction by 1995.

Despite the build-down, U.S. military forces have been continuously called upon to serve around the world as well as here at home in an expanding number of combat, crisis-response, humanitarian relief and domestic disaster relief missions. The post Cold War world is not necessarily a peaceful one. As former CIA Director Bob Gates has testified, "History is not over. It simply has been frozen and is now thawing with a vengeance."

Since the Reagan-Bush build-down began, U.S. forces have been employed in: resolving the Achille Lauro hijacking, the Gulf of Sidra several times, Operation El Dorado Canyon over Libya, Operation Blast Furnace in Bolivia, Operation Earnest Will escorting oil tankers in the Persian Gulf, the attempted coup in the Philippines, Operation Just Cause in Panama, Operation Desert Shield/Storm in the Persian Gulf and Operation Southern Watch in southern Iraq. During the same time period, U.S. forces have also conducted multi-faceted counter-narcotics operations. More recently, U.S. military forces have been called on to evacuate U.S. citizens and friendly foreign nationals from Somalia, Liberia and Zaire. Finally, U.S. forces have also been deployed as part of a United Nations peacekeeping force in the Sinai for over a decade.

In providing humanitarian relief, U.S. military forces have been involved in northern Iraq, Bangladesh, the former Soviet Union, the Philippines, Haiti/Cuba, America Samoa, Somalia and Bosnia during just the last three years. Here at home, U.S. troops assisted with disaster relief following the San Francisco earthquake, the Exxon Valdez oil spill in Alaska, the Los Angeles riots, Hurricane Hugo, Hurricane Andrew, Hurricane Iniki and Typhoon Omar. Moreover, DoD annually provides personnel and equipment to help fight forest fires throughout the United States.

It was in this context of DoD's expanding missions and declining budgets that Candidate Clinton announced in 1992 his proposal to cut defense $60 billion (BA) more than President Bush by FY 1997. At the time Candidate Clinton made this proposal, President Bush had already proposed a $50 billion budget authority and $41 billion outlay reduction in his six-year (FY 1992–97) defense plan.

Therefore, President Clinton's February 17, 1993, proposal to cut defense budget authority by $127 billion and outlays by $112 billion shocked me. In less than one year, President Clinton had more than doubled Candidate Clinton's proposal. Unlike Candidate Clinton, President Clinton also included an outlay cut of $112 billion, the impact of which could be staggering. Moreover, because the "Bush adjusted baseline" is $35 billion (BA) and $8 billion (O) below the FY 1994–98 Bush defense plan (submitted in January 1993), the actual cuts are even deeper.

I am concerned about level of military capability U.S. forces will be left with under President Clinton's proposal. It has been widely acknowledged by the media and pundits alike that President Clinton has been hoping to downsize the military consistent with then-Chairman, now Secretary of Defense, Aspin's so-called force structure "Option C". Although Chairman Aspin never formally presented his force structure options to the Armed Services Committee for deliberation, he did brief them to the Budget Committee early last year.

You will recall that beyond the so-called "Defense Foundation" of nuclear deterrence, U.S. territorial defense, reduced overseas presence, special operations forces, force modernization (including lift), a robust industrial base and protection of readiness, Option C was to provide U.S. forces sufficient size and capability to simultaneously conduct a Desert Storm-like operation, an air campaign in defense of South Korea, and a Panama-sized contingency, all the while maintaining a large enough rotation base of forces to allow for long-term deployments. At the time, Secretary Aspin estimated that his Option C capability could be provided for approximately $48 billion (BA) less than proposed by President Bush for FY 1993–97. This was tantamount to a doubling of the $50 billion (BA) cuts President Bush had already incorporated into his FY 1992–97 defense plan. The FY 1997 top-line defense spending figure associated with Option C was $270 billion (BA—in current year dollars).

President Clinton's five year, $127 billion (BA) cut, or four year $88 billion (BA) cut, is *two to three times deeper than cuts envisioned under Option C.* President Clinton's FY 1997 top-line defense spending figure is $249 billion (BA—current year dollars), not $270 billion. In fact, the Clinton $249 billion FY 1997 defense top-line spending figure is more in line with another of Secretary Aspin's force structure options—the less capable Option B.

Relative to Option C, U.S. forces under Option B would be capable of conducting two, not three, of the contingency operations discussed above and would not be robust enough to provide a rotation base to allow for long-term overseas deployments in time of conflict. As for specific forces relative to Option C, Option B provided: one less active Army division, four less Army National Guard divisions, two fewer active Air Force wings, two fewer Air National Guard wings, and 50 fewer Navy ships, including four fewer aircraft carriers. It would appear that President Clinton's Option C rhetoric may be masking a much smaller, far less capable Option B force structure. Of course, since none of us has seen the details of President Clinton's FY 1994–98 defense plan, definitive conclusions remain elusive.

Even lacking the specific details of the Clinton budget, the magnitude of the President's proposed cuts, the extremely high outlay cut relative to the budget authority cut, and the short time frame (FY 1994–98) within which these cuts will be implemented allows me to make several general observations.

The only way I can envision achieving the level of proposed outlay savings is to dra-

matically cut the fast-spending accounts within the DoD budget—i.e., personnel and/or operations and maintenance/readiness. If the cuts are focused on the personnel accounts, it is not clear that the President will be able to keep his promise of maintaining an active duty force of 1.4 million (down from the Bush Base Force of 1.6 million). In light of the increasing variety of costly early-out incentive programs, the traditional level of savings associated with personnel cuts will be reduced—i.e., paying people to get out costs money. Heavy reliance on personnel cuts to meet an outlay target may therefore require even deeper endstrength reductions than initially envisioned. How much deeper reserve component and civilian personnel would have to be cut is unclear at this time.

Whether or not we can avoid "breaking" the all-volunteer force if we subject it to the cutbacks under consideration remains to be seen. President Clinton's suggestion that military personnel accept a pay freeze in FY 1994 and be given cost of living adjustments below the rate of inflation in the outyears will not help.

If President Clinton is committed to his five year budget plan and an active duty force of not less than 1.4 million, all other accounts in the defense budget will inevitably face large reductions. Single *accounts* could be subjected to cuts larger than the $7 billion (BA) the Congress reduced the *entire* DoD budget request in FY 1993. Potentially debilitating cuts in the readiness accounts could threaten a return to the "hollow military" of the 1970's, while cuts in the force modernization accounts—accounts that have already been dramatically scaled-back under President Bush—could threaten the technological "edge" that President Clinton has vowed to maintain. At a minimum, such cuts will mean ever growing numbers of unemployed defense workers and, over the long-term, a loss of critical defense engineering and manufacturing skills that no "conversion" program can preserve.

Mr. Chairman, there are no easy ways to cut defense after the last eight years of down-sizing. For the most part, the "fat" has long since disappeared and we are now cutting into the "muscle" of our military forces—people and readiness.

Accordingly, I am unable to support President Clinton's FY 1994-98 defense plan. On the heels of the significant down-sizing and restructuring our military has already gone through under President Reagan and Bush, President Clinton's five year plan cuts too deeply and too rapidly.

Sincerely,

FLOYD D. SPENCE,
Ranking Republican,
Committee on Armed Services.

THE INDIAN TRIBAL JUSTICE ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. RICHARDSON. Mr. Speaker, today I am introducing the Indian Tribal Justice Act. This legislation provides for the amelioration of tribal justice systems and the improvement of tribal courts. One of the fundamental maxims of Indian law is that Indian tribes retain any and all sovereignty that is not specifically divested by the Congress. One fundamental exercise of sovereignty is the ability of tribes to administer justice on tribal lands. In 1968, the Congress ensured that tribal justice systems would operate into perpetuity by passing the Indian Civil Rights Act. In the 102d Congress, we affirmed the right of tribes to exercise jurisdiction over all Indians by enacting Public Law 102-137 which the President signed on October 28, 1991.

The funding requested by the Bureau of Indian Affairs for the operation of tribal courts is perennially inadequate. These funds must support the personnel and administrative costs for the operation of 133 tribal courts and 22 courts of Indian offenses. The operation of a tribal judicial system includes the need for probation services, child counselors, and the development of legal research capacities. The Bureau of Indian Affairs has continued to propose reductions in the face of increasing numbers of tribal court cases as well as the increasing numbers of tribal courts. Finally, the funding made available to Indian tribes for their judicial systems is not based on need but rather the funds are based on historic funding levels.

After much deliberation over the last few years, a consensus has developed among tribes on two matters concerning tribal courts. First, tribal justice systems are underfunded. Second, many tribes seek to form some sort of tribally chartered judicial conference. The bill provides for these two concerns.

First, it provides for the elevation of tribal courts to an office in the BIA. The Office of Tribal Justice shall be responsible for providing funds for the development, enhancement, and continuing operation of tribal judicial systems, for providing training and technical assistance to tribal judicial systems and to conduct research and study the operation of tribal judicial systems. The office shall be responsible for the provision of training and technical assistance to any Indian tribe upon request. The office shall establish an information clearinghouse on tribal judicial systems which shall include information on tribal court personnel, funding, tribal codes, and court decisions.

The office is authorized to make a survey of the conditions of tribal judicial systems to determine resources needed to provide for expeditious and effective administration of justice. This survey will be conducted with the active participation of Indian tribes. Indian tribes shall review and make recommendations regarding the findings of the survey prior to final publication of the survey. The office shall report its findings to the Secretary and the Congress.

The Indian Tribal Justice Act provides for base support funding to tribal judicial systems based on objective criteria. It would also require the office with the participation of Indian tribes to develop a funding formula which considers funding needs based on objective criteria.

Second, it allows tribally charted judicial conferences to contract for funding with the Bureau of Indian Affairs under the Indian Self Determination Act. This bold new concept allows tribes, on a voluntary basis, to form judicial conferences based on their own sovereignty. Once tribes form conferences, the conference becomes eligible to contract for all BIA funding for tribal courts that normally flows to individual tribes. I stress that this is voluntary and tribes choosing not to join a conference may either continue to receive services directly from the BIA or enter into their own 638 contract with the Bureau.

The Indian Tribal Justice Act authorizes $7 million to be appropriated for fiscal years 1994 through 2000 for the programs administered by the Office of Tribal Justice. It authorizes $50 million for fiscal years 1994 through 2000 to provide base support funding to tribal judicial systems for fiscal years 1994 through 2000. The bill provides $500,000 for fiscal years 1994 through 2000 for the administrative expenses of the Office of Tribal Justice. Finally, it provides $500,000 for fiscal years 1994 through 2000 for the administrative expenses of tribal judicial conferences.

Mr. Speaker, tribes clearly have the right and authority to operate justice systems. The United States clearly has the trust responsibility to ensure that these tribal justice systems are properly funded and provided with the proper technical assistance. The tribes have shown for years that they are capable of operating successful court systems on shoestring budgets. Now, it is of paramount importance that these courts receive the funding levels equal to the great task with which they are charged—the dispensation of fair and equal justice for Indian country.

The Subcommittee on Native American Affairs of the Committee on Natural Resources will be holding hearings on this important measure. I urge my colleagues to support this bill.

TRIBUTE TO MR. JAMES MICHAEL KEHOE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to Mr. James Michael Kehoe of Menominee, MI. Mr. Kehoe is one of the last true New Deal Democrats.

James Kehoe was born on March 5, 1898, in Menominee. He attended Menominee High School through the 10th grade. In 1915, at age 17, James took a job at the Richardson Shoe factory; a job that paid 7 cents an hour. From 1916 until 1930, he was a cashier for the Carpenter Cook Co.

Like so many people, however, his life changed with the onslaught of the Great Depression, and the compassion of the Roosevelt administration. In 1933, charged by President Roosevelt's aggressive programs under the New Deal, James began the U.S. Employment Service Office for Menominee County. Later he took over the County Welfare Administration and the WPA.

He entered the U.S. Army in 1942 to defend his country against the aggression in Europe and served with distinction until his honorable discharge.

From the time of his discharge until 1970, James worked for several different companies in northern Michigan, usually as office manager. Amazingly enough, he always balanced his work in private enterprise with his fascination and dedication in the arena of public service.

In 1932, he was elected alderman of the seventh ward in Menominee County. He served two terms in this post. Following this, he served as chief supervisor on the County Board of Supervisors until 1948. In 1948, James was elected mayor of Menominee. He was reelected to his second term in 1950 and served until 1954. From 1953 until 1972, he served on the Selective Service Board. All in all, Jim ran for public office 14 times posting a record of 7 and 7; a record which I dare say would make many of my colleagues jealous.

Today, I wish join his wife Jeanette, his three sons, and his nine grandchildren on congratulating Jim on a fine career, and to thank him for his dedication to Menominee, MI, a place which will forever bear his mark.

NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. MARKEY. Mr. Speaker, today I am pleased to introduce House Joint Resolution 138, to designate the week beginning April 12, 1993, as "National Public Safety Telecommunicators Week." This resolution will honor the thousands of public safety officers and employees whose job it is to coordinate, dispatch, and facilitate the execution of law enforcement and emergency response activities in all of our districts.

Every day, Americans place over one million calls to the 911 services. Public safety telecommunicators swiftly and efficiently direct the appropriate law enforcement, medical, rescue, and firefighting teams so that emergency services can respond promptly. The daily regimen of these public safety officers is filled with life-or-death crisis situations to which they must respond calmly, confidently, and with the utmost precision. An untold number of Americans owe their lives to the heroic efforts of these safety officers, yet public safety telecommunicators are virtually anonymous, working behind the scenes with little public recognition for the tremendous value of their service.

Last year, Congress showed its appreciation for public safety telecommunicators by passing and enacting House Joint Resolution 284, which designated the second week of April as "National Public Safety Telecommunicators Week." This resolution not only heightens the public awareness of the lifesaving communications services provided by public safety telecommunicators, it also recognizes the leadership of the Associated Public-Safety Communications Officers [APCO] in ensuring the continued quality of these services. With a national membership of 9,000 public safety telecommunicators, APCO is a unified voice for the public safety community in advising Federal, State, and local government agencies on ways to improve emergency response. The Subcommittee on Telecommunications and Finance, which I chair, has benefited from APCO's input on a number of important issues, which range from spectrum allocation for emerging telecommunications technologies to telephone privacy.

Moreover, as we progress further into the information age, advanced communications technologies will increase the capabilities of public safety telecommunicators. The emergency telecommunications systems of the future will incorporate new technologies such as digital mapping, solar-powered cellular public rescue phones, and "E–911", all of which will enable dispatchers to respond to emergency calls with greater speed and precision. Judging by their past performance, APCO and public safety telecommunicators will soon be on the cutting edge in employing these new technologies and services in order to save lives.

Mr. Speaker, I want to express my enduring appreciation and gratitude to the thousands of men and women whose efforts have long gone without the appropriate public recognition. I urge my colleagues to join me in cosponsoring this legislation.

TRIBUTE TO B. DOYLE MITCHELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. TOWNS. Mr. Speaker, Today I rise to salute B. Doyle Mitchell, one of the leaders of the Nation's banking community.

Mr. Mitchell was the chairman and president of the Industrial Bank of Washington, the second largest minority owned bank in the country. Mr. Mitchell succeeded his father as Industrial's president in 1954 and as chairman in 1955. He was successful in increasing the bank's assets from $7 million to its value of nearly $200 million today. Under his reins, the bank was named the financial institution of the year by Black Enterprise magazine last year. Industrial Bank continues today as the Nation's oldest African American-owned bank.

Under Mr. Mitchell's direction, Industrial Bank continued its practice of focusing on small consumer loans, rather than commercial lending. Mr. Mitchell said the practice reflected the bank's historic commitment to individual black consumers in a city with a large African-American middle class.

Though he was a soft-spoken man Mr. Mitchell was a leader in many local and national organizations. In 1982 he became the first black president of the D.C. Bankers Association. He was also treasurer of the National Business League and a director of Metropolitan Washington, the Washington chapter of the American Red Cross, Insurance Agency Inc., the D.C. Chamber of Commerce, the Dolphin and Evans Title Insurance Co. and Georgetown University. He was a member of the Rotary Club of Washington, the Pigskin Club, Phi Beta Sigma Fraternity, the NAACP and the Lincoln Temple United Church of God of Christ.

B. Doyle Mitchell was a lifelong resident of Washington. He graduated from Dunbar High School and Howard University before attending the Wharton School of Finance at the University of Pennsylvania. He served in the Army during World War II and retired as a colonel in the Army Reserve in 1973.

Mr. Mitchell was a role model for all young people. He strove to make a difference in this world by bringing economic strength and business growth to communities which are traditionally underserved by the financial industry. He will be greatly missed.

TRIBUTE TO DAN BURDETTE MOORE, M.D.

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. MATSUI. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Dan Burdette Moore, M.D., who is retiring from his position as physician-in-chief of the Kaiser Permanente Medical Center in South Sacramento. He has held this leadership position since the medical center opened in 1984.

Dr. Moore's leadership at Kaiser Permanente Medical Center in South Sacramento has led to its growth from one outpatient clinic building to a full medical campus including three outpatient medical office buildings, a full hospital with state-of-the-art operating suites, a stand-alone inpatient psychiatric hospital, and a soon-to-be completed labor and delivery center.

Dr. Moore's outstanding career clearly demonstrates his dedication to the field of medicine and those he serves. He has held faculty appointments with Washington University School of Medicine as a full time instructor and associate professor of surgery; the University of Alabama as an associate professor of surgery; and the University of California, Davis, where he has held several posts.

Prior to his tenure as physician-in-chief at South Sacramento, Dr. Moore held key positions at Kaiser's Sacramento Medical Center, including director of surgical residency program, assistant chief of surgery, and assistant physician-in-chief.

Dr. Moore is a member of the American College of Surgeons, Phi Beta Pi Medical Fraternity, International Transplantation Society, editorial board of the journal Transplantation, Sacramento Surgical Society Board of Directors, Sacramento County Medical Society, California Medical Association, and the Western Surgical Association.

I know Dr. Moore's colleagues at Kaiser Permanente in South Sacramento will miss his presence as both a leader and a friend. I am sure they join me in wishing him happiness in his retirement which will allow him to spend many hours indulging in his favorite pastime of fishing on the Sacramento and American Rivers.

Mr. Speaker, it is with great pleasure that I rise to recognize Dr. Dan Burdette Moore for his achievements. I ask that my colleagues join me in wishing him happiness in his retirement.

RECOGNIZING THE PEACE CORPS' ACCOMPLISHMENTS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. GILMAN. Mr. Speaker, the Peace Corps, an institution that has made quite a difference in the world, recently marked its 32d anniversary.

At a time when we are all searching for ways to cut the Federal budget, we must remember that there are at least a few programs—such as the Peace Corps—that are meaningful, worthwhile, and cost effective.

For 32 years, the Peace Corps has done much to ease human suffering, assist international development, and promote U.S. interests abroad. In recent years, the Peace Corps has risen to meet the challenges of a rapidly changing world, as Peace Corps volunteers have arrived in new democracies across the globe, including the former Soviet Union. In its 32-year history, more than 135,000 volunteers have served in over 100 countries worldwide.

Both as a symbol of American goodwill and as a vehicle for real change throughout the world, the Peace Corps has contributed a great deal to U.S. foreign policy. Accordingly, I invite my colleagues to join with me in congratulating this venerable organization on its 32d birthday.

IN RECOGNITION OF A TRUE AMERICAN PIONEER

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. SCHAEFER. Mr. Speaker, I rise today to recognize and bring to the attention of the House the achievements of a distinguished constituent from Colorado, Capt. Elrey Borge Jeppesen. This week, Captain Jeppesen is being presented the Coors American Ingenuity Award during festivities hosted by the National Association of Manufacturers.

Captain Jeppesen's contributions to aviation began in the early 1920's as his passion for flying took him from barnstorming to becoming one of the Nation's first airmail pilots. With a pilot's license signed by Orville Wright, Captain Jepp's vision for safe, efficient navigation system evolved from notes he recorded in a little black book as he flew his airmail route in an open cockpit biplane. In those early days of aviation, pilots had little to rely on in the way of navigation aids except for their own skills and courage and an occasional phone call to local farmers to see what the weather was like up ahead. Jeppesen began sketching landing sites and noting obstacles and landmarks along his routes. From these hand-drawn notes came today's well-known Jepp charts which are used by the majority of the world's airlines and professional pilots.

Jeppesen's foresight and tenacity created a standard for worldwide air navigation that has been unequaled for almost 6 decades. Jepp charts, as they are known to the pilots who rely on them, quietly touch the lives of millions each day, as passengers and cargo are routed through busy airport terminals around the world, and as the pilots of lifesaving air rescue and air ambulance flights trust their Jepps to take them and their fragile cargo to a safe haven. In the cold mist of a Rocky Mountain winter almost 60 years ago, a lone airmail pilot with a vision helped change the course of aviation's future.

Captain Jepp's accomplishments reflect the components necessary in the advancement of American competitiveness in the world economy. Colorado-based Jeppesen Sanderson, the company that began as a little black book full of hand-drawn sketches and diagrams, now operates from facilities in Germany, England, and Australia, as well as across the United States. A liaison office here in Washington functions as Jeppesen's link with the Federal Aviation Administration, and a field office in Omaha provides flight planning support to the U.S. Air Force transport fleet. Today, the company is the world's largest provider of flight information services and has, over the past several years, expanded its operations to include a multitude of flight information and pilot training support services.

Captain Jeppesen has received numerous awards from his aviation family, and was most recently honored by having the main passenger terminal building at the new Denver International Airport named for him. The terminal building will house a bronze statue of Captain Jepp, which embodies the pioneering spirit of his early days in aviation, along with a museum tracing the history of air navigation and air safety, both of which were significantly influenced by Captain Jeppesen.

In closing, I would also like to take a moment to recognize the Coors Co. for their efforts in identifying and honoring great Americans such as Captain Jepp. The Coors award was created to honor individuals like Elrey Jeppesen who have forever changed the face of business. It is my great pleasure to bring the occasion of Captain Jeppesen's honor to the attention of my colleagues here in the House.

NATIONAL SERVICE: A GOOD IDEA THAT MUST BE CAREFULLY STRUCTURED

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. MONTGOMERY. Mr. Speaker, I support the concept of national service, and I applaud President Clinton for advocating this notion. I sincerely believe that each of us has a responsibility to do what we can to improve our community, our State, our country, and our world. As the President stated in his remarks regarding national service, at Rutgers University last week, "* * * each of us has an obligation to service."

I also believe that benefits—particularly GI bill benefits—earned by those who volunteer to serve in our Nation's military—thereby subjecting themselves to the rigors, hazards, and discipline which are unique to military service—must be more generous than those earned by individuals who perform civilian duties under a national service program.

Military service is the essence of national service. What greater sacrifice can a citizen make than to put himself, or herself, in harm's way in order to preserve and defend the liberties all of us so deeply value? This potential for ultimate sacrifice should be rewarded accordingly.

A more pragmatic concern I have relates to the ability of the Armed Forces to recruit the smart, committed men and women they need to effectively maintain our national security.

Disturbing statistics show that the services are having difficulty maintaining the recruiting successes of recent years. Because of the widely publicized downsizing of the military and reductions in the services' advertising budgets, young people and the public at large think the Armed Forces are not hiring.

Consequently, in order to meet their quotas recruiters are being forced to accept applicants who score in the lowest acceptable level of the Armed Forces aptitude test.

If the benefits offered for performance of civilian duties under a national service plan are competitive with those offered for active duty in the Armed Forces, most young people will choose to help out in the nearby day care center rather than undergo the unique stresses and challenges of military life. The recruitment problems now being experienced by the Armed Forces would then be greatly escalated and could lead to the turbulence in the services that was so prevalent in the late 1970's and early 1980's.

Those who are working on President Clinton's National Service Program must keep these important issues in mind as they make final decisions regarding the structure of this program.

HAPPY BIRTHDAY TO CHARLIE GIBSON

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. MICHEL. Mr. Speaker, today is a landmark day for an individual with whom many of us in this House share a great friendship and fond memories.

Charlie Gibson, the host of "Good Morning America," is 50 today.

He's come a long way from those days of youth when he peered longingly at the gates to Wrigley Field hoping for an autograph of Ernie Banks and dreaming, just dreaming of the day he might play in the big leagues.

Charlie's path in life went in a different direction. He came to Washington more than a dozen years ago as a budding correspondent for ABC News. The years he spent on the Hill were good years for him and us. He was and remains today, one of the best, most professional and most objective, probing reporters to ever cover this House. He asked more questions and delved more deeply into the intricacies of the legislative process than many of his peers. It was a pleasure to talk with him and work with him. He was motivated by the

highest standards of the journalistic profession and practiced his trade with openness, honesty, integrity, sound judgment, and a real feel for the interaction of politics and public policy.

Charlie's greater celebrity status as the highly successful host of "Good Morning America" has not undone those human and professional qualities which have endeared him to millions of Americans.

I hope you will all join in wishing Charlie a very happy birthday and continued success.

PROTECTING THE PUBLIC FROM TOXIC CARPETS: THE EPA MUST ACT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. SANDERS. Mr. Speaker, in March 1985, Linda Sands installed 130 yards of carpeting in her family's Montpelier, VT, home. Within hours, her house was penetrated by strong chemical fumes and her family's health problems began: Headaches, dizziness, burning throats, double vision.

After 3 weeks of chasing down the carpet installers, the Vermont Health Department, a private physician, and finally a private laboratory, Sands had the carpet removed and left her home for 6 weeks while her house was being cleaned. She thought that her problems were over. She was wrong. To this day, 7 years later, she and her five children are chronically ill from the carpeting installed that chilly March 7 years ago.

Sands told her story in October 1992, at a Senate subcommittee hearing which I asked Senator JOSEPH LIEBERMAN, chairman of the Senate Consumer and Environmental Affairs Subcommittee to convene. I made the request after being contacted by Dr. Rosalind Anderson of Anderson Laboratories in Dedham, MA. Dr. Anderson has devised a way to test carpet samples to see if they are emitting fumes that might be hazardous to human health. The test exposes mice to air that has been drawn over carpet samples.

While it is important to remember that not all carpeting gives off hazardous chemicals, Dr. Anderson's results are extremely disturbing. When she tested Linda Sands' carpeting, for example, all four of the test mice exposed to air blown over the carpets died within hours—even though the carpet sample was 7 years old. Carpeting from the Montpelier High School in Vermont, and the Vermont State Agriculture Building, also tested toxic.

In fact, of the 100 suspect carpet samples submitted to Dr. Anderson since we brought this issue to the public, virtually every one has produced ill health symptoms in the test mice—ranging from tremors to death. Of the many random samples that Dr. Anderson has purchased, about 25 percent have tested dangerous to human health, an indication that as much as one-fourth of all carpeting on the market may be hazardous.

To make matters worse, this problem seems to occur in a wide variety of brands and styles of commercial carpeting with some batches of the same line worse that others. Some scientists think that the problem stems from the process during which carpet fibers are adhered to their latex backing. It is not manufacturer-specific.

By establishing a causal link between illness and commercial carpeting, Dr. Anderson provides a powerful incentive for Government to protect the public health. In 1988, the EPA removed more than 20,000 square feet of new carpeting from its own Washington headquarters after hundreds of workers suffered health problems, some becoming permanently disabled from the toxic carpet. When replacing the carpet, the EPA set toxicity requirements, deciding, not to purchase carpet containing a specific chemical—4–PC. While acting immediately to protect its employees, only recently has the EPA taken action to warn and protect the general public.

Likewise, the Consumer Products Safety Commission refused to hear a petition to place warning labels on new carpets from the attorneys general of 26 States whose constituents echoed the complaints of Sands, experiencing a wide range of ill health effects from their carpeting. Since we publicized this issue, and stories were broadcast on the CBS "Evening News," and CBS "Street Stories," hundreds of people have contacted Dr. Anderson, CBS, and our office.

What can be done?

Dr. Anderson's test methodology has been approved by researchers at Consumers Union, and her test results have been replicated by Dr. Yves Alarie at the University of Pittsburgh, and by the carpet industry itself. In a recent meeting at my office, representatives of three divisions of the EPA acknowledged the importance of this issue and promised to move forward as quickly as possible to finish replicating Dr. Anderson's tests by June 1993. So far, all the tests—including those so far released by the EPA—have confirmed the results obtained by Dr. Anderson. If the final results of the EPA tests reaffirm the other results, it is my belief that the EPA is compelled under the Toxic Substance Control Act to force carpet manufacturers to change the production process to eliminate the health hazards now associated with certain carpets.

The EPA must also demand that the Carpet and Rug Institute, the lobbying arm of the carpet industry, suspend its so-called green tag program. Under that program, the industry tests one sample per year of a carpet line and gives it a green tag if it meets emission requirements, even though future batches may contain greater chemical emissions. This labeling program is grossly misleading because it gives consumers the false impression that the carpet they are buying has been tested and proves safe, when in most cases it has not. We are also asking the EPA to immediately suspend distribution of its deceptive brochure, "Indoor Air Quality and New Carpet—What You Should Know," and publish a new brochure which provides consumers with the most up-to-date findings in this area.

We are also pushing the EPA to work with other Government agencies such as the National Institute of Occupational Safety and Health to coordinate whatever resources and services are required to ensure that workers producing carpets are protected from potential health hazards. Representative MIKE SYNAR, chairman of the House Government Operations Committee Subcommittee on Environment, Energy and Natural Resources, and I hope to convene a hearing this spring, in order to ascertain what progress is being made by the EPA and the industry in addressing this serious public health concern.

The bad news is, that for too many years, the Consumer Product Safety Commission and EPA have failed to respond to consumer concerns regarding potential health hazards associated with carpets. The good news is that the EPA is now responding and replicating the important laboratory work done by Dr. Rosalind Anderson. A number of us in Congress will demand that EPA sticks to its schedule and acts vigorously to protect the public health.

HOUSE JOINT RESOLUTION 137

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. COOPER. Mr. Speaker, I rise today to introduce a resolution to protect the natural gas consumers in my district. My resolution, House Joint Resolution 137, calls on the Federal Energy Regulatory Commission [FERC] to halt further implementation of Order No. 636 until the GAO report that Chairman Dingell and I asked for is completed.

Last April, FERC issued new regulations in Order No. 636 that required major changes in services provided by regulated interstate pipelines throughout the Nation. Though it was designed to increase the efficiency of the natural gas industry, I am worried that Order No. 636 might simply make gas cost more. The utility bills of residential and commercial consumers may well rise by several billion dollars a year. More importantly, this regulation could harm the reliability of natural gas service to residential customers and other high-priority end users, including hospitals and schools.

The regulations adopted by FERC in Order No. 636 force substantial changes in the structure of the various components of the natural gas industry. Meanwhile, FERC has not provided Congress with an analysis of the economic impact of Order No. 636 on the various classes of natural gas and users. That's because FERC has not conducted such analysis. On February 18, 1993, the FERC Acting Chair Elizabeth Moler confirmed that the Commission had used only limited economic analysis in drafting Order No. 636.

FERC is forcing one of the most important regulatory changes in the history of the gas industry without any hard evidence of the impact on the residential gas consumers it is sworn to protect. I am simply not willing to let my constituents' gas bills rise without some study being done of what they eventually may pay.

Last year, House Energy and Commerce Chairman JOHN DINGELL, Energy and Power Subcommittee Chairman PHIL SHARP, Representative THOMAS BLILEY, and I asked the General Accounting Office to conduct a study of Order No. 636's economic impacts. The GAO study will be complete in May 1993. Since FERC never bothered to do this analy-

sis themselves, I think it is only prudent that FERC not be permitted to allow final implementation of Order No. 636 until the GAO report is complete.

I am introducing House Joint Resolution 137 to protect my constituents. Senator PAUL WELLSTONE shares my concerns and is introducing a similar resolution in the Senate today. I applaud his efforts and would like to thank him for his leadership on this role.

I urge my colleagues to support this resolution and keep environmentally sound, domestically produced natural gas both affordable and reliable.

HONORING SOUTHERN CALIFORNIA BUSINESSMAN WILLIAM J. GRIFFIN

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. DORNAN. Mr. Speaker, I would like to take this opportunity to congratulate Mr. William J. Griffin, of Griffin Hardware, on the occasion of his election to the presidency of the National Retail Hardware Association [NRHA].

Following in the tradition of his father, who opened Griffin Hardware back in 1953, Bill Griffin is the successful owner and operator of two family-run hardware stores in southern California. With the help of his wife, Sharon, and daughters, Shannon, Kelly, and Stacey, Bill has consistently provided quality products and services to the many customers that have sought his business over the years.

Knowing that NRHA's primary purpose is to assist hardware retailers with necessary services, programs, and information while representing their interests at all levels of government, I believe Bill Griffin will do an outstanding job as the newly elected president of NRHA. He has shown true dedication to the prosperity of the retail hardware industry, and has indeed became one of southern California's most able and respected leaders in the small business community.

I am confident that Bill's knowledge and expertise of the industry will help retail hardware businesses across the Nation become more viable and prosperous enterprises, and I would like to congratulate him on the occasion of his election to president of the NRHA.

LEGISLATION TO AMEND THE NATIONAL HOUSING ACT TO REDUCE THE MINIMUM DOWNPAY- MENT REQUIRED FOR A MORTGAGE IN DESIGNATED HIGH-COST AREAS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mrs. MINK. Mr. Speaker, today I am introducing a bill that will propose to amend section 203 of the National Housing Act to reduce the minimum downpayment required for a mortgage on a 1- to 4-family residence located in Alaska, Guam, Hawaii, and the Virgin Islands to be eligible for mortgage insurance under this act.

The National Housing Act was amended last year to increase the downpayment requirement to 10 percent on the amount of a mortgage loan in excess of $125,000. This amendment unfairly excludes many potential home buyers from obtaining affordable housing in Alaska, Guam, Hawaii, and the Virgin Islands—markets with inflated real estate prices.

Currently, the maximum mortgage amount under the act for a one bedroom unit is 95 percent of the median of housing price in the area or 75 percent of the Freddie Mac limit.

Mr. Speaker, the most expensive housing market in the Nation is Honolulu, HI. In 1992, the average cost of a home was $349,700. In 1991, the average cost of a home in Honolulu was $338,700. In comparison, at the end of 1991, the average price of houses in the 32 markets studied by the Federal Housing Finance Board was $150,300.

In high-cost markets such as Alaska, Guam, Hawaii, and the Virgin Islands, a reduction of 5 percent in the downpayment on the amount in excess of $125,000 means the difference between obtaining an affordable housing unit or being caught in the oppressive rental market and unable to purchase a home.

The act currently requires a downpayment of 3 percent on the first $25,000; 5 percent on the amount between $25,000 and $125,000; and 10 percent on amounts above $125,000. This bill proposes to treat Alaska, Guam, Hawaii, and the Virgin Islands in a fair and reasonable manner, maintaining the 5 percent downpayment level for that portion of the mortgage loan in excess of $125,000. Last year's amendments to the National Housing Act, Public Law 102–550, failed to provide Alaska, Guam, Hawaii, and the Virgin Islands an exemption from the increase to 10 percent, but still required higher levels of insurance coverage only for Alaska, Guam, Hawaii, and the Virgin islands.

Mr. Speaker, the bill I am introducing today is not seeking favored status for Alaska, Guam, Hawaii, and the Virgin Islands, but rather is seeking equitable treatment and equal status under the National Housing Act.

In this spirit of fairness, I urge my colleagues to support this bill.

RECOGNITION OF INTERNATIONAL WOMEN'S DAY

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. KOPETSKI. Mr. Speaker, yesterday was International Women's Day. This occasion gives every Member of Congress an opportunity to question human rights for women in this country and around the world. Women, predominantly in the developing world, continue to endure the cruelest human rights abuses, often under the guise of cultural norms.

In August of 1991, I had the opportunity through my work on the Judiciary Committee's Subcommittee on International Law, Immigration and Refugees to visit several refugee camps in Asia and the Middle East. In northern Thailand, I observed rampant prostitution, perhaps the cruelest human rights abuse, that was very much a part of this region's culture and economy. I attached a letter I received recently from a friend currently working in Thailand. This letter describes this situation in great detail: It is perhap's, the saddest, most tragic letter I have ever received. I have deleted names or replaced names with initials where appropriate and ask that the letter be printed in the RECORD at this point. As world citizens we have much to do in the area of human rights for women. Our national policies should reflect the concerns and goals we have identified as world citizens.

BANGKOK, THAILAND

December 31, 1992.

DEAR MIKE: Thank you very much for your November 5 letter and congratulations on your re-election.

A lot has happened since I last wrote you. K and I have not yet visited my mother in Annapolis or we would most definitely have given you a call. Unfortunately, K left me about four months ago, our parting was a friendly one. She had not contacted me until yesterday when she called to say she was leaving on the ten o'clock flight to Japan. She has entered into a two year contract to go there and work as a prostitute. This is something her family had been asking her to do since before she met me, one of the many strains on our relationship.

It's a long story, but the basic problem was that K was unable to break away from the same social problems and stigma that led to some of the more unfortunate scenes you witnessed during your visit.

Like her childhood girlfriends, K was expected to be a prostitute from an early age and she accepted this. She was sold at age 14 to a brothel in Bangkok, had a few very bad experiences, and wanted desperately to change her situation by the time she met me three years later. This is rare, most three year veterans tend to accept their lot, not K—she was too smart and too rebellious, which is why we fell in love. During the two years we were together she tried but just couldn't adopt a new life, it was too foreign for her. She needed more support than just me, it takes personal discipline for anybody to change themselves. K wanted it, but personal discipline is not the kind of thing you can get from a spouse. K needed family support or some sort of support structure that she could identify with.

If you had had a little more time with us I'm sure K would have told you her story. After your visit we talked quite a bit about you and what I thought you could do to effect a change for Thai women. She acted incredulous but I know she was impressed with the vision of what good works could be brought about by a caring American politician. When she called yesterday, I asked her what to write to you and what she thought you could do for Thai women. She said, "Tell Kopetski I am happy to know him" and "Only the King or maybe the new government can really do something to help us."

The only positive thing about all of this is that, in the two years that K and I were together she learned a great deal from the people (like you) that she came into contact with. This had a positive effect on her level of expectations in life, she will plan something different for her future children. Assuming of course, that she survives into re-

tirement (mid to late 20s) with out contacting HIV/AIDS. I'm hopeful that she is smart enough to do so and Japan has an excellent health record in that regard.

As much as K learned she taught, to me and her American friends. She took us on an emotional tour of a world that few Americans can ever imagine and gave a face to the thousands of women locked in her social position. I love and miss her.

She promised to keep in touch from Japan and asked that I forward the addresses of our mutual friends once she has an address there.

This hasn't been an easy letter to write, I've been at it since early December, K's call was the final impetus. As hard as it is to recount this painful experience it is a hell of a lot easier than it was for K to get on that flight to Japan last night.

The solution lies, as K said, among the highest of the land. Accountability is what makes a leader react. If high level Thai leaders feel accountable they will act. They have to be seen by the world community and their own people, speaking out against the widespread practice of slavery that is thriving in this country. Only then will they feel that their "face" is on the line and that they are accountable. It has to become a big issue, tied in with U.S. assistance. Why does the U.S. government provide aid to a country whose police force is actively involved in slavery? The numbers are outrageous and there are NGOs in Thailand who can identify brothels being operated under the auspices of entire police forces, just like the ones K and I showed you.

Well, I want to get this off before the end of the year. Please give my best regards to.

Sincerely,

_____.

Mr. Speaker, I also attach for the record an excellent column written by Ellen Goodman that appeared in The Washington Post over the weekend. I particulary want to associate myself with the following paragraph, "We have to restructure a foreign policy that focuses on the environment, on population, on the world economy. We can only do that if women's rights and roles in everything from education to reproduction are part of the picture." I wholeheartedly agree and recommend Ellen Goodman's column to my colleagues.

[From the Washington Post, 1992]

WOMEN ACTIVISTS IN A HUNDRED COUNTRIES

(By Ellen Goodman)

Boston—These are times when Americans have to slip a new set of lenses into an old pair of frames.

The political prescription that we wore for so long produced a kind of Cold-War myopia. For almost 50 years, we pictured the world in terms of East and West, the Soviet Union and America. It was virtually all we could see.

Now we are looking out again. The people and the problems that were once just outside our peripheral vision have come into clear view.

Ideed on Monday, the International Women's Day will mark a "see-change" in our understanding of the harsh realities of women's lives. It comes at time when women's rights are finally being included in the panorama of human rights.

The starkest example of this change has come with the reports by victims and witnesses from Bosnia. Rape was once regarded as an inevitable byproduct of war, if not an actual perk for warriors. But this year it is a war crime, slated to be a centerpiece of any tribunal called for by the United Nations.

In France, the genital mutilation of two immigrant girls from Gambia—a ritual clitoridectomy—would have once been dismissed as a religious or family affair. This winter, the mother who ordered the mutilation was sentenced to jail.

In Korea, women kidnapped and held captive as "comfort women" for Japanese soldiers had been silenced by shame since World War II. This year, they spoke out about sexual slavery.

In Canada, a Saudi woman sought political asylum on the grounds that she was in grave danger back home because of her views on the status of women. Now, after refusing and then allowing her permission to stay, the Canadian government is considering granting refugee status for the victims of gender discrimination.

From Kuwait, too, the world learned of more protests by Philippine maids held captive at their jobs. From India came the story of a 13-year old girl saved by a flight attendant after she had been sold into marriage by her parents to an elderly Middle Eastern buyer. And from the United Nations came the news that the Conference on Human Rights meeting in Vienna this June will include—for the first time—a substantial agenda of women's rights issues, from voting to violence.

It is not a coincidence that these stories have flashed into our line of moral vision now. It's the work of women in the international human rights community who have stripped off their organizations' old blinders. It's the work of women activists in a hundred countries where abuse once took place in the shadows.

The remarkable thing is that for so long a time, diplomats and foreign ministers dismissed the mistreatment of women as a private, not a public matter. As Dorothy Thomas, the head of women's rights for Human Rights Watch describes it, "Violence against women has been misconceived as a private thing, an incidental thing, an unfortunate thing and a cultural thing. Any thing but a human rights thing."

Indeed the range of laws and customs that enforce second-class status by sex were often defended as part of a country's tradition or religion. We tiptoed around these issues, talking discreetly in hushed diplomatic tones about cultural relativism.

Now, as Thomas says, "the women activists in these countries are saving themselves, 'there's a big difference between recognizing we come from different cultures and falsely using culture to justify a violation of human rights.'" It's the abusers, she says, who use the cultural defense.

The world long ago stopped excusing slavery. Anyone who tried to defend apartheid on the grounds of cultural relativism today would be laughed off the international stage. We are beginning to change attitudes toward women's status as well.

So, on this International Women's Day, the world's eyes will be open to violence as far abroad as Bosnia. Women's rights are being seen, literally seen, as human rights.

In our country we are sorting out priorities and policies for the post-Cold War world.

We have to restructure a foreign policy that focuses on the environment, on population, on the world economy. We can only do that if women's rights and roles in everything from education to reproduction are part of the picture.

This new vision of the world demands a very wide-angle lens.

Whether it's peace and reconciliation in the Central American nations of El Salvador, Guatemala, and Nicaragua, the Balkan conflict, Haiti, the newly independent states or the United States of America, women's human rights are fundamental to a healthy, prosperous and just society. I ask my colleagues to remember and recognize this every day here on the floor of the House of Representatives.

INTRODUCTION OF TRUST INDENTURE REFORM ACT OF 1993

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1993

Mr. KLECZKA. Mr. Speaker, today I rise to introduce the Trust Indenture Reform Act of 1993, a bill that would strengthen protections for investors in publicly offered securities by updating the current law's provisions on successor liability to address new types of mergers.

The need for this amendment to the 1939 trust indenture law grew out of case in Wisconsin that involves two Milwaukee corporation. Many of my constituents have been adversely affected by this situation, some of them losing more than half the value of their original investment in Farm House bonds, and the remainder persevering in a class action lawsuit in the hope that they can recoup the full value of their investment.

How did this unfortunate situation come to pass? In 1979 and 1987 the Farm House Foods Corp., a holding company, offered $21 million in debentures. Many of my constituents bought these high-yield, low-grade bonds because they seemed to be a good investment. However, shortly after the public offering, Farm House transacted a convoluted series of share exchanges and stock sales with its subsidiary, Diana Corp. This flip-flop transaction in effect made Diana the new parent company. In reality, this transaction was a de facto merger of Farm House and Diana. Shortly afterwards, in 1989, Farm House declared bankruptcy and defaulted on payment of the bonds.

In merger cases, the successor corporation—Diana in this case—usually continues paying for the bonds and other debts of the issuer—Farm House in this case. However, because the transactions were share exchanges, Diana argues that it does not have to honor the Farm House bonds. The company bases this claim on the fact that the text of the 1939 trust indenture law does not explicitly cover share exchanges or equivalent transactions.

Enough is enough. The bald attempt by Diana to defraud Farm House bondholders has caused a great deal of pain, loss, and financial hardship for investors who had faith in the marketplace. The substance of Diana and Farm House's actions was a merger, even if the label under which it was carried out does not explicitly say so. Accordingly, the Trust Indenture Reform Act of 1993 closes this loophole in the 1939 law by inserting language that covers these types of transactions, and explicitly requires successor liability in share exchange transactions or other sorts of transactions that have an equivalent effect. Follow-

ing my statement is a letter of support for this legislation from the Commission of Securities for the State of Wisconsin.

I strongly believe this legislation is needed to discourage other companies that may in the future seek to follow Diana's fraudulent example. Such a scenario is not as farfetched as it may seem because the amazing growth in the value of Diana stock recently has been spotlighted in the Wall Street Journal, USA Today, as well as the Milwaukee Journal, and Milwaukee Sentinel. In 1992, the value of the company's stock rose 181 percent. In fact, during the first 5 months of the Clinton administration, a time of uncertainty and loss for some stocks, the closing price of Diana stock rose from $7.875 for $173.9. While the company is raking in profits the bondholders are still awaiting payment.

The legislation I have introduced today sends a clear message that such money-making schemes will not be tolerated. The public's interest must be protected to maintain confidence in capital markets and promote a healthy economy. Without enactment of this bill, I strongly fear that other companies will mimic Diana.

For these reasons, I urge my colleagues on both sides of the aisle to support the Trust Indenture Act of 1993. This consumer protection measure deserves to become public law this year. Thank you.

STATE OF WISCONSIN,
OFFICE OF THE COMMISSIONER OF SECURITIES,
March 5, 1993.

Hon. GERALD KLECZKA,
U.S. House of Representatives,
Rayburn House Office Building, Washington, DC.

Re congressional legislation to amend the Trust Indenture Act of 1939 to expand protections for public bondholders.

DEAR REPRESENTATIVE KLECZKA: This Office strongly supports the legislation you are introducing to amend the Trust Indenture Act of 1939 to expand that Act's protections for the benefit of public purchasers of bonds.

As you know, among the purposes of a trust indenture covering bonds sold to investors in public offerings is the providing of basic rights to, and protection for, bondholders when the corporate issuer of the bonds engages in certain transactions that affect the corporate issuer's ability to pay principal or interest on the bonds.

In particular, the so-called "successor liability for payment" provisions that are found in section 801 and 802 of the American Bar Foundation's Model Debenture Indenture Provisions seek to require "successors" resulting from either mergers with, or the sale of substantially all the assets of, an issuer of bonds, to assume payment responsibility on the bonds. However, as you are aware, the ABF Model provisions not only are outdated (having been created in 1967), but they also may be modified or even deleted from the trust indenture actually issued in any particular public offering of bonds. Wisconsin public bondholders have been adversely effected in at least one recent instance by the inadequacies of the successor liability provisions in the particular trust indentures covering the bonds involved.

We strongly support your legislation because it would provide three major benefits to investors in publicly-registered bond offerings under the federal securities laws:

(1) The trust indentures for such offerings would have successor liability provisions which would be updated, complete and flexible to assure that a "successor" to a corporate issuer of debt securities resulting from a merger or a sale of substantially all the assets or resulting from any other transaction having substantially equivalent effect assumes payment responsibility on the bonds.

(2) Because the specific language of such "successor liability for payment" sections would be mandated (as a result of your legislation) under the Federal Trust Indenture Act of 1939, issuers could not avoid its impact by making deletions or additions.

(3) The U.S. Securities and Exchange Commission, as the governmental agency administering the Trust Indenture Act of 1939, would have its present oversight responsibilities under the Act expanded to cover "successor" situations where regulatory action might be warranted on behalf of public bondholders.

In summary, this Office supports the legislation as being in the public interest and necessary for the benefit of public bondholders to remedy deficiencies in current law relating to trust indentures.

Sincerely,

WESLEY L. RINGO,
Commissioner of Securities.

H.R. 1258

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) interstate public offerings of debt securities by corporations and other entities that are registered under Federal securities laws are required to be covered by a trust indenture meeting the requirements of the Trust Indenture Act of 1939 ("1939 Act");

(2) a trust indenture is a contractual agreement between the issuer of the debt securities and a financial institution as trustee for the benefit and protection of public debtholders;

(3) a trust indenture under the 1939 Act sets forth certain responsibilities and rights of the issuer and the trustee, including the obligation of the issuer to make payment of interest and principal on the debt securities to debtholders, and it sets forth events of default which can trigger actions by the trustee on behalf of the debtholders to have the default cured or to otherwise obtain payment for debtholders;

(4) the 1939 Act does not, however, contain provisions that would require a successor corporation to the issuer resulting from a merger, consolidation, sale of substantially all of its assets, share exchange or other transaction having substantially equivalent effect, to assume payment responsibility for the predecessor/issuer's debt securities;

(5) sample trust indenture provisions set forth in sections 801 and 802 of the American Bar Foundation's Model Debenture Indenture Provisions ("ABF Model Indenture", approved and adopted in 1967) for registered public offerings of debt securities attempt to deal with the "successor responsibility for payment" situation, but fail to specifically cover "share exchanges" (which are types of corporate reorganization transactions developed subsequent to 1967) or "equivalent effect" transactions;

(6) issuers of debt securities are not currently required to include in their trust indentures any section dealing with the "successor liability for payment" situation, inasmuch as inclusion of the ABF Model Indenture provisions on that subject, in whole or in part, is voluntary by the issuer;

(7) certain issuers of debt securities to the public in registered offerings have engaged in share exchange transactions (that are substantially equivalent to mergers), with successor corporations, where such issuers have sought to avoid successor payment responsibility on the debt securities on the premise that the language of their trust indenture provisions regarding successor payment responsibility does not specifically cover share exchanges nor state that such sections would be applicable to any other transactions having effects substantially equivalent to a merger, combination, or sale of substantially all the issuer's assets; and

(8) it is appropriate and necessary for the protection of public purchasers of debt securities in publicly registered offerings under the Federal securities laws that trust indentures relating to such debt securities be required under the 1939 Act to have successor payment responsibility provisions, and that such provisions be drafted with language that is both complete and flexible in order to assure that a successor to an issuer of debt securities resulting from a merger or equivalent transaction cannot avoid payment responsibility that would disastrously injure public debtholders.

SEC. 2. AMENDMENT TO THE TRUST INDENTURE ACT OF 1939.

The Trust Indenture Act of 1939 is amended by adding after section 328 (15 U.S.C. 77bbbb) the following new section:

"MERGER, CONSOLIDATION, CONVEYANCE, OR TRANSFER.

"SEC. 329. (a) CONDITIONS ON TRANSACTION.—An issuer of any security subject to this title shall not consolidate with or merge into any other corporation or convey or transfer its properties and assets substantially as an entirety to any person, or engage in any equity or share exchange transaction with any other person or with the security holders of any other person which results in a reduction of the assets available to the issuer, or engage in any other transaction having a substantially equivalent effect, unless—

"(1) the corporation formed by such consolidation or into which the issuer is merged or the person which acquires by conveyance or transfer the properties and assets of the issuer substantially as an entirety, or the person which acquires the shares of the issuer or whose equity holders acquire such shares, in a transaction which results in a reduction of the assets available to the issuer, shall be a corporation organized and existing under the laws of the United States of America or any State or the District of Columbia, and shall expressly assume, by an indenture supplemental hereto, executed and delivered to the trustee, in form satisfactory to the trustee, the due and punctual payment of the principal of (and premium, if any) and interest on all the securities and the performance of every covenant of the indenture on the part of the issuer to be performed or observed;

"(2) immediately after giving effect to such transition, no event of default, and no event which, after notice or lapse of time, or both, would become an event of default, shall have happened and be continuing; and

"(3) the issuer has delivered to the trustee an officers' certificate and an opinion of counsel each stating that such consolidation, merger, conveyance, transfer, equity or share exchange transaction, or transaction having a substantially equivalent effect, and such supplemental indenture comply with this article and that all conditions precedent herein provided for relating to such transaction have been complied with.

"(b) RIGHTS AND OBLIGATIONS UNDER INDENTURE OF SUCCESSOR CORPORATION.—Upon any consolidation or merger, or any conveyance or transfer of the properties and assets of the issuer substantially as an entirely, or equity or share exchange transaction described in subsection (9), or any transaction having a substantially equivalent effect, in accordance with subsection (9), the person subject to subsection (a)(1) shall succeed to, and be substituted for, and may exercise every right and power of, the issuer under the indenture with the same effect as if such successor corporation had been named as the issuer: *Provided, however,* That no such consolidation, merger, conveyance, transfer, or equity or share exchange or other transaction shall have the effect of releasing the issuer, or any successor corporation which shall have become a successor by operation of this section from its liability as obligor and maker on any of the securities.".