SENATE—*Wednesday, February 24, 1993*

(Legislative day of Tuesday, January 5, 1993)

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

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, Rev. Dr. Richard C. Halverson.

PRAYER

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

Let us pray:

Almighty God, we thank You for the faith of our fathers which saturated their thinking, writing, and speaking. Help us to rediscover that faith. We hear President Washington calling the Nation to prayer in 1789: "It is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to employ His protection and favor." He urged the Nation "in most humbly offering our prayer in supplication to the great Lord and ruler of nations, and beseech Him to pardon our national and other transgressions * * *." He urged by prayer "to promote the Knowledge and Practice of true Religion and Virtue * * *."

Gracious God of our fathers, restore to us the faith of the leadership of this Nation in its formative years.

In the name of Jesus, the Light of the world. Amen.

RESERVATION OF LEADERSHIP TIME

The PRESIDENT pro tempore. Under the standing order, leadership time is reserved.

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Under the order previously entered, the Senator from Idaho [Mr. KEMPTHORNE] is recognized to read George Washington's Farewell Address.

Mr. KEMPTHORNE, at the podium, read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflec-

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

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tion, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiations by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances,

however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political system is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of factions, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one party against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by unsurpation; for through this, in one instance, may be the in-

strument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, but ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation within its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumberable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defense posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our Nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible to my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period for the transaction of morning business not to extend beyond the hour of 12 o'clock noon, with Senators permitted to speak therein for not to exceed 10 minutes each.

Mr. KEMPTHORNE. Mr. President, I 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 10 minutes.

THE PRESIDENT'S PLAN

Mr. GRAMM. Mr. President, I want to begin this morning by congratulating our President for deciding to delay action in Congress on a bill that would increase spending to stimulate the American economy by $16 billion. We will, on the floor of the Senate at the appropriate time, have a lengthy debate and, I am sure, an informative debate about the content of that pro-

posal, about whether or not it is, in fact, an economic stimulus package. But I think the President's decision to delay that vote, to give the Congress and the President an opportunity to show that they are going to do something about the deficit first is wise, and I strongly support that decision.

But, Mr. President, I want to quickly add that the problem is not just timing. The problem is the reality of the President's plan. The problem is that the President's plan does not live up to the advertisement for that plan, the advertisement that was exhorted in a very effective State of the Union Address and that has been repeated many times around the country.

Despite continuing claims to the contrary, the President's plan does not reduce nondefense spending. No one who has looked at the numbers, no one who has racked the numbers up has disputed the fact that, when you add up the President's budget, not only is there no net reduction in nondefense spending in the President's budget, but nondefense spending grows by roughly 4 percent a year each year for the next 5 years, plus an add-on to that built-in growth of roughly $13 billion.

I would like to remind my colleagues and then ask unanimous consent that the numbers be printed in the RECORD, that the President, over a 5-year period, proposes cutting defense by $187 billion. He proposes cutting nondefense spending by $151 billion, but he also proposes raising nondefense spending by $163 billion. So, when you add it up, looking a all of the rounding errors, in fact, not only does the President not reduce nondefense spending a penny in his 5-year budget plan, but nondefense spending actually grows by $13 billion. When you add up the taxes, when you add up the Btu taxes and the Social Security taxes and the user fees and all of the other net revenues that will flow into the Government, taxes are raised by $313 billion over a 5-year period.

Mr. President, I have said in the past and will continue to say in the future, as long as we are looking at this plan, it has one big problem: Shared sacrifice really translates into sacrifice being shared by only one group of Americans, and those are the people who do the work, pay the taxes, and pull the wagon. The people who are riding in the wagon, who are benefiting from Government services and Government benefits see nondefense spending grow by 4 percent a year over a 5-year period, plus an additional $13 billion. That is not shared sacrifice.

So, in addition to delaying new spending until spending cuts are made, we have to have a budget that actually makes some spending cuts.

The second point I would like to address, Mr. President, is the suggestion that perhaps we could vote on the budget before March 23 when the President submits the final budget with details to the Congress. Mr. President, I totally reject that notion. It might well be that under some circumstances we might consider that, but I think, given the budget we are debating, we cannot consider that. And if the President wants to move the timetable up on the budget, he is going to have to move his submission up so we have an opportunity to read it and to understand it.

Let me give three examples as to why that is critical. Last Wednesday when the President said in the State of the Union Address that he wanted to pass a crime bill and put people in prison, I led the standing ovation. But yet when I got back to my office and finally got a copy of the budget, I found that not only had the President not provided any funds to build these prisons, but he had actually cut prison construction by $331 million to fund social spending. Mr. President, there was what I perceive to be a gap between the rhetoric and the reality.

When the President talked about taxing people who earn $30,000 or more or Social Security recipients who earn $25,000 or more, most people thought he was talking about earned income. What they did not realize was that buried deep in the proposal is now the imputation of rent as income for retired people who own their own home. How many senior citizens understood when the President was talking about taxing their Social Security that he was talking about counting the value of their home if they have already paid it off and the rent they would pay if they rented it as income? My guess is, Mr. President, nobody thought about that, and certainly the President did not tell them that in the State of the Union Address.

Another example is the energy tax. The President said the energy tax was going to cost a typical family of four $120 a year. What he did not tell them, which his budget does tell them, which his administration does know, is that it is going to cost them indirectly another $200 a year in terms of the cost of goods and services that will go up because of the energy tax. That is not $120 a year; it is $320 a year.

Mr. President, we have today an article in the New York Times where Dr. James Schlesinger, who was Energy Secretary under President Carter, saying that the energy tax on an average family is going to be higher, that "the numbers just don't stack up," that, in fact, we are looking at $500 per family, not $120 as the President talked about, by leaving out the indirect cost. Even the President's numbers show a $320 per family cost, but now we are looking at outside groups saying this number is $500. So I think we need to know what the facts are before we make a decision.

Finally, I think it is very revealing that when the USA Today-CNN-Gallup Poll, which was released today, asked people, "Are you willing to pay $100 more a year in taxes to help reduce the deficit?"; 58 percent said yes, but when you ask the same people, "Are you willing to pay $500 or more?"; 14 percent said "Yes."

So I think, Mr. President, what we have to do is several things: One, we have to have the facts. If people who draw Social Security are going to be taxed on income that they are not earning, like the imputed rent on their homes, people need to know that in order to make an informed decision.

If the energy tax is not $120 per family, as the President told us in the State of the Union, but $500 per family, people have a right to know that before they call on their representatives and Senators to cast a vote.

I think it is important, if we are going to talk about a crime bill, that we see the crime bill and that we see the prisons that are actually going to be constructed. I do not understand how you can put more people in jail and cut prison construction by $580 million over the 5-year period. So I think there is a gap between the rhetoric and the reality. We have to vote on the reality and not the rhetoric.

So I want to again applaud the President for delaying action on the stimulus package until we do something about spending. The problem is not just timing, however. The problem is the President's plan. The President's plan increases nondefense spending 4 percent a year each year for 5 years plus a $13 billion increase on top of that. That is not a cut in spending. There is no net reduction in nondefense spending in the President's budget.

There are many things in this proposal that people do not understand. Our job is to get the facts out, to look at the package, and to make an informed decision. I look forward to doing that. But if we are going to deal with spending cuts before we increase spending, we are going to have to have spending cuts proposed so that we can consider them. If we vote on the President's budget and if we adopt it, we are raising taxes, we are cutting defense, but we are not cutting nondefense spending a nickel.

I thank the Chair.

Mr. President, I ask unanimous consent that a document entitled President Clinton's "A Vision of Change for America" and the New York Times article that I referred to be printed in the RECORD.

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

President Clinton's

Summary:

	Billion
Defense cuts	−$187
Domestic Discretionary and Entitlements	+13
Revenues	−313

	Billion
Debt Service	−46
Total	−533
Defense cuts, fiscal year 1994–98:	
Cuts Claimed (p. 22)[1]	−112
Cuts Hidden on p. 144 (excludes interest savings)	−75
Total, defense cuts	−187
Domestic discretionary and entitlements, fiscal year 1994–98:	
Cuts claimed—Discretionary (p. 22)	−73
Cuts claimed—Entitlements (p. 22)	−115
Exclude user fees and receipts counted as spending cuts (pp. 122–139)	+36
Subtotal of actual cuts	−151
New stimulus and investment spending (p. 22)	+153
Correction for addition error on "stimulus outlays" and "investment outlays" on p. 22	+10
Net Total of nondefense spending	+13
Revenues and other taxes, fiscal year 1994–98:	
Revenue increases claimed (p. 22)	−330
Higher tax on Social Security benefits counted as spending cut (p. 22)	−30
User fees and receipts counted as spending cuts (pp. 122–139)	−36
Subtotal of new taxes and receipts	−396
Tax Incentives, with adding correction (p. 22)	+83
Net total of new revenues and taxes	−313
Interest savings, fiscal year 1994–98: Debt service (p. 22)	−46
Total	−533

[1] Refers to page in "A Vision of Change for America."

[From the New York Times, Feb. 22, 1993]

ENERGY TAX IMPACT UNDERSTATED UP TO 50 PERCENT, INDUSTRY OFFICIALS SAY

(By Robert D. Hershey, Jr.)

WASHINGTON, February 21.—The proposed tax on energy would be much larger than the Clinton Administration asserts, costing a typical family as much as $500 a year rather than $320, industry officials and a former Secretary of Energy contended today.

In budget documents released by the Administration last week, the energy tax was projected to raise $22 billion a year after it was fully phased in on July 1, 1996. But industry critics said today that the tax would actually raise $33 billion or more.

"It understates the effect on a family of four by 50 percent," said Charles J. DiBona, president of the American Petroleum Institute, the industry's chief trade association. For gasoline, he suggested that the new tax would raise the retail price by 10 cents a gallon, not the 7½ cents projected by the White House.

The Administration has estimated that an average family of four would pay about $120 a year more in direct taxes and about $200 a year more in indirect costs passed on by businesses if the proposed energy taxes were approved.

James R. Schlesinger, Energy Secretary in the Carter Administration and now a consultant in Washington, said he had reached the same conclusion. "The numbers just didn't stack up," he said after analyzing them over the past few days. "The tax turns out to be understated. The oil industry will by itself pay about $20 billion."

DIFFERENCE OF OPINION

In response, an aide to Lloyd Bentsen, the Treasury Secretary, flatly called the critics wrong. And a career Treasury Department analyst, who spoke on condition of anonymity, cited various factors that he said refuted the criticism, among them the decline in demand that usually results from higher taxes. "I feel pretty confident that it's all there—and it's right," said this analyst, a financial economist who is not a political appointee.

Mr. DiBona's argument was fairly straightforward, based on American consumption of 17 million barrels of oil a day, or 6.2 billion barrels a year. Since the tax on oil is to be $3.47 a barrel, this comes to $21.5 billion a year, just below the $22 billion projected to be raised by taxing all energy—coal, natural gas, nuclear fuel and hydro-power as well as petroleum.

The petroleum institute acknowledged that the Clinton plan does not tax nonfuel uses, like oil that becomes part of a plastic product. These are estimated at 10 to 15 percent of fuel use.

And both industry and Clinton Administration spokesmen agreed that the White House had properly accounted for three measures aimed at minimizing the tax burden on the poor—the earned income tax credit, the food stamp program and the low-income energy assistance program.

"BEHAVIOR ADJUSTMENTS"

One source of disagreement was what the Treasury Department analyst called "behavior adjustments." Those adjustments reflect the fact that a price increase for any product tends to reduce demand and may also encourage demand for alternatives. "There is some conservation," the analyst said.

He also pointed to what was probably the biggest factor in the Administration's calculation of net tax revenues of $22 billion a year. This reflected assumptions about how the rise in the energy tax would affect such things as jobs, incomes and inflation.

The main point of dispute, then, appeared to be over an Administration assertion that consumption of oil would rise modestly through the year 2000, even with the tax increases, "representing modest conservation and fuel switching without shock to the real economy."

Mr. DiBona contended that demand for oil in the year 2000 would be at least 8 percent higher, nearly as much as without the tax. This meant, he said, that the Administration's argument, rather than undermining his position, supports it.

The PRESIDENT pro tempore. The Senator from Nebraska [Mr. KERREY] is recognized for not to exceed 10 minutes.

MAKING TOUGH CHOICES

Mr. KERREY. Mr. President, I appreciate very much the applause of the distinguished Senator from Texas of the President's decision to postpone the stimulus package. It is obvious we do have a President who is committed to deficit reduction. It is obvious we have a President who is willing to stake a great deal, in fact, of his own political reputation, his political capital. However, I point out to my friend from Texas that the gap between reality and rhetoric very often is just as great in Congress as it is coming from the executive branch.

One of the things I hope we have the opportunity to do is to close that gap. I am not seeking to blame one individual or another, but to close the gap between rhetoric and reality. We are going to have an opportunity to make the tough choices that practically everybody has been talking about in this Congress. I have heard an awful lot of people say they do not like the President's spending cuts, his tax increases. They are essentially saying, "Gee, don't you have some easier tough choices for me to make?"

The fact is the President has laid it on the line. Taking this deficit and putting it behind us for the sake of our children will require much more than conversation and rhetoric; it will require very tough and bold action. I believe that the President is leading us in that regard.

(The remarks of Mr. KERRY and Mr. LIEBERMAN pertaining to the introduction of legislation are located in today's RECORD under "Statements of Introduced Bills and Joint Resolutions.")

THE PRESIDENT'S ECONOMIC PLAN

Mr. DASCHLE. Mr. President, I remember so well about 12 years ago, 1981, when I was a young Member of the House of Representatives, listening to pleas from the President and so many in the leadership on both sides of the hill with regard to the President's plan for economic growth and recovery. I can recall so vividly so many in the Chamber at the time arguing that now is the time to give the President a chance, that the President was elected, not with an overwhelming mandate necessarily, but clearly with convictions about what we must do and some ideas about the way we must do them.

In an overwhelming vote, Democrats and Republicans, in 1981, decided to give that President a chance. Well, it is so interesting that now we have another President in a similar circumstance, who was not elected with an overwhelming mandate, but was clearly elected with the knowledge that, were he to be elected, he would take this country on a new course and in a different direction.

While so many of us can come up with ways in which to improve upon his ideas, as we could in 1981, I think the same approach in Congress must be considered now as was considered in 1981. Do we give this President a chance? Do we give him his due? Do we

give him an opportunity to lead as President? We only elect our Presidents one at a time. Some of us hope, I suppose, that we could elect a Democratic and Republican President and follow the one of our choosing as we go through the next 4 years, but we do not do that in this Government.

We elect our Presidents one at a time. Our President has put forth his best effort, an effort that has consisted of an extraordinary amount of outreach, an extraordinary amount of effort in terms of coming up with what he believes to be the very best approach to investment, deficit reduction, and reestablishing the level of credibility in our Government that we have needed for so long.

There are many who have expressed concern, publicly, about taxes, and I understand that. But I think we all in our heart of hearts understand that we cannot address this problem successfully if we are not able to address both revenue increases as well as cuts. That is what the President has concluded in his approach to this problem. I think the real concern, regardless of our concerns for other matters in this plan, is the concern for the deficit. Those who oppose it out of responsibility to this institution and to the President must come forth with alternatives, and today we have not seen those alternatives.

Frankly, the alternative is what we have had for the last 12 years. It has been gridlock and delay, and it has been an inability to deal with the deficit in a realistic way, because we lived behind the facade that we did not have to make tough choices.

The President is now challenging us to make those tough choices. Frankly, it is more than just the economy that is at stake. I know this every time I go home. I am challenged by the people of my State to convince them that we can lead, that once the election is behind us, we indeed can put politics aside and confront the issues realistically and in a nonpartisan way.

Our credibility is at a very low ebb at this point. Whether or not we can improve that credibility, in my view, is directly related to whether or not we are ultimately going to address the problems the President has outlined so well and effectively. Whether or not we succeed depends in part on whether or not we have the kind of cooperation that the President has urged us to demonstrate. Those who oppose this plan ought to be asked to justify more gridlock. Those who oppose this plan ought to be asked to justify a greater deficit. Those who oppose this plan ought to be asked to justify little investment and unacceptable economic growth, because those are the fruits of inaction and further gridlock.

I hope we can show that we can act. I hope we can show that we can govern. I hope we can improve upon the credibility of this institution at the same time.

Some indication of the perception of the President's plan and the anticipation of its economic effect appeared in the Wall Street Journal this morning. The headline is one that you cannot miss. The headline reads: "Bond Rally Roars Ahead on Clinton Proposals."

That is not something you see very often in the Wall Street Journal. "Bond Rally Roars Ahead"—not moves ahead, not bond rally looks improved—"Bond Rally Roars Ahead on Clinton Proposals."

Those are our conservative investment institutions out there. That is one of the most conservative daily newspapers I know to exist in the country saying that the reaction on the market to what the President proposed just a week ago has been extraordinary.

And poll after poll that I have seen has shown the same thing among the American people. The American people want to give the President a chance. The American people do not want to concern themselves with each and every one of the 150 cuts they know will affect them, because they understand that, if we once look at those cuts alone, the package is lost.

So we must recognize the importance of looking at the plan as a whole, certainly as the bond market does, certainly as the American people do, because we have no choice.

Statistics alone, whether one looks at polling data or the bond market, argue for taking the President at his word and working as closely as we can.

This chart is probably one of the most graphic illustrations of the problem we face. I do not know if the camera can pick this up. We were at 2 percent growth in our economic recovery today. In a typical recovery, this is over 6 percent. In the last 8 cycles in the post-trough period we have had over 6 percent growth during the economic recovery. Today we have a meager 2 percent.

The growth responses in just about every one of the post-trough periods in the past have given us a far more volatile economy than what we have today. And that, in part, is related directly to what we see on this chart. Our private investment as a percentage of gross domestic product is the lowest of any of our competitors today. The United States stands at 15½ percent. Japan is twice that at 32 percent. France, Germany, and Italy are all over 20 percent. The only country that comes close is the United Kingdom at 16 percent. And public investment has declined, as well. It is not just private investment that is a concern. The total Government investment as a percent of gross national product has been cut in half in the last 20 years. In 1960 it was at 4½ percent. Today it is down around 2½ percent and going to go lower unless we make some of the commitments the President is proposing.

Finally, when we talk about revenue, when we talk about the need to ensure balance and fairness in putting this economic recovery plan together, it is critical, I think, that we ask all of those who will benefit the most from an improved economy to contribute the most. The President reminded us just last week that it is the wealthiest 1½ percent of the people of this country who are asked to contribute the most in terms of the proposed changes in the income tax rates. This chart probably lays out most effectively the problems that we have with regard to income distribution today. The shift in incomes over the last couple of years is phenomenal. Those in the lowest quintile have seen a 5½-percent reduction in income and a 1.2-percent increase in their effective tax rate. Those at the very top have seen a 47-percent increase in their income and a 24½-percent decrease in their effective tax rate.

So, Mr. President, the arguments are there. The bond market has seen what the President has proposed and has responded extraordinarily well. The American people have examined carefully what the President proposed, and they too have responded extraordinarily enthusiastically. The statistics with which the President has addressed his plan clearly argue that what we have done in the last 12 years is not enough; that we do need to change in the direction that his administration has proposed; and that we do need a bipartisan approach in responding to the President, if we are going to change the distribution of the tax burden and restore the credibility this institution so desperately needs.

I understand I am out of time. I thank the Chair, and I yield the floor.

The PRESIDENT pro tempore. The Senator from Idaho [Mr. CRAIG] is recognized for not to exceed 10 minutes.

RESPONSE TO NBC's INACCURATE STORY RELATING TO IDAHO

Mr. CRAIG. Mr. President, Americans believe freedom of information and freedom of the press are fundamental to our liberty. At any moment of the day or night, we can turn on the television or radio, or read a paper and learn about almost everything going on almost everywhere.

We have become increasingly dependent on this smorgasbord of information to help form our opinions and views on the world and things closer to home.

That is why the flip-side of freedom of the press—the responsibility not to abuse it—is so important to all of us. We trust the media to report the news accurately and without bias. We depend on this; the citizens of this country expect this. As the playwright Henrik Ibsen once stated: "The spirit

of truth and the spirit of freedom—they are the pillars of society."

Unfortunately, on January 4, 1993, these pillars crumbled when NBC Nightly News aired a segment on its evening news on the Clearwater National Forest in my State of Idaho. As it had in its report on GM truck safety, the network twisted reality and sensationalized an issue. The topic this time was Federal forest management in Idaho. The segment fell far below the standards for fairness, balance and accuracy Americans expect from the media, including NBC.

NBC's report contains a number of misleading and flatly inaccurate assertions. For brevity, I will address the two most onerous segments.

NBC showed video footage of Clearwater National Forest personnel netting fish, and followed that with shots of dead fish floating in the water. The accompanying narrative claimed that timber harvesting on the Clearwater is destroying watersheds and killing fish. Certainly this would be a shocking report—if it were true. Let me emphasize—if it were true. It would mean that the timber industry had failed to follow the standards and guidelines that this Congress has put forth for the management of our national forests known as the National Environmental Policy Act [NEPA]. However, this was not the case. NBC did not mention NEPA.

The fact is, NBC's video footage was of Clearwater personnel taking inventory and checking the health of fish using the common practice in the industry of electro-shocking a stream. In all honesty that fisheries management practice is not related to fish kills or logging at all. Electro-shocking temporarily stuns the fish so they can be counted and their health can be assessed. It does not harm or kill fish. Let me repeat that again. It does not harm fish.

Now, NBC, that is misleading. Worse yet, the dead fish shown in the following clip are of a species not found on the Clearwater or anywhere in Idaho—those fish were identified by a Forest Service fisheries biologist as a species of fish found in the Southern States.

In short, the pictures of dead fish NBC wanted you and the American public to believe came from Idaho were actually from a State thousands of miles away from my home State of Idaho.

NBC, that is misleading. Unfortunately, NBC's unique brand of reporting did not stop there.

As the reporter turned to discussions of clear cutting, aerial footage taken by "Lighthawk," a preservationist group, was shown. This segment led viewers to believe they were seeing an area chosen for clearcut timber harvest in the Clearwater National Forest. In reality, that footage was of a section of Olympic National Forest, hundreds of miles west of the Clearwater, that was severely burned in a 1975 wildfire. That area was not clearcut. In fact, the Forest Service had classified that particular area as unsuitable for timber growth before the 1975 wildfire. As such no commercial timber harvest was planned there.

Do not mislead us, NBC. As they should, networks, including NBC, have fought against censorship, declaring it unconstitutional and un-American. But, I would suggest that omitting facts and presenting half-truths such as these is a form of censorship—which NBC imposed upon itself.

NBC censored the truth in that January news segment. It manufactured a bigger story by manipulating the facts. And that is not right.

It sounds like another GM truck story to me.

NBC, please use your freedoms. But do not forget your responsibility to let Americans know the truth. Let them make up their own minds. The issues in Idaho's Clearwater National Forest are far more complex than NBC's story implies, and such shallow treatment and outright manipulation confuses the situation rather than promoting solutions.

In Idaho, we believe in working cooperatively to find innovative and workable solutions which integrate environmental goals with the needs of people. Now, we are not perfect. No one is. But we are trying very hard.

For example, our State water quality laws apply to all land owners in Idaho, and were developed jointly by Idaho environmental organizations, the forest products industry and our State water quality experts. These rules are second to none in ensuring that logging practices in Idaho will be conducted in a way that protects the quality of our rivers and lakes. Consequently, the Clearwater National Forest watersheds support some of the best trout fisheries anywhere in the world—several recognized as blue ribbon trout fisheries—and it is irresponsible for NBC to depict anything other than that.

Across the country, we are all looking for better ways for our citizens and businesses to function more harmoniously with the environment. For whatever reason—perhaps because someone failed to do their homework or because it simply did not fit the script—NBC neglected the professionals in our Government, industry and conservation groups who are making economics and ecology work together.

Perhaps such efforts are not dramatic enough for NBC. Perhaps they want to tell a different story; a story that is not there.

Whatever the case, NBC owes these individuals and the Nation an apology and the guarantee that this will not happen again.

Unfortunately, NBC has tainted public perception at least once before. Many viewers recall watching NBC's discredited report of a GM pickup truck crashing into another vehicle. NBC's report appalled and frightened Americans. How could GM allow such a dangerous vehicle on the road, we wondered? Then we learned NBC had used sparking devices that, according to the President of NBC, "simulate sparks which could occur in the collision." NBC had taken the sword of liberty and shredded the truth.

Similar to its report on the safety of GM trucks, NBC's Clearwater Forest story goes to unjustifiable lengths to support predetermined conclusions. NBC has hoodwinked the Nation again.

I am troubled, Mr. President, by these efforts. I am very frustrated that NBC would use this approach.

NBC has offended Idahoans. In an eloquent letter to NBC's director of "America Close Up," Idaho State Senator Marguerite McLaughlin describes how Idahoans felt after watching the program about the Clearwater National Forest. I ask unanimous consent that Marguerite McLaughlin's letter, in its entirety, be entered into the RECORD.

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

IDAHO STATE SENATE,
Boise, ID, January 21, 1993.

STEVE FRIEDMAN,
Director "America Close Up," NBC Nightly News, New York, NY.

DEAR MR. FRIEDMAN: "Not even winter snow storms stop the logging of the Clearwater National Forest." These words narrated the opening of America Close Up on NBC News viewed here January 5th. These words, other statements and inappropriate visuals left millions of viewers with the impression that the Clearwater area logging industry and its dependant communities were on a collision course of greed with the U.S. Forest Service, the ultimate environmental steward!

Here on the Clearwater, logging is a traditional winter practice because the spring and fall are too wet. Some winters are forgiving and provide the necessary freeze to sustain logging operations. Other winters don't provide enough cold to support logging operations. In this country, loggers operate about seven months or less.

The kind of inaccurate reporting woven into the show left an indelible image across America viewers won't soon forget. It is another nail in the coffin in which our timber dependent communities will eventually rest after their death by outsiders. Our communities, (some 25) are largely dependent on forest industries that realistically can only be supported by private, state and federal timber supplies. Until recently, the Forest Service was doing a reasonable job of providing community stability and balancing the needs of forest users. Many of the issues receiving bad ink about the Forest Service's inability to provide the Clearwater area a dependable and adequate timber supply are emotional and managerial issues. They do not represent the real issues affecting our people and the timber supply.

NBC's use of film footage unrelated to any species of fish in this area voiced over with inaccurate statements charging the emotions of the viewer were disgusting to say

the least! This imagery combined with images of massive clearcuts from other regions foreign to the Clearwater implied our logging is applied with total abandon to the needs of the environs and resident species. Those people in the stream were Forest Service biologists performing stream monitoring and applying a management technique known as electroshocking. The belly-up fish were acquired from Idaho Public Television; stock footage they had gathered from somewhere out of the area for another show.

None of us, Forest personnel nor the public at large can attest to having ever seen fish kills as a result of logging.

The inference to old growth timber was misleading. While some of the Clearwater's sales contain a few old-growth trees among its predominately second growth stands, these trees are not considered part of the Forest Plan Standard which requires that 10 percent of the forest remain as old-growth. The news piece also stated that historically, the Forest Service gave its communities as much timber as we wanted. The Service will be the first to tell America it gave as much as it felt the land could stand to give in order to be in balance with other resource needs.

Overcutting in easily accessible areas has periodically occurred in the past, on all timberlands. But, today thousands of acres of merchantable trees are locked up in "roadless" areas and have not been entered for cutting since 50 percent of the Clearwater Forest was burned over at the turn of the century.

Cutting is regulated by the Forest Plan. Forest Planners took all interested views into consideration and the final plan reflected a compromise that made no one happy. The Forest Service didn't "give in" to anyone as the newspiece indicated. Yes, mistakes were made in the past. But we learned from these mistakes and have adjusted to the compromise necessary to provide the environmental harmony we are proud of achieving in the Clearwater area. The present Forest Service leadership has no excuse for locking the timber resource from the consumer for the past year and a half while the "search" for answers to whatever dilemma they perceive is out there.

New personalities with non-traditional resource backgrounds, internal politics and a resistance to move forward and solve whatever is holding up the flow of timber has left the Forest's leadership, impotent. Some very fine staff and field personnel are totally stymied from getting on with their work. The National Forest is in dire gridlock!

Leadership that understands people and forests is sorely needed to bring us back to the negotiating table and the all important two-way communications we need to move forward. A Wilderness bill for Idaho will be a big step forward in opening some of our roadless areas to multiple-use management and providing pristine wilderness lands.

We invite you to visit the Clearwater. I will personally show you our many trees, rocks in the bottom of our streams, dying trees and vigorous growing trees. I will show you a forest with a potential of many uses including recreation, wildlife habitat, and timber harvest. You will see a "land of many uses"—a land capable of sustaining this kind of management.

If reporters should continue to keep the freedoms they have in reporting news they also have a responsibility to be accurate and unbiased. In these parts Tom Brokaw had always been respected as an honest reporter and greatly admired by many. Needless to say this image has been tarnished.

Sincerely,

MARGUERITE MCLAUGHLIN,
Idaho State Senator, District 7.

Mr. CRAIG. Mr. President, I also ask unanimous consent that an article in the Washington Post yesterday by Colman McCarthy, a noted columnist, entitled "'Dateline NBC' Burns Media Credibility."

NBC, get the message. Tell the truth.

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

[From the Washington Post, Feb. 23, 1993]

"DATELINE NBC" BURNS MEDIA CREDIBILITY

(By Colman McCarthy)

Regardless of your feelings about the dismal safety record of General Motors, the company is owed a debt for standing up to the fakery of NBC News. On Nov. 17, "Dateline NBC" showed a GM pickup truck bursting into flames after a collision with a test car. The crash, presented as hard news, offered graphic proof that, indeed, the critics are right: These GM pickup are firetraps and all 4.7 million ought to be recalled to fix the flawed fuel tank design.

On Feb. 9, after protesting the day before that the "Dateline" segment was "fair and accurate," NBC apologized to General Motors. The crash had been staged. Incendiary devices were attached to the fuel tanks and set off by remote control. Viewers were not told, or at least not until after GM filed a defamation lawsuit on Feb. 8 and NBC lawyers, more in touch with fairness and accuracy than the news executives, decided to settle.

The on-air apology by a "Dateline" co-host was given "to our viewers and to General Motors." A third group was omitted: the nation's reporters and editors whose collective credibility, already rated low by much of the public, sank lower still. Suspicions run deep that the news media—the large sprawl of electronic or print conglomerates and companies—routinely tilt, spin, skewer or manipulate the information they gather to fit prevailing in-house biases. It is a half-step stumble, not a large leap, from bias to the kind of trickery in which NBC was caught.

This was not the kind of minor-league fraud seen in "Broadcast News," the Holly Hunter-William Hurt film in which an anchorman pretended to shed a tear on camera to heighten the impact of a gut-wrenching interview. The truck crash on NBC was part of a growing pattern of deceit found in much of the media to present the news via hidden cameras, infotainment or re-creations. Whether the goal is to put one over on an unsuspecting audience or get the story at any cost, the public's nostrils do not need to flare wide to sniff deception.

In 1981, following the Janet Cooke hoax in which a Washington Post reporter was exposed as making up a story about an 8-year-old heroin addict, a Newsweek poll reported that 60 percent of people in a survey said they believe "only some" or "very little" of what the press reports. An 18,000-word report by the Post's ombudsman on how and why the hoax came about showed that the paper could examine its own failures as thoroughly and aggressively as those of others.

A touch of similar self-scrutiny would help NBC News get back off the floor. An apology is not enough in a case this blatant. The inside story is needed, told with all the independence that would be in force if this were a major investigation. Put the results on "Dateline." It could be a scoop.

Ten years ago, William Henry began a Time magazine cover story headlined "Accusing the Press: What Are Its Sins?" Those in the media "are rude and accusatory, cynical and almost unpatriotic. They twist facts to suit their not-so-hidden liberal agenda. They meddle in politics, harass business, invade people's privacy, and then walk off without regard to the pain and chaos they leave behind. They are arrogant and self-righteous, brushing aside most criticism as the uninformed carping of cranks and ideologies. To top it off, they claim that their behavior is sanctioned, indeed, sanctified, by the U.S. Constitution."

From there, Henry went on to amplify these claims against the media. When more than 1,000 letters came to the magazine, he recalls being stunned: "Overwhelmingly they said we had not been nearly tough enough. A few actually used the word 'whitewash.' Many accurately cited appalling press abuses that we had overlooked."

From billboards in the Cuban-American communities of South Florida—"I don't believe the Miami Herald"—to the recent bumper stickers, "Annoy the media, re-elect Bush," resentment against the press, whether justified or not, is not likely to subside anytime soon. NBC's opportunity now is to report every fact available on how its fraudulent GM story came about. That might recoup some of the losses. For the rest of the media, self-evaluation ought to be as primary as other-evaluation. The thin-skinned will need a thick hide.

The PRESIDENT pro tempore. The Senator from New Mexico [Mr. BINGAMAN] is recognized for not to exceed 10 minutes.

Mr. BINGAMAN. Thank you very much, Mr. President.

THE TECHNOLOGY POLICY OF THE PRESIDENT AND VICE PRESIDENT

Mr. BINGAMAN. Mr. President, I rise today to congratulate the President and the Vice President on the technology policy they issued earlier this week.

Two things struck me immediately about the policy when I had a chance to review it. The first is that the Clinton-Gore administration has a technology policy and is proud to have a technology policy. They have outlined a clear and coherent vision for the role of the $75 billion Federal R&D enterprise as an instrument of economic growth. The second thing I noticed about the technology policy is that this administration sees the need to integrate technology policy with tax, trade, defense, regulatory, health care, and other policies to maximize its impact on the economy. And they have signaled from the outset that they are committed to making this policy integration work.

The contrast with the past 12 years in these two respects could not be clearer. President Clinton created a National Economic Council and chose a Science and Technology Adviser, Dr. Jack Gibbons, as part of his core White House team before Christmas. He and

Vice President GORE have put in place in each of the key departments and agencies people who share his vision—Les Aspin and Bill Perry at Defense, Hazel O'Leary at Energy, Ron Brown at Commerce, Donna Shalala at HHS, Bob Reich at Labor, Lloyd Bentsen at Treasury. At the White House Bob Rubin, Jack Gibbons, Leon Panetta, and Laura Tyson all are moving in the same direction.

In the previous administration, there was no coherent vision on these issues. There were many individuals at various levels, who sought to define and articulate a clear strategy for the Federal R&D enterprise, but their efforts often ran into ideological brick walls. To say that the Bush administration was a house divided on these issues would be an understatement. It is refreshing, therefore, to have an administration that recognizes the importance of technology policy to the long-term health of our economy and that is speaking positively and consistently on this policy from the President on down.

This consistency of policy is vital in many respects. Too often in the past different parts of our Government have worked at cross purposes on these issues to the detriment of our economic interests. The FSX fiasco of several years ago comes to mind, as does our unwillingness to aggressively combat unprecedented subsidies by European governments to Airbus, something the President raised on Monday in Seattle. I have personally been told by the senior career official in the Japanese Ministry of International Trade and Industry of cases where United States trade negotiators made proposals that were directly counter to policy thrusts of other parts of our Government and to our economic interests and it apparently was the Japanese who told our negotiators of these contradictions.

Other nations are not so divided in their policies. They do a much better job of integrating the various policies that affect their economies. We can no longer afford the luxury of policy incoherence, if we ever could have afforded it. The President and Vice President and all their key aides realize this and are taking a giant step forward in their technology policy toward integration of economic policy across government.

Mr. President, I could go on for a substantial period in praise of the specific items in the President's technology policy, but since I intend to speak further on those matters in the coming weeks, I will only point to a few highlights now.

First, I am proud to see much of the best work of the Congress over the past 6 years reflected in the policy. I am sure that the Vice President, our former colleague, who served on my Armed Services Subcommittee on Defense Industry and Technology and who chaired the Commerce Subcommittee on Science, Technology, and Space, is responsible for much of this.

Two years ago, Senator NUNN, Senator HOLLINGS, Senator MITCHELL, then Senator GORE and I introduced a series of bills aimed at strengthening the linkages between the Federal R&D enterprise and industry and thereby improving the competitiveness of American industry. Those bills aimed at fostering cost-shared partnerships between Government and industry on technology development. They aimed at developing a network of manufacturing extension centers around the country in partnership with the States. They aimed at mutual leveraging of Federal, State, and industry resources in regional technology alliances to create a fertile climate for innovation among clusters of high-technology firms. They aimed at closer coordination among the Federal agencies and better avenues for industry input on Federal technology initiatives. Congressmen GEORGE BROWN, LES ASPIN, DAVE MCCURDY and others were pushing similar legislation on the House side.

This approach was later endorsed and elaborated on in the reports of the Pryor and Rudman task forces on defense conversion and in the economic leadership strategy Senator MITCHELL announced last July with the enthusiastic backing of then-Governor Clinton and then-Senator GORE. Since we were able to see much of this legislation passed in the last Congress, the administration has the resources available immediately to follow up on its policy statement with actions. And the President is obviously doing just that with regard to the defense conversion and reinvestment programs funded last year by Congress.

Mr. President, let me conclude by noting that I believe that future historians will conclude that the President and Vice President on Monday made the most fundamental shift in Federal technology policy since Vannevar Bush wrote "Science: the Endless Frontier" just after the Second World War. Their policy recognizes the importance of world leadership in basic science, mathematics, and engineering, as Vannevar Bush did, but it goes on to recognize that "the nation urgently needs improved strategies for government/industry cooperation in support of industrial technology."

This is a fundamental paradigm shift, to use the words popularized by Thomas Kuhn in his "Structure of Scientific Revolutions." It is a shift that has been underway for almost a decade if one looks back to Sematech, the advanced technology program in Commerce, the various DARPA dual-use programs, the technology transfer acts of 1986 and 1989, and many other individual actions. But this is the first time that a President or Vice President has articulated this vision clearly and convincingly.

The new paradigm has at its heart partnership between government and industry aimed at long-term economic growth that creates jobs and in the process protects the environment. This new partnership brings with it a new metric for judging the success of the Federal R&D enterprise; namely, its relevance to our private sector's needs. I think that this change puts us on a fundamentally different path, one that will bring with it profound benefits to American workers. I enthusiastically look forward to working with the President and the Vice President and their colleagues in the administration as we move down this path in the years ahead.

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 assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. 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 is recognized for not to exceed 10 minutes and morning business is extended accordingly without objection.

PRIVILEGE OF THE FLOOR—SENATE RESOLUTION 71

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Sharon Gressle of CRS be accorded the privilege of the floor during the consideration of Senate Resolution 71.

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

STATEMENT ON THE CONFIRMATION OF MADELEINE ALBRIGHT

Mr. SIMPSON. Mr. President, I rise to commend the appointment and confirmation of Madeleine Albright to be Ambassador to the United Nations. She represents an outstanding selection to fill that role, and will represent our country well.

I first met Madeleine Albright when I came to the Senate after my election in 1987. I found her to be a most efficient, effective, and sensible public servant. She is a remarkable woman of grace and substance, who has overcome tremendous difficulties in her life and has persevered. Perseverance, steadiness, common sense, and the gift of friendship—these are the hallmarks of Madeleine Albright.

Probably no area of foreign policy has been so vexing to the international community as the continuing crisis in the former Yugoslavia. Ms. Albright will have to confront that issue straightaway in her work with the United Nations. I would point out that she is exceptionally well qualified to understand crises in Central and Eastern Europe. She was born in Prague, Czechoslovakia; she has devoted a

great part of her energy and her educational pursuits to the study of that region of Europe, of Russia, and Poland, and she will now be required to draw heavily upon those qualities in the work she will now undertake.

Ann and I are very privileged to have enjoyed her friendship. The Nation now is fortunate to receive her full services. I look forward to working with her and know she will do an extraordinarily able job in her new capacity.

I thank my colleagues and I yield the floor.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt, run up by the U.S. Congress, stood at $4,192,904,345,432.61 as of the close of business on Monday, February 22, 1993.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime 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 of Congress for this shameful display of 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 deficit Federal spending, approved by Congress, over and above what the Federal Government has collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day—just to pay the interest on the existing Federal debt.

On a per capita basis, every man, woman, and child owes $16,323.76—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averages out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America's economic stability be today if there had been a Congress with the courage and the integrity to operate on a balanced budget? The arithmetic speaks for itself.

Mr. WELLSTONE. Mr. President, I 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 assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed under the previous order.

AUTHORIZING BIENNIAL EXPENDITURES BY THE COMMITTEES OF THE SENATE

The PRESIDENT pro tempore. Under the previous order the Senate will proceed to the consideration of Senate Resolution 71, which the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 71) authorizing biennial expenditures by the committees of the Senate.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER (Mr. KERREY). The majority leader is recognized.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the period between now and 2:15 p.m. be for purposes of debate only on the pending resolution, and that during that time no amendments be in order.

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

Mr. MITCHELL. Mr. President, I thank my colleague and yield to the distinguished chairman of the Rules Committee, who will be the manager of the bill.

We anticipate the Republican manager will be present shortly.

Mr. DOLE. There he is, right on time.

The PRESIDING OFFICER. The senior Senator from Kentucky is recognized.

Mr. FORD. Mr. President, today the Senate is considering the omnibus committee funding resolution for 1993 and 1994.

The amounts are austere and they are less than authorized in 1992. Let me underscore that. They are less than authorized in 1992.

Mr. President, these reductions are not made because Rules Committee members believe that Senate committees have been spending too much or that staffs are too large. The reductions are a recognition of the economic climate and acceptance of the Senate's role in meeting that crisis.

For many of my colleagues who believe that further cuts should be made, please—and I underscore please—be aware of the fact that committees have been frugal. The number of committee staff positions is less now than there were in 1984; and the buying power of the funding for committees will be less in 1994 than it was in 1984.

Further reductions should not be made at this time and efforts by my colleagues to make further cuts in my opinion should be resisted. This Senator is optimistic that changes to be recommended by the Joint Committee on the Organization of Congress, the Boren-Domenici committee, will result in additional reductions. During the Rules Committee markup on this resolution there was an indication that an amendment might be offered to abolish the Special Committee on Aging. Other Members may be considering amendments to abolish other select committees. Congressional reform should not be brought about on a piecemeal basis.

The Joint Committee on the Organization of Congress is studying the structure and jurisdiction of committees. It is important that it be given an opportunity to review the issues and make its report which is due later this year. Then it will be up to both Houses to look at the recommendations as a whole. This resolution is not the proper vehicle for addressing committee structure and jurisdiction.

There is another point to be considered. Membership on the Senate select committees and special committees is in place. It would be unfair to those Members appointed to these committees to abruptly lose these assignments. Mr. President, in my opinion it would be unfair to the staff to be abruptly put on the street, so to speak, looking for a job.

The base of the 1993 budget was a 10-percent reduction in the 1992 total recurring budget authorization. To this base was added a 3.7-percent cost-of-living adjustment for 1993, for recurring salaries. I underscore recurring salaries, not the administrative costs; and a 2.2-percent COLA for 1994 recurring salaries. For 1994, there is also a 2.5-percent COLA for January and February because of the different dates of our budgeting process for January and February of 1995. The COLA's for 1994 and 1995 will be subject to the approval of the President pro tempore of the Senate.

Mr. President, the Senate has authorized the use of unexpended funds in some form since 1989. In 1991, the Rules Committee informed Senate committees in the markup of the omnibus committee funding resolution in Senate Report 102–15 accompanying that resolution, and on the floor of the Senate, that the policy being adopted would permit committees to retain 50 percent of their generated unexpended funds as of February 28, 1993 to cover nonrecurring needs that enhance efficiency in the committee. Exceptions to that policy were made for the Agriculture, Governmental Affairs, and Intelligence Committees to meet special one-time nonrecurring needs. The Rules Committee permitted these three committees to retain more than 50 percent of their unexpended funds as of February 28, 1993.

Mr. President, the Rules Committee retained in Senate Resolution 71 the policy that permits committees to retain 50 percent of their unspent funds

existing at the end of the biennial funding period. This policy is a carrot, it is an incentive to reduce spending. Otherwise, the practice becomes spend it or lose it.

Two years ago, during consideration of the last committee funding resolution, I stood here and said that the budget base for committee funding for the 103d Congress would be the recurring amounts—let me underscore that—would be the recurring amounts only and that special needs of committees would only be considered and funded on a temporary nonrecurring basis.

This year several committees made strong arguments for converting previously authorized nonrecurring funds to their recurring budget authorization. Other committees presented budget submissions which requested new additional funding above the Rules Committee guidelines. With one modest exception, funding the Small Business Committee at the 1992 level—and they did not take an increase in 1992, and so therefore they froze their present level—the Rules Committee has not deviated from its commitment of 2 years ago.

Senate Resolution 71 as reported incorporates real spending cuts and will contribute to reducing congressional spending by authorizing less recurring funds.

Lest anyone have doubts, I hope that my colleagues and the taxpayers correctly hear me. Under the resolution reported by the Rules Committee, committees will be authorized to spend less money in 1994 than was authorized in 1992.

The committee funding levels incorporated in this resolution will result in real reductions. Most committees will have a more difficult task of meeting their responsibilities within the limitation of these funds. Most committee chairmen and ranking members requested and gave a strong rationale for more funds. It was a difficult decision for the Rules Committee.

The vote to report Senate Resolution 71 in committee was not unanimous. The majority, however, felt that the state of the economy necessitated a leadership role in deficit reduction and believe that all segments of Government including Senate committees should share in the burden.

The recommendations for the funding of Senate committees I believe are fair and objective. They were developed and brought to the floor on a bipartisn basis. The ranking member on the Rules Committee, the distinguished Senator from Alaska [Mr. STEVENS] and I have worked closely to develop the guidelines and the recommendations. No one could have been more cooperative and more helpful than Senator STEVENS. He and I both understand the reasoning and the requests from most of the committees.

But, Mr. President, this is a time when we have to start sharing that burden, sharing in reducing the cost of Government. And I might compliment the leadership of both the House and the Senate as we came together in a bipartisan fashion and said that we are going to reduce the cost of the operation of the two Chambers over the next 4 years by over 14 percent; that we are going to reduce the employment of both bodies at the rate of 4 percent per year, which is a reduction of 1,300 employees. So we have been moving.

I want to reiterate that last year there was a reduction in the cost of operation, about 6½ percent. So this is not anything new to the Senate. We have been on this course for some time. We are just accelerating it some at this particular point.

So I urge my colleagues, let us not come with amendments.

Let us support what the partisan group on the Rules Committee is recommending to the Senate. Let us let the Joint Congressional Committee of Senator BOREN, Senator DOMENICI, LEE HAMILTON, and others bring the recommendations for the reductions so we can do it in an orderly manner.

I thank the Chair. I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I want to join our distinguished chairman of the Rules Committee, Senator FORD, in urging the Senate to adopt Senate Resolution 71 without amendment.

I would like to remind the Senate that the action we have taken by this resolution has some precedent in history. When Senator Howard Baker became the majority leader in 1981, he and the Rules Committee chairman, Senator Mathias, recommended to the Senate that we cut expenditures by nearly 10 percent for 1881 and freeze the committee budgets for 1982. That was done.

In developing this resolution that is now before the Senate, the Rules Committee began by reducing the 1992 recurring budget base for each committee by 10 percent. We then permitted cost-of-living adjustments to be applied to the reduced budget base.

The bottom line is that these allowances will be reduced by an amount that, if you put it into constant dollars, will be below the amount that we set in 1981 after the 10-percent reduction. I want to repeat that so the Senate will realize that the amount that we are proposing to the Senate now for funding, adjusted for inflation, is still below the amount that was established by Senator Baker in 1981.

I think that we have presented a figure that should be acceptable to the Senate. The reductions have been applied across the board with the exception of the Small Business Committee, because it did not take the recommend increases that were available for committees commencing in 1990, and therefore it should not be subject to a reduction now.

The savings that are brought about by this resolution in terms of the operation of the Senate are $4.6 million. That is greater than the savings that were reported to the Senate in 1981 when the previous reduction of this magnitude was made. This is a significant cut.

I think at this point I should ask the Chair to allow me to place in the RECORD at this point the editorial from the Roll Call that is available here on Capitol Hill. It has an editorial entitled "Spending Cuts for the Hill? Don't Be Too Hasty." It is from the Roll Call of February 22 of this year. I ask unanimous consent that it be printed in the RECORD.

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

SPENDING CUTS FOR HILL? DON'T BE TOO HASTY

Just before the President's speech on Wednesday, the Speaker and the House and Senate Majority Leaders issued a statement promising to cut legislative branch staffing by 4 percent and administrative spending by 14 percent over the next few years. While we understand the pressure that must have triggered this last-minute press release, we think it's the wrong way to go about trimming the Hill's budget. Congress already has a two-track system in place to look at spending in a comprehensive way—1) the appropriations process and 2) the Joint Committee on the Organization of Congress.

Both legislative branch subcommittees have said they'll cut at least 6 percent from current spending levels for next year. The overall federal budget for fiscal 1994 won't be cut by anywhere near this much under President Clinton's plan—nor was it cut at all last year, when Congress also chopped its own spending. The fact is that Congress is ahead of the rest of the government when it comes to reducing expenses, but you'd never know it—thanks to severe p.r. deficiencies and the unquenchable lust of Members to criticize their own institution.

Is Congress overstaffed? Frankly, we don't know, though, if we were forced to make a guess, we would say that some committees have too many aides but that personal offices may well be understaffed. Overall, our impression is that Congress spends too much on itself, but the waste isn't in personnel; it's in such areas as franking, legislative service organizations, and unnecessary committees with jurisdictional overlap. Indeed, partly because Members have to face the voters and bureaucrats don't, Congress is continually subject to political pressure to hold down its costs—and it's done so admirably in recent years. Staffing increases, for example, have been virtually nil for more than a decade, and, despite the blatherings of Ross Perot, talk show hosts, and, worst of all, those TV "magazine" programs, Congressional perks are extremely modest—except pensions, which are worth a look, as they are in every government agency in the nation.

Hill spending has to be placed in perspective. Including the Government Printing Office, GAO, and Library of Congress, the legislative branch employs fewer than 40,000 persons—that's one-third as many as the Department of Agriculture, one-half as many as Interior. The Congressional budget rep-

resents less than one-quarter of one percent of total federal outlays. Get rid of the whole thing and you'll pay for one year's increase in Food Stamp spending, as proposed in Clinton's new budget. Our point here is not that Congress is spending too much or too little but without a thorough review, we simply can't tell. And a thorough review is going on now, so what's the sense in rushing to judgment, as the leaders did on Wednesday?

When it comes to spending on itself, this institution has been acting responsibly for years. Now, when it comes to spending on the rest of the country, that's a different matter . . . .

Mr. STEVENS. If we apply this kind of a cut of 6.5-percent reduction across the whole Government, I do not think anyone in the Senate would say it's not going far enough. But we have felt it necessary to take the leadership in reducing spending. I hear that there may be amendments offered from both sides of the aisle that people would prefer deeper cuts in the committee budgets.

As that editorial I put in the RECORD points out, the staff we have help us find ways to reduce the overall cost of Government. If we make draconian cuts in the ability of Senate committees to respond to the problems that we are trying to address with meaningful, well-researched, and carefully considered legislation, I think it will affect the overall outcome of our goal to reduce the deficit, and try to reduce the overall national debt.

I believe that we have made great savings. We have made them through our ability to have joint staff on our committees. Administrative and clerical staff under the rules are supposed to be joint staff. We then share between the majority and the minority the staffing money that is available.

It is in my judgment something that we have to look very carefully at. In the last part of my comments I want to address the question of the carryover.

Starting 2 years ago—I thank my friend from Kentucky for this—at my suggestion we decided that a committee that had a carryover from the previous 2 years, could have available for its use in the succeeding 2 years, 50 percent of that carryover.

My thesis was if the committees knew that they could have a portion of what they save to plan ahead for particular types of activities in the future, they would be encouraged to save. As a matter of fact, that has happened. We have some substantial surpluses.

I understand that some people may want to cut out the carryover. That, in my opinion, will mean that all committees will spend every dollar they have before the end of the next fiscal year because if they do not spend it, none of it will be available for them to go on to programs into the next year.

I think it is an incentive to reduce costs, to know that a committee can plan ahead, for hearings out of the District of Columbia, to having research done, whatever it might be, if they save enough money in this cycle, this 2-year cycle. So I urge Senators to think about that.

In addition to that, we provided that the Rules Committee can allocate a portion of the carryover to committees that have nonrecurring expenses. They do not become part of the base for funding in the subsequent 2-year period. If Senators will look at the comparisons that have been made, they will see that in several instances we have reduced committees because of their loss of the nonrecurring costs from the prior 2-year cycle.

The Senate is going to hear some criticism of that. I think there is no question that we have responded to the requests of the committees for funding to the extent that we could, consistent with the original objective of implementing a 10-percent reduction from the 1992 level of spending.

I do believe this is a workable authorization. I remind the committee that it is a Senate resolution. This is not a vehicle on which to have amendments that would try to amend existing law, in my judgment. It is a resolution that I think we can show will take us back down—on an inflation adjusted basis—to the level of staff expenditures that existed in the 1981 period. As a matter of fact, it is below that level.

I think that if we do not recognize the concept of carry-over funds, we will see our spending go back up again. I encourage the concept of rewarding frugality. That is what I consider the surplus concept to be—leftover funds, at the end of a 2-year period, 50 percent of which are available for use for nonrecurring expenses in the subsequent 2 years.

That is an important gesture, in my opinion. Also, I point out that we do have a nonrecurring expense authorized for the Government Affairs Committee for private study of the GAO. That was made at a bipartisan request received from the Government Affairs Committee and reported to the Rules Committee. There is nonrecurring funding in the amount of $95,000 for an independent study of the U.S. Department of Agriculture. Both of them are nonrecurring, and I want the board to show that that is the basis upon which we have approved the recommendation that we presented to the Senate today for the Government Affairs Committee and the Agriculture Committee.

Mr. President, this is a workable authorization. We heard many appeals in our committee from Members for more, and I certainly hope I do not see those Members come to the floor and vote for cuts in what we gave them, that they objected to in committee. As a matter of fact, I have told my friend, the chairman of the committee, if draconian cuts are made to this resolution, further cuts, I think the resolution should go back to our committee so it can be adjusted.

There are still some inherent inequities in the budgets that are here. They come out of a series of prior acts of the Senate in consolidating committees, out of a series of prior acts in granting some committees additional moneys for specific types of ongoing studies. I believe those inequities may be changed now by the commission that we put into effect, on a bipartisan basis, studying the organization of both the House and the Senate; and it will make recommendations in the last part of this year, and subsequent to that, we may have an entirely different concept of financing these committees.

I heard suggestions in that commission meeting, for instance, that every committee should have a maximum number of employees, and no committee should have funding in excess of any other committee. If the reorganization is done on the basis of equality and seeks to level out the jurisdiction and workload of the committees, I think the Senate might achieve that. We constantly hear criticism of the amount of money that is allocated to the big four committees, included in this resolution. The Labor Committee and the Government Affairs Committee, in particular, are singled out, because they have allocations in excess of $5 million.

I hope the Senate will accept that point of view and will approve this resolution as has been presented. I can tell the committees again, if there are further cuts approved here, I hope that the Senate will send it back to the Rules Committee.

I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. FORD. Mr. President, it is my understanding that the distinguished Senators from Ohio, Wisconsin, and Louisiana would like to make statements at this time as if in morning business. That is perfectly all right with me. I wonder if this request might be in order.

Mr. President, I ask unanimous consent that after the distinguished Senator from Ohio [Mr. METZENBAUM], the Senator from Wisconsin [Mr. KOHL], and the Senator from Louisiana [Mr. BREAUX] speak, the Senate stand in recess until the hour of 2:15 p.m.

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

Mr. FORD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I understand nothing else will transpire except their statements. Am I correct in that?

The PRESIDING OFFICER. The Senator is correct.

Mr. CHAFEE. Then, following that, we go into recess until 2:15 p.m.?

The PRESIDING OFFICER. Yes.

The Senator from Ohio is recognized.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. I thank the Chair.

(The remarks of Mr. METZENBAUM and Mr. KOHL pertaining to the introduction of S. 414 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Thank you, Mr. President.

THE HEALTH CARE SYSTEM

Mr. BREAUX. Mr. President, I rise today to make some comments about the health care system in this country and what this body needs to do, in my opinion, to correct the incredibly serious problem.

In 1970 the U.S. public and private spending on health care roughly equaled our public and private spending on education. In 1992, however, we will spend more on health care than on all of education plus all of our Nation's spending on defense, on prisons, on farm subsidies, on food stamps and on foreign aid.

Health care costs, climbing at twice the rate of inflation since 1981, have become the fastest growing major expense for the Federal Government, for most State governments, for many businesses, and certainly for millions of American families.

Last October, Senator DAVID BOREN and I introduced the Managed Competition Act of 1992 (S. 3299), the Senate companion bill to the legislation introduced by Congressmen JIM COOPER, MIKE ANDREWS, and CHARLIE STENHOLM (H.R. 5936). I continue to support this approach to fundamental reform of our health care system and will begin to explain why in the statement that I am delivering today.

At the same time, I have serious doubts about the viability of some of the other approaches to health care reform that are being advocated. Specifically, I do not believe that a successful long-term solution to health care inflation and access can be achieved using a top-down regulatory approach that depends on a Federal process of budgeting and price controls to contain the cost of health care services. I will address these concerns, as well as more specific issues surrounding managed competition, in additional statements over the coming weeks.

Mr. President, the past administration invoked free market principles to justify letting the status quo continue, even though current practices are actually destroying the health market. That is unacceptable. But the answer is not to go to the opposite extreme and have Government take over the health care system or try to set prices on every aspect of U.S. medical care. Government price controls tend to be slow, buearucratic and ineffective when it comes to weeding out wasteful costs. The answer, and the essence of managed competition, is to change the health market's ground rules so that health providers must compete for consumers on the basis of low prices and real value.

President Clinton vows to reform our Nation's overpriced and maddening health care system, in part, by relying on managed competition. This is good news for America's consumers and I support this approach. But, so far, most Americans are not familiar with this idea, and it's worth starting out with a general explanation of how managed competition can control health care costs while expanding consumer choice, increasing access to care and preserving the high quality of American medicine.

Under managed competition, large health insurance purchasing pools—known as Health Plan Purchasing Cooperatives or HPPC's—would be created in each State as a mechanism through which individuals and small- to medium-sized employers would be guaranteed the ability to purchase insurance at affordable prices. These cooperatives, with hundreds of thousands of customers, would have the same negotiating power and low administrative costs now enjoyed only by America's largest firms.

Simply pooling all employers who have fewer than 1,000 employees—as the Managed Competition Act we introduced last year would have done—would save vast sums of money that are currently wasted on insurance companies' administrative and marketing expenses. Under today's system, small companies pay as much as 40 percent of their premiums for insurance companies' administrative and marketing costs that have nothing to do with the delivery of medical services. In contrast, large purchasing groups—like the biggest Fortune 500 companies with thousands of employees—enjoy much lower administrative costs and a much greater ability to negotiate with insurers and providers for better deals on both cost and quality.

While consumer choice among competing products helps restrain prices in everything from computers to crawfish, few Americans get to choose among insurance plans. Usually their employers choose for them. Those who are now lucky enough to have a choice have little information on the plans, no information on the effectiveness of the treatments that are covered and few incentives to choose the most cost-effective source of coverage.

Under managed competition, there would be an open enrollment period every year during which customers of these purchasing cooperatives would be able to choose among a range of health plans. Each of these accountable health plans would have to offer a nationally standardized and comprehensive package of benefits so that consumers could make decisions based on the quality of the services they receive, rather than on the extent of coverage they are being offered.

To make accountable health plans truly accountable each would have to publish its prices along with measures of customer satisfaction and federally certified information on how well they'd taken care of past patients.

Current tax law allows an unlimited deduction for employers for health care expenditures made on behalf of their employees. This unlimited subsidy shields employer and employee alike from the true costs of their health insurance, thereby rendering them cost unconscious.

Under managed competition, employers could only deduct the cost of health benefits if they purchased one of these accountable health plans for their employees. Consumers could choose any plan offered by their local HPPC, but if they choose a more expensive plan, they would have to pay for the difference in cost, and so would have a direct incentive to shop for the best value among health plans.

By tying the tax benefit for employer-provided plans to the price of the lowest-cost qualifying plan in an area, we would strengthen the incentive for cost conscious decisionmaking and immediately reduce the Federal Government's existing tax expenditures.

Also, most American health care is still provided on a fee-for-service basis—this means that doctors and hospitals charge individuals a fee for each visit, test or procedure they perform. The obvious incentive under such a system is to provide lots of services—a doctor or hospital gets paid more for doing more. Managed competition, by encouraging, without mandating, the development of integrated delivery organizations, would reform this perverse incentive. Providers would ideally be paid a single annual fee for providing quality care, so would be directly accountable for the costs of the health care services that they perform.

In the most general terms, managed competition is a plan to make the consumer king in health care. It involves comprehensive changes in the ground rules for the health care system that will force private health plans to compete on the basis of medical outcomes, efficiency and consumer satisfaction—in short, on the basis of value. That is not how our health system works now. We will spend proportionally more than any nation on health care this year—more than $900 billion or 14 percent of gross domestic prod-

uct—yet we have 37 million Americans who do not have any coverage and millions more who are underinsured.

The HPPC's or purchasing pools that I have already described will also play a vital role in assuring access to insurance. American families whose chief wage-earner works for a small employer or who is self-employed are least likely to have insurance. If these families are able to purchase insurance on an individual basis or as part of a small employer-based group they are either very healthy and low risk or they are paying dearly for it.

Small firms face enormous administrative costs and burdens if they insure their employees, and if a small firm's employees are older or have any medical problems, insurers often refuse to give them affordable insurance at all.

Under managed competition's purchasing cooperatives, individuals and employees of businesses that have less than 1,000 employees would all be able to purchase insurance through their local HPPC. Administrative and marketing overhead, which eats up so much of the premium dollar paid by individuals and small- to medium-sized groups would be immediately and drastically reduced.

Too many insurance companies in today's health care market make profits by finding ways to avoid risk and selling only to healthy people. The affect of these practices has been to make insurance unaffordable for many individuals and small groups who need it the most. The Managed Competition Act would prohibit these practices.

We would require community rating within health plans so that insurers could no longer discriminate against individuals with preexisting conditions. Accountable health plans would have open enrollment for every eligible person that lives in their geographic coverage area. Portability of insurance from one workplace to another would be assured so that workers would no longer be subject to job-lock.

Finally, the self-employed would be permitted to deduct 100 percent of the cost of the lowest price plan offered by their HPPC—the temporary 25-percent deduction that was recently available to the self-employed has expired.

Managed competition also offers a better way to meet the health needs of the Nation's least fortunate. Currently, we have Medicaid to insure the poor. But despite that program's runaway costs, it only covers about half of the eligible population. Many doctors try to avoid accepting Medicaid patients because reimbursement rates are often low. And for beneficiaries, Medicaid discourages work, since recipients can lose coverage once they take a job.

Our approach would, by contrast, expand coverage for the poor, give them the same health care options enjoyed by the nonpoor, and remove Medicaid's work disincentive. Managed competition would provide subsidies to all American families with incomes below 200 percent of the poverty line so that they could purchase the same private insurance plans that everyone else has access to. Families with incomes up to 100 percent of poverty would be fully subsidized, while those with incomes between 100 and 200 percent of poverty would receive subsidies on a sliding scale. This approach would further serve to eliminate the current burden of cost-shifting from Medicaid that falls onto private-pay patients and help to eliminate the tremendous burden of uncompensated care on our public health care institutions.

The combination of these changes would trigger a virtual price war in health care, with consumers as the big winners. Plans would be forced to squeeze out wasteful administrative practices and unnecessary medical procedures so that they could cut prices to attract more subscribers. Plans would not want to cut quality, however, as that would cause them to lose subscribers, who would be alert and armed with annual data on health outcomes and consumer satisfaction.

In short, health plans would be pressed to reduce costs without reducing quality or discriminating against sicker people. They would be forced to compete on the basis of value, and that is the key thing that has been missing until now.

Mr. President, all of this is no untested theory. Over 10 million Americans already get their health care through similar, multiple choice systems—including almost 9 million people in the health insurance system for Federal employees, and 1 million in the health systems for public employees in Minnesota and California. Similar approaches are being used by large private companies, like Xerox.

The results of many of these efforts have been impressive. For example, in the 4 years since California started putting key pieces of the managed competition concept in place for their public employees, annual premium increases have fallen from 17 percent to an anticipated 1.5 percent for this year.

Mr. President, there's no reason why these advantages should only be enjoyed by public employees or employees of a few large companies. It's time to share the secret of managed competition with private employees and their families as well. If we do, the Nation can finally bring health inflation under control, without imposing a big-government solution, and without sacrificing the high-quality health care our people demand and deserve.

RECESS UNTIL 2:15 P.M.

Mr. BREAUX. Mr. President, I yield back the remainder of my time and suggest that under the previous order, the Senate now stand in recess.

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

Thereupon, at 1:05 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. AKAKA].

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senator from Arizona be recognized to address the Senate for 2 minutes, and that following his remarks I be recognized.

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

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. I thank the Chair.

(The remarks of Mr. DECONCINI pertaining to the introduction of S. 416 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DECONCINI. I thank the majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 50

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 50. At the appropriate place, insert the following:

It is the sense of the Senate that the rate of pay of Senators should be frozen for 11 months.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 51 TO AMENDMENT NO. 50

Mr. MITCHELL. Mr. President, in behalf of myself, Senator DOLE, Senator WELLSTONE, Senator FORD, Senator STEVENS, Senator GRASSLEY, Senator HELMS, Senator COHEN, Senator FEINSTEIN, Senator HARKIN, and any other Senator who may wish to be added as a cosponsor, I send a second-degree amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will call the amendment.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] for himself, Mr. DOLE, Mr. WELLSTONE, Mr. FORD, Mr. STEVENS, Mr. GRASSLEY, Mr. HELMS, Mr. COHEN, Mrs. FEINSTEIN, and Mr. HARKIN, proposes an amendment numbered 51 to amendment No. 50.

In the amendment, strike all after the first word and insert the following:

It is the sense of the Senate that the rate of pay of Senators should be frozen for one year.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, last week President Clinton addressed the Nation and, as part of his economic program, he proposed that the rate of pay of Federal employees be frozen for the year 1994. He proposed to accomplish this by not providing the annual cost-of-living adjustment that would otherwise by law be provided.

I have discussed this matter with the distinguished Republican leader, Senator DOLE, with a large number of our colleagues, and with the leadership of the House of Representatives. It is our view that if such sacrifice is to be requested of others, Members of the Congress should participate and, therefore, the intention of this amendment is to state the sense of the Members of the Senate that the rate of pay of Senators should be likewise frozen for 1 year.

Since the underlying measure is a resolution which is applicable to the Senate only, and is not in the form of a statute to be presented to the President for his signature and enactment into law, the formal steps to implement this sense-of-the-Senate resolution will be required later in the budget process. And we commit ourselves to accomplishing that at the earliest possible time consistent with law.

But this does give Senators an early opportunity to express their view on this matter in light of the President's proposal and the widespread public discussion that is now occurring about that proposal.

Mr. President, if appropriate, I now ask for the yeas and nays on this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. May I make a brief statement?

Mr. MITCHELL. Mr. President, I yield now to the distinguished Republican leader.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, let me indicate that I concur with the statement of the distinguished majority leader. I think this, coupled with what we are seeing in the funding resolution of reducing the amount we spend in the Congress, will at least be some example we can point to when we talk to the American people, when we ask them to make sacrifices.

This may not be enough in the eyes of some, but it is a step in the right direction.

I think we are taking appropriate action. We are sending a signal that if anyone else is going to have a freeze, Congress will be first, and I assume that will apply up and down the line in the executive branch.

I agree with the majority leader, and I concur in what he said. While we may have a number of differences in the economic package itself, I think in this instance we are in agreement that this step should be taken.

Mr. MITCHELL. Mr. President, this matter was brought to my attention with respect to the funding resolution by the distinguished Senator from Minnesota [Mr. WELLSTONE] who had previously indicated his intention to offer this amendment. So in a very real sense, the proposal we are now discussing and will vote on is a Wellstone amendment, and the Senator graciously agreed to join in a leadership effort in that behalf. I thank him for his leadership on this and other issues.

I yield at this time.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE] is recognized.

Mr. WELLSTONE. Mr. President, let me first of all thank the majority leader for his gracious remarks. I really appreciate his leadership on this issue.

I do not know, Mr. President, whether or not there is that much more to add. I introduced a bill on this same subject this morning which I hope will become law. I hope we will be able to make this change. It is essentially a 1-year freeze on the COLA; that is, the 2.1 percent cost-of-living adjustment for Senators that was scheduled to go into effect in 1994.

Mr. President, I think I would agree that what I am going to say is pretty much what my colleagues believe on both sides of the aisle, and that is that this fits in with the times that we are living in. I actually do not put this in the context of any one of the specific proposals that the President has laid out for the Nation, but rather within the overall spirit of what he has had to say.

It seems to me, if we are going to be asking people to tighten their belts—and, for some people, it is going to be difficult to tighten their belts—and if we are going to ask people for sacrifice and talk about shared sacrifice, then I think it is really appropriate that in the U.S. Senate we put a freeze on our own cost-of-living for next year.

And so I am pleased to be a part of getting this initiative before the Senate. I am very glad to have the support of the majority leader in his taking this leadership position.

Finally, Mr. President, let me just say that I have seen some constitutional questions raised about this subject. I am not a constitutional lawyer. I was not a lawyer at all. I was a college teacher.

I will just read for a moment the 27th amendment to the Constitution. It states: "No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

I just want to make two points. First of all, this resolution would not vary the compensation of Senators. In fact, it is designed to do the opposite. It is to freeze salaries where they are. That is the import of this resolution.

And, second of all, I doubt it was the intent of the 27th amendment to cover this situation. If I had a conversation with Mr. Madison, I do not think he would say he was worried about Senators, during the day or late at night, putting a freeze on their cost of living increase. I think it was actually to guard against the exact opposite kind of abuse.

Once again, I certainly am appreciative of what the majority leader had to say and pleased to be a part of this effort. I think that we are taking a step forward, as we should.

I will just make one final point, because I know we have a full agenda, and that is, I do not believe anybody here has argued that this represents some huge step to deal with the budget deficit, the investment deficit, the jobs deficit, and all the rest. It is just simply, I think, a signal by U.S. Senators that we also apply this idea of sacrifice to ourselves.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I am pleased to cosponsor this. I made a statement yesterday to a series of Senators that I have come to the conclusion that it was time that we asked the Senate to consider rolling back the Senate salary to the 1992 level. After that, it has been called to my attention that the Madison amendment, which has become effective, may mean that that is not possible.

As I understand what we are doing here now, it says that we should not consider implementing for 1994 the scheduled cost-of-living increase. I share that opinion and, therefore, I have cosponsored this amendment with the distinguished majority leader and the distinguished minority leader.

But let me remind the Senate that this new amendment to our Constitution says:

No law, varying the compensation for the services of Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

I understand that is being legally researched and it is going to be a very interesting question. I share the senti-

ment of this amendment, but I also think that, if possible, we ought to take the step of going back to 1992, not only for our own salaries, but for a whole series of items that are in the budget, as a means to, in effect, perpetuate a freeze at the 1992 level in many functions of the Government. I think that would be the effective way to bring about a substantial reduction in spending over a period of time.

I do believe, however, that the Senate should realize that what this says is that even the amendment we are offering may not be capable of being accomplished under the Madison amendment. It depends on what legal interpretation is going to be given to that amendment in the days ahead.

Thank you very much.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. First of all, I ask unanimous consent that I be added as a cosponsor of the amendment of the distinguished majority leader.

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

Mr. CHAFEE. Mr. President, I ask the distinguished majority leader whether he has had an opportunity to persuade the House to emulate his splendid action here.

As I understand it, this resolution, being a Senate resolution, just applies to the Senate. I know that the distinguished leader is in constant communication with the House Members. I wonder if he has discussed this with them.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I believe the Senator was not present when I began the discussion. I stated at that time—and I repeat now in response to the Senator's question—that this was discussed with the House leadership, and I believe they are supportive of this effort.

Mr. CHAFEE. Good. I apologize. I was not present.

That is good news to hear.

Mr. MITCHELL. Mr. President, I want to say one other thing on this whole subject.

We had a lot of discussion—painful and controversial and emotional—about congressional pay. I want to repeat something I have said during each of the last two debates.

Any Senator who feels that he or she is overpaid and wishes to do so may simply notify the disbursing clerk and return any portion or all of his or her pay. Those Senators who stand up and say they are for less pay, they want to cut pay, or they are not for pay increases, it is very easy for them. All they have to do is go and notify the disbursing clerk and say they do not want to accept all or some portion of their pay and it will be done.

I think what we have done is a reasonable, rational step, consistent with the proposal made by the President. I hope my colleagues will all find it acceptable.

Mr. PRESSLER. Mr. President, I ask unanimous consent that I be added as an original cosponsor of the second degree amendment offered by the distinguished majority leader and the Republican leader. This amendment makes perfect sense. The dedicated members of the Federal work force are being asked to give up their cost-of-living adjustment for next year in the name of long-term deficit reduction. Members of the Congress should do the same. We in Congress should not be immune from the sacrifices asked of Federal workers. I am pleased we are coming forward voluntarily to make that same sacrifice. Simple fairness requires that we do. I urge my colleagues to support this amendment. I also urge our colleagues in the House of Representatives to take similar action.

The PRESIDING OFFICER. The question is on the agreeing to the amendment.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD: I announce that the Senator from Illinois [Mr. SIMON] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. MURKOWSKI] is necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI] would vote "yea."

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—98

Akaka	Durenberger	Lieberman
Baucus	Exon	Lott
Bennett	Faircloth	Lugar
Biden	Feingold	Mack
Bingaman	Feinstein	Mathews
Bond	Ford	McCain
Boren	Glenn	McConnell
Boxer	Gorton	Metzenbaum
Bradley	Graham	Mikulski
Breaux	Gramm	Mitchell
Brown	Grassley	Moseley-Braun
Bryan	Gregg	Moynihan
Bumpers	Harkin	Murray
Burns	Hatch	Nickles
Byrd	Hatfield	Nunn
Campbell	Heflin	Packwood
Chafee	Helms	Pell
Coats	Hollings	Pressler
Cochran	Inouye	Pryor
Cohen	Jeffords	Reid
Conrad	Johnston	Riegle
Coverdell	Kassebaum	Robb
Craig	Kempthorne	Rockefeller
D'Amato	Kennedy	Roth
Danforth	Kerrey	Sarbanes
Daschle	Kerry	Sasser
DeConcini	Kohl	Shelby
Dodd	Krueger	Simpson
Dole	Lautenberg	Smith
Domenici	Leahy	Specter
Dorgan	Levin	Stevens
Thurmond	Wallop	Wellstone
	Warner	Wofford

NOT VOTING—2

Murkowski Simon

So the amendment (No. 51) was agreed to.

VOTE ON AMENDMENT NO. 50, AS AMENDED

The PRESIDING OFFICER. The question is now on agreeing to the Dole amendment, as amended.

The amendment (No. 50), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 58

(Purpose: To abolish the Committee on Aging of the Senate, effective January 1, 1994)

Mr. REID. Mr. President, shortly I am going to send an amendment to the desk dealing with the—parliamentary inquiry. The matter now before the Senate is Senate Resolution 71?

The PRESIDING OFFICER. Will the Senator suspend.

There will be order in the Chamber.

The Senator may proceed.

Mr. REID. Parliamentary inquiry, Mr. President. Is Senate Resolution 71 the matter of business now before the Senate?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I will shortly send an amendment to the desk.

Mr. President, in a lecture Ralph Waldo Emerson gave, he spoke to the issue of character. He said, "Don't say things. What you are stands over you the while, and thunders so that I cannot hear what you say to the contrary." Emerson's quote rings true inside the beltway these days, Mr. President. The fact is this body will start restoring the faith of the American people in Congress as soon as we "stop saying things" and start being what the American public have elected us to be—which is leaders.

Just last week, we heard the President's call to action. There are disagreements in this body on the details of President Clinton's proposal, but there is no disagreement on the boldness of his proposal. Last Friday's New York Times probably expressed it about the best in their editorial. They said:

All President Clinton promised was an economic plan. But his speech to Congress offered something even rarer along the marshy rim of the Potomac—a vision. If Republicans and Democrats in Congress will only step back from Mr. Clinton's specific proposals, they will discover, perhaps to their horror, that he has assumed the best about them—the best about us—"namely, that they are

capable of conducting business in a brand new way, lifting their sights beyond the short political horizons that normally govern congressional deliberation."

In fact, the President himself urged the Congress to have no sacred cows except the fundamental interest of the American people.

It is no surprise that the American people have responded so favorably to the President.

I believe that the Congress should prove to the American people that the U.S. Senate is part of the change that must sweep this Nation; that we, the U.S. Senate, can make sacrifices without stalling on what to sacrifice and wind up giving only lipservice to the need to cut spending. It took the President a little more than a month in office to come up with $247 billion in spending cuts over the next 4 years.

The amendment that I will soon send to the desk calls, Mr. President, for the abolishment of the Aging Committee and that the amendment made by this section shall take effect on January 1 of next year, 1994, unless the Senate otherwise extends or reauthorizes the committee abolished by this section pursuant to the recommendations of the Joint Committee on the Organization of Congress. This will save, as I will indicate subsequently, about $1.5 billion.

Procedurally, let me explain where we are. The Rules Committee brings before this body a resolution to fund the committees. This resolution runs from March 1 to March 28 and covers 2 years. It covers the Congress. And it covers, as I have indicated, the committees within the scope of the Senate.

My amendment would fund Aging through the end of this year unless the Joint Committee on the Organization of Congress recommends otherwise. This, of course, would allow a phasedown of the planned work and also the ability of staff to make whatever arrangements are appropriate.

Last year's Congressional Directory listed 37 people under the Aging Committee. It is my understanding, Mr. President, based upon the statement that I heard made by my friend, the chairman of the Aging Committee, Senator PRYOR, that staff has now been cut to approximately 25.

So the question is, Why only this committee? First, the House has abolished its counterpart. Second, this committee has no legislative authority. Third, we the U.S. Senate, even though we do not like to hear it when it comes down to the fact that it must be done today, we must begin to cut spending. The other select committees, Ethics and Intelligence, are being now studied by the Joint Committee on Organization.

We all know that Ethics will likely wind up with a different structure than it now has. But I think it is fair to say that the present political climate would not allow abolishment of the Ethics Committee.

The joint committee, as I mentioned, is also reviewing the Select Committee on Intelligence. We have had testimony regarding intelligence. There have been a lot of articles written on intelligence. One suggestion that I think sounded good—and I think that the committee of reorganization that I serve on also agrees—is that there still should be a Senate Intelligence Committee and a House Intelligence Committee, but maybe we should consider, as a matter of efficiency and cost savings, one staff. Why do the committees need two separate staffs?

Legislative branch appropriations is on a fiscal year basis, and it funds joint committees such as the Joint Economic and Joint Taxation Committees. During the hearings on the legislative branch appropriations bill, we will review very, very closely these joint committees and others, which are funded, as I said before, on a fiscal-year basis. We are going to do this to see if future additional cuts can be made. But this is not part of our deliberations here today. I personally believe that we can save money by looking at these joint committees.

As I believe everyone in this body knows, being chairman of the Legislative Branch Appropriations Subcommittee is not the plum of all chairmanships in the Senate. But it is a responsibility, Mr. President, that I take seriously. I must now act to give this body the opportunity to determine if we are capable of making real cuts, cuts in dollars, in money, in the way we do business here. Rest assured that every student of Congress, every political scientist will view your vote—you the Senators—as one of cutting a nonessential committee of Congress. If you vote against my amendment, it will be clearly seen as a vote to continue the nonessential spending with which the Congress is stereotyped.

Chairman FORD and other members of the Rules Committee, I think, have taken bold action by cutting, as I understand it, about 7.6 percent from the committee budgets over the next 2 years.

Also, as chairman of the Legislative Branch Appropriations Subcommittee, I want to remind everyone here that we have made tough decisions—when I say "we," not the Legislative Branch Appropriations Subcommittee, but "we" the Senate—over the last several years. There have been tremendous changes in the way that we handle cuts. That is only one example. We have made some tough decisions. Last year, for example, the legislative branch appropriations bill reduced outlays by 6.5 percent. This cut—that is, the 6.5 percent—will result in permanent employment reductions of about 800 full-time positions. In fact, since 1978, the real legislative budget has declined from $2.36 to $2.31 billion. This is for the legislative branch as a whole. All of the new Senators, those people watching these proceedings, should understand that legislative branch—this $2.31 billion—is not for us only, the Members of the House and the Senate, but it includes many important organizations in the functioning of this country, such as the General Accounting Office, which has approximately 5,000 employees; the Congressional Budget Office, which, as we heard in the President's speech the other night, is the landmark that he and the Congress will use to make the cuts that will be necessary to be made that is funded through this legislative branch bill; the Government Printing Office; Library of Congress. I only named a few. The legislative branch appropriations bill includes a lot.

Our efforts to cut will continue, as just yesterday and the day before we started hearings on our bill. There is little doubt that there will be more cuts made this year.

Mr. President, some would say we have done enough. I disagree. We have not done enough. So I am offering this amendment to "stop saying things" and let our actions do the talking, following the advice of Ralph Waldo Emerson. We can do this by passing this amendment that will cut the funding of the Special Committee on Aging at the end of this calendar year.

As a member of the Joint Committee on the Organization of Congress, the most consistent message that we have heard in the short month we have held hearings is that there are too many committees. Let me repeat, the most consistent message we have heard—House and Senate Members assembled together in a bipartisan fashion, 12 from each body—is that there are too many committees. There may be a second message that is being delivered to that committee. I am at a loss now to determine what is running second. I do know what is running first. We have too many committees and subcommittees, and Senators are overburdened running from that subcommittee to that committee, to that select committee. They have too much to do. It cannot be handled.

Virtually every congressional expert, including former Members of Congress, including the Senate and House leadership, have testified about the overabundant committees and subcommittees, not to mention the selected joint committees. In their view—and I think few of us would disagree—Senators have too many committee assignments to do any one of the assignments justice.

There are few of us that have not been at committee markup when we have waited, and we wait, and the staff makes phone calls, and they make more phone calls, trying to get enough there, enough Members so we can con-

duct business, so that we can get a quorum.

The Nation's business has, many times, in the time I have been in the House and Senate, come to a standstill because there was not a quorum present. We are all attending other committees.

Some may argue—and they will—that we should wait until the Joint Committee on Congress completes its task and reports its finding to Congress before taking action. That is what we always do around here. We always want to wait until tomorrow, We do not want to do anything today. Heavens, no, why do it today. We can put it off today and do it tomorrow.

In fact, my amendment allows for that, though. My amendment does not—I repeat, does not—abolish the Aging Committee until December 31 of this year. The joint committee is scheduled to report its finding well before the end of the year. Senator BOREN said publicly on many occasions that he wants to complete the actions of the joint committee prior to the August recess. Should, for some reason, the joint committee recommend a retention of the Aging Committee, there would be nothing lost.

Now is the time to act. The House has already taken action to abolish all of their select committees. The handwriting should be on the wall. It is on the wall. Let us see if it is on the wall. The Senate, in my opinion, would be irresponsible not to act and to allow the only Senate select committee with parallel jurisdiction to continue because we could not muster the courage necessary to act accordingly. I repeat, the Aging Committee—and everybody understands this—has no legislative authority. In other words, the committee was established to hold hearings and disseminate information.

The fact of the matter is that we need to look carefully at all committees—we all know that—including the joint committees and standing committees and, more appropriately, subcommittees. We need to address the way we do the Nation's business through the committee process—and we have to do it that way—and make the tough decisions necessary to make sure we have the best management system in place. I, as one Member of the Senate and chairman of the Legislative Branch Appropriations Subcommittee, pledge to continue these efforts as a member of the Joint Reform Committee.

Mr. President, let me be clear. The issue here is not whether seniors in this country deserve the attention granted to them from the Aging Committee. I would put my record on senior issues up against anybody that serves in this body, anybody. During my tenure in the House, I served on the Aging Committee; and, as a Senator, I now serve on the Aging Committee. I have personally led the efforts to repeal the unfair source tax which passed the Senate twice. I have offered the only successful amendment to repeal the unfair notch, and it passed the Senate 2 years ago. Last year, the amendment offered by me and by Senator Sanford failed by a vote of 49 to 49.

I drafted the legislation, the first legislation that came upon this floor—to repeal the antisenior catastrophic legislation was my legislation. I have also worked to have music therapy as an approved procedure under the Older Americans Act. That was done under the direction of Senator PRYOR, who was ill at the time. I was allowed to conduct those hearings. It was a wonderful opportunity for me. I also voted with Senator PRYOR on this amendment to stop the huge profits to drug manufacturers. I could go on.

As a member of the Aging Committee, I am well aware of the effort to focus attention on the plight of senior citizens. In the State of Nevada, we have the largest per capita growth in the senior citizen population of any place in the country. Senator PRYOR, the chairman of the Aging Committee, is not only my chairman, he is my friend. As I have said earlier today, there is no one in the U.S. Senate that I have more respect for as far as their integrity and ability—and that about covers everything—than Senator DAVID PRYOR of Arkansas. He has proven time and time again his worth to senior citizens and other people of this country.

I am sure he will be on the floor to speak against this amendment and about the many things that the Aging Committee has accomplished. And he can do that, because the Aging Committee has accomplished significant things. But Senator PRYOR is a member of the powerful Finance Committee, Government Operations, and will continue his advocacy for senior citizens. I hope we all will.

However, Mr. President, that is not the issue today. This is not a contest between DAVID PRYOR of Arkansas and HARRY REID of Nevada. The issue is whether we as a body, a legislative body, the U.S. Senate, can take firm, responsible action when it is appropriate, and it is appropriate today. You can be sure that when President Clinton came up with the spending cuts he presented to us last week, he made some truly difficult decisions in deciding what he was going to select to give to us to cut. There is little doubt that numerous programs that he put on the chopping block have merit. There are some of those programs that he has included and has given to us that I think are good programs. But we are going to all have to make some tough votes.

President Clinton directed the cuts to show there is a better way to accomplish the same goal. The goal is to improve the way Government does its business. We are part of Government. The goal is to prove that the Government can actually do more with less. Any argument here today that if we abolish the Aging Committee, the senior citizens are through and nobody will help them, I think is not a valid argument. Remember everyone, remember, that the Aging Committee does not go with a single piece of legislation. It is a committee set up to hold hearings and service the country, which is important. But do we have that luxury? Do we need to start cutting? The experts say yes. The goal is to prove that Government can actually do more with less. Authorized funding for the Aging Committee in 1992 amounted to $1.24 million.

Assuming a 6.3-percent reduction for committee budgets recurring expenses as is contained in the pending legislation, it is safe to assume a funding level over the next 2 years of $3.32 million. Therefore, my amendment would save approximately $1.5 million. Obviously, out of a $56.4 million budget $1.5 million does not sound like a lot of money but it sets the stage. We are going to hear arguments that the Aging Committee only makes up 2 percent of the committee staff, that its budget is less than that 1.9 percent. You know these percents start adding up. There are only 100 percent in the whole. One percent, two percent, pretty soon you have saved a lot of money. So this may be a small start, but it is a start.

Obviously this sets the stage. It shows that we are willing to make not only tough decisions but decisions that make good, common sense to the people that pay our salaries.

It is just good business. You know that outside the Washington Beltway $1.5 million is real money. It is a lot of money.

Again, the administration has taken the lead in this area. President Clinton has already issued several Executive orders to reduce the size and cost of Government at that level. Both the White House and the agencies have been cutting back. Sure we can wait until they make more cuts before we make our cuts. Or we can take the lead and let the American public know that the Congress is as serious as the President.

So I urge my colleagues to support me in my efforts to "stop saying things," as Emerson so aptly put it, and let our actions speak for what we are. Let our actions begin to thunder to the American people so that they realize that we are here to work for them and once in a while make a sacrifice for them.

As President Bill Clinton said in his State of the Union Address: We must scale the walls of skepticism, not with our words, but with our deeds. Gentlemen of the Senate, and gentlewomen of the Senate—the decision is yours.

Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 58.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . ABOLISHING THE COMMITTEE ON AGING.

(a) IN GENERAL.—

(1) The Committee on Aging of the Senate is abolished.

(2) Paragraph 3(b) of rule XXV of the Standing Rules of the Senate is amended by striking the item relating to Aging.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 1994, unless the Senate otherwise extends or reauthorizes the committee abolished by this section pursuant to recommendations of the Joint Committee on the Organization of the Congress.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENT NO. 59 TO AMENDMENT NO. 58

(Purpose: To eliminate funding for the Special Committee on Aging and to abolish the committee)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment number 59 to Amendment No. 58.

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

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

The amendment is as follows:

Strike all after the first word of the pending amendment and insert the following:

The language on page 30, line 11 through page 31, line 3, is null and void and of no effect.

SEC. . (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1993, through March 31, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through March 31, 1993, under this section shall not exceed $98,703.25.

(c) Effective April 1, 1993, the Special Committee on Aging is abolished.

Mr. COCHRAN. Mr. President, let me first of all commend the Senator from Nevada for offering the amendment which he has sent to the desk. As he describes it, it seeks to abolish in effect the Special Committee on Aging beginning with the next session of the 103d Congress.

The amendment which I have just sent to the desk seeks to fund the Special Committee on Aging for an additional month beyond March 1, so that it would be able to complete its business and then in effect be abolished as of April 1, 1993.

The Senator has correctly pointed out that this is the only special committee in the Senate that has no jurisdiction to report legislation. It was constituted back in 1961 to look temporarily into matters of special interest and concern to older Americans.

Since that time, other committees have assumed the legislative jurisdiction of the Special Committee on Aging and have subsequently dealt with many of the same concerns and issues.

The Labor and Human Resources Committee, for example, has a Subcommittee on Aging which exercises jurisdiction regarding the Older Americans Act. At the same time, the Department of Health and Human Services administers other programs and services which are of special interest to elderly Americans.

It has been my privilege to serve for the last three Congresses on the Subcommittee on Aging. During the 101st, 102d, and 103d Congresses, I have been the ranking Republican member of that subcommittee where we completed two reauthorizations of the Older Americans Act. I have had the privilege to work with other Senators to craft programs that were designed to provide nutrition assistance, recreational and fellowship opportunity through senior citizens centers, legal services, especially designed to benefit older Americans, and many other benefits to help older Americans deal with the real life problems they face. The point I am making is this: The subcommittee has jurisdiction over those programs, just as the Finance Committee has jurisdiction over Social Security and health programs—where Medicaid, Medicare issues are authorized or addressed and legislation is recommended to the Senate. The Commerce Committee has jurisdiction over trade issues, pricing, and anticompetitive activity. The Special Committee on Aging has also analyzed these issues and in particular brought to the attention of the Senate the pricing of drugs that are sold to older Americans.

But the Commerce Committee, not the Special Committee on Aging is the only committee that has jurisdiction to take action and recommend legislative changes that will deal with those problems.

The Banking Committee has jurisdiction over housing, particularly concerning the aging community.

I noticed that a recent edition of the former Parliamentarian of the Senate Floyd Riddick's book "Riddick's Senate Procedure" mentions the Special Committee on Aging on page 337 and says: "The Special Committee on Aging has no legislative authority." And then later in the same paragraph this appears: "The concerns of the aged cut across the jurisdictions of numerous committees. Perhaps the special committee's overlaps are most pronounced with the Subcommittee on Aging of the Committee on Labor and Human Resources; the Finance Committee, regarding health and Social Security matters; the Commerce Committee, over consumer issues such as prescription drug advertising; and the Banking, Housing and Urban Affairs Committee with respect to housing for the aged."

It is very clear that the Special Committee on Aging is a unique anomaly in the organization of the Senate. Every other committee has responsibility for either reporting legislation to the Senate or conducting other specific business that is authorized under the legislation that created that committee, such as the Ethics Committee and the Intelligence Committee.

If you look at this resolution before the Senate, you realize that it cuts back across the board the authority for funding and for staff on all the standing committees.

Yet the Special Committee on Aging—which I repeat has no legislative authority continues to exist with an authorization for almost $2.4 million for this Congress. The question is this: In this time of increased need for deficit reduction, with a call by the new President for cutting back on unnecessary spending, are we able to meet the challenge of looking at how the Senate transacts its business and is organized and respond with a change in spending habits that shows we are willing to do our part to meet the challenge of deficit reduction? And for that reason, it is appropriate for us to take action now and make a contribution toward deficit reduction here in the Senate.

The Senator from Nevada takes a step in the right direction, but it is a halfway step. He has said, "Don't put off until tomorrow what we can do today." the President has said, "Don't continue to talk about making cuts in spending. Let's do it now."

The President has said, "If you don't like the recommendations that we are making for spending reductions, point out specific areas where you think cuts can be made. Be my guest," he said in his speech to the joint session of Congress.

We need to face the facts. The facts are this is an unnecessarily duplicative committee. It does things that other committees are specifically charged with the responsibility of doing. It holds hearings—admittedly, for important reasons—to try to focus attention

on problems that need to be addressed, either in the private sector or by Government, that will help make the lives of older Americans better.

And I applaud that. As a Member of the other body, I served on the Select Committee on Aging at a time when it was chaired by the Congressman from Florida, Claude Pepper. We had some important hearings there. Some of the hearings that were held by our Select Committee on Aging led to changes in mandatory retirement. Those were changes that should have been made, and they were made. And I think that committee served as a catalyst to get that change approved by the Congress.

So, this committee has done important work and it continues to do important work. That is not the complaint. This Senator does not have any complaint whatsoever with the work of the special committee. It is simply a duplication of work that ought to be done by other committees under the organization of the Senate.

So I hope that, rather than putting off until next year a reduction of $1.5 million, the Senate will vote for the amendment which I sent to the desk, which recognizes that other committees have jurisdiction over the subject matter that we are talking about, and vote to cut off funding of this committee.

This will permit $98,000 to be allocated to the Special Committee on Aging and allow it to continue up until April 1, 1993, at which time, under the language of the Cochran amendment, the committee would be abolished.

I urge Senators to vote for the amendment.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, let me be as brief as I can in responding to both amendments.

I was intrigued with the quote offered by my friend from Nevada when he starts quoting Emerson that, "what you are is shouting so loud, I cannot hear what you are saying."

I do not recall that quote having been offered during the time my friend served on a temporary basis as chairman of the Senate Special Committee on Aging when Senator PRYOR was unable to fill that capacity due to an illness.

As a matter of fact, I recall the Senator from Nevada chairing a very important hearing dealing with music as a therapeutic alternative, perhaps, even for the use of some drugs; art being another form of medicinal relief. At that time I heard the then chairman of the committee praise the work of the committee. Those hearings opened up an entire new avenue of therapy that the Senator from Nevada, I think, up to that time had not even considered.

He said, quoting President Clinton that there are no scared cows in cutting the deficit, except those in the fundamental interests of the American people.

Well, we agree. We agree. There are no sacred cows—not this committee; not the Indian Affairs Committee, whose chairman is here today; not the Joint Committees on Economics or the Joint Committee on Taxation; not any of the other committees, including the Appropriations Committee, I might add.

In fact, there are some of us who feel that perhaps we ought to eliminate the Appropriations Committee, merge it with the authorization committee, or vice versa.

There are many things we can do to streamline the Congress itself in the efficiency of its operations. This proposal, it seems to me, does not make dollars and cents and does not make common sense.

The way it is structured, in terms of the Reid amendment, is that if you oppose the Reid amendment, you favor the continuation of a nonessential committee. The Aging Committee, in his view, is a nonessential committee.

So it takes courage to kill a committee that spends, let us concede, a million dollars. That is not an act of courage. That is a act of irresponsibility.

First, let me say to my friends both from Mississippi and from Nevada, that I have no objection to eliminating committees. As a matter of fact, I may be the only person in this Chamber who was formerly the chairman of the Indian Affairs Committee and all that went with it. All the staff and all the budget authority, I had that under my control. I yielded that. I gave it up, because I was not able to perform the responsibilities of that office adequately.

I do not know of any other Member who is in this Senate who has been willing to give up a chairmanship of a committee. But I did so, because I did not feel I was doing justice to the needs of that committee at that time.

I am prepared to give up my position of seniority on the Armed Services Committee, because I think I am wasting a good deal of my time sitting there day, after day, after day holding hearings which are, in fact, overrun or overtaken by the Appropriations Committee. I say, "Why am I doing this?"

I do it because it is important to my State. It is important to me. I have a real interest in it.

But I am prepared to give up my seniority if it will, in fact, simplify the process or expedite the process. I am prepared to do that.

So I do not have any objection whatsoever to giving up committees or terminating committees. But I think we have to go beyond simply the act of trying to show that we are doing something and look at the reality underneath.

First, I have talked about process. Does it make sense for us to take this action today when we just formed a joint committee to study the reformation of Congress? I think it does not make much sense.

If you are going to strike this committee, why did you not strike the Indian Affairs Committee? Why not take that one, as well? Why select only this one?

Well, we can take this one because it is not that important. It is unessential. The Indian Affairs Committee is not that unessential, apparently.

I do not think we ought to be taking preemptive action. I think we ought to wait until we have had the deliberations of the bipartisan special committee that has been created. Maybe we will surprise somebody and make recommendations that, in fact, cut into the process itself and consolidate some committees.

I think these amendments are preemptive. I think it is really unnecessary at this point. And I think we ought to wait for the deliberations of the joint committee on the organization of Congress.

But let me talk about the substance. The Senators from Nevada and Mississippi want to save the taxpayers money. And I agree with that. We all want to save money.

I can suggest an alternative. Why do we not just reduce the travel budgets for all of the legislative committees? We can get more than a million or two right away—by doing that. In fact, I might want to offer an amendment to cut those budgets by at least that amount or maybe double or triple that amount. That would be one quick savings.

But let us look at what the Aging Committee has done. Senator INOUYE is here. Senator STEVENS is here. They were both here when Senator Percy was a Member of this body. As I recall, it was the Aging Committee, back in the early 1970's, that conducted the investigation into the abuses of nursing homes. As I recall, the committee filed a report called "Warehouses for the Dying." It was very provocative and had people in a state of uproar.

What was happening? We were taking the elders of this society who were confined to nursing homes and were keeping them drugged up. There was no therapy. There were no physical programs or mental programs to get them energized. We simply kept them medicated. We kept them quiet and we housed them. It was the Senate Aging Committee that brought that scandal to light. As a result, we had fundamental changes in how we run those nursing homes today. We had a nursing home bill of rights introduced as a result of those hearings. And now, have protections for the residents of those nursing homes as a result of the work of the Senate Aging Committee.

Senator COCHRAN talked about the House Aging Committee on which he

served with me. It was a result of the hearings held by the House Aging Committee that we took a giant step forward to eliminate age discrimination in this country, because we had been laboring under the notion that somehow when you turn 65, you are obsolete; we can expend you. Get on the shelf and get out of the workplace.

We found that was not the right way to treat our senior citizens; that people age at different rates; that some people are old at 40 and others still young at 80, or even 90—if you want to point to one of our colleagues here in the Senate. So we changed that. We said no mandatory retirement for Federal employees under this circumstance.

Lab testing: Which committee was it that initiated the entire study about lab testing which has been so important to our health? It was the Senate Aging Committee that conducted investigations of this issue.

Durable medical equipment: Is anyone here in the Chamber prepared to say that John Heinz was engaged in a nonessential function when he was traveling around the State of Pennsylvania to investigate the abuses of fly-by-night operations that went into cities and took advantage of senior citizens and Medicare by selling people things they did not need; selling them very dangerous things they did not need and charging the Federal Government millions of dollars? That came to light as a result of the activities of Jack Heinz on the Aging Committee, thus saving millions of dollars of taxpayers' money.

Unessential committee? You could say, "why were the other committees not doing this?" Do I come away with a conclusion that the Subcommittee on Aging in the Labor Committee is overstaffed and underworked? Is that what I come away with? Or would we simply be shifting one staff onto another staff? That is one possibility, because I would daresay that the chairperson of that subcommittee would say, "Look, I have a lot of work. We do a lot of good work. I cannot handle these additional committees without—what? additional staff." So you might very well terminate the Select Committee on Aging and just start moving people over to another committee take up that workload, because that is the kind of work we have been involved in.

Just today, as a matter of fact, we had a hearing. There must have been at least 300 people in attendance at that hearing, dealing with the prices of prescription drugs in this country. As a result of the activities of the Aging Committee, we have at least softened the blow to many senior citizens in this country in terms of the tremendous escalation in drug prices.

As a matter of fact, the person who was representing the drug manufacturers today indicated as a result, a direct result, of the activities of the chairman of the Aging Committee, that for the first time they have seen some real moderation in drug pricing, which has been of tremendous benefit to the millions of American people in this country.

That is the kind of activity that the Aging Committee has been involved with, saving not $1 million, not $10 million, not $100 million, but tens of hundreds of millions of dollars in the area of fraud, waste, and abuse. So if you want to terminate a $1 million operation and thereby potentially lose the hundreds of millions of dollars return on this investment, you can go ahead and support either the Reid amendment or the Cochran amendment.

What these Senators are suggesting is these other committees will simply take up the slack, and that may be possible. That may be possible. I would dare submit unless they are suggesting that those other committees or subcommittees are underworked, that is not going to be possible without adding staff. So let us not take this courageous position of canceling out a $1 million or $1.5 million operation and then hold ourselves out to the public that we have really done something. What we have done is we have lost the central focal point for the kinds of changes that have been fundamental in our society: Agism, eliminating that kind of discrimination; or fraud, waste, and abuse in the durable medical equipment industry. I could cite the case of prescription drugs and many other examples.

Let us not take a courageous political position and hold ourselves out as really making sacrifices here while we are doing great harm or potentially great harm to the senior citizens of this country.

This is no sacred cow. The Aging Committee can stand on its own. We can fight out battles out. But let us do it in the appropriate forum as we go through the appropriate analysis of which committees should stand, which should fall, and which should be consolidated. But let us do it in the appropriate forum and at the appropriate time. I respectfully submit this is neither.

I yield the floor for the moment, Mr. President.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to offer my thoughts in opposition to the two amendments that are before this body. I find myself in concert with many of the statements made by the distinguished Senator from Maine.

I cannot help but wonder why the Special Committee on Aging is singled out at this time. There is no larger growing group of constituents—who feel more alone and more unrepresented back here in Washington—than the senior citizens of this country.

There is no long-term health care for senior citizens. We all know America is a country of the young. It is slow to recognize both the needs and the contributions of seniors in their golden years.

There are those who would say the Aging Committee is not essential. Yet, it is my understanding, as Senator COHEN pointed out, that the committee's work on prescription drugs alone has saved the taxpayers $5 billion over 5 years. The committee has worked to reform Medigap. It has worked on pension coverage of women, hospice care, Social Security service problems, and board and care abuses which abound in a day of deregulation, lack of licensing, and lack of supervision.

For a committee without legislative authority, it seems to me that this committee has done some pretty good things.

President Clinton has spoken out about budget austerity, and this body is following that mandate, as well we should. The President has announced a 25-percent cut. I would say, and respectfully submit, that if each Member of this body were to cut 25 percent of their personal office budgets, taxpayers would save $50 million this year, not $1.5 million. But we will each choose to take the cuts as we do. I have chosen to take a 25-percent cut. That will save two-thirds of what these amendments alone would contribute back to the taxpayers of this country.

One of the first things I did when I came here was to visit with Senator DAVID BOREN and learn of the process set forth. It is bipartisan, and is aimed at reorganizing the Senate to be more efficient.

By the end of the year, as has been stated, that committee will present recommendations on the floor. It seems to me then that is the time to look at the Committee on Aging and the other committees—when the studies ±have been done, when the zero-based budgets have been examined, when staff salaries have been evaluated, and when a judgment can be made as to the possible reorganization of this body to save moneys in the future.

That is the way to do it right. Not to select one body because it is said to be unessential, particularly when that body represents and speaks for the largest single element of constituents out there that is growing, that feels alone, and that feels unrepresented.

Mr. President, I hope this body will defeat both of the amendments before us.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I will be glad to yield to the chairman of the committee if he wishes to speak. But in the absence of any other Senator seeking recognition, I shall speak briefly on the subject.

I compliment the Senator from Nevada and the Senator from Mississippi on their presentations here today. I

echo the comments about saving money wherever we could. But it is my view that the Committee on Aging ought to stay in existence. And I say that for a number of reasons.

First, I saw my late colleague, Senator John Heinz, work as chairman of the committee for some 6 years, and I saw his very intense efforts, some of them referred to by the distinguished senior Senator from Maine.

I can tell you that Senator Heinz was held in enormous esteem for many reasons, but perhaps especially by senior citizens—not only of our State of Pennsylvania but of the country—for the work which he did.

When Senator Heinz was killed in a tragic airplane accident on April 3, 1991, I succeeded to his position, although not in seniority, on the Aging Committee and have had an opportunity to become more familiar with the work of the committee. There has been an articulation of a good many of the items that the Aging Committee has undertaken in a very important way: The references to the nursing home investigation, reference to the age discrimination issue, the reference to therapeutic procedures, and the work on pricing of drugs.

I know that in my travels through my State and covering the 67 counties in Pennsylvania that there is enormous concern by the senior citizens of Pennsylvania, and I have seen it outside Pennsylvania, about what is happening in the Congress. One thing that I think might be helpful would be to have fewer members on all of these committees because I know that given the numerous committee and subcommittee assignments I have that it is not possible to spend as much time on the Committee on Aging as I would like. I think this is a common feeling. When you go over your daily list and see all the committee assignments you have, you feel you really ought to go there. There is a tendency to drop in on a committee for a few moments, perhaps to submit some questions for the record. It is not realistic for all of us to keep up with all of our committee assignments. So there might be some wisdom in limiting that committee to just a few members who could concentrate on the issues.

I am the ranking Republican on the Appropriations Subcommittee on Labor, Health, Human Services and Education. That is a subcommittee in the appropriations process which takes up a number of the items which the Aging Committee might on a substantive line. We have hearing after hearing after hearing on many, many subjects and we cannot give adequate attention to the subject matters which are taken up by the Committee on Aging.

The idea of reorganization is an excellent idea and, again, as Senator COHEN pointed out, which we are in the midst of considering. It may be that a good many of the committees ought to be merged. If they are merged, I think they have to be merged in the context of where there are specific replacement assignments which come up, where other committees undertake their work so that if the Aging Committee is to be eliminated, then there ought to be a subcommittee to cover the responsibility as opposed to simply the elimination of the committee as we would if we were to act on it today.

I think this is an important amendment which has been offered by the Senator from Nevada and the Senator from Mississippi. I could not be in the Chamber to hear the comments of the senior Senator from Nevada. I know Senator Heinz, in his senior position on the Aging Committee used to call himself senior citizen from time to time. It was with absolute chagrin. He was so young and vibrant. We all miss him here. I did come in and hear the comments of the senior Senator from Mississippi. Senator COCHRAN made an excellent presentation, and I compliment him on it, as have the other Senators.

I think we ought to take this matter up in an overall consolidation, if we are to look to save the money which has been proposed. Let us consider other committees as well in a unified approach so if we substitute the role and function of the Committee on Aging or other committees.

In my judgment, it would be very unfortunate if this amendment would be adopted and we would send a signal to the senior citizens of America that somehow the Senate considered the Committee on Aging unimportant. We do not want to send a message that the Senate considered the Committee on Aging as something that ought to be eliminated without an overall plan and without the assignment of these important subjects and this important role to another committee or subcommittee.

So for these reasons, Mr. President, I intend to vote no.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, I do not want to speak on these amendments at this time. We have been going on now for about an hour and a half. I wonder if there is a chance we might work out a time agreement whereby we would take a vote. I do not want to press anyone, but we have the distinguished Senator from Mississippi and the distinguished Senator from Nevada having an amendment. I wonder if we can get a time agreement. I know the Senator from Arkansas [Mr. PRYOR] will want some time. I do not want to forestall anyone, but I see this beginning to roll into tomorrow and maybe late tomorrow. I am hoping that we might begin to limit our debate.

Mr. REID. Will the chairman yield?

Mr. FORD. I will be glad to yield.

Mr. REID. Mr. President, I think the Senator from Arkansas should make his argument. The Senator from Mississippi and I have spoken. If the Senator from Arkansas can give us an idea of how long he wishes to speak, perhaps we can quickly arrive at a time.

Mr. PRYOR. Mr. President, let me respond to my friends from Nevada and Kentucky by saying I myself would probably like some 20 minutes to speak, or 25. But I do have some requests from other colleagues. If I may have a few moments to run a little mini hotline to some of the people who have expressed an interest, perhaps in a few minutes then we can set a time for a vote.

Mr. FORD. Mr. President, I thank my colleagues for helping here. I am not trying to shut off debate but I would like to give colleagues some idea of how much time it will be before we have the next vote.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I urge the Senator from Arkansas to try to see if we can have a time limit. I think we all join in on that.

I do want to state to the Senate, I support the position that this committee should not be disbanded at this time. We are in the process of a substantial reorganization of the Congress, and I think it would be very unfortunate if we select one committee and send the wrong message and, what is more, stand the risk of losing staff who might well go into another function, another committee if we decide to merge this committee with another one.

I do see the concept coming out of what I have heard so far on the group that is looking at the reorganization of the Senate that maybe we ought to have a committee that handles select items from time to time and have a committee that could look into affairs of the aging, look into the affairs of the Indians, look into the affairs of various sectors of society that need oversight and need an opportunity to have the kind of attention that has been mentioned here that the late Senator from Pennsylvania, as well as many other people in this body, gave to the aging. I think that is the kind of thing that ought to come about through the reform process and not through a process of just disestablishing this committee at a specific date.

I will oppose the amendment. I do thank the Senator from Mississippi for the courtesy of having raised it on the floor. It was presented to our committee and he decided to come to the floor, along with the Senator from Nevada so we would face just one issue and one vote or maybe we will have two votes,

I am not sure. As a practical matter, I believe it is premature to consider this issue at this time, and I shall oppose these amendments.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

Mr. PRYOR. Mr. President, seeing no other Senators seeking the floor, I should like to make a few observations at this time.

First, I wish to say, Mr. President, to my colleagues from Nevada and Mississippi, Senator REID and Senator COCHRAN, I know what they are trying to do. I know what their attempt is. But if either of these amendments would be adopted by the Senate, Mr. President, I think we would see another one of those times when the Senate has committed an act, and what we have found to be the result are unintended consequences.

Mr. President, my friend and colleague from Nevada started his message to the Senate a few moments ago, and I think I am quoting him correctly, by saying, let us start restoring the faith. Let us start restoring the faith that the people of America have in us. Then he talked about boldness: It is time to be bold; it is time to do something bold and dramatic in the way we conduct business in the Senate.

I assume the implication of the Senator from Nevada in restoring the faith, it is time to be bold and do something dramatic, is that it is now time to take a special committee of the Senate that was created in 1961, that is there for the sole purpose of looking at the comprehensive global problems of the elderly, and abolish that committee.

The Senator from Nevada and the Senator from Mississippi, in all due respect, Mr. President, are holding out to the Senate this afternoon a very simple fig leaf. This is a fig-leaf vote. This is one of those votes where people can write up a press statement, go back to their homes over the weekend and say, "I voted to cut a committee out of the Senate. I voted to eliminate 25 employees from the Senate. I have seen that message come from you, the public, and I am responding."

But, Mr. President, unintended consequences are going to flow if we abolish the Special Committee on Aging.

I am not here advocating keeping a committee in the Senate in order that I might have a staff of 18 and the Republicans, or minority, a staff of 7. I am not here to advocate keeping the Special Committee on Aging in the Senate to serve us just because I want an additional job. I think all of us around here have enough jobs. Just being a Senator in itself is a full-time job, Mr. President.

But adopting either the amendment of the Senator from Nevada or the Senator from Mississippi is not going to do anything, and we all know it, about balancing the budget. It is not going to do anything about curing the deficit.

It is going to send a message across America to one of the more vulnerable populations of our society that we, early in the 103d session of Congress, have decided one of our first official acts will be to abolish their advocate in the Senate. And their advocate is the Special Committee on Aging.

Now, how much money would we save in the overall budget of the Senate, Mr. President? Let us face some facts. The distinguished chairman of the Rules Committee, the Senator from Kentucky, has labored for the last several weeks to get all the committees to reduce by 10 percent their allocations for expenditures.

First, Mr. President, the Aging Committee was one of the very first committees of the Senate to comply with the Senator's request. Second, the Senator from Kentucky has labored mightily and against odds to bring down the cost of doing the business of the Senate and its committees.

Mr. President, the Senator from Kentucky has succeeded in doing this. But today this goes a step further. How much of a step? Well, let us look at it. Today, the Aging Committee gets approximately $1 million a year. I have heard of $1.5 million a year. It is $1,093,430 a year. That is after we took our 10-percent cut. If either of these amendments would pass, this body would be going on record of saving the sum total of 1.9 percent of all committee budgets throughout the Senate—1.9 percent.

Now, the Corps of Engineers has a system they call the cost-benefit ratio. There is no question in my mind but that the benefits of the Aging Committee far outweigh the costs. I think the benefits are very substantial and the savings will be very nominal.

Mr. President, I was asked several times during the course of yesterday and today if I was going to offer a second-degree amendment to any of the amendments to come before the Senate. I must say that I thought about it. I thought about some amendments that might say, well, let us cut all the other committees proportionately again. Or I thought about an amendment that said let us simply refer this to the Boren committee, the bipartisan committee that has been meeting for some weeks—of which, by the way, I am a member and the Senator from Nevada is a member—let us just refer this issue to that committee and let them submit or give us their recommendations when the time comes.

I thought of several second-degree amendments, and I am not saying yet that I am going to preclude myself, or absolutely saying that I am not going to offer one later. But I would like to say that right now I am inclined not to. I am inclined not to, Mr. President, because I think on this vote this afternoon in this Chamber there is a compelling case on the merits of retaining the Senate Special Committee on Aging.

I know that for some Members of this body this is going to be a rather easy vote. Like we have said, you can have that opportunity to go back home and say, I have cut some of the costs of running the Senate. And maybe you might get a few editorials commending the people who vote to cut some of the spending in the committee system that we now operate under.

Mr. President, I hope this vote today will not be considered an easy vote or a hard vote. I hope what we are going to consider today is casting a right vote. I think the right vote is to retain the Special Committee on Aging. I would compare the Special Committee on Aging to any committee in the Senate in terms of the return on investment of these moneys that we allocate to the special committee. I would compare the cost-benefit ratio of the Senate Special Committee on Aging to any committee in the Congress.

For example, Mr. President, the Congressional Budget Office last year indicated that the American taxpayers are going to save $6.3 billion this year just on the Medicaid Drug Program that we passed in 1990—$6.3 million. Where did this legislation come from? Did it come from originally the Finance Committee, of which I am also a Member? No. It came from the Aging Committee. It came from the Aging Committee because we held hearings; we did the fieldwork; we did the workshops. And ultimately the Finance Committee, with all due respect, basically used the facts and figures and the studies that had been prepared by the Senate Special Committee on Aging. I think all of us will agree that $6.3 billion in savings, Mr. President, is a fair return on investment.

If I might, Mr. President, let me cite a couple of groups that might like to see the abolition of the Special Committee on Aging. One of those groups that might like to see this committee abolished is the Pharmaceutical Manufacturers Association. They would love to have this little post-Valentine's Day gift sent to them, pick up the paper tomorrow and see: Senate Special Committee on Aging abolished. Why, Mr. President, they would be the happiest group in town because it has been the Special Committee on Aging for the last 3 years that has challenged this industry and has said to this industry repeatedly, consistently, firmly, and fairly that "you are not giving the American consumers a fair deal." That has come from the Senate Special Committee on Aging.

Mr. President, I can tell you another group that would love to see this committee abolished. I can tell you they are out there working today. We are

after them. They would love to see us abolish it because we have been after them. Those would be the hundreds of insurance salesmen across America who are out there today peddling fraudulent medigap insurance policies to the elderly. They would love to see this committee go out of business because, right now, this is the only committee in Congress that has been doing anything about them and trying to stop them and their practices, especially their fraudulent practices, against the elderly.

Mr. President, only a year or so ago when the Social Security Administration's hot line broke down for the Social Security recipients all across America, when that whole system crumbled, who was it that came in immediately and held a hearing with the Social Security people and said, "You have to do this better; you have to respond to those elderly people that are calling about their Social Security questions on that hot line, and you have to humanize the system for those people who call in seeking information and advice"? It was the Special Committee on Aging, Mr. President.

We can cite time and time again when this committee has become the advocate for the elderly American, and we can cite time and time again, pound for pound, person for person, where this committee, this staff—I would put this up against any committee in the U.S. House or the U.S. Senate—becoming an advocate for the elderly or any other group.

Mr. President, we have two amendments before us this afternoon, one being offered by my friend from Nevada, who is a member of the Special Committee on Aging. I must say he is my friend. He has been my friend, and he is going to continue to be my friend. But I have to say it, Mr. President, I did not expect him to offer this amendment. And today when he says, "David, I don't want you to take this personally, this is not personal," well, I turned to my friend, Senator REID, and I said, "Senator REID, it may not be personal with you, but it is personal with me." It is personal with me, Mr. President, because this is a fine committee that can be argued for and supported on its merits. This is a fine committee that should be not only encouraged to continue its efforts and its work for the elderly and, even in the intergenerational issues that we are facing today, it is the committee that I hope will be deserving of a vote of confidence of the U.S. Senate.

I think of the late Frank Church, who chaired this committee. I think of the late Senator McNamara, who chaired this committee. I think of Lawton Chiles, now the Governor of Florida, who chaired this committee; of Senator JOHN GLENN, of Ohio, who chaired this committee. Yes, Mr. President, his name has already been invoked today. I think of the late John Heinz, who was killed on April 3, 1991. He was actually, literally, on his way to chair a field hearing authorized by the Special Committee on Aging in the U.S. Senate.

Mr. President, speaking of Senator Heinz, I would like at this point to ask unanimous consent to insert into the RECORD a letter in support of retaining the Aging Committee of the U.S. Senate by Teresa Heinz, Mrs. John Heinz, the widow of the late Senator John Heinz, of Pennsylvania

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

HEINZ FAMILY OFFICE,
Pittsburgh, PA, February 23, 1993.

Hon. DAVID PRYOR,
Chairman, U.S. Special Committee on Aging, Washington, DC.

DEAR SENATOR PRYOR: This letter serves to express my opposition to an amendment that would eliminate the Senate Special Committee on Aging. Such an amendment strikes at the heart of an issue that represents a very proud part of my husband's legacy.

I am writing because my late husband would have spoken against this proposal in the strongest words possible, not because he opposed reducing Committees—indeed, the idea had great appeal—but rather because the pluses of eliminating this specific Committee are outweighed by the minuses. Let me summarize what I believe would have been his arguments.

First, over 30 percent of the federal budget is spent on seniors. In most cases, the single qualifying factor for federal payments is age. As every Member of Congress knows, the percentage of the federal budget devoted to seniors will continue to increase. In principle, these facts argue strongly for a forum with the jurisdiction to examine federal policies that affect the elderly in a holistic fashion. Rather than looking at the programs as pigeonholed by narrow Committee jurisdictions, the Special Committee fosters a review that leads to a better appreciation of the interplay of programs. Often, the sum is greater than the parts. It is this broader vision that would be lost should the Special Committee be eliminated.

Second, in practice, the Special Committee has been relentless in uncovering fraud and abuse being perpetrated against the federal government. The Committee's investigations have brought significant savings to the federal government—savings that would not have been found without its existence.

Third, in practice, the Special Committee has made a dramatic difference in the lives of seniors and their families. Whether exposing entrepreneurs who preyed upon elderly Americans with slick slogans and quick get rich schemes that bankrupted people who had saved all their lives in preparation for retirement or casting light on inhumane treatment in nursing homes, the Committee has educated consumers about their rights and self-help measures.

Finally, whether under the leadership of John Heinz, Frank Church, Lawton Chiles, Pete Domenici or yourself, the Committee has a proud and unique record of bipartisanship.

I know that John thought of you as both a colleague and a friend. He respected your willingness to tackle problems together, and understood that the committee approached problems as a team—not as two members with separate and unequal agendas.

John was a tireless advocate for the rights of all Americans, but he understood the special circumstances confronting poor and vulnerable Americans of all ages but particularly older Americans. He understood that the Senate Special Committee on Aging had a special mission that no other Committee in the Senate could fulfill.

With warm personal regards,

Sincerely,

TERESA HEINZ.

Mr. PRYOR. Mr. President, let me say something else. We have two amendments. One of them is going to kill the committee, maybe next year, maybe in a few months, maybe refer it to someone else, let them look at it. And then the Senator from Mississippi has an amendment to just kill it. I am going to be honest with you. I would rather adopt the amendment of the Senator from Mississippi than the amendment of the Senator from Nevada. I will tell you why. If this committee is going to be put out of business, do it now. Do not make us suffer. Put us out of business today if you are going to vote that way. But I believe, and I believe strongly, that this committee does not deserve to be tortured slowly, hung out there twisting in the wind until next year in a lame duck status with people on that staff, highly professional, not knowing whether they are going to be reauthorized or not by the special bipartisan committee. No, Mr. President, this committee has too much pride for that. Those fine, professional staff people have too much pride for that. And I am pleading with my colleagues this afternoon to support this effort to keep this committee alive and to keep it functional.

I hope my good friend from Nevada did not take my remarks as personal. A while ago he said, "Senator Pryor is a member of the Finance Committee. We can just let the Finance Committee do all of these things that the Committee on Aging is charged to do."

Mr. President, I would love to invite my friend to stay with us during some of the hearings in the Finance Committee, to work with us in the Finance Committee for a month or so, to see what we do.

First, this year for example, all of the new administration proposals on stimulus packages, on unemployment, on the creation of jobs, on all of this, 95 percent of that is going to go through the Finance Committee. We are going to have to be dealing with trade issues, global issues, and I can guarantee the Senator from Nevada that the Senate Finance Committee—we have a new chairman, and he is one of the best Members of this body, Senator MOYNIHAN. Without any question he is going to be a great chairman.

But physically the Committee on Finance does not have the amount of time necessary to go forward and do what the Aging Committee does. For example, the Aging Committee has done this work: On April 10, a hearing

on the Social Security Administration toll-free telephone system; June 6, the Social Security Administration representative payee program, the Representative Payee Program: Safeguarding Beneficiaries From Abuse; July 18, 1989, Prescription Drug Prices: Are We Getting Our Money's Worth?—this is when we started the prescription drug investigation; March 7, 1990, Medigap Policies: Filling Gaps or Emptying Pockets?; September 28, 1990, Profiles in Aging Americans, Meeting the Health Care Needs of America's Black Elderly Population; field hearings, Mr. President, all across America, workshops, seminars, educating the elderly, advocating for the elderly at every stop across the way.

Also, Mr. President, last year, the President might be reminded, for one publication last September and October that we published about available free drugs for the indigent Americans, the Aging Committee, Mr. President, had over 60,000 requests, over 60,000 requests, for that publication alone.

Mr. President, the Special Committee on Aging has done enormous work in every aspect of the life of the elderly American. We feel that these amendments should be defeated. We feel that these amendments are not timely. We feel that these amendments are counterproductive, and I feel that these amendments will have no real bearing on the deficit figures, the budget imbalance, or any of those real concerns that are today being expressed by our senior citizen constituents.

Mr. President, I am not going to read this whole list, but I will put it in the RECORD. We have a large number of groups who are supporting the retention of the Senate Special Committee on Aging, including AARP, National Council of Senior Citizens; Grandparents United for Children's Rights, Inc. Once again, intergenerational issues. It includes Medicare Beneficiaries' Defense Fund; National Association of Area Agencies on Aging. It goes right on down the line, Mr. President. These fine organizations, who have worked closely with the Senate Special Committee on Aging, are now supporting the retention of this particular committee.

Mr. President, I ask unanimous consent that the list of these organizations supporting the committee be printed in the RECORD.

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

(See exhibit 1.)

Mr. PRYOR. I think this is as good an analogy as I know. Sometimes when we want to lose weight, if we want to go on a diet, there are ways to go on a diet and ways not to go on a diet. But the only way I know to go on a diet is to lose weight throughout your whole system, not to cut off an arm, not to cut off a leg. But this is exactly what is happening with either of these two amendments, if they are adopted. If we want to cut out fat and we want to cut out weight, let us just remove a committee, and then we can breathe a sigh of relief and pat ourselves on the chest that we have done something about balancing the budget.

Mr. President, we are making a terrible mistake this afternoon if we accept either one or endorse either one of these amendments that are now proposed. I am urging and pleading with my colleagues to retain this committee, to continue its authority, to let it continue becoming America's advocate for the elderly.

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

EXHIBIT 1

LETTERS RECEIVED SUPPORTING RETENTION OF THE SPECIAL COMMITTEE ON AGING

Mrs. Teresa Heinz
American Association of Retired Persons (AARP)
National Council of Senior Citizens
Grandparents United for Children's Rights, Inc.
Medicare Beneficiaries Defense Fund
National Association of Area Agencies on Aging
National Black Aging Network
Consumers Union
National Senior Citizens Law Center
National Pacific/Asian Resource Center on Aging
United Seniors Health Cooperative
American Public Welfare Association
Arkansas Seniors Organized for Progress
SOS-Save Our Security
The National Home Care Association
Children's Defense Fund
National Association for Music Therapy, Inc.
Families USA
National Indian Council on Aging, Inc.
Alzheimer's Association
American Medical Peer Review Association
National Citizen's Coalition for Nursing Home Reform
National Association of State Units on Aging
American College of Emergency Physicians
National Association of Social Workers
Older Women's League
National Association of Geriatric Education Centers
National Association of Retail Druggists
National Caucus and Center on Black Aged
National Alliance for Aging Research
American Pharmaceutical Association
Pharmacists' Association of Western New York, Inc.
National Committee to Preserve and Protect Social Security
National Association of Meals Programs

Mr. STEVENS. Mr. President, I wonder if I could ask this of my distinguished friend, the chairman of the committee. It is my understanding that Senator INOUYE wishes to offer an amendment, and we have Senator CHAFEE, who would like to have an agreement on an amendment for 1 hour equally divided. Is it possible for us to enter into an agreement at this time? I see the Senator from Florida is on his feet. Does the Senator from Florida have an amendment?

Mr. GRAHAM. No, but I was standing in order to seek recognition to speak in opposition to the pending amendments.

Mr. STEVENS. I am sorry to delay the Senate. I wonder if we can get an agreement that, following this amendment, Senator INOUYE would offer his and Senator CHAFEE would then offer his. This is following the amendments.

Mr. PRYOR. Following the disposition of both of the amendments?

Mr. STEVENS. This is following the Reid and Cochran amendments. We would like to get some certainty as to what is happening for the rest of the afternoon.

Mr. REID. It is my understanding—has the Senator propounded a unanimous consent request?

Mr. FORD. No.

Mr. STEVENS. With the indulgence of the Chair and the body, I am attempting to see whether we can get an agreement as to the time those amendments would take this evening. It is my understanding that Senator INOUYE has an amendment, and he has a few minutes on that. Senator CHAFEE has an amendment, and he authorized me to request that he be allowed 1 hour on an amendment to follow Senator INOUYE's, equally divided, so we would know where we were going after this. The time would start after the time used on the Reid and Cochran amendments.

Mr. REID. After the disposition of these two.

Mr. FORD. Mr. President, I ask unanimous consent that after the Reid and Cochran amendments have been disposed of, at the conclusion, Senator INOUYE be recognized for not more than 5 minutes for an amendment; and then following disposition of Senator INOUYE's amendment, that we recognize Senator CHAFEE for an amendment, and that the time be 1 hour to be equally divided between the opponents and proponents.

Mr. COHEN. Reserving the right to object, and I shall not object, do I understand that the managers have no objection to Senator INOUYE's amendment, and they are going to accept it?

Mr. FORD. Yes. It is technical, and we are doing what is already agreed to.

Mr. PRYOR. I might offer another suggestion, Mr. President, that might work, also, and simplify things. I will tell you what I am trying to do. I am trying to protect myself in the event I might want to come with an amendment after the disposition of the Cochran amendment.

Mr. REID. Mr. President, I would object.

Mr. FORD. We have an objection.

Mr. PRYOR. I was going to just say, to allow the Senator from Hawaii to go right now with his amendment, we can set everything aside.

Mr. FORD. We do not want to do that.

Mr. GRAHAM. Mr. President, I rise to speak against the two pending

amendments. You have heard very eloquent and persuasive remarks by the chairman of the Aging Committee. I would like to raise another set of issues. Most of our Senate committees are oriented toward providers of services. We have a committee for transportation. We have a committee with particular responsibility for health issues, for labor issues, and for education issues. Essentially, the committee that is the subject of this amendment, the Senate Select Committee on Aging, is a committee which represents the interests of the consumers of a variety of Federal Government services.

People do not live in boxes. People do not live just by one area of Government service. In fact, it requires an effective interrelationship of services in order for Government to serve people's needs. It is of little value to have an effective rural health program if there is no transportation system that would allow people to have access to that rural health program. You might ask of all of the groups of Americans, then, why should there be a select committee for aging? Why should there not be a select committee for the middle aged, or adolescents, or infants, or for any other particular grouping of the population?

Mr. President, an important but little understood phenomenon has occurred in American federalism. That phenomenon is that we have allocated the responsibility for large age groups of our population between the Federal Government and the States.

That allocation is such that the Federal Government has a primary responsibility for older Americans and the States have a primary responsibility for younger Americans. I happen to represent the State of Florida which has the highest percentage of persons over 85 and the highest percentage of persons over 65 in the Nation's population. Almost 19 of the citizens of my State are over the age of 65.

In spite of that if an analysis were done of the State budget based on those programs which related particularly to an age grouping of the population, even in the face of the demographics of Florida better than 10 to 1 State dollars are spent on persons under the age of 24 as opposed to State dollars spent on persons over the age of 65.

Why is there such a imbalance? The answer is because the nature of our allocation responsibilities has placed States in the position that they have the primary responsibility for education, which is largely a youth-driven program, for those welfare and social service programs that are particularly utilized by younger Americans. Unfortunately since much of the criminal justice system is at the State level, and since much of the criminal justice system is directed at the antisocial behavior of persons under the age of 24, a large share of those resources are devoted to younger citizens.

The Federal Government, particularly through programs such as Social Security and Medicare, has assumed the primary responsibility for older Americans. Therefore, it is particularly appropriate that there be a committee in the U.S. Senate which focuses its primary attention on the group of Americans for which the Federal Government has primary responsibility.

This is also an area of the population which is exploding in its numbers. This committee was established in 1961. In 1961 there were 16 million Americans over the age of 65. Today there are almost twice that number, 31½ million Americans over the age of 65 and by the year 2020 it is estimated that there will be over 60 million Americans over the age of 65.

So the responsibilities in terms of the allocation of duties by the levels of government have placed the Federal Government in an especially significant role of responsibility for understanding, initiating, and sensitively implementing programs for older Americans and, because we have been so successful as a nation in extending life. The numbers of persons who will be looking to the Federal Government to discharge that responsibility are dramatically increasing.

As we know the reasons that this Government was established were in order to ensure life, liberty, and the pursuit of happiness. It is because we have been so effective particularly in providing for extended life that the Federal Government now has the challenge of providing for a population of over 31 million of our citizens who are over the age of 65 and we are soon to see that number double again.

Mr. President, I believe that it would be shortsighted for the Senate today to make a peremptory decision that the special attention which since 1961 the Aging Committee has given to older Americans is no longer necessary. Quite to the contrary. At a time when we are attempting to fashion a new national health care system, we are dealing with the interrelationships of social programs and of medical programs, even the series which is currently on public television, on the role of the mind and the body in our health, illustrates the fact that former tight lines between social policy and medical policy are no longer as secure as they used to be, that all of those things argue that at least we should adopt the responsible policy of waiting until the Commission which this Congress less than a year ago established to do the very thing of looking comprehensively at how we can organize ourselves to best discharge our responsibility, that at least we ought to wait until that Commission has completed its work and has looked at the role of Congress in having a committee that looks through the perspective of the Americans for whom the Federal Government has the greatest responsibility for their life, liberty, and their ability to pursue happiness, the older American, that that would be reflected in a body of Members of the U.S. Senate who would give that a particular and sustained focus of attention.

So, Mr. President, I urge the defeat of this amendment today so that we can have a more considered judgment how Congress can carry out its responsibility to the 31½ million Americans over the age of 65 at an appropriate date in the future.

I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. WOFFORD].

Mr. WOFFORD. Mr. President, I rise to support the Special Committee on Aging chaired by Senator PRYOR.

For a number of years now that committee has been at the forefront of protecting the interests of the Nation's older citizens. Most recently the committee has led the charge against the skyrocketing drug costs and studied the intricacies of Medicare, and the committee has made a major contribution toward comprehensive health care reform, an issue that is foremost on my agenda and that of the Pennsylvanians who sent me here.

I came to the Senate in the wake of the terrible tragedy of John Heinz' death. I have been determined to make something good come out of that loss and to carry on many of the causes championed by John Heinz.

He ably led this Special Committee on Aging for a number of years. The prominence that committee now enjoys is in large measure a result of his good work. Teresa Heinz made clear, in her eloquent letter to Senator PRYOR, the Special Committee on Aging is needed today to tackle the many complex problems confronting our rapidly increasing senior population.

I take very seriously our responsibility to reform how Government does its work. It is essential for us to cut spending and balance the Federal budget and it is our duty in Congress to set a better example of frugality with the taxpayers' dollars.

But we do not accomplish that goal by eliminating those very elements of government that do the most good. The Special Committee on Aging is a committee that works, that truly promotes the people's interest. So I believe it would be unwise, it would be pennywise and dollar foolish to eliminate this committee which served such an important purpose for millions of older Americans and for the millions who will soon be.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise to oppose the effort to eliminate the

Senate Special Committee on Aging, and it is not because I do not care about the deficit. I care about the deficit issue more than any other issue that is before us, and I am spending more of my time trying to find ways to cut Government where we can than on any other issue. I strongly support the President's efforts in that regard.

At the same time, I do not think as we go through the deficit reduction process that we should do so recklessly or in a way that would actually be counterproductive. I think eliminating the Aging Committee in the Senate would be just that—reckless and counterproductive.

I say that in part because for years I have had the chance to watch from afar the efforts of the Senate Aging Committee. Individuals like Senator Heinz and the current Chair from Arkansas have provided leadership that we felt back in Wisconsin on many key aging issues.

I have that perspective in part because I had the opportunity in Wisconsin to chair our State senate committee on aging for 10 years. I saw there how effective a committee can be by holding hearings and by highlighting issues in the State and throughout the country. In particular, it happens to be that the Chair here today, the senior Senator from Wisconsin, was the person who used the good offices of this committee to highlight the issue of Medicare supplemental insurance and focus on the problem that there were elderly people in Wisconsin and many other places in our country who were being talked into buying six or seven Medigap insurance policies when all they needed was one or none. It was when the Chair came to Wisconsin and held the hearing highlighting that issue that we were able in the State senate aging committee to actually get some attention on the problem. So I have seen the Senate Aging Committee in action. I have seen it have an impact on a day-to-day basis in our home State in a way that we frankly almost never see from the Federal Government back home. I also saw the value of this committee this morning when the committee took on the issue of costly prescription drugs. It forced people to come forward and answer some questions about why those costs are so high.

In my view, if we eliminate this Senate Committee on Aging, the greatest celebrations will be in the halls of the pharmaceutical and drug companies tonight, because they will know that one of the best voices against those high drug prices will have been stilled. And I oppose that.

The Aging Committee in the Wisconsin State Senate that I chaired also did not have authorizing jurisdiction. We could not pass a bill and authorize funding to pay for it. We had to go to the Joint Finance Committee. But that did not mean that forum was not available and helpful in doing such things as raising questions about the lack of programs for victims of Alzheimer's disease.

In fact, we were able to develop a relationship with the authorizing committees, whereby they looked to the Aging Committee for guidance, for research, and for conducting hearings that an authorizing committee often does not have time to do.

I think committees like this have a value. You cannot have one on every subject. But in this area of aging, I think, without a committee, the concerns of older citizens are very likely to be put so far down in the priorities that it would be a problem.

In fact, I think that the oversight committees and activities ought to be more highly regarded. Many people back in Wisconsin, I think, believe we should spend a little less time just passing laws and spend a little more time seeing that the laws we passed are actually doing something and are working. And I think that has been one of the functions of the Senate Aging Committee.

The argument is also made that, because the House of Representatives is likely to or is in the process of eliminating their Aging Committee, the Senate should do the same. That does not make sense to me.

I understand on some issues you need to have both Houses look at the issues, such as Ways and Means Committees, financial matters, tax matters. Obviously, that is true. But I think it is even more important, if the House of Representative is going to eliminate their Aging Committee, that this forum still be available in the Senate.

Frequently, in our Wisconsin legislature, one House might set up a special committee to study a problem. I remember our State assembly would set up a special committee on the gambling issue or on the issue of urban education. It was not necessary to have the issue addressed in both Houses, but it was important that it be done in one.

I think, given the history and the current operations of the Senate Aging Committee, that it is necessary that we maintain this committee, especially in light of the fact that the House may not be continuing its committee.

Finally, and most important, I believe this committee has and will continue to highlight an issue that directly relates to the deficit, and that is the issue of long-term care for the elderly and disabled.

I have heard the message quietly around this building and elsewhere far too many times since I have been here, just for a few weeks, that there is going to be a health care reform package, but it might not include long-term care for the elderly and disabled. That would be a terrible mistake. It would show a lack of compassion. It would show a lack of understanding. And, most importantly, it would miss an opportunity to reduce the Federal deficit by using community-based and home-based programs as an alternative to nursing homes. That is one of the best ways to reduce the Federal deficit.

And I believe when the First Lady came down here, that was a message that was received, because she began her presentation to us saying that the President believes that the key to definition reduction is, at least, in part, health care reform.

My message back is that if you are serious about reducing the deficit through health care reform long-term care for the elderly and disabled must be a part of that reform. Of any committee in this Congress, the one that has the best possibility of raising that issue and making sure that it will be on the top burner when it comes to health care reform, it would be the Senate Committee on Aging.

So I strongly urge the members of the Senate to oppose this amendment. I think it is shortsighted and ultimately goes against our real objective of serious deficit reduction, not just a few dollars to make it look good for tomorrow's headlines.

Thank you very much.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. COCHRAN. Mr. President, just a few comments to wind up my statement in support of the pending amendment.

I think it is important for us to keep in perspective what the issue is here today. The issue before the Congress is whether or not we are prepared to cooperate and support the effort to reduce the deficit, to make a contribution toward dealing with the big threat that our national economy faces—the $4 trillion debt that has accumulated and now hangs over the Federal Government and our Nation's economy.

We are projected to have a deficit in spending at the Federal level of more than $300 billion this year. We have been hard at work trying to figure out a combination of changes that can be made in the way we do business now to contribute to deficit reduction.

There have been a lot of tax increases recommended by the new President. There have been a lot of spending cuts recommended by the new President. And he has challenged us, in a joint session of Congress, that if we do not like the cuts that he has recommended, come up with some of our own, but be specific.

Now I think we need to, as an institution here in the Senate, respond to that challenge. And I think the committee resolution, as brought out by the distinguished chairman and the distinguished ranking member, Senators FORD and STEVENS, makes a sub-

stantial and significant contribution to deficit reduction.

A lot of committees are coming in for a lot of reductions under this resolution in their committee staffs. These are real cuts.

Two questions stand before the Senate regarding the pending amendments: Do we need to recognize that we have duplication in activity amongst our committees here in the Senate, and are we willing to face up to the reality that we can make additional reductions in spending?

We already have a committee that has legislative responsibility for issues relating to the aging and to the elderly population in this country.

The distinguished Senator from Maryland, BARBARA MIKULSKI, is chairman of the Legislative Committee on Aging. There are other committees that have specific legislative responsibilities on matters of special interest to older Americans.

The Judiciary Committee has jurisdiction over antitrust practices and monopolistic pricing. The Commerce Committee has jurisdiction over drug company advertising. The Banking Committee has jurisdiction over housing concerns. The Veterans' Affairs Committee has jurisdiction over those issues of special concerns to older veterans. In the Appropriations Committee, the Subcommittee on Labor, HHS Appropriations, chaired by Senator HARKIN from Iowa, has jurisdiction over funding many of the activities. The Federal agency on aging, the Administration on Aging, comes under the jurisdiction of that subcommittee.

There are many subcommittees and many full committees. There are at least seven with jurisdictional power over areas of special concern to older Americans.

The question is: How many committees do we need with jurisdiction over matters of interest to older Americans? How many do we need? Do we need a committee that we name today "The Very Special Committee on Aging"?

I think we need to face the facts, as we were challenged to, that we are spending too much in Washington today, and we need to look for ways to cut back on spending and reduce the deficit.

We are faced with a serious problem. I am suggesting that we need to come up with, more often than we do, specific recommendations for reducing that spending.

I do not think the American people are going to respond to the call to sacrifice until we show that we are very serious about looking at the way we do business here in trying our best to economize and make changes that will make the operations of the Senate more efficient.

Duplication of effort is not efficiency. The American people can recognize that. And it is obvious that we can reorganize the way we do business here and make this place more efficient.

A substantial effort is being made in the resolution that was brought to the floor by Senator FORD and Senator STEVENS today. I hope that the Senate will vote in favor of the Cochran amendment, reduce our spending for this function, and permit the other committees that have legislative power over the same areas, the same subjects, that are being explored in hearings by this special committee to be assumed by those committees that have the responsibility for taking care of those issues.

We can do a good job addressing the issues of older Americans. We ought to do a good job. It is an important area of concern. But I hope we can recognize the duplication of effort when we see it and eliminate it.

Mr. REID. Mr. President, could I direct a question through the Chair to the manager of the bill, the chairman of the Rules Committee? I am wondering if you could make inquiry now if we could work out a time agreement of some kind?

Mr. FORD. Mr. President, I would be more than willing to do that. I understand the distinguished Senator from Mississippi has made his final statement.

Senator PRYOR has wound up his.

If my colleague has some time he would like to speak, he would be the last speaker. Then it would be my intention to ask unanimous consent that we have the yeas and nays on the two amendments en bloc, and that the second vote be 10 minutes.

Mr. COCHRAN. Not en bloc but to occur back to back.

Mr. FORD. Yes, back to back, but the en bloc—show of hands for the two amendments, the second will be—up or down on both of them.

Mr. COCHRAN. The only objection I would have is the use of the phrase voting on en bloc.

Mr. FORD. No, the motion I would make would be en bloc, that it would cover both amendments. Both would be up or down and the second vote would be for 10 minutes.

Mr. COCHRAN. Just the use of the two words, en bloc, bothers me.

Mr. FORD. There are a lot of things around here that bother me. My intentions are correct but my expression may not be.

Mr. COCHRAN. I think we are through debating the amendment.

Mr. FORD. Senator REID, is he through?

Mr. PRYOR. Mr. President, if I might I would just reserve 2 minutes for Senator COHEN of Maine and 2 minutes for myself.

Mr. FORD. Mr. President, how much time do we have left? How much time does the Senator from Nevada request? Because we will keep going on and going on. It is already 5 o'clock.

Mr. REID. We have been here for 2 hours and 45 minutes. I have spoken about 15 minutes during that time. I probably need 15 minutes. I may not use it all but I would like 15 minutes.

Mr. FORD. And the Senator from Arkansas would like 2 minutes. The Senator from Maine would like 2 minutes.

Mr. President, I ask unanimous consent the Senator from Nevada have 15 minutes; that the Senator from Arkansas be entitled to 2 minutes; that the Senator from Maine, the senior Senator from Maine, have 2 minutes. And at the end of that period of time that we will have—I will ask for the yeas and nays on both amendments and ask that the second vote be for 10 minutes only.

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

The Chair recognizes the Senator from Nevada [Mr. REID].

Mr. REID. I hope, Mr. President, that the President's staff has been listening to this debate today. Because if they have, and they report to the President what has transpired, the President—even though he does not sleep much each night, I am told—tonight will sleep less.

I believe that it does not bode well for President Clinton. We have here a vision for change for America. In this vision for change for America, the President has asked for a number of cuts to be made in this body. I believe, based upon the arguments that I have heard here today, that my colleagues should understand that it is going to be extremely difficult for the President, for example, to cut the State Justice Institute; to cut the Commerce Economic Development Administration Trade Adjustment Assistance Program. He wants to terminate some commissions. For example, the National Space Council, the National Critical Materials Council—I am very familiar with that. Frankly, I have been responsible for keeping it here in the Government of the United States for a number of years. It is a very good council. But I am willing to sacrifice that, because it is for the good of the country that we make certain cuts; the Commission on the Bicentennial of the United States, Competitive Policy Council, and on and on with cuts that the President has recommended we make.

I think he is in for a rude awakening if we follow the logic of the opponents of the Cochran-Reid amendments. Why? Because everyone who has spoken in opposition to these amendments has a unique way of approaching the deficit of this country. My friend from Arkansas, the chairman of the committee, says it will not do anything to balance the budget; it will not do anything to cure the deficit. Using that logic, nothing will.

It is only 1.9 percent, 2 percent of the funding for the committees, which is about $55 million—2 percent of that. Of

course it will do something. That is the point of the debate. That is the point of the amendments. We have to start somewhere.

I would also suggest to my friend from Arkansas that his suggestion that he wants everyone here to vote, not for my amendment, but for the Cochran amendment—I suggest that does not impart to me that my friend from Arkansas has much confidence in the ability of the Aging Committee to prove its worthiness to the Boren-Gradison Committee to Reorganize Congress.

I suggest if the committee is as good as my friend from Arkansas says it is, he should be able to show to the bipartisan committee its necessity.

I am also interested in the statements that have been made by others. Every person who stands has a unique idea why we should not today—we will start tomorrow to balance the budget, to cure the deficit. My friend from California, the senior Senator from California, said why the Aging Committee? It is the only select committee. I have gone through that in the debate. It has been eliminated in the House. It has no legislative authority. We must start cutting someplace.

Go home to a hometown meeting and see if they want us to cut committees. Of course they do. But we do not have to rely on that. I ask everyone here to step back for a minute and listen to what we have heard here this afternoon in opposition to this amendment. Everyone here is an expert as to why the committee should remain. All of the experts who appeared before the Committee to Reorganize Congress said that committees like the Aging Committee should be eliminated. These are political scientists. These are congressional experts. But we all have a reason. No, let us wait until tomorrow, let us study it some more.

My friend from Pennsylvania, the senior Senator from Pennsylvania, said it would be difficult because we would have to reassign Member to other committees. That is not factual. Of course we would not have to because it is a nonlegislative committee. That is the whole point. We need to save the time of Senators, eliminate committees, subcommittees. I think those who oppose the Cochran-Reid amendments should understand that it does not bode well for the Committee to Reorganize Congress. If we cannot do this, I feel real bad about further attempts to reorganize Congress.

Someone said that it sends a signal to seniors. I have stated, I state again, I put my record for seniors second to no one in the U.S. Senate. I think it sends a message to the American public, a good message, that we here in the U.S. Senate are willing to do the minimum—at least what the House did.

Some have asked why we did not go after the Indian Affairs Committee. It is not a select committee. In 1984 it was made permanent and it has legislative authority.

Everyone who has spoken against this amendment has said that it is an essential committee. None of the experts agree that it is; not a single one that has appeared. Numerous witnesses appeared before the Boren-Gradison committee, numerous witnesses. And they all said we should eliminate these select committees, naming specifically this one.

Everyone can make the argument that my friend, Senator COHEN from the State of Maine has made. Let us do it in an appropriate forum. Let us do it later. Let us do it tomorrow. Let us not do it today. It does not amount to much money. Let us do it some other time. Let us put off what we need to do. Let us not have a vision for change for America.

I repeat, I feel very bad for President Clinton's sleeping tonight. Because if he sees what has gone on here, we are not going to cut anything. Every one of these programs he suggests that we cut, there are reasons for them. I said that in my opening statement.

I said there are reasons for the Aging Committee. I know there are reasons; I serve on it. We have done some good things, important things. I have participated in them. Senator COHEN did not hear my remarks, but I talked about the work I did with music therapy. I spoke about that.

There is not a better time to begin taking a hard look at the deficit than doing what we need to do today, not tomorrow. Remember what the New York Times said? The New York Times said that "All President Clinton promised was an economic plan, but his speech to Congress offered something even rarer along the marshy rim of the Potomac—a vision. If Republicans and Democrats in Congress will only step back from Mr. Clinton's specific proposals," and today we are talking about a specific proposal, they will discover—they is us, Members of the U.S. Senate—perhaps to their horror—our horror, that is who the Times is talking about—that President Clinton "has assumed the best about them—namely, that they"—talking about us—"are capable of conducting business in a brandnew way, lifting their sights beyond the short political horizons that normally govern congressional deliberation."

Unless the Cochran or Reid amendment carries today, we are back doing business as usual and every Members of the U.S. Senate and everyone watching this proceeding should understand that. Unless we start cutting today, there will be no tomorrow.

I reserve the remainder of my time.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senator from Maine.

Mr. COHEN. Mr. President, there is something Orwellian taking place today. The distortion of language is the precursor to a distortion of values. We learned that in reading Orwell's "1984." We are almost to 1994 now, or close to it, but in Orwell's 1984, hate means love, slavery means freedom, war means peace, and two plus two equals five or six or whatever the State declares it is going to mean.

Here we have the authors of these amendments saying this is an act of courage, this is an act of fiscal responsibility. This is not an act of courage and is not one of fiscal responsibility.

I want to take one exception to what the chairman of the Aging Committee has said. He said these amendments will have no impact upon the deficit reduction efforts. I disagree. These amendments will have a very big impact upon the deficit reduction efforts in a negative way. What the Senator from Nevada is saying is that we will save $1 million, but what will have happened? But for the action of the Special Committee on Aging, we would have been paying $6.3 billion in higher prices for the drugs under the Medicaid Program—$6.3 billion. There was no other committee that developed these savings; it was not the Finance Committee; it was not Labor-HHS. It was the Aging Committee that produced the basis for saving $6.3 billion for a $1 million investment. Do you want to throw out $6.3 billion?

They have also indicated the committee has saved the taxpayers another $200 million for the durable medical equipment program. For a $1 million investment, we saved another $200 million. Does that make good fiscal responsibility to cut out a committee to save that kind of money for the taxpayers? If you really care about the deficit, you will vote against the Senator from Nevada and the Senator from Mississippi because we have saved the taxpayers not millions, but billions of dollars for a very small investment.

I yield the remainder of my time.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Arkansas [Mr. PRYOR].

Mr. PRYOR. Mr. President, we have come to the conclusion of our debate this afternoon. I think now the issue is very clear, but I want to clear up something I hope I did not leave a misimpression relating to, and that was anyone who thinks that I support the Cochran amendment, I am sorry, was not listening to me very well. I do not support the Cochran amendment. I do not support the Reid amendment. I did say in jest that I would prefer the Cochran amendment because if you are going to put the Aging Committee out of business, I would prefer for it to be sudden rather than a lingering death where we would be in a lame duck sta-

tus. That committee has too much pride for that, Mr. President, and those people who work in that committee professionally I think are perhaps, pound for pound, person for person, the most highly qualified and professional staff that we have—with all due respect to all the committees—throughout the U.S. Senate committee system.

Finally, Mr. President, there has been an argument today offered by my good friend from Nevada that the Senate Special Committee on Aging does not have any legislative jurisdiction. The Senate Special Committee on Aging has never asked for any legislative jurisdiction. In 1961 when this committee was formed, it was specifically formed not to have legislative jurisdiction in one certain little area, but to have comprehensive jurisdiction to look at and investigate and monitor those areas of interest and of concern to the then 20 million elderly people.

Today, we are not asking for legislative jurisdiction, notwithstanding the fact that in 1977, the committee was made a permanent committee and a similar attempt was made at that time, when Senator Church was chairman of the committee, to abolish the committee. By a resounding vote of this body, the committee was retained because at that time, in the Senate's wisdom, the Senate saw the need for such a committee, and I hope, Mr. President, that the U.S. Senate once again will see the need for this committee, allow this committee to function and allow this committee to work for the elderly of America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

Mr. LEAHY. Mr. President, I do not support abolishing the Aging Committee, and I would ask all Senators to consider how doing away with it would affect the elderly in this country.

For my money, Senator PRYOR's committee is a bargain. for an investment of $1 million a year, his committee will save the American taxpayer over $6 billion by 1997, thanks to legislation he developed to ensure that the Medicaid Program gets the best price on prescription drugs.

I admire the work Senator PRYOR and his fine staff have done to bring down the costs of prescription drugs, and I am proud to work with him on this issue.

One thing is certain—if we abolish the Aging Committee this afternoon, a lot of drug company CEO's will be dancing in the streets tonight.

Mr. President, there are many, many more ways in which this committee has produced real savings to the American consumer and peace of mind to this country's elderly. Senator PRYOR's committee has pushed through protections against marketing abuses in Medigap and long-term care insurance. His committee has strengthened protections against misleading mailings that intimidate senior citizens into sending money to groups that offer services already provided free-of-charge by the Government. And the committee continues to uncover new types of consumer frauds perpetrated against the elderly.

It would be foolish for us to abolish this committee, and I do not want to go back to Vermont tomorrow and tell older Vermonters that we killed the best watchdog they have so that some Senators can piously claim they are safeguarding the taxpayers' interests.

Mr. SIMPSON. Mr. President, I do want to applaud my friends Senators DAVE PRYOR and BILL COHEN, for all of their dedication and hard work in chairing the Special Committee on Aging over these past few years. Their dedication in addressing concerns of the elderly has brought many issues to the forefront that may never have been properly examined or addressed by the Congress. In addition, they have offered thoughtful policy recommendations on the many nettlesome issues relating to health care and social services for our aging population.

However, at the present time, when the Congress is looking so hard for ways to reduce spending in the Government in general, and in the Senate and in the House in particular, I believe it is imperative for us to reexamine the usefulness of all committees including the Special Committee on Aging.

I would also agree with Senator COCHRAN that much of the work conducted by the Aging Committee is unnecessary and duplicative. The Special Committee on Aging has on many occasions dealt with issues that could and have been examined by other committees such as the Finance and Labor Committees.

In addition, the Aging Committee is only an investigative committee and it does not have the authority to draft legislation. If we are asking all Americans to make sacrifices and to accept cuts in Government programs, Congress ought not be immune to such actions. To that end, we should give serious consideration to cutting funding for duplicative practices and committees.

I support this initiative by Senators COCHRAN and REID to eliminate funding for the Special Committee on Aging. This is a timely congressional reform. It is a tough one for us because of my relationship with my fine colleagues who serve as chairman and ranking member. But it must be done. I agree with the comments of my colleague from Nevada when he said that this amendment comports with the call of our President that "Government should strive to do more with less."

Ms. MIKULSKI. Mr. President, I will vote for Senator REID's amendment today.

First, I want to acknowledge the absolutely outstanding work done by Senator PRYOR as chairman of the Committee on Aging. He has been a forceful advocate for the needs of the elderly, especially in his tireless work to try to keep the cost of prescription drugs under control.

But this is not a vote about what is best for aging Americans. This is a vote about the Senate, our processes, and our bureaucracies. It is a vote about fiscal responsibility; about practicing what we preach.

Mr. President, I will not defend the status quo. Last November, the American people voted for change. They are demanding that we increase the efficiency and reduce the size of Government and we must begin here on Capitol Hill. My fundamental principle on this and related votes will be: If a Government program isn't necessary, get rid of it.

There must be cuts. We cannot protect our own institution while we ask hospitals and health professionals to accept less for the services they provide to Medicare patients. We need to make hard choices. For years, the nonprofit hospitals in my hometown of Baltimore have had an open-door policy to needy seniors. If those hospitals must make sacrifices, we must too. That is why I will vote to eliminate the Special Committee on Aging.

Mr. DURENBERGER. Mr. President, I rise today in opposition to the proposed amendment to abolish the Senate Special Committee on Aging.

This amendment would cut all funding to the special committee after March 31, 1993. The special committee would be forced to disband after April 1.

Mr. President, the Senate Special Committee on Aging actively advocates on behalf of the needs of older Americans. During the 102d Congress alone, the committee convened 14 hearings in Washington, and 8 field hearings across the country. These important forums covered the issues of long-term care, the high cost of prescription drugs, cutting health care costs, Medicare fraud and abuse, and the effects of fuel assistance and housing cuts on senior citizens. These hearings have resulted in the development of programs intended to directly benefit senior citizens and to improve aspects of the health care system while reducing Government expenditures.

The special committee was created in 1961. Its investigations and reports have been the basis for nearly all the improvements in our programs for the elderly. Over the past 30 years, the special committee has laid the groundwork for most legislation benefiting seniors: from the creation of the Medicare and Medicaid Programs in 1965, right up to the recent reauthorization of the Older Americans Act. The special committee has been essential to the needs of the elderly.

I am proud to serve on the Senate Special Committee on Aging, and to be part of the legacy of Minnesota Senators supporting this committee. Senator Walter Mondale served on the Special Committee on Aging from 1967 to 1976, when he become Vice President.

Senators Hubert Humphrey and Wendell Anderson stood up for this committee when it was previously challenged.

In 1977, when Senator Frank Church offered an amendment to establish the special committee as a permanent committee, these two Minnesota Senators cosponsored the amendment that secured the place of the special committee.

I am deeply concerned about the proposed amendment to abolish the special committee. The need for its work is greater than ever before. There are 3 million Americans over 85 today. At the end of President Clinton's second term, in the year 2000, there will be 4½ million folks over 85. In 2020, the year I turn 85, there will be 6 million—more than twice today's numbers. And coming up right behind me are the baby boomers who represent unprecedented growth of the aging population. We must respond to this demographic reality.

It has been argued that we already have enough legislative committees with jurisdiction over issues of concern to the elderly such as Medicare, Social Security, long-term care, retirement income, and age discrimination. It is true that the Senate Labor Committee, on which I sit, even has a Subcommittee on Aging. But I would respond no one legislative committee has the freedom to thoroughly investigate and focus the Senate's attention to the needs of the rapidly increasing elderly population. The Special Aging Committee, on the other hand, is the only forum for which this spectrum of issues so important to the elderly could be carefully considered.

Mr. President, I urge my colleagues to join me in opposition to any amendment that would threaten the Special Committee on Aging. In doing so, I know that they will honor the memory of our late colleague Senator John Heinz. John Heinz was one of the finest leaders in the history of the special committee. His legacy inspires us to continue his superb work on behalf of older Americans.

Mr. KOHL. Mr. President, I rise briefly to oppose the amendments offered by my colleagues to defund the Special Committee on Aging.

The savings earned by the Cochran amendment would be about $1.2 million. It is not peanuts in these days of deficit reduction. But, as many of the speakers have indicated, it is a good investment. The savings to consumers and to the Federal Government that result from the committee's oversight and legislative activities far exceed these expenditures.

In reading the debate surrounding the creation of the committee, I was struck by two things in particular. First was the argument made by the committee's creator, Senator McNamara. Citing a recent White House Conference on Problems of the Aged, Senator McNamara pointed out the need to move in a coordinated and comprehensive manner on the conference recommendations. Several committees maintained jurisdiction over programs affecting the elderly then, as is the case now. That is important. That is a fundamental flaw in our committee structure. One consequence is that the needs of those constituents are not addressed as acutely as they could be. Another consequence is that the myriad programs serving the constituents are categorical, fragmented, and often duplicative—leading to tremendous administrative overhead as well as barriers to accessing services on the local level. I believe that it is a serious problem for not only our older Americans, but for children and families. Perhaps with the pressures on our budget, we can soon focus on that complicated task—making all of our social service programs more efficient and effective for the people they serve.

The second interesting thing in the 1961 debate was the nature of a question asked by Senator Ellender from Louisiana. He specifically noted that the resolution creating the Aging Committee contained a provision for sunsetting the existence of the committee on December 31. He sought to clarify that that was indeed the author's intent—to create a temporary committee. He specifically expressed concern that once such committees were created—and he referenced a subcommittee that I currently chair, originally the Subcommittee on Juvenile Delinquency—they just kept on going.

And so it is that a legitimate concern has been raised by our colleagues from Mississippi and Nevada. We do not need to look at the institutional structure, and that process is underway. They also are asking fiscally responsible questions that we should be asking ourselves these days—questions that the American people are demanding be asked.

I have been open to those questions. On balance, I have concluded that this committee should be sustained, that it is not a wasteful—but rather a productive investment.

I commend the chairman for his active leadership. The broad support that the Special Committee on Aging enjoys is in no small measure a reflection of his deep personal commitment and effectiveness. I urge my colleagues to support him.

Mr. FORD. Mr. President, this is not the time nor the financial savings nor the committee to abolish. I hope my colleagues will oppose the amendment.

I ask for the yeas and nays on the Cochran amendment in the second degree.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 59. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. MURKOWSKI] is necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI] would vote "nay."

The result was announced—yeas 30, nays 68, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—30

Bennett	Dole	Mack
Bond	Faircloth	McCain
Brown	Gorton	McConnell
Bryan	Gramm	Nickles
Coats	Gregg	Shelby
Cochran	Helms	Simpson
Coverdell	Hollings	Smith
D'Amato	Johnston	Thurmond
Danforth	Lott	Wallop
DeConcini	Lugar	Warner

NAYS—68

Akaka	Ford	Mikulski
Biden	Glenn	Mitchell
Bingaman	Graham	Moseley-Braun
Boren	Grassley	Moynihan
Boxer	Harkin	Murray
Bradley	Hatch	Nunn
Breaux	Hatfield	Packwood
Bumpers	Heflin	Pell
Burns	Inouye	Pressler
Byrd	Jeffords	Pryor
Campbell	Kassebaum	Reid
Chafee	Kempthorne	Riegle
Cohen	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Craig	Kerry	Roth
Daschle	Kohl	Sarbanes
Dodd	Krueger	Sasser
Domenici	Lautenberg	Simon
Dorgan	Leahy	Specter
Durenberger	Levin	Stevens
Exon	Lieberman	Wellstone
Feingold	Mathews	Wofford
Feinstein	Metzenbaum	

NOT VOTING—2

Baucus	Murkowski

So the amendment (No. 59) was rejected.

VOTE ON AMENDMENT NO. 58

Mr. FORD. Mr. President, there was a substantial majority in opposition to the Cochran amendment. I believe that we can get away with a voice vote, if the distinguished Senator from Nevada would agree to it.

Mr. REID. No, I will not.

Mr. FORD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. MURKOWSKI], is necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI], would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—43

Bennett	Gramm	Mikulski
Bond	Gregg	Nickles
Bradley	Harkin	Nunn
Brown	Heflin	Packwood
Bryan	Helms	Reid
Coats	Hollings	Robb
Cochran	Johnston	Roth
Coverdell	Kassebaum	Shelby
Craig	Kempthorne	Simpson
D'Amato	Lautenberg	Smith
Danforth	Lott	Thurmond
DeConcini	Lugar	Wallop
Dole	Mack	Warner
Faircloth	McCain	
Gorton	McConnell	

NAYS—56

Akaka	Exon	Mathews
Baucus	Feingold	Metzenbaum
Biden	Feinstein	Mitchell
Bingaman	Ford	Moseley-Braun
Boren	Glenn	Moynihan
Boxer	Graham	Murray
Breaux	Grassley	Pell
Bumpers	Hatch	Pressler
Burns	Hatfield	Pryor
Byrd	Inouye	Riegle
Campbell	Jeffords	Rockefeller
Chafee	Kennedy	Sarbanes
Cohen	Kerrey	Sasser
Conrad	Kerry	Simon
Daschle	Kohl	Specter
Dodd	Krueger	Stevens
Domenici	Leahy	Wellstone
Dorgan	Levin	Wofford
Durenberger	Lieberman	

NOT VOTING—1

Murkowski

So the amendment (No. 58) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, in accordance with the statement I made earlier to my colleagues, we will now have an amendment by the Senator from Hawaii, that will be acceptable to both the manager and ranking minority member, which will take about 2 minutes.

Then we will have the Chafee amendment, and I understand that an hour equally divided has been proposed by the distinguished Senator from Rhode Island. That will be acceptable. Then we should have a vote around 7 p.m.

What we do after that depends on what other amendments might be available. I leave that to the majority leader.

Mr. CHAFEE. Mr. President, I would like to mention to the floor manager that it may well be—we are always optimistic in these things—it may well be that it will take less than an hour.

And so I would not want everybody to think that exactly at 7, we are going to vote.

Mr. FORD. Approximately 7. Around here, you may ask for additional time and somebody will give it to you.

Mr. CHAFEE. That is right. We also may not take it all.

Mr. FORD. That is the other side of the coin.

Mr. CHAFEE. Which rarely but sometimes occurs.

UNANIMOUS CONSENT AGREEMENT

Mr. FORD. Mr. President, I ask unnimous consent that Senator INOUYE be recognized to offer an amendment relative to the name of the Indian Affairs Committee; that there be 1 minute of debate, equally divided and controlled in the usual form; that no second-degree amendment be in order to the Inouye amendment; that when all time is used or yielded back, the Senate vote, without any intervening action or debate, on or in relation to the Inouye amendment; that upon disposition of the Inouye amendment, Senator CHAFEE be recognized to offer an amendment relative to reducing committee funding for the Labor, Judiciary, and Governmental Affairs Committees, with no second degree amendments in order thereto; that there be 1 hour for debate on the Chafee amendment, equally divided and controlled in the usual form; that when all time is used or yielded back, the Senate, without any intervention action or debate, vote on or in relation to the Chafee amendment.

The PRESIDING OFFICER. Is there objection?

Hearing none, that will be the order.

Under the previous order, the Chair recognizes the Senator from Hawaii [Mr. INOUYE].

Mr. INOUYE. Mr. President, I thank you very much.

AMENDMENT NO. 60

(Purpose: To remove "Select" from the title of the Select Committee on Indian Affairs)

Mr. INOUYE. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BREAUX). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 60.

At the end of the resolution, add the following new section:

COMMITTEE ON INDIAN AFFAIRS

SEC. . The Select Committee on Indian Affairs is hereby redesignated as the "Committee on Indian Affairs".

Mr. INOUYE. Mr. President, this amendment is a technical amendment. All it does is change the name of a committee. It does not change the status or the function or the responsibilities. It has been cleared by both managers, and I ask for its immediate consideration.

Mr. FORD. Mr. President, it is acceptable to this side.

Mr. COCHRAN. The amendment has been cleared, and we urge the Senate to adopt it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii [Mr. INOUYE].

The amendment (No. 60) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 61

(Purpose: To reduce committee funding for the period March 1, 1993, through February 28, 1995)

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 61.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the resolution, add the following:

SEC. . (a) Notwithstanding any other provision of this resolution and except as provided in subsection (c), the funding level for each of the committees referred to in section 2(a) for the period March 1, 1993, through September 30, 1994, shall be an amount equal to the lesser of—

(1) 95 percent of the amount provided for such committee, excluding funding for nonrecurring items, for the period March 1, 1992, through February 28, 1993, under Senate Resolution 62, agreed to February 28, 1991; or

(2) 95 percent of the amount provided for the Committee on Finance for the period March 1, 1992, through February 28, 1993, under Senate Resolution 62, agreed to February 28, 1991.

(b) The funding level for each of the committees referred to in section 2(a) for the period March 1, 1994, through February 28, 1995, shall be an amount equal to the funding levels provided in subsection (a) of this Section (relating to the period March 1, 1993, through February 28, 1994) increased by 1.3 percent.

(c) Notwithstanding subsection (a), the funding level for the Committee on Appropriations for the period March 1, 1993, through September 30, 1994, shall be $4,861,162, and the funding level for the period March 1, 1994 through February 28, 1995 shall be $4,961,810.

Mr. CHAFEE. Mr. President, what this amendment does is reduce all of the committees, except the Appropriations Committee, to 95 percent of their 1992 level. It then says that any committee that is in excess of that amount which is allocated to the Finance Com-

mittee shall be reduced to the level of the Finance Committee.

The Appropriations Committee would remain exactly as it was funded by the Rules Committee. In other words, we do not touch the Appropriations Committee, but we reduce all committees to at least the level that the Finance Committee was authorized when cut by 95 percent from the 1992 level.

Mr. President, let me just review the bidding a little bit, if I might.

On February 17, President Clinton addressed a joint session of Congress and I think he rightfully stressed the importance of reducing the Federal budget deficit. Furthermore, the President stressed that there was a need for all Americans—all Americans, including those in Government—to share the sacrifices that would be necessary to get the deficit under control.

Indeed, President Clinton, in a symbolic effort to be the first to take on the burden of sacrifices, has undertaken to reduce the White House staff by 25 percent, for which we commend him.

Mr. President, talk of reducing the deficit is nothing knew. I suspect that every Senator on this floor, when back in his or her State, has given stirring speeches on how important it is to reduce the deficit.

President Clinton not only spoke of reducing the deficit, but he spoke of fairness. And indeed the underlying philosophy of his entire budget proposal is that those who have more should pay more.

Mr. President, regrettably, we are not making much of a sacrifice with the measure that is here before us this evening, and I cannot see that it has that underlying philosophy of fairness as part of it.

The resolution, which is the measure that emerged from the Rules Committee, in essence provides for a 10-percent reduction from the total recurring budget authority for 1992. It cuts by 10 percent from 1992, then it adds onto that—not as a cut, but up from the cut—the cost-of-living adjustment for 1993, which is 3.7 percent, and the 2.2-percent cost-of-living adjustment for 1994. So I think it is fair to say that the cuts for each committee are about 6 percent from the 1992 level.

Mr. President, 2 years ago, I offered an amendment to a similar measure that we have before us this evening that would have capped the number of available committee staff positions at the 1990 level. That is not nearly as dramatic as President Clinton's 25-percent cut in the White House staff. But what I was trying to do 2 years ago was to say that we have enough staff on the committees and we do not need any more.

In fact, I believe that some committees are overstaffed. The Committee on Labor and Human Resources, the Committee on the Judiciary, and the Governmental Affairs Committee all employ well over 100 people.

Just listen to these statistics: Governmental Affairs, in the 1992 budget, 124 people; 1993 budget, 120 people. To be fair, I will take the 1993 numbers.

Governmental Affairs, 120; Judiciary, 128; Labor, 124.

Listen to those figures, Mr. President, compared to the next highest committee, which is the Commerce Committee, with 89 people.

And I might say, Mr. President, I do not think there is a committee here that has a higher workload than the Finance Committee. And yet the Finance Committee has 62 people allotted for 1993, half of what each of those committees that I mentioned before has.

Ever since the beginning of the committee system as we know it today, we have seen a steady growth in the size of the committee staff. Some of that is understandable. But some of it clearly is not.

One of the reasons, Mr. President, I fought against the construction of the Hart Building was because I believe in the theory that has been espoused—you might call it the Chafee law, if you want—which is that staff rises to meet available space.

Now we all saw the movie "Field of Dreams." And what did they say in that movie? "If you build it, they will come."

And that is certainly true when you build a new office building. They will come; the staff will come.

So there is a certain virtue to the old crammed quarters we used to have where people could barely move around.

It was substandard in every category but at least it served to keep the staffs down to some extent.

Listen to these statistics. In 1950 there were 300 committee staff positions. By 1970, 20 years later, that had doubled—635. It nearly doubled again by 1990—1,212. In 1992 there were 1,257 positions. In 1950, there were fewer staff for all the committees than there are in these three committees that I have singled out today.

You will note that I took as a benchmark the level of funding for staff that the Finance Committee received in 1992 less 5 percent. You might say: Oh, he is doing that because he is on the Finance Committee. This does not affect the Finance Committee.

Yes, we get a slight increase from a 6-percent cut to a 5-percent cut. But I do not think any Senator will deny that the Finance Committee has as heavy a burden as any committee in this Senate.

What do we have? We have Social Security, we have all the tax bills, we have all the trade legislation, NAFTA, the Uruguay round. We have Medicare and Medicaid and health care reform. That is a big load. Yet in the 1992 budget that was done with 63 staff positions, and it is cut so it goes down to 62 staff positions.

Senators will say the Finance Committee does not have as much legislation out on the floor as this committee or that committee does. I do not think we ought to judge things by the paper that is generated. It think it is the responsibilities that each committee has.

What does this do to various committees? As I mentioned, the Appropriations Committee remains exactly as the Rules Committee prescribed it. The rest of the committees are cut by 5 percent, which means that those committees, like the Agriculture Committee, the Armed Services Committee, Banking, Energy, Environment, Finance, Foreign Relations, and so forth, instead of being cut 6 percent they will be cut 5 percent. But listen to this. My amendment would result in an additional $4 million of savings. So we have 15 of 19 committees receiving a little bit more; we have four of the committees, really 3 taking sizable cuts, and $4 million being saved for the taxpayers of the United States.

Mr. President, I think it is a good amendment and I urge the support of my colleagues.

The PRESIDING OFFICER. Is there further debate on the amendment? Who yields time?

Mr. FORD. Mr. President, I yield 5 minutes to the chairman of the Commerce, Science, and Transportation Committee.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I rise just to state the facts relative to our committee of Commerce, Science, and Transportation. We are veritably at the cutting edge, now, of this particular administration's economic recovery program. It was only this morning that Secretary Brown came and I heard the distinguished Senator from Rhode Island talk about trade. We are now going to start enforcing our dumping laws. We are now going into the export administration and promote exports. That is under the Commerce Committee and the Foreign Trade Administration, under the Commerce Committee.

Additionally, we have resolved the National Bureau of Standards into the National Institute of Standards and Technology. We moved in there with manufacturing or extension centers and thereupon, with the advanced technology program endorsed by this administration, veritably quadrupled the size of its budget as part of the stimulus and part of getting small business competitive in America. And we moved right on down to all the particular initiatives relative to international trade.

With respect to communications, of course, we have the various manufacturing bills. We have the information services. We have that issue. We have come now with respect to the 200 mega-

hertz initiative of the distinguished Senator from Hawaii, whereby we want to transfer that broad band to the Federal Communications Commission.

We have the Federal Communications Commission, the Federal Trade Commission, the Federal Aviation Administration. When they talk about Boeing and recovery, the airline industry is in such a dilemma that we even sponsored a special commission in addition to the work of the subcommittee on aviation.

When it comes to consumers we heard debate here a minute ago with respect to the Aging Committee and pricing. That is the subject matter of consumer products, and the Consumer Subcommittee that the distinguished Senator from Nevada [Mr. BRYAN], chairs.

We have work going around the clock with respect to foreign trade, tourism, going right on down the list of those matters. The fact is, as chairman of the committee I was implored by the members to get an increase because we are going in, now, to NOAA, National Oceanic and Atmospheric Administration, with ocean policy study. And now instead of just up in space we are going into just exactly that expansion of our ocean endeavors which have been neglected.

Since it is space science, we have of course the space station debate and everything to take care of there. And NASA's authorization. And more particularly with respect to the science joint administration jurisdiction with the Labor Committee on the National Science foundation.

I could go on and on. I went along with Chairman FORD of the Rules Committee with the 10-percent cut. We just held back. But now to come with no relation to the facts and just looking at what is on the Finance Committee—our most distinguished Senator from Rhode Island, I am not trying to cut the Finance Committee. If I had my way I would add a subcommittee for transitional rules so we could really find out what was going on in the legislation they report. I really never have understood many of the bills. And later on, when we read it, they say transitional rules. So I hope the distinguished Senator will move to embellish and enlarge upon Finance with a subcommittee on transitional rules so the membership itself could understand what they are reporting.

I thank the distinguished Senator and distinguished Chair.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. FORD. Mr. President, I yield 5 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, I hope the Senate will reject this amendment. Our Committee on Labor and Human Resources, like other committees, has accepted a 10 percent cut, but the proposal of the Senator from Rhode Island would effectively make the cut about 40 percent. This reduction would emasculate the quality of the staff that we have been able to assemble, and the expertise that the staff has brought to our work.

I am all for the work of the Finance Committee. But the point that has been left out by the Senator from Rhode Island is that the Finance Committee, like the Ways and Means Committee, takes advantage of the Joint Tax Committee that has a budget of about $5.4 million. They need the expertise of the Joint Committee staff when they are reviewing the tax implications of various proposals. That is understandable. The Joint Tax Committee has credibility on both sides of the aisle, and in the House and in the Senate. I think if performs wonderful work, but it is available to the Finance Committee, as it should be. The Labor Committee does not enjoy a similar auxillary source of expertise.

I am also mindful that many of our Republican friends have opposed a number of the programs that have been developed in our Labor and Human Resources Committee in recent years. For example, we passed the family and medical leave legislation this year. But that had been controversial, opposed by many in the Senate. The NIH bill was filibustered last time by Members of the party of the Senator from Rhode Island. The programs dealing with worker safety and related programs have been resisted either by the previous administration or by those on the other side of the aisle.

So it is understandable that they would like to reduce the work product of our committee, including many of the programs focused on education, school readiness, Head Start, school-to-work transition, job training, and a whole range of health care programs. The new administration has put forward many of these programs in its short-term stimulus and long-term investment program.

So, Mr. President, I appreciate and understand the Senator from Rhode Island making this effort.

I do think that the proposal that has been put forward by the majority leader, supported by Republicans and Democrats alike, which is taking a look at the total committee structure, going to make recommendations in terms of jurisdictions and various committee responsibilities, is the way to go. We are going to have that proposal next year. I think then we can make the kind of balanced and informed judgment as to which committees are producing the work and how this institution should be structured and organized in a way that makes a good deal of sense. I hope this amendment will not be accepted.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. I yield the distinguished Senator from Ohio 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GLENN. Mr. President, when I first came to the Senate, there was no Governmental Affairs Committee. It was called the Government Operations Committee. The difference is not just in the name. This is not the first time the Senate has been trying to find economies in its operation. We did it in 1977, at the beginning of the 95th Congress.

The results were these: We eliminated completely two Senate committees at that time, the District of Columbia Committee and Post Office and Civil Service Committee, and the Senate gave the jurisdiction of those committees to Government Operations, as it was called then. The name was changed to reflect the bigger operation of the committee.

But I point out to my distinguished colleague from Rhode Island that we did not get the full funding of those two committees added to our budget so there was a saving. Now with the jurisdiction of what the House has still as three committees, we are being told that we have too many people and too much money, and nothing could be further from the truth. I think we are operating very efficiently.

I am sorry my distinguished colleague from Rhode Island seems to think all committees have exactly the same load, therefore, should tend toward exactly the same amount of money. Nothing could be further from the truth.

I point out that these House committees that we represent in one committee in the Senate, over on the House side their bill comes to almost $13 million. Our budget is less than half that. We are projecting doing our work with 120 staff members, as pointed out. Over in the House, to do exactly the same job, they have 279 staff members. We do the work of three separate House committees. If we lose 40 employees, which is what the budget cut he proposes would do to us, since our average is just over $40,000 per employee, it means we would be using about one-fourth of the same number the House has to do the same job that they do over there with the Government Operations Committee, the Post Office and Civil Service Committee, the District of Columbia Committee, and I would add another one, the Administrative Law Subcommittee of House Judiciary. We even have some of their responsibilities over here.

So when these committees were combined back in 1977, we did not inherit their budget. We have far less budget, only about $5.1 million compared to their $13 million. We have created 60

IG's; we saved about $100 billion since their inception by the best estimates; we have passed CFO legislation that the Comptroller General says is the best step forward in financial management for the Government in the last 40 years; we have a major legislative subcommittee that is exposing fraud, waste, and abuse.

Our proposed 1993 budget is approximately the same as our 1980 budget. We have exclusively followed the Senate Rules Committee guidelines each year, including this one, in submitting our budget. I do not believe the Environment Committee did that, of which the distinguished Senator from Rhode Island is a member. We have taken our cuts, we have become more efficient. I think to try and equate one committee's job with another and say because the Finance Committee has Social Security tax, trade, Medicare and so on, that their job is as big as ours is just not true because we are in effect combining three separate committees that the House has with the budget of some $13 million and we get by on much less than half of that, only nearly one-third of what they spend over in the House to do the same job that we do here.

So I submit that we are doing a very efficient job and we took our cuts this year, we did it by attrition. With the load that we have carried through the 100th Congress, where with all these responsibilities we had 151 days of hearings, 24 bills enacted into law; in the 101st Congress, 172 days of hearings, 27 bills enacted into law; in the 102d Congress, 147 days of hearings, 26 bills enacted into law and this time around, with all the confirmation hearings, we have 80 some confirmation hearings, 82 that we are responsible for, confirmable positions within our jurisdiction. That load alone would be a significant burden for the committee in the Congress.

I just submit that I think the way that the cuts would be made on this would be very unfair to the committee. We would lose our ability to do some of the things we do now which I think would be a greater waste than us running what I believe is an efficient committee.

If we had time and the distinguished Senator from Rhode Island wished to go through our responsibilities, such as the archives, the budget accounting matters, census, overseeing the efficiencies of Government as well as the organizational aspects of Government, in addition to the three committees that cover some of these other things over in the House, I think our budget is very well—we discussed this in great detail with the Rules Committee. They agreed to with our budget we put in. We took our cuts and we think the cuts we took are enough if we are expected to do the job we are supposed to do.

Mr. BIDEN addressed the Chair.

Mr. BIDEN. Will the Senator yield me 3 minutes?

Mr. FORD. I yield the distinguished Senator 3 minutes.

Mr. BIDEN. Mr. President, I had the distinct pleasure, as many, serving for a long time now with my friend from Rhode Island who is on the floor. Often it is mentioned he is a very principled legislator, which he is. He is a man who is not known as a sharp or wily political observer. From this moment on, let me assure him I will never underestimate his political acumen again.

I noticed with some interest that the committees he is on received no cuts and get slight increases. I also notice he was wise enough not to take on the Appropriations Committee and Senator BYRD, both of which indicate to me that he had learned a lesson on this floor better than most Members do, sometimes it takes them several decades to understand that.

So let me start off by complimenting him. Forgive me if I have ever even subconsciously underestimated your political acumen. I will never do that again.

The next point I would like to make is that the Finance Committee on which my distinguished friend serves is a very important committee. I am not going to stand here and make the case the Judiciary Committee is more important or less important or whatever. But I would point out that the Finance Committee effectively has a budget of over $8 million, which is double any other committee. There are 62 persons on it, as we counted in the little book—do not hold me to that—roughly 60, 65 people on the Joint Committee on Taxation which is important and it should be. But what happens there that does not happen on Labor or does not happen in Judiciary or other committees, on very technical matters, they have very technical people doing very significant work that they do not have to do.

For example, on nominations, I have a job in the Judiciary Committee which I would be delighted to give to anyone else who wants it. It is the part of my job I hate the most, and that is doing the background investigations on judicial nominees and all other nominees for lifetime appointments, among others. We will have over 160 Federal judges for which we will have to do background checks.

My friends on this floor, as they should, will be the first ones to remind me if we send anyone to the floor who has in any way had any transgression that I did not make known to this community, the community of the Senate, they will remind me that somehow I put them in a terribly embarrassing position because they voted on someone about whom they did not know much.

The FBI, for example, has field offices in every major city in the United States of America to do these background investigations on everyone who comes up. We have a staff that is required to do the same thing from here that is about one-fiftieth the resources. It takes the FBI somewhere on the order of 15 to 20 weeks by the time the administration moves along and actually gives them an assignment and once they get the assignment to investigate someone, it takes them weeks and weeks and weeks to do it. We are expected to do the same quality work with fewer people by a factor of probably 50 and come to the Senate floor and assure everyone of the background of the individuals.

But the last point I would like to make, and I will cease and desist, there are two things I hate to argue about. One is budgets for your committee, and two is remuneration. It seems somehow unseemly—I ask for 1 more minute from my friend from Kentucky, the chairman of the Rules Committee.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. BIDEN. I am not going to get into how many bills, who passes what, and what legislation is important and not important and whether the criminal justice system is as important as the tax system, or whether or not the judiciary is as important and significant as the Social Security system, and so on. Everybody can be a judge of that.

The fact is we are taking a cut, as we should take a cut. This would amount to closer to a 40-percent cut. I understand; if I were in the Senator's position, I would do the same thing. I would take a committee like Judiciary, which essentially has the same budget as Appropriations, and I would go after the Judiciary Committee. I would not go after the Appropriations Committee because I would want to make sure I got something in my State somewhere along the line, somewhere in the future. The Senator knows we will not deny any Federal judges to the State of Rhode Island. I wonder whether or not it would be the same case if somehow we cut the Appropriations Committee by 40 percent.

I understand the motivation. I understand the sincerity. I also understand the reality. And I hope that we are in a position where everybody understands that cutting three committees 40 percent, keeping other committees at about 6 percent and raising some is particularly inequitable.

I thank the Chair and I thank my friend from Rhode Island.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. CHAFEE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator controls 20 minutes 30 seconds.

Mr. CHAFEE. I thank the distinguished chairman of the Judiciary Committee for his kind comments regarding me, and I appreciate that.

Let me just say this, Mr. President.

First, suggestions were made regarding the Appropriations Committee. It is suggested that perhaps I did not cut the Appropriations Committee because I might raise the ire of some on that committee that might be important to me in the future. I think we all recognize that the Appropriations Committee really reviews what every one of the authorizing committees do, and indeed excessively, I might say. Sometimes they review it and then jettison everything the authorizing committees do and proceed merely on their own way. But nonetheless, it is a committee I think everyone will acknowledge has the heaviest load and that is why they have more members than any committee here. That is why they operate with such strong subcommittees as opposed to most other committees in the Senate.

So that is the rationale for leaving the Appropriations Committee with the cut that was provided by the Rules Committee.

Now, Mr. President, let me just say this. Somehow the suggestion is that the Joint Committee on Taxation is a wing or a constant source of information for the Finance Committee and thus should be scored on the Finance Committee's payroll. Well, yes, the Joint Committee on Taxation does rely on them, as do many others in this Congress. But so does the Ways and Means Committee. That is what it is, a joint committee.

Furthermore, let me just say this, Mr. President, that the Joint Committee on Taxation does not have anything to do with Social Security or with trade matters or with NAFTA or with the GATT or Medicare and Medicaid, matters like that that we are considering.

Here is the problem, Mr. President. This country is running a deficit of $320 billion. We think it is all right for General Motors when they are running a $25 billion deficit to cut people, and indeed we say to the board of General Motors and the president of the General Motors: Why don't you do something? And so it is with IBM. IBM loses $5 billion and so they cut people. TWA loses money and they cut people. Sears loses money and they cut people. Westinghouse loses money and they cut people. Boeing loses money and they cut people. I do not see why this Senate and its committees cannot make similar cuts.

Now, where do you look? You look, it seems to me, in those that are the largest committees. The disparity between the number of employees on those three committees that I have particularly singled out is way in excess of the other committees. The closest committee to the Judiciary Committee—which, by the way, has set the record, 138 people—the closest committee to that other than the other two that I mentioned is the Commerce Committee with 93—45 employees less than Judiciary has. And the Governmental Affairs Committee, 124; Labor and Human Resources, 124. And indeed Labor does not even take a drop under this budget—124 in 1992, 124 in 1993.

Now, I can completely understand that everybody protects his or her turf. That is understandable. But what I find to be the unfairness in the procedure that was undertaken here is that there was a percentage cut. In other words, when you cut by a percentage, it leaves the disparity exactly as it was when you started—6 percent for the Labor Committee, 6 percent for the Judiciary Committee, 6 percent for the Government Operations Committee, and 6 percent for Small Business and Rules and Finance and Environment, and all that. It seems to me that is where the system breaks down.

I do not envy the chairman of the Rules Committee or the ranking member. Every single committee chairman and ranking member comes before them and asks for more money. I am no exception.

But at some point there is a chance for the voters, namely the Senators, to say: OK, this is what we are going to do.

I certainly hope they will support this amendment.

Mr. President, if the Senator from Kentucky would like some of my time, if he is out of time, that would be fine.

Mr. FORD. I do not know that we are out of time.

How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator from Kentucky controls 11 minutes; the Senator from Rhode Island controls 15 minutes 20 seconds.

Mr. FORD. Mr. President, I have discussed this with the distinguished Senator from Rhode Island. I will take a few minutes and we are probably looking at a vote at a quarter of 7, if that is all right with my other Members. I do think we have no problem with that, so I think we can do that, I say to the Senator.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, the junior Senator from Rhode Island has offered an amendment that totally revamps committee funding that was incorporated in Senate Resolution 71 without access to hearings or budget submissions. His proposal would substitute his committee funding preferences for the recommendations of the Rules Committee.

With the four committees—Commerce, Government Affairs, Judiciary, and Labor—his amendment uses a meat-ax approach. These committees would be reduced about 12 to 30 percent without any rationale except his belief that these committees have as their standard the amount authorized for the Finance Committee.

Well, let us look at the Finance Committee. The Finance Committee has fared very well under my chairmanship at Rules. The average increase for committees from 1986, the base for 1987, to 1994 is 28.4 percent. The Finance Committee during that period has received an increase of 42.1 percent, above average. Comparatively, the four committees he proposes to cut have received less than average.

The amendment is not fair. It has only one rationale—only one rationale—and that reduces Commerce, Government Affairs, Judiciary, and Labor to the level of Finance. In my opinion, it should be rejected.

I hear my distinguished friend saying it is a disproportionate cut. Sure, it is. You take 6 percent of the larger amount, you take more money away from them. You take 6 percent of a lower amount, you take less. So, in fact, Judiciary, Governmental Affairs, Labor, and Commerce take a bigger hit than the other committees are taking.

If this amendment passes, we will have to lay off, on March 1, 120-some-odd staff members on just three committees alone. We are already removing 80. That is a pretty good hit.

We also have this commission that is looking at the total organization and operation of the House and the Senate. It may be that they will make recommendations that we have 200 slots for A committees, 100 slots for B committees, so each Senator will have two A's and one B. That will help reduce.

Also, we may go back to zero budgeting and let us look at the committees and their effort. What do you do about a special problem that arises? What do you do when you have bank failures and savings and loan crises, or whatever it might be, and a committee is overwhelmed with responsibility? You have to have some vehicle to help them. That has not been given any consideration here. We think we have in the committee. So I hope my colleagues now will not tear asunder the blood, sweat, and tears that I went through and the committee members went through, my good friend from Alaska, TED STEVENS, went through to bring us to the point where we are this evening. I think we have done a pretty decent job.

When the Boren-Domenici-Hamilton committee is finished and makes recommendations, we will see how strong the cutters are. We will see how strong the people are around here to reorganize the committees. But, for gosh sakes, give us a chance to do it in a methodical way rather than coming in here and saying to the four committees and four committees only, "You get all the cuts, and other committee all get increases."

And you cut the Small Business Committee; you cut them fairly severely, about $60,000, I think. We did not cut them any. Our rationale was that 2

years ago, they refused to take the raise that we gave the committees that the Senator sits on. So when they came back this time, and said, "We were frugal last time and did not take a raise; don't cut us an additional 10 percent this time," we did not. We recognized the chairman and ranking member of the Small Business Committee, and small business is important to the economy. It is important to this body.

So I am very hopeful that my colleagues will not accept this amendment, that we will vote against it and give us time.

I think my friend from Mississippi understands that we on the Rules Committee try to be as fair and work as hard as we can to try to reduce, to reach the point. We have done several things. We are going to reduce the overall cost of the House and the Senate by 14.5 percent, in addition to the 6.5 percent cut we took last year. We are going to reduce the employees by 4 percent each year. That is 1,300 more that are going off in a rational and reasonable way.

Now with the committees where we are reducing them 10 percent and giving them a smaller COLA in the next year, provided it is approved by the President pro tempore of the Senate, I think that we are on the right track. It is a downward ramp. I think by the end of this year we will see that the Boren Commission will make pretty stringent recommendations. At that time we can make our decision as it relates to the future.

Mr. President, I am willing to yield the remainder of my time, if the Senator from Rhode Island is.

Mr. CHAFEE. Mr. President, I appreciate everything that the distinguished chairman of the committee said. I am not quite prepared to give him as much credit as perhaps he feels his committee deserves because it seems to me, as I review what was done, with very few exceptions an arbitrary across-the-board cut was made, in effect 6 percent to every committee. As the chairman pointed out, there was an exception made with the Small Business Committee, but basically it was just 6 percent right across the board.

Obviously, some of these committees, for historic reasons, have been funded way in excess of other committees. To me, it just seems time that we bite the bullet. As you recall, the chairman of General Motors was ousted by the board of directors of General Motors because he did not make the cuts that were necessary to save that company. We have a Nation that is in far worse trouble than General Motors. We are running $320 billion deficits. It seems to me it behooves all of us to take every step we can. Is it going to cause some pain? Sure it is going to cause some pain. I do not know why we think it is perfectly all right for Boeing to lay off *X* thousand workers, or Westinghouse, or Sears but for us to lay off 60 or 50 or 70 people somehow seems Biblically unsound.

So, Mr. President, I urge the support of my colleagues for this amendment. It will save $5 million. Is $5 million a lot? No, not much, but at least it shows we are making some effort.

A lot has been made about this study that is going to take place. I think we are all used to studies. Three cheers or four cheers for what they are doing, those earnest people who are on this study group. But I would not bet the farm that when we are through, great changes are going to be made. I hope there are. But so far I think I will withhold judgment until I see the results of that study.

Mr. President, I am ready to vote. I am prepared to yield back if the committee chairman is prepared to. I yield my time.

Mr. FORD. I am prepared. I want to make one statement. The distinguished Senator from Rhode Island has said that it is all right for General Motors to lay off people, it is all right for Boeing to lay off people. But somehow or another it comes back to us to try to give leadership, to try to help stimulate the economy so they will not have to lay off those people or so they can rehire. We are downsizing the military. No one knows that more than the distinguished Senator. We are trying to find ways to retrain those people so they will be eligible for new jobs. That responsibility is ours. if you take a meatax to the committees that are supposed to do these sorts of things, to give leadership, then in time of need we have more responsibility than when times are good. So I say to my friend now is not the time to cut.

I yield the remainder of my time. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. MURKOWSKI] is necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI] would vote "nay."

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

The result was announced—yeas 29, nays 69, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—29

Bond	Faircloth	Lugar
Bradley	Gorton	Mack
Brown	Gramm	McConnell
Burns	Gregg	Nickles
Chafee	Helms	Pressler
Coats	Johnston	Simpson
Craig	Kempthorne	Smith
D'Amato	Kerrey	Specter
Danforth	Lautenberg	Wallop
Dole	Lott	

NAYS—69

Akaka	Feingold	Metzenbaum
Baucus	Feinstein	Mikulski
Bennett	Ford	Mitchell
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boren	Grassley	Murray
Boxer	Harkin	Nunn
Breaux	Hatch	Packwood
Bryan	Hatfield	Pell
Bumpers	Heflin	Pryor
Byrd	Hollings	Reid
Campbell	Inouye	Riegle
Cochran	Jeffords	Robb
Cohen	Kassebaum	Rockefeller
Conrad	Kennedy	Roth
Coverdell	Kerry	Sarbanes
Daschle	Kohl	Sasser
DeConcini	Krueger	Simon
Dodd	Leahy	Stevens
Domenici	Levin	Thurmond
Dorgan	Lieberman	Warner
Durenberger	Mathews	Wellstone
Exon	McCain	Wofford

NOT VOTING—2

Murkowski	Shelby

So the amendment (No. 61) was rejected.

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

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

The motion to lay on the table was agreed to.

EXPLANATION OF ABSENCE

Mr. SIMON. Mr. President, earlier today, in the vote on the Mitchell-Dole amendment to express the sense of the Senate that the rate of pay for Senators should be frozen for 1 year, I was detained on official business and was unable to reach the floor in time before the completion of the vote. I support this amendment to rule out a cost-of-living adjustment for Senators' salaries and would have voted "aye," had I been present.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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.

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

COMMEMORATING THE KOREAN WARTIME SERVICE OF THE 204TH FIELD ARTILLERY BATTALION, UTAH NATIONAL GUARD

Mr. HATCH. Mr. President, I am requesting inclusion in the CONGRESSIONAL RECORD a poem written by two young soldiers of the 204th Field Artillery Battalion of the Utah National Guard, during the Korean war. Entitled "Undefeated," the poem depicts the spirit and commitment of the men of the 204th during the Chinese spring operation in 1951, the grimmest part of the war.

The unit's gallantry was recognized widely; it received a Korean Presidential Citation and a special tribute from one of America's greatest military leaders, Gen. A.C. Wedemeyer.

The 204th Field Artillery occupies a proud place in Utah history as well, Mr. President. Like the Utah National Guard of which it has always been a part, the 204th derived from the "Nauvoo Legion." The legion was part of the Armed Forces of the State of Illinois. In 1847, the legion was an important part of the Mormon pioneer trek to Utah, where the 204th later became known as the "Mormon Battalion." The unit was asked by President Polk to fight in the Mexican War. The unit marched to Fort Leavenworth, KS, by foot, and then on to San Diego. This journey of 2,000 miles represents one of the longest infantry marches in military history.

The 204th was later redesignated as the 145th Field Artillery Regiment and fought in France during World War I before restoring its 204th Battalion designation again after 3½ years of World War II service in the Pacific theater.

Finally, on August 19, 1950, the 204th, now headquartered in Logan, UT, was activated for Korean service.

Mr. President, I ask unanimous consent that the poem, "Undefeated," written by Leo Conger of Tremonton, UT, and Leon Conger of Seattle, WA, be included in the RECORD.

Additionally, Mr. President, I ask unanimous consent that the roster of members of this fine unit at the time of its induction in 1950 be included in the RECORD at this point.

I thank my colleagues for joining me in this tribute to the 204th.

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

UNDEFEATED

I

We landed at Pusan happy as could be
The rest of Korea we had yet to see
The cry of battle we answered brave
The 204th banner proudly waves
O' please send us on, O' please send us on.

II

The nights that we spent near the river by Tongnea
Will always be remembered to this day
The river battle we had won
But the worst had yet to come
O' send us on our way, And let us leave Tongnea.

III

We moved on up to Inchon on through
Yong Dong Poe then through the
War torn city of Seoul
Where our boys so proudly fought
In the land that God forgot
O' send us on our way, And send us on today.

IV

The battle of Death Valley
We bravely made our stand
The morning sun rose sadly
Across the bloody sand.
All night long our big guns spoke
But our lines the Commies broke
O' please show us the way, And send us on today.

V

The Air Force struck by day
And the 204th by night.
We drove the Commies back
As we fought for what was right.
Onward Cassions was our cry,
Our Country's fame must never die.
You'd here their voices lend
We'll cross the Im Jim men.

VI

Sitting in a foxhole
Behind the battle line
Thinking of our Sweethearts
We had to leave behind.
When this conflict we have won
It's home again to our loved ones
And to the land we love. We pray to God above.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950

Name	Grade	Address (Present or last known)
Whitesides, Joe E	Col.	2103 Ridgewood Way, Bountiful, Ut 84010.
Vanderhoff, Kenneth J	Maj.	1124 West Shepard Ln, Farmington, Ut 84025.
Johnson, John I	Maj.	Brigham City, Utah 84025.
Anderson, Lawrence R	Capt.	1525 Sumac Dr., Logan, Ut. 84321
Butterfield, Blake	Capt.	54 West 3rd North, Logan, Ut 84321
Cartson, Vernon W	Capt.	Logan, Utah 84321.
Rogers, Dean J	Capt.	539 North 2nd West, Logan, Ut 84321.
Strong, Douglas C	Capt.	Logan, Utah 84321.
Hardy, Charles H	CWO	Logan, Utah 84321.
Garrett, Harvey L	WOJG	959 Crestwood Rd., Kaysville, Ut 84037.
Headquarters Battery		
Wiberg, Roderick J	Capt.	107 West 4th North, Logan, Ut 84321.
Wimmer, Charles R	M/SGT.	255 West 5th North, Logan, Utah 84321.
Biddle, Winston J	SGT.	Collingston, Ut 84306.
Booth, Marvin L	SGT.	624 East Center St., Logan, Ut 84321.
Crookston, Douglas O	M/XGT.	RFD #1, Smithfield, Ut 84335.
Hampton, Elliot B	S/FC	1273 22nd St., Odgen, Ut 84400.
Johnston, Jay R	M/SGT	760 N. 2nd West, Logan, Utah 84321.
Sharp, Ralph L	SGT	Hyde Park, Ut. 84318.
Wimmer, Wayne W	M/SGT	365 North 1st West, Logan, Ut 84321.
Christenson, Boyd B	SGT	47½ North 5th East, Logan, Ut 84321.
Madsen, Fred R	M/SGT	136 North 1st East, Brigham City, Ut 84302.
Mattson, Louis M., Jr.	S/FC	328 North 2nd West, Logan, Ut. 84321.
Simmons, DeWayne W.	S/FC	Collingston, Ut. 84306.
Stevenson, Charles W.	S/FC	28 West 5th North, Logan, Ut. 84321.
Thornley, James B.	CPL	648 North Main St., Logan, Ut. 84321.
Whetstone, Allen R.	SGT	326 East 2nd South, Logan, Ut. 84321.
Wiser, Denzil N.	SGT	Lewiston, Ut. 84320.
Wiser, Sylmar T.	SGT	Lewiston, Ut. 84320.
Bjorkman, DelRey C.	CPL	148 South 3rd East, Logan, Ut. 84321
Buttars, Roland K.	CPL	Lewiston, Ut. 84320.
Cantwell, James C.	SGT	RFD #1, Smithfield, Ut. 84335.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Heninger, Harold C.	SGT	141 West 6th South, Logan, Ut. 84321.
Jensen, Charles R.	CPL	Box 223, Paris, Idaho 83261.
Johnson, DeLoy	SGT	1475 Canyon Rd., Logan, Ut. 84321.
Ostler, David S.	SGT	394 East 1st South, Nephi, Ut. 84648.
Leavitt, Earl, Jr.	CPL	276 North 1st West, Logan, Ut. 84321.
Bair, Lowell E.	CPL	P.O. Box 22, Richmond, Ut. 84333.
Beaves, Albert W.	CPL	126 East 4th North, Logan, Ut. 84321.
Haslam, James R.	CPL	Lewiston, Utah 84320.
Smith, Clayton D.	PFC	361 East 8th North, Logan, Ut. 84321.
Vaughan, Robert L.	CPL	Smithfield, Ut. 84335.
Battery "A"		
Freeman, Dean B.	CAPT.	218 North 1st East, Brigham City, Ut. 84302.
Johnson, Glen J.	1st Lt.	39 South 2nd East, Brigham City, Ut. 84302.
Bair, Scott W.	2nd Lt.	Richmond, Ut. 84333.
Hess, Wendell	2nd Lt.	178 North 3rd East, Brigham City, Ut. 84302.
Baron, Glen L.	S/FC	466 East 6295 So., Murray, Ut. 84107.
Brown, James A.	SGT	316 South 1st West, Brigham City, Ut. 84302.
Burt, David W.	PFC	1410 West 1320 North, Provo, Ut. 84604.
Busenbark, Dee L.	SGT	45 North 5th West, Brigham City, Ut. 84302.
Busenbark, Grant L.	CPL	308 South 4th West, Brigham City, Ut. 84302.
Bywater, Marvin E.	CPL	707 Eliason St., Brigham City, Ut. 84302.
Carey, Gerald C.	PFC	58 South 3rd West, Brigham City, Ut. 84302.
Crapo, Norman D.	CPL	406 North 4th East, Brigham City, Ut. 84302.
Hansen, Eric V.	SGT	5230 Albert Way, Sacramento, CA 95801.
Hatch, Odell K.	M/SGT	2881 West 300 South, West Point, Ut. 84015.
Hendricks, Daryl	PFC	518 East Forrest, Brigham City, Ut. 84302.
Hillran, Douglas L.	CPL	RFD #1, Hooper, Ut. 84315.
Holst, Robert R.	CPL	455 South 300 West, Brigham City, Ut. 84302.
Jensen, Ronald A.	PFC	1817 Bella Vista Dr., Sierra Vista, AZ 85635.
Jeppesen, Charles L.	CPL	924 East South, Brigham City, Ut. 84302.
Jeppesen, David L.	CPL	615 Springhill Dr., Murray, Ut. 84107.
Jeppson, Dale C.	CPL	339 East 7th North, Brigham City, Ut. 84302.
Jeppsen, Warner	CPL	645 North 1st West, Brigham City, Ut. 84302.
Johnson, Don F.	M/SGT	335 North 5th East, Brigham City, Ut. 84302.
Kelly, LeRoy P.	PFC	651 Buena Vista, Lahilera, CA 90631.
Kling, Floyd W.	SGT	576 South 700 West, Brigham City, Ut. 84302.
Knavel, George L.	S/FC	217 East 4th South, Brigham City, Ut. 84302.
Licht, Lyle A.	PFC	540 North 1st East, Brigham City, Ut. 84302.
McFarlane, Gordon A.	SGT	178 North 2nd East, Brigham City, Ut. 84302.
Morrell, Dwight L.	PFC	1183 Via Arroyo, Ventura, CA 93003.
Nakamura, Harry H.	CPL	RFD #1, Brigham City, Ut. 84302.
Nelson, Paul C.	SGT	305 North Main St., Brigham City, Ut. 84302.
Nelson, Jerald R.	PFC	533 West 600 South, Brigham City, Ut. 84302.
Nelson, Raulon M.	CPL	207 East 100 South, Brigham City, Ut. 84302.
Olsen, Floyd J.	SGT	370 Chestnut Dr., Logan, Ut. 84321.
Olsen, Grant	SGT	613 Springhouseman, Murray, Ut 84107.
Payne, Dean L.	PFC	118 East 300 North, Brigham City, Ut 84302.
Peeples, Lewis J.	CPL	735 North Main St., Brigham City, Ut 84302.
Pella, Robert C.	SGT	312 East Forrest St., Brigham City, Ut 84302.
Perry, Allen E.	CPL	5341 Cole St., San Diego, CA 92117.
Peters, Duane A.	CPL	2650 Greenachers, Tucson, AZ 85700.
Pett, Burton R.	CPL	11651 Kasha, Concord, CA 94518.
Pett, Robert G.	PFC	162 North 2nd East, Brigham City, Ut 84302.
Phillips, Burt L.	S/FC	162 North 2nd East, Brigham City, Ut 84302.
Richards, Glenn R.	CPL	529 South 4th East, Brigham City, Ut 84302.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Rigby, Jay D.	S/FC	4445 So. 3420 W., West Valley City, Ut 84120.
Romer, Victor J.	M/SGT	428 North 6th East, Brigham City, Ut 84302.
Stevens, Evan D.	PFC	519 North 2nd East, Brigham City, Ut 84302.
Tams, Merlin	PFC	37 North 2nd East, Brigham City, Ut 84302.
Thompson, J. Bruce	CPL	3321 Garden Keyniece, Hacienda Hgts., CA 91745.
Valentine, Dale G.	CPL	410 West 700 North, Brigham City, Ut 84302.
Valentine, Robert G.	SGT	529 East 1st North, Brigham City, Ut 84302.
Whitaker, Floyd J.	PFC	3795 North Hwy. 89, Layton, Ut 84041.
Whitaker, Jarvis G.	PFC	38 South 4th East, Brigham City, Ut 84302.
Whitaker, Ted O.	SGT	Huntington, Ut 84528.
Young, Lyle J.	CPL	646 North 3rd East, Brigham City, Ut 84302.
Battery "B"		
Bishop, Theral V.	CAPT	733 Hillcrest Ave., Logan, Ut 84321.
Marble, Leonard S.	1st LT	20 First St., Mesa, Wash. 99343.
Zundell, Rosel W.	1st LT	Garland, Utah 84312.
Able, Roy	SGT	112 West 10th South, Garland, Ut 84312.
Anderson, Don C.	SGT	Garland, Ut 84312.
Austin, George L.	CPL	665 Holiday Dr., Brigham City, Ut 84302.
Call, Bobby E.	PFC	1038 North 482nd St. #15, Phoenix, AZ 85008.
Cannon, Murray E.	S/FC	179 Ross Drive, Clearfield, Ut 84015.
Cannon, Richard D.	CPL	364 West 775 North, Logan, Ut 84321.
Capener, Daryl M.	CPL	Garland, Ut 84312.
Carter, James R.	S/FC	Garland, Ut 84312.
Castleton, Leonard G.	S/FC	702 East 200 South, Centerville, Ut 84014.
Conger, Leo R.	PFC	Tremonton, Ut. 84337.
Conger, Leon H.	PFC	9818 240 St. S.W., Edmunds, WA 98020.
Couch, Farrell C.	SGT	Box 84, Garland, Ut 84312.
Couch, Raymond Jr.	CPL	1088 South 8th West, Woods Crosx, UT 84087.
Deakin, David D.	CPL	Tremonton, Ut 84337.
Forsgren, Leon M.	PFC	Garland, Ut 84312.
Hansen, LaVar H.	CPL	902 East 3200 North, Ogden, Ut 84404.
Heppler, Max R.	PFC	225 East 4th North, Tremonton, Ut 84337.
Hill, Don J.	M/SGT	P.O. Box 243, Garland, Ut 84312.
Hill, Merrill	PFC	41 West Center St., Garland, Utah 84312.
Huish, Burton P.	CPL	1531 Julie Lane, Twin Falls, Idaho 83301.
Jensen, Val Don	SGT	701 LaMirada, Carson City, NV 89701.
Johnson, Lowell M.	CPL	202 East 4th North, Tremonton, Ut 84337.
Larson, John F.	PFC	1414 West 11400 So., South Jordan, Ut 84065.
Lavender, John L.	SGT	1061 Douglas, Ogden, Ut 84400.
Manning, Earl J.	PFC	3050 North 150 East, Ogden, Ut 84058.
Mason, Max L.	CPL	581 North 2nd East, Tremonton, Ut 84337.
Nessen, Ray E.	CPL	900 Century Park #23, Ogden, Ut 84404.
Nish, Orvil D.	PFC	1430 Garfield, Idaho Falls, ID 83401.
Nye, Frederick L.	CPL	620 S.E. Kramer Pl., Issaquah, WA 98027.
Petersen, Gerald A.	CPL	30965 Palo Alto Dr., Redland, CA 92373.
Petty, Vern G.	SGT	1635 Marla Drive, Reno, NV 98509.
Potter, Donald H.	PFC	235 East 8th North, Tremonton, Ut. 84337.
Rasmussen, Joseph S.	PFC	600 North 800 East, Bountiful, Ut. 84010.
Ransom, Ronald D.	PFC	1105 Fairfield Ave., Roseville, CA 95675
Rhodes, Robert M.	S/FC	Garland, Ut. 84312.
Rich, John D.	PFC	245 East 8th North, Tremonton, Ut. 84337.
Roberts, Robert R.	CPL	Tremonton, Ut. 84337.
Rucker, Fred W.	CPL	930 South 500 West, Bountiful, Ut. 84010.
Rudd, Evan N.	CPL	631 East 5900 South, Murray, Ut. 84107.
Sandall, Dallas W.	CPL	705 North, Tremonton, Ut. 84337.
Sato, George	CPL	RFD #3, Tremonton, Ut. 84337.
Smith, Leslie K.	CPL	3949 W. 3100 South, West Valley City, Ut. 84120.
Smith, Orlin H.	PFC	1554 21st St., Ogden, Ut. 84401.
Smith, Thomas E.	CPL	6112 Richmond Ave., Garden Grove, CA 92645.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Spencer, Richard E.	PFC	4764 South 4621 West, Kearns, Ut. 84118.
Sutherland, Kent L.	S/FC	207 Robbins Ave., Ogden, Ut. 84404.
Thompson, Reid L.	M/SGT	552 South 7th West, Brigham City, Ut. 84302.
Turley, Grant E.	CPL	Garland, Ut. 84312.
Ward, Max C.	SGT	Riverside, Ut. 84334.
Wilson, Billy D.	PFC	1551 Snyder Rd., East Lansing, Mich. 48823.
Wise, Lawrence M.	S/FC	2957 Jackson Blvd., Ogden, Ut. 84400.
Zundel, Rosel W.	S/FC	Garland, Ut. 84312.
Battery "C"		
Lundahl, Donald T.	CAPT	1395 East 7th North, Logan, Ut. 84321.
Nelson, Dale O.	1st LT	745 Hillcrest, Logan, Ut. 84321.
Bateson, Dix G.	2nd LT	976 Yucca Dr., Murray, Ut. 84107.
Smith, Duane F.	2nd LT	102 8th St., North West Watterton, SD 57201.
Schvaneveldt, Jack	W/O	175 South 4th East, Logan, Ut. 84321.
Atnip, Jerry T.	PVT	142 West Center St., Logan, Ut. 84321.
Beckstrand, Arland K.	PFC	Meadow, Ut. 84644.
Blazzard, John L.	SGT	439 South Main St., Logan, Ut. 84321.
Blazzard, Theron R.	SGT	547 South Main St., Logan, Ut. 84321.
Branch, Merrill E.	PFC	Wellington, Ut. 84542.
Broberd, Val B.	CPL	255 South 4th East, Logan, Ut. 84321.
Brown, Edward L.	S/FC	295 North 1st West, Logan, Ut. 84321.
Brown, Thadeus D.	SGT	547 South Main St., Logan, Ut. 84321.
Christensen, Reed C.	M/SGT	Beaver, Ut. 84713.
Christiansen, Elmer L.	PFC	Mt. Pleasant, Ut., 84647.
Cressal, Calvin C.	S/FC	870 North Main St., Logan, Ut. 84321.
Erz, James D.	S/FC	5585 Harrison Blvd., Ogden, Ut. 84404.
Evans, Robert R.	CPL	853 Bogert Rd., River Edge, NJ 07661.
Freeman, Monte H.	S/FC	181 East 6th North, Logan, Ut. 84321.
Galloway, Gerald A.	PVT	1130 East 1300 South, Salt Lake City, Ut. 84112.
Garner, Hal E.	CPL	P.O. Box 3447, Logan, Ut., 84321.
Gittins, Lloyd E.	SGT	Mendon, Ut. 84325.
Golding, Sebron R.	SGT	875 East 150 North, Logan, Ut. 84321.
Hansen, Richard B.	CPL	Mt. Pleasant, Ut. 84647.
Hess, Gerald A.	PFC	467 North 4th East, Logan, Ut. 84321.
Hughes, John A.	S/FC	3505 Sawtelle Blvd., Los Angeles, CA 90000.
James, George L.	CPL	450 South Main St., Logan, Ut. 84321.
John, Alvan R.	CPL	384 North 350 East, Logan, Ut. 84321.
Kovene, Joseph E.	SGT	190 North 1st East, Logan, Ut. 84321.
Leavitt, Val D.	S/FC	296 East 4th North, Logan, Ut. 84321.
Lowe, Sterling C.	PFC	75 West 5th North, Logan, Ut. 84321.
Luchenni, Glen L.	SGT	1470 Highland Dr., Logan, Ut. 84321.
Matley, Fred S	SGT	Lake Arthur, NM 88253.
Maughan, Raymond O	SGT	756 West 200 North, Logan, Ut. 84321.
Mitchell, Elvin G	CPL	Box 373, Fillmore, Ut. 84631.
Olsen, Don H	S/FC	128 South 1st East, Logan, Ut. 84321.
Partington, Boyd T	CPL	425 West 1st North, Logan, Ut. 84321.
Smith, Noble B	CPL	164 South 3rd West, Logan, Ut. 84321.
Wiley, Victor A	S/FC	1315 Ellendale Ave., Logan, Ut. 84321.
Woodhouse, Nathaniel S	CPL	Box 455, Beaver, Ut. 84713.
Service Battery		
Denning, George T	1st LT	763 South 800 West, Payson, Ut. 84651.
Minkler, Ray A	1st LT	281 West Center St., Logan, Ut. 84321.
Done, Nathan K	2nd LT	3125 South 2750 East, Salt Lake City, Ut. 84110.
Wadsworth, Harold M	CWO	780 East 700 North, Logan, Ut. 84321.
Hancey, Dennis R	WOJG	218 South 100 East, Logan, Ut. 84321.
Andreason, Clifford R	PFC	611 East 1200 West, Logan, Ut. 84321.
Bergeson, Omar H	M/SGT	75 East 200 South, Lewiston, Ut. 84320.
Bingham, Stanley P	S/FC	47 East 100 South, Smithfield, Ut. 84335.
Butterfield, Melvin D	CPL	5370 Afton Ave., Murray, Ut. 84107.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Elwood, Russel D	CPL	181 North 100 West, Smithfield, Ut. 84335.
Facer, Conrad L	SGT	4043 Muirfield, Lompoc, CA 93436.
Facer, Wilford P	S/FC	2015 West 3150 So., Salt Lake City, Ut. 84119.
Hodges, Richard M	M/SGT	7412 Siz Ct., Conogu, CA 91304.
Hyer, Larry L	CPL	200 West 1000 South, Lewiston, Ut. 84320.
Karren, Steven L	CPL	Lewiston, Ut. 84320.
Karren, Ves A	CPL	4522 Dartmouth Cir, West Valley City, Ut. 84120.
Leavitt, Joe L	CPL	P.O. Box 37, Lewiston, Ut. 84320.
Low, Oliver D	CPL	39 South 100 West, Smithfield, Ut. 84335.
Lundberg, George D	SGT	94 East 300 South, Smithfield, Ut. 84335.
Noble, Harl M	S/FC	52 East 3rd North, Smithfield, Ut. 84335.
Pickett, George B	SGT	4409 Alma Ave., Castro Valley, CA 94546.
Poulsen, Scott L	CPL	13513 Homestead, Riverton, Ut. 84065.
Reeder, Billy L	SGT	511 South 100 West, Logan, Ut. 84321.
Reeder, Martin C	SGT	539 East 100 North, Logan, Ut. 84321.
Reeder, LeGrand	CPL	1015 East 2250 North, Logan, Ut. 84321.
Rogers, Marleon D	CPL	Lewiston, Utah 84320.
Stocks, Clair J	CPL	335 S. 900 West, Box 489, Cedar City, Ut. 84720.
Stocks, Dayna L	S/FC	Preston, ID 83263.
Taggart, Sylvan W	SGT	15 North Main St., Millville, Ut. 84326.
Wood, Charles R	CPL	210 North Main St., Lewiston, Ut. 84320.
Officer Personnel, 204th Field Artillery Battalion, Served in Korea		
Whitesides, Joe E	Col	2103 Ridgewood Way, Bountiful, Ut. 84010.
Cornell, Robert W	Lt. Col	8100 Casuarina Dr., Fort Richey, FL 33563.
Dexheimer, Bob	Lt. Col	3023 Florida Blvd., Bradenton, FL 34207.
Hale, Bunn D	Lt. Col	908 Cincinnatti St., El Paso, TX 79900.
Gailbraith, Joseph M	MAJ	853 Govt. Way, Coeur D'Alene, ID 83814.
Johnson, John I	MAJ	Brigham City, Ut., 84302
Lingner, Frederick A	MAJ	3633 Fox Run, Cibolo, TX 78108.
McAllister, Guy	MAJ	13721-58th Ave. E., Puyallup, WA 98373.
Vanderhoff, Kenneth J	MAJ	1124 W. Sheppard Ln., Farmington, Ut. 84025.
Watson, Thomas E	MAJ.	1297 Emory Rd., N.E. Atlanta, GA 30300.
Anderson, Lawrence R	CAPT.	1525 Sumac Dr., Logan, Ut. 84321.
Bishop, Theral B	CAPT.	733 Hillcrest Ave., Logan, Ut. 84321.
Butterfield, Henry B	CAPT.	54 West 3rd N., Logan, Ut. 84321.
Carlson, Vernon W	CAPT.	Logan, Utah 84321.
Cornell, Robert W	CAPT.	2015 New York Ave., Brooklyn, NY 11200.
Eskelsen, Quinn M	CAPT.	37 South 3rd West, Brigham City, Ut. 84302.
Frank, Errol	CAPT.	39 South 5th East, Logan, Ut. 84321.
Freeman, Dean B	CAPT.	218 North 100 East, Brigham City, Ut. 84302.
Frye, Azel G. Jr	CAPT.	320 West Elm St., Junction City, KS 66441.
King, Norman D	CAPT.	408 West Walnut, Apt. #6, Lodi, CA 95240.
Lowry, Walter C. Jr	CAPT.	P.O. Box 185, Jefferson, SC 29718.
Lundahl, Donald T	CAPT.	1395 East 700 North, Logan, Ut., 84321.
Meell, Edward S	CAPT.	Penn & Thayer Sts., Ridley Park, PA 19078.
Rogers, Dean J	CAPT.	539 North 2nd West, Logan, Ut. 84321.
Saal, Wilbert G	CAPT.	6523 Winnabago St., St. Louis, MO 63100.
Strong, Douglas C	CAPT.	Logan, Ut. 84321.
Truett, Sam W	CAPT.	512 West 7th St., Junction City, Kan. 66441.
Tully, Francis X	CAPT.	8630 St. James Ave., Elmhurst, L.I., NY 11100.
Vaughn, Jimmie D	CAPT.	Address Unknown.
Wiberg, Roderick J	CAPT.	107 West 400 North, Logan, Ut. 84321.
Bateson, Dix G	1st Lt.	976 Yucca Dr., Murray, Ut. 84107.
Britton, Frank R	1st Lt.	851 Heber Ave., Calexico, CA 92231.
Denning, George T	1st Lt.	763 South 800 West, Payson, Ut. 84651.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Done, Nathan K	1st Lt.	3125 South 2750 East, Salt Lake City, Ut. 84110.
Frobenius, Robert K	1st Lt.	3206 Magnolia, Long Beach, CA 90800.
Grider, Robert J	1st Lt.	Pierre, SD 57501.
Harns, William P	1st Lt.	421 East Main St., Weiser, ID 83672.
Hess, Wendell	1st Lt.	178 North 3rd East, Brigham City, Ut. 84302.
Johnson, Glen J	1st Lt.	39 South 2nd East, Brigham City, Ut. 84302.
Lewis, George W	1st Lt.	256 So. 16th St., Philadelphia, Penn. 19102.
Lewis, Willie M	1st Lt.	Grady, Ala. 36036.
Marble, Leonard S	1st Lt.	20 First St., Mesa, WA 99343.
Minkler, Ray A	1st Lt.	Logan, Ut. 84321.
Mitchell, Charles G	1st Lt.	754 Gene Reed Rd., Birmingham, Ala. 35200.
Newman, LeRoy	1st Lt.	2101 N. Melvin St., Philadelphia, PA 19100.
Nelson, Dale O	1st Lt.	745 Hillcrest, Logan, Ut. 84321.
Parsons, Neal A	1st Lt.	Hulen, KY 40845.
Scammon, Clark E	1st Lt.	26 Waterhouse Rd., Bourne, Maine 02532.
Schneider, Howard P	1st Lt.	4827 South 166th, Seattle, WA 98100.
Smith, Duane F	1st Lt.	102 8th St., Watertown, SD 57201.
Stuart, Gilbert K	1st Lt.	5952 Clemens Ave., St. Louis, MO 63100.
Tuttle, Luther H	1st Lt.	422 Friddle St., High Point, NC 27260.
Welch, Robert	1st Lt.	Logan, Ut. 84321.
Wilson, John A	1st Lt.	7604 East Clinton, Scottsdale, AZ 85260.
Zundel, Rosel W.	1st Lt.	Garland, Ut. 84312.
Bair, Scott W	2nd Lt.	Richmond, Ut. 84333.
Corney, Martin	2nd Lt.	3201 Carlisle Ave., Baltimore MD 21200.
Dunn, Paul V	2nd Lt.	Belgrade, Maine 04917.
Hill, Charles W	2nd Lt.	760 Main St., Baton Rouge, LA 70800.
Queen, Gerald B	2nd Lt.	2127 Jay St., Detroit, Mich. 48200.
Hardy, Charles H	CWO	97 Dixie, Layton, Ut. 84041.
Wadsworth, Harold M	CWO	625 North Main St., Logan, Ut. 84321.
Burke, Edward R	WOJG	PO Box 97, Phinneys Ln, Centerville, MS 02632.
Garrett, Harvey L	WOJG	959 Crestwood, Kaysville, Ut. 84037.
Hancey, Dennis R	WOJG	218 South 1st East, Logan, Ut. 84321.
Schvaneveldt, John A	WOJG	115 South 4th East, Logan, Ut. 84321.
Short, Howard W	WOJG	813 South West St., Mt. Vernon, MO 65712.
Thernault, Irenee A	WOJG	44 Adams St., Lowell, Mass. 01850.

Medical Detachment, 204th Field Artillery Battalion, Roster of Enlisted Men (Alphabetically Listed)

Name	Grade	Address (Present or last known)
Berkany, Ernest A	CPL.	224 Gordan Ave., Campbell, OH 44405.
Black, Walter E	CPL.	RD #1 Lore City, OH 43755.
Boolin, Floyd R	CPL.	RR 1, Towanda, KS 67144.
Booth, Marvin L	SGT.	62 4th E. Center St., Logan, UT 84321.
Bettimore, Epbe R	S/FC	P.O. Box 423, San Carlos, CA 94070.
Clark, Vurlen R	S/FC	3535 So. Cedar, Tacoma, WA 98400.
Densen, William O	CPL.	2063 North Homes, St. Lineville, AL 36266.
Dudley, Edward L	CPL.	Winterset, Iowa 50273.
Eads, Richard W	CPL.	Lanham, West Virginia 25159.
Fink, Evan C	SGT.	Gen. Del. Bridgeport, WA 98813.
George, Marlin D	CPL.	Box 503, Cambridge, Iowa 50046
Guilford, Dee J	SGT.	Ontario, Oregon 97914.
Hitz, Jack E	SGT.	Box 297, Shelley, ID 82274.
Hopson, Dewey R	S/FC	Gen. Del. Porterville, CA 93257.
Jolliff, Jack W	CPL.	2425 Market St., Hannibal, MO 63401.
Justice, William	CPL.	130 Spring St., Brockton, Mass. 02400.
Merrill, John C	S/FC	2049 Primrose Ave., So. Pasadina, CA 91030.
Murphy, Edward L	CPL.	10 Fifield St., Dorchester, Mass. 01570.
Proctor, James L	SGT.	1427 West 84th Place, Los Angeles, CA 90000.
Rojas, Ralph	SGT.	Rt. 12 Box 1058, Phoenix, AZ 85000.
Rychick, Bernard J	CPL.	1916 Harcums Way, Pittsburgh, PA 15200.
Sharp, Ralph L	SGT.	191 Hyde Park, Ut. 84318.
Sugiyama, Hajime	CPL.	Rt. 1 Box 369, Phoenix, AZ 85000.
Thompson, J. Bruce	SGT.	3321 Garden Kayniece, Hacienda Hts. CA 91745.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Vaughan, Robert C	SGT.	Lewiston, Ut. 84320.
Wesley, Bernard C	CPL.	2103 12th St., Chicago, IL 60600.
Williams, Archie	CPL.	Clarksdale, Miss. 38614.

Headquarters Battery, 204th Field Artillery Battalion, Roster of Enlisted Men (Alphabetically Listed, N/A=Denotes Non-available)

Name	Grade	Address (Present or last known)
Adams, Donald F	CPL.	405 Canton St., Ogdensburg, NY 13669.
Aimen, Earnest	SGT.	N/A.
Anderson, John C	M/SGT.	7209 Queen Ave., So. Minneapolis, Minn 55400.
Arambula, Daniel P	P/FC	1874 W. Palomares St., LaVerne, CA 91750.
Arsenault, Aime M	1st SGT	57 Adams Pl., S. Weymouth, Mass. 02190.
Arthur, Jarvis J., Jr	M/SGT.	Box 34-B, Rt. 3, New Bern, NC 28560.
Augenthalen, Charles	PVT.	N/A.
Bair, Lowell E	CPL.	Box 22, Richmond, Ut. 84333.
Barrera, Francisco	CPL.	246 John St., Oakland, CA 94600.
Barrera, Richard	CPL.	1630 W. 213th St., Torrance, CA 90500.
Barton, Richard B	P/FC.	1523 W. 7th St., Texarkana, TX 75501
Basham, Clinton C	CPL.	Gen Del. Bassett, TX 78602.
Baumgartner, Wm I	CPL.	N/A.
Beaves, Albert W	CPL.	126 E. 4th No., Logan, Ut. 84321.
Bedell, James D	PVT-2.	N/A.
Bender, William	P/FC.	206 Curtis St., Arlington, Wisconsin 53911.
Bennett, Elliott B.	P/FC	46 S. Washington Ave., Mobile, AL 86600.
Biddle, Winston J.	SGT	Collinston, UT. 84306.
Birt, William W.	SFC	P.O. Box 306, Fallbrook, CA 92028.
Bjorkman, Delrey C.	CPL	148 So. 3rd E., Logan, Ut. 84321.
Blauvelt, Thomas C.	PFC	55 Hoyt's Hill, Bethel, Conn 06801.
Boggs, James H.	PFC	412 W. Francis Ave., Tampa, FL 33600.
Boos, Robert D.	SGT	P.O. Box 15, New Hampton, Iowa 50659.
Bossard, William H.	SFC	1233 Archer St., San Diego, CA 92100.
Bowers, Charles H.	PFC	5619 S. Burmingham, Tacoma, WA 98400.
Bowling, David R.	SGT	Rt. 1 Moores Hill, Indiana 47032.
Bradford, Codie J.	CPL	2125 Horo Ave., St. Louis, MO 63100.
Breder, Barton A.	PFC	132 10th Terrace, Egg Harbor, NJ 08215.
Brennan, James E.	CPL	1403 4th St., Bay City, Michigan 48706.
Britten, Charles W.	PFC	234 W. 109 Place, Los Angeles, CA 90000.
Brittman, Kenneth J.	PFC	244 N. 17th St., Columbus, OH 43200.
Brown, Larry B.	CPL	Box 932 Salmon, ID.
Brown, Leland L.	CPL	3510 Coronado Ave., Stockton, CA 95200.
Brusto, Stanley B.	PFC	N/A.
Buchanan, Ronald S.	CPL	185 W. Patterson, Ogden, UT. 84400.
Buckley, William G.	SGT	306 West McMillan, Marshfield, WN 54449.
Budd, William E.	SGT	6400 So. Jefferson, Bartonville, IL 61609.
Buddenbaum, John R.	PFC	RFD 3, Metropolis, IL 62960.
Burdick, Eldon V.	PFC	5434 Connor, Detroit, Mich 48200.
Burke, Richard N.	CPL	712 W. 41st Dr., Los Angeles, CA 90000.
Buttars, Rolland K.	CPL	400 Brinker Ave., Ogden, Ut. 84400.
Campbell, Thomas J.	CPL	Rt. 2, Patrick, South Carolina 29584.
Cantwell, James C.	SGT	RFD #1, Smithfield, Ut 84335.
Carlson, Norman E.	PFC	118 W. Hunt St., Adrian, Mich. 49221.
Carter, Ralph F.	CPL	Newry, So. Carolina 29665.
Chapman, Allan W.	PFC	3315 Heatherly St., Flint, Mich. 48500.
Chelos, George G.	PFC	N/A.
Christensen, Boyd B.	SGT	47 ½ No. 5th East, Logan, Ut. 84321.
Christiansen, Elmer L.	SFC	258 So. 5th West, Mt. Pleasant, Ut. 84647.
Clark, Paul B.	PFC	632 So. Terrace Ave., Columbus, OH 43200.
Cline, Troy R.	CPL	3928 Mission, San Francisco, CA 94100.
Clubb, Ronoel E.	CPL	40 Front St., Spartanburg, SC 29301.
Coash, Thomas I.	N/A	N/A.
Colvin, Dennision H.	PFC	P.O. Box 813, Pismo Beach, CA 93449.
Cooper, Clinton V.	SGT	Saltville, VA 24370.
Coughran, John A., Jr.	PFC	Apt. 17, Park Apts, Klamath Fall, OR 97601.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Cox, James R.	PFC	403 East Harvey, Sedalie, Miss. 38867.
Crookston, Douglas O.	M/SGT	RFD #1 Smithfield, Ut. 84335.
Cunningham, Vincent L.	N/A	N/A.
Curry, Curlise	PFC	Box #2, Grover, NC 28073.
Dalton, Merritt A.	PFC	1254 Brushton Ave., Pittsburgh, PA 15200.
Devere, Jack D.	CPL	Rt. 1 Box 46, Delhi, CA 95315.
Donohue, John	PVT–2	100 West 99th St., New York City, NY 10000.
Downing, John J.	PFC	Rt. 3, Box 56 A, Lumberton, NC 28358.
Dozier, Harold H.	CPL	330 Texas St., Antioch, CA 94509.
Drew, Melvin	PFC	2617 Middle St., Norfolk, VA 23500.
Drown, Gordon E.	M/SGT	1034 E. Reaney St., St. Paul, Minn. 55100.
Dump, Willard T.	SGT	Altonah, Ut. 84002.
Dunn, Jack T.	SGT	R.D. #1, Linden, Tenn. 27096.
Duvall, Nelville W.	CPL	808 S. Hobart Ave., Los Angeles, CA 90000.
Eastwood, Charles P.	CPL	1305 7th & Sherman, Prosser, Wash. 99350.
Elwood, Russell D.	CPL	134 West Center St., Smithfield, Ut. 84335.
Ernst, Bernard J.	PFC	Niantic River Road, Waterford, Mich. 48900.
Eubanks, William R.	PFC	105 Mason, Lansing, Mich. 48823.
Fagan, Leland V.	CPL	5515 Stone Ave., Sioux City, Iowa 51106.
Fant, Harwell L.	PFC	Box 23, Crossville, AL 25962.
Flynn, Earnest E.	PFC	1873 Almader Rd., San Jose, CA 95100.
Forshaw, Edward G.	PVT	304 Wallace St., New Haven, Conn. 06500.
Fox, Charles N.	PFC	2548 W. Fargo Ave., Chicago, IL 60600.
Frazer, Charles R.	SGT	114 West Camile St., Santa Anna, CA 92700.
Gerke, Roger	PFC	13 Charles Terrance, Waldwick, NJ 07463.
Gibson, James K.	PFC	Mason's Addition Box 1335, Nassau, Bahamas.
Gooden, Robert A.	PFC	1206 Tea St. N.W., Washington, D.C. 20000.
Gordon, James E.	PFC	1836 Westwood Ave., Baltimore, MD 21217.
Grabher, Arthur D.	SGT	Rt 1 Box 599, Talent, OR 97540.
Greenwald, Robert C.	PFC	Terrington, WY 82240.
Griffin, Gerald C.	CPL	1547 Broad Ave., Wilmington, CA 90744.
Grotta, DuWayne	SGT	2243 Gettesburg Ave F, St. Louis Pk, Minn 55426.
Hale, Emery	CPL	Cabool, Missouri 65445.
Hall, Winslow G., Jr.	SGT	1738 29th Ave., San Francisco, CA 94100.
Hampton, Elliot	SFC	1273 22nd St., Ogden, Ut. 84400.
Hannah, Thomas J.	PFC	199 Monroe, Memphis, Tenn. 38100.
Hannan, William E.	CPL	2605 Harriman Ln, Redondo Beach, CA 90277.
Hare, Morris F.	PFC	122nd Av., Breadalbin, NY 11922.
Harloff, Donald H.	PVT 2/C	Rt. 3 Box 42, Mound, Minn 55364.
Harrison, Orville	PFC	Babb, Montana 59411.
Harter, Nevin M.	PFC	RFD #2 Bellefonte, Penn. 16823.
Haslam, James R.	CPL	Lewiston, Ut. 84320.
Heatherly, Charles C.	PFC	RR 2 Marshall, IL 62441.
Heininger, Harold C.	SGT	Box 223, Paris, ID 83261.
Hill, Clerance	PFC	421 Caliope St., Pittsburgh, Penn. 15200.
Hill, Donald C.	M/SGT	Garland, Ut. 84312.
Hobbs, Donald K.	M/SGT	7014 S. Western Ave., Los Angeles, CA 90000.
Hoffman, Arthur L.	SGT	17203 E. Boone, Greenacres, WA 99016.
Hostetler, Roy D.	PFC	1011 So. 13th St., Pekin, IL 61554.
Huff, George W. Jr.	PFC	Butte, Montana 59701.
Hugen, Marvin	SGT	202 Southward #4, Ottumwa, Iowa 52501.
Hurley, Raymond C.	PFC	3655 Conquista, Long Beach, CA 90800.
Ison, Harry C.	SGT	Rt. 2, Blackfoot, ID 83221.
Iverson, Robert A.	CPL	Petersburg, N. Dakota 58272.
Jensen, Charles R.	CPL	Box 223, Paris, ID 83261.
Jensen, Val D.	PFC	Garland, Utah 84312.
Jockisch, Medford E.	PFC	Virginia, IL 62691.
Johnson, DeLoy	SGT	1475 Canyon Rd., Logan, Ut. 84321.
Johnson, Doyle G.	SFC	244 So. 6th E., Salt Lake City, Utah 84102.
Johnson, George A.	CPL	Menominee, Mich. 49858.
Johnson, Jay R.	M/SGT	760 N. 2nd West Logan, Ut. 84321.
Johnson, Thomas F.	SGT	715 9th St. Ogden, UT 84400.
Jones, Bobby L.	CPL	Competition, Missouri 65448.
Kamerath, Don N	SGT	843 Sherman Ave., Salt Lake City, Ut 84102.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Keen, George C., Jr.	PFC	632 Hancock St., Wooster, OH 44691.
Kibling, George A.	PFC	Pawlet, Rutland County, VT 22968.
Klee, Jack A.	CPL	101 Star St., Peoria, IL 61600.
Kloeppel, James R.	PFC	8650 Geiger Rd., Normandy, MO 63121.
Kyzima, William	PFC	220 Wright St., Newark, N.J. 07100.
Lambright, John A.	CPL	c/o Mrs. Helen Hurtig, 2415 1st Ave., River Grove, IL 60171.
Laudone, Frank A.	PFC.	Box 109 West Rly, Rd., Bradford, RI 02808
Leavitt, Earl, Jr.	CPL	276 N. 3rd W., Logan, Ut. 84321.
Levitsky, Norman	PFC	Pennsville, New Jersey, 08070.
Lewis, Roger	CPL	Terril, Iowa 51364.
Lindley, Richard A	PFC	1505 Maple, Witchita, KS 67200.
Little, James R	CPL	Rfd 3, Marion, IL 62959.
Long, Lee	M/SGT	598 A. St, Yuba City, CA 95991.
Long, Robert L	PVT–2	Rt. #5, Mt. Grove, Missouri 65711.
Lord, Riley E	N/A	N/A.
Ludwick, Robert V	CPL	Box 198 Station C, Clarksburg, WV 26301.
Ludy, James J	M/SGT	16110 So. Denke Ave., Gardena, CA 90247.
Madden, Charles R	SGT	39 West 2nd, Harve, Mont. 59501.
Madsen, Fred R	M/SGT	136 N. 1st E. Brigham City, UT 84302.
Malusky, Adrian	M/SGT	910 F. St. S.E., Auburn, Washington 92002.
Manino, Louis G	PFC	Rimersburg, Penn. 16248.
Mathison, Harlan A	CPL	515 E. Main, Durane, Wisconsin 54736.
Matthews, Clifford J	SGT	236 7th Ave., Harve, Montana 59501.
Mattson, Louis M., Jr	S/FC	2072 West 4450 So., Roy, Ut. 84067.
Maxwell, Lindsey	PFC	2602 No. 'L' St., Pensacola, FL 32501.
Maxwell, Paul L	SGT	P.O. Box 162 Fredonia, KS 66736.
McCown, Robert R	CPL	Garfield, WA 99130.
McMenamin, Francis, Jr	PFC	6113 Rainhart St., Philadelphia, Penn 19100.
McNutt, Ray A	PFC	Grand Ronde, OR 97347.
Merritt, George M	PVT–2	? Idaho.
Mills, Richard J	PFC	601 N. 7th, Lawrence KS 66044.
Mikulski, Benjamin J	PFC	6004 Columbus Ave., Sandusky, OH 44261.
Morgan, Millard F	PFC	2709 Central, Joplin, MO 64801.
Morin, Ernest C	N/A	N/A.
Morrell, Dwight L	SFC	235 E. 2nd No., Brigham City, Ut. 84302.
Moser, Joseph I	SFC	2410 Hidalgo Ave., Los Angeles, CA 90000.
Mountainsheep, Lorenzo	SGT	Box 662 Hardin, Mont. 59034.
Muckleroy, Royce E	PFC	1260 Douglas St. Barberton, OH 44203.
Nall, Harold W	PFC	Jackson St., Sturgis, KY 42459.
Nastri, Kenneth J., Jr	PFC	Taft Cir., Watertown, Conn. 06795.
Needham, Boyce E	S/FC	2509 Woodbine Ave., Knoxville, Tenn. 37900.
Oligney, James A	SGT	2126 Schiller, Chicago, IL 60600.
Opheim, Benjamin L	CPL	Opheim, Mont. 59250.
Ostler, David S	SGT	394 E. 1st South, Nephi, Ut. 84638.
Owens, Donald J	PFC	Box 6 Mexico, Miami, Ind. 46959.
Papendieck, Carl	PFC	926 Custard Ave., Sheboygan, Wis. 53081.
Park, Douglas W	PFC	43 Merchant St. Peterhead, Scotland.
Park, John K	CPL	23 Milltown Rd., So River, NJ 08882.
Passage, Leon T	SGT	Box 268, Valeta, TX 75497.
Pearman, Robert B	CPL	Wytheville, VA 24382.
Peck, Paul L	PFC	1284 Brooks Terace, San Diego, CA 92100.
Pellegrine, Francis J	PFC	12 Green St., Newton, Mass. 02158.
Pennifield, James E	PFC	3412 Croffut Pl. S.E. Washington, D.C. 20000.
Pennifield, James R	PFC	3412 Croffut Pl. S.E. Washington, D.C. 20000.
Pereria, David R	PFC	256 E. 45th St. Brooklyn, NY 11200.
Perry, Rudolph	PFC	1306 W. 10th St. Little Rock, Ark. 72200.
Peters, Gordon L	SGT	105 10th Ave., N.W. Mandan, N. Dakota 58554.
Peterson, Derald C	M/SGT	7419 Tu Junga, No. Hollywood, CA 91600.
Petrik, Warren G	CPL	Box 12, Lambert, Mont. 59423.
Pizza, Anthony R	PFC	54 Woodside Ave., Hasbrouck, NJ 07604.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Ramquist, William R.	PFC	Box 109 Rt. 1, Beloit, Wis. 53511.
Reeder, Billy L	SGT	264 So. 2nd W. Smithfield, Ut. 84335.
Reynolds, Robert S	PFC	420 Raynolds. S.W., Canton, OH 44700.
Riesdorph, Clyde E	PFC	9206 S. Yakima Ave., Tacoma, WA 98400.
Roberts, Robert R	SGT	Tremonton, Ut. 84337.
Rocco, Philip	PFC	109 Monitor St., Brooklyn, NY 11200.
Rogers, Richard F	SGT	R.D. #1, Port Crane, NY 13833.
Rose, Henry T., Jr	CPL	933 49th St. Oakland, CA 94600.
Ruiz, Antonio L	PFC	107 5th St., Norwich, Conn. 06360.
Saulmon, Elvin L	CPL	Rt. 1 Box 1382, Sweet Home, OR 97386.
Schoop, Arthur S. Jr	PFC	7391 Bedford, University, Miss. 38677.
Shultz, Charles H	CPL	Rt. #2 Pequet Lakes, Minn. 56472.
Schuster, Kenneth R	PFC	262 Buffalo St. Gowands, NY 14070.
Scott, Charles S	CPL	604 E. Ash, Salina, KS 67401.
Scott, Lee J	SFC	1847 Barrington, Los Angeles, CA 90000.
Seeley, Clair M	N/A	N/A.
Sererka, Laurence D	PFC	Rt. 4, Caldwell, ID 83605.
Shaw, Gerald D	CPL	204 6th St. NW RR1, Mandan, ND 58554.
Shipman, Audrey E	PFC	Box 63, Webster, IL 61377.
Shipp, Kenneth J. Jr	PFC	315 Blair Ave., Piedment, CA 93649.
Shivel, George E	CPL	4536 Renton Ave., Seattle, WA 98100.
Short, Howard	N/A	N/A.
Simmons, DeWayne W	S/FC	Collinston, UT. 84306.
Sims, George S	PFC	South Boston, VA 24592.
Skurski, Stephen C	PFC	12 Lake Ave., Binghamton, NY 13900.
Smith, Bob W	CPL	Rt. 1 Box 127, Shelton, WA 98584.
Smith, Clayton D	PFC	361 E. 8th No., Logan, Ut. 84321.
Snodgrass, Roy E	M/SGT	764 Palm Dr., Glendora, CA 91740.
Socher, Eugene B.	CPL	1750 No. Van Ness, Hollywood, CA 91600.
Stevenson, Charles W	S/FC	125 W. 8th So., Wellsville, UT 84339.
Stewart, George A	PFC	Craigmont, ID 83523.
Stout, Delbert F	N/A	535 Wagner Dr., Mt. Zion, Il 62549.
Swanson, Raymond	N/A	3225 Carriage Dr., Hamel, Minn. 55340.
Swift, Joseph E	S/FC	334 Reno Ave., Reno, NV 89500.
Tams, Merlin	SGT	51 So. 1st East, Brigham City, Ut. 84302.
Terrel, Leon C	CPL	Box 11, Pixley, CA 93256.
Thompson, Charles L	PFC	Gen. Del. Weldona, CO 80653.
Thompson, J. Bruce	CPL	214 No. 3rd E., Brigham City, UT 84302.
Thompson, Richard L	M/SGT	111 No. Franklin St., Scott, KS 67871.
Thornley, James B	CPL	648 N. Main St., Logan, Ut 84321.
Tomison, Samuel II	PVT	Rt. 2, Ringgold, VA 24586.
Tooze, Chester W.	SGT	Box 606, Ocean Lake, OR 97134.
Topp, William G	PFC	4115 Peck St., St. Louis, MO 63100.
Turner, Thomas C	SGT	1825 Moorman Rd., NW, Roanoke, VA 24001.
Turnmire, Leon	PFC	Thornhill, Tenn. 37881
Tuttle, Roger S	PFC	5101 Devonshire, Detroit, Mich 48200.
Vanderhave, Nick	SGT	1333 Littleton Rd., Morrie Plains, NJ 07950.
Vaughan, Robert L	CPL	Smithfield, UT 84335.
Vernon, Robert L	CPL	312 E. Ave., Jerome, ID 83338.
Washington, Clarence	PFC	N/A
Weatherway, N/A	SGT	N/A
Whetstone, Allen R	SGT	326 E. 2nd So., Logan, Ut 84321.
Wilson, Billy D	CPL	Fielding, Ut. 84311.
Wimmer, Charles R	M/SGT	255 W. 5th No., Logan, Ut. 84321.
Wimmer, Wayne W.	M/SGT	365 N. 1st West, Logan, Ut. 84321.
Wiser, Denzil N	SGT	Lewiston, Ut. 84320.
Wiser, Marcus	CPL	Lewiston, Utah 84320.
Wiser, Sylmar T.	SGT	1842 W. 5075 S., Roy, Ut. 84067.
Wolfgang, Charles W	PFC	826 Linden St., Mt. Camel, PA 17851.
Wolnik, Raymond J	PFC	186 Concord St., Lowell, Mass 01850.
Woods, George H	PFC	112 10th St., Norton, VA 24273.
Woody, Robert L.	PFC	Rt. 2 Martinsville, VA 24112.
Zarilla, Albert F	PFC	212 E. Madison Ave, New Castle, PA 16101.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Zilles, John J.	PFC	3120 Shadeland Ave., Pittsburgh, PA 15200.
Zwicharowski, John N	CPL	1012 N. 2nd St. Philadelphia, PA 19100.

"A" Battery, 204th Field Artillery Battalion, Roster of Enlisted Men (Alphabetically listed, N/A = Denotes Non-Available)

Abegg, Robert D.	CPL	374 Hillcrest Ave., Ukish, CA 95482.
Allen, Jerry F.	S/FC	3640 Radner Ave., Long Beach, CA 90800.
Alverez, Nicholas S.	PVT–2	719 Humphreys Ave., Los Angeles, CA 90000.
Anderson, LeRoy H.	CPL	Box 73 Redmond, Ut. 84652.
Armstrong, James J.	S/FC	766 Rand Ave., Oakland, CA 94600.
Asbridge, Nicholas S.	PVT	2112 Waverley Pl., St. Louis, MO 63100.
Averitt, Malcolm E.	CPL	380 N. Main St., Pomona, CA 91766.
Baker, Raymond E.	PFC	1300 Plaza Dr., Martinez, CA 94553.
Balog, John J.	PVT–2	79 E. 23rd St., Bayonne, NJ 07002.
Baron, Glen L.	S/FC	466 E. 6295 So., Murray, Ut. 84107.
Bartlett, John G.	PFC	831 S. 2nd Ave., Tucson, AZ 85700.
Baxter, Robert L.	N/A	1277 W. 1200 N., Salt Lake City, Ut. 84116.
Bearbelow, Raymond	CPL	Lodge Grass, Montana 59050.
Bitton, Wayne A.	CPL	1268 24th St., Ogden, Ut. 84400.
Botnen, Walter	S/FC	731 N. Bell St., Bismark, ND 58501.
Bowden, Brigham W.	PFC	26 S. 6th E., Brigham City, Ut. 84302.
Brown, Curtis R.	PVT–2	Rt. #4, Winnsboro, LA 71295.
Brown, James A.	SGT	316 S. 1st W., Brigham City, Utah 84302.
Bubier, Reginald H., Jr.	CPL	RFD #3, Box 7190, Farmington, Maine 04938.
Burgett, A J.	PFC	Rt. 4, Boaz, Alabama 35957.
Burns, Robert C.	PVT–2	11 Winthrop Ave., Liberty, NY 12754.
Burt, David W.	PFC	1410 W. 1320 N., Provo, Utah 84604.
Busenbark, Dee L.	SGT	45 No. 5th West, Brigham City, Ut. 84302.
Busenbark, Grant L.	SGT	P.O. Box 2442, Ogden, Ut. 84404.
Butler, James E.	CPL	Rt. 2 Box 336-J, Auburn, CA 95603.
Bywater, Marvin E.	CPL	707 Eliason St., Brigham City, Utah 84302.
Calais, Lawrence R.	CPL	1621 A Noe St., San Franciso, CA 94100.
Carey, Gerald C.	PFC	58 So. 3rd W., Brigham City, UT 84302.
Chamberlain, Neil G.	CPL	Rt. 1 Box 247, Aberdeen WA 98520.
Chandler, Milton F.	SGT.	Rt. 2 Box 43, Orland, CA 95963.
Charlton, Thomas A.	PVT–2	1927 E. 9th St., Brooklyn, NY 11200.
Clark, Jerry L.	PFC	635 Elm Ave., Long Beach, CA 90800.
Cortez, Robert H.	PVT	120 N. Sunel Dr., Los Angeles, CA 90000.
Courtney, Sidney I., Jr.	PVT–2	203 Duncan St., Kenner, LA 70062.
Crapo, Norman D.	CPL	406 N. 4th E., Brigham City, UT 84302.
Cruzan, Lloyd D.	CPL	Box 958, Port Orchard, WA 98366.
Darby, James L.	PVT–2	502 M St. N/W, Washington, D.C. 20000.
Davis, Buren R.	PVT–2	5622 Tree Beard Rd., Kearns, UT 84118.
DeCatenna, Angelo C.	CPL	Redwood 31, Tacoma, WA 98400.
Dillon, John E	CPL	1005 W. Duarte Rd., Arcadia, CA 91006.
Drummond, Widrow G.	PVT–2	Rt. 3, Woodruff, SC 29388.
Earkins, William H.	PVT–2	768 Ave. C., Norfolk, VA 23500.
Edwards, James R.	PVT–2	Rt. 1 Box 147, Williamsburg, VA 23185.
Edward, William N.	S/FC	4034 45th St., San Diego, CA 92100.
Eisinger, Robert	CPL	105-15, 66th Rd., Forest Hills, NY 14062.
Elia, Joseph J.	PVT–2	2037 Margaret St., Philadelphia, PA 19100.
Elliot, Claude	PVT-2	1258 Griffen St., Norfolk, VA 23500.
Eurton, Robert P.	PVT-2	6147 N. Ivar Ave., Temple City, CA 91780.
Everson, Carl J.	CPL	1519 ½ T. St., Sacramento, CA 95801.
Everson, Marconi	PVT	N/A.
Ewing, Augustus W.	M/SGT	615 Academy, Kalamazoo, Mich 49001.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Farnsworth, Russel E	CPL	933 Kenyon St., Akron, OH 44300.
Featherstone, Leo C	CPL	1464 W. Jefferson Blvd., Los Angeles, CA 9000.
Folden, LeRoy W	PFC	Ronan, Mont. 59864.
Fonken, Gerhard J	S/FC	P.O. Box 1235, Paterson, NJ 08860.
Ford, Charles L	PVT–2	619-54th St., N.E., Washington, D.C. 20000.
Frye, Herbert W	PVT–2	2619 Southern Av. S.E., Washington, D.C. 20000.
Gibson, Arthur J. Jr	SGT	517 Oak Ave., S. Pittsburg, Tenn 38366.
Griebe, Willie J	CPL	4206 Denver St., Evans, CO 80620.
Gullo, Fred	PVT–2	311 Foot Ave., Jamestown, NY 14701.
Hagen, Dennis A	PFC	1015 E. Pine St., Seattle, WA 98100.
Hagen, Robert A.	PVT–2	422 Thomas Ferguson, MO 63135.
Haller, Andrew F	CPL	RFD #3 Box 530 Woodland, CA 95695.
Halter, Harlan	CPL	R. Rt. 2 Box 305, Lamberton, Minn 56152.
Hansen, Eric V	SGT	5230 Albert Way, Sacramento, CA 95801.
Hapner, Clifford V	PFC	325 E. 32nd St., Eugene, OR 97401.
Harrington, Gerald	PVT	25 Rockland St., Roxbury, Mass. 01966.
Harris, Robert	PVT–2	106 Camden St., Newark, N.J. 07100.
Hatch, Odell K	M/SGT	2881 W. 300 So. Westpoint, UT 84015.
Healy, Edward J	S/FC	180 Broadway, Rochester, NY 14600.
Hendricks, Daryl	PFC	518 E. Forrest, Brigham City, Ut. 84302.
Herring, Leslie B	CPL	Box 1385 Kalamazoo, Michigan 49001.
Hidy, Dan M	CPL	108 Jefferson St., Taft, CA 93268.
Hillran, Douglas L	CPL	RFD #1 Hooper, Ut 84315.
Hoberman, Sumner	SGT	81 Wayne Rd., Newton Ctr., Mass. 02159.
Holland, Clifton E	PVT–2	113 Myrtle St., Suffolk, VA 23434.
Holmes, Cleve M	CPL	10411 Amboy, Pacoima, CA 91331.
Holst, Robert R	CPL	455 So. 300 W, Brigham City, Utah 84302.
Hruska, Donald G	SGT	Rt. 1 Lewiston, Montana 59457.
Hulon, Robert	PFC	RFD #2, Rocky Mount., NC 27801.
Ingerson, Richard R	PFC	28 Union St., Whitefield, New Hamp. 03598.
Jecker, William E	PVT	2221 Garfield Ave., Louisville, KY 40200.
Jensen, Ronald A	PFC	1817 Bella Vista Dr., Serra Vista, AZ 85635.
Jeppesen, Charles L	CPL	924 E. 200 So., Brigham City, Utah 84302.
Jeppesen, David L	CPL	615 Springhill Dr., Murray, Utah 84107.
Jeppesen, Warner	CPL	645 N. 1st W, Brigham City, Ut 84302.
Jeppson, Dale C.	CPL,	339 E. 7th No., Brigham City, Ut 84302.
Johnson, Don F	M/SGT	335 N. 5th E., Brigham City, Ut 84302.
Kellems, David E	CPL	2088 Lambert Dr., Pasadena, CA 91100.
Kelley, Robert G	PFC	Rt. 2 Ellsinore, MO 63937.
Kelly, LeRoy P	PFC	651 Buena Vista, Lahilera, CA 90631.
Klein, Theodore E	PFC	Rt. 2, New Athens, IL 62264.
Kling, Floyd W	SGT	576 S. 700 W., Brigham City, Utah 84302.
Knavel, George L	S/FC	217 E. 4th So., Brigham City, Ut 84302.
Kolosvary, Frank J	PFC	441 Pacific Ave., McKeesport, PA 15130.
Korth, Ray C	M/SGT	RFD #1, Hooper, UT 84315.
Kozmon, Joseph G	PVT–2	Box 174 Higganum, CT 06441.
Lane, James C	PVT–2	Box 26, Fieldale, A 24089.
Leeming, Grant D	CPL	264 W. 40th Place, Los Angeles, CA 90000.
Lelakus, Joseph A	PVT–2	R.D. #1, Shickshinny, PA 18655.
Licht, Lyle A	PFC	540 N. 1st East, Brigham City, UT 84302.
Lincicum, Donald B	CPL	RFD #4, Darlington, Wis 53530.
Lindsey, Raymond M	PVT–2	336 W. Earle St., Greenville, SC 29601.
Lombardy, Ray J	S/FC	9350 52nd Ave., So., Seattle, WA 98100.
Luce, james R	SGT	7967 Hillside St., Oakland, CA 94600.
Lothspeich, John N	S/FC	Box 712, Moses Lake, WA 98837.
Mattson, Loren E	PFC	Box 213, Whiteswan, WA 98952.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Mays, William M	PFC	148 Rose Lea Ave., New Miame, OH 45011.
McCalmant, Vern B.	S/FC	Naples, Idaho 83847.
McCord, James N.	SGT	319 East 49th St., Anderson, Indiana 46013.
McFarlane, Gordon A.	SGT	178 No. 2nd E., Brigham City, Ut., 84302.
Mechling, Everette	PFC	Rt. #5, Orofino, ID 83544.
Messler, William G.	PFC	39 So. Courtland St., E. Stroudsburg, PA 18301.
Miller, Elton D.	PVT–2	469 Exchange St., Geneva, NY 14456.
Moore, Joseph	PVT–2	1020 Mediterranean Ave, Atlantic City, NJ. 08400.
Moorehead, Columbus	PVT	N/A
Morrell, Dwight L.	PFC	1183 Via Arroyo, Ventura, CA 93003.
Nakamura, Harry H.	CPL	RFD 1 Brigham City, UT 84302.
Neiman, Ernest H.	SGT	14758 Lappin, Detroit, Mich. 48200.
Nelson, Jerald R.	PFC	533 W. 600 So., Brigham City, UT 84302.
Nelson, June L.	CPL	151 N. 2nd West, Brigham City, Utah 84302.
Nelson, Paul C.	SGT	305 No. Main St., Brigham City, Utah 84302.
Nelson, Raulon M.	CPL	207 E. 1st So., Brigham City, Ut. 84302.
Novick, Bernard P.	PVT–2	105 Prospect St., Wilkesbarre, PA.
Odor, Lawrence S.	PVT–2	Rt. 1, Holt, MO 64048.
Olsen, Floyd J.	SGT	370 Chestnut Dr., Logan, Ut., 84321.
Olsen, Grant	SGT	613 Spring House Man, Murray, Utah 84107.
O'Niel, Donald J.	PVT–2	810 Broadway, Newark, NJ 07100.
Owens, Eugene	PVT	67 Main St. Edgewood, Danville, VA
Paschall, Charles R.	SGT	543 Graham St., Abilene, TX 79600.
Payne, Dean L.	PFC	118 E. 3rd No., Brigham City, Ut., 84302.
Peck, Henry C.	CPL	Rt. 1, Box 604, Sunnyvale, CA 94086.
Peeples. Lewis J.	CPL	753 No. Main St., Brigham City, Ut. 84302.
Pella, Robert C.	SGT	312 East Forrest St., Brigham City, Ut. 84302
Perommer, Frank J.	PFC	Delesa Dr., Franklinville, NJ 08322.
Pery, Allen E.	CPL	5341 Cole St., San Diego, CA 92117.
Peters, Duane A.	CPL	8650 Green Acres, Tucson, Az 87500.
Peterson, John N.	M/SGT	3981 8th St., Riverside, CA 92501.
Pett, Burton R.	CPL	11651 Kasha, Concord, CA 94518.
Pett, Robert G.	PFC	162 N. 2nd E., Brigham City, Ut 84302.
Phillips, Burt L.	S/FC	162 N. 2nd E., Brigham City, Ut 84302.
Pimentel, Joseph	CPL	526 ½ N St., Reno, NV 89500.
Pollard, Robert F.	PFC	8 Ashby St., Mystic, Conn. 06355.
Ransdell, Lloyd E.	PVT	1450 Standish Ave., Indianapolis, Ind. 46200.
Reaves, Paul W.	CPL	N/A.
Rector, Lee L.	PVT–2	603 W. Liberty St., Belding, Mich. 48809.
Richards, Glenn R.	CPL	529 So. 4th East, Brigham City, Ut. 84303.
Rigby, Jay D.	S/FC	4445 S. 3420 W. West Valley City, Ut 84120.
Roberts, Walter T.	PFC	2043 Vienna Rd., Clio, Mich. 48420.
Romer, Victor J	M/SGT	428 N. 6th East, Brigham City, Ut. 84302.
Saenz, Henry P	PVT	636 ½ Meoina Court, El Monte, CA 91731.
Saggio, Charles V	PVT–2	2240 Mullanphy, St. St. Louis, MO 63100.
Sanchez, Marano C	PFC	Box 14, Clifton, AZ 85532.
Sattarelle, Angelo M	PFC	230 Lilbume Dr., Youngstown, OH 44505.
Saunders, Wendell V	SGT	69 So. 1st West, Logan, Ut. 84321.
Sayble, Albert	CPL	1619 Arlington Blvd., Huntington, WV 25705.
Schneider, Howard F	M/SGT	4827 S. 166th, Seattle, WA 98100.
Schuhart, Henry C	CPL	2139 W. Burnside, Portland, OR 97200.
Severt, Gordon A	CPL	818 Prospect St., Merrill, Wisc. 54452.
Shannon, Harry J	PVT–2	4535 Springwells Ave., Detroit, Mich. 48200.
Shepard, Wilbur G., Jr	SGT	1805 Monterey St., Bakerfield, CA 93300.
Stevens, Evan D	PFC	519 N. 200 E., Brigham City, Ut. 84302.
Stevenson, George E	M/SGT	2301 Hardy, Independence, MO 64050.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Strider, Harry L	PVT–2	Pataskala, Rt. 3, Ohio 43062.
Swarthout, George A	CPL	2667A 32nd St., Santa Monica, CA 90400.
Tams, Merlin	PFC	37 No. 200 E., Brigham City, Ut 84302.
Tankersley, Paul E.	S/FC	Rt. 2, Eastland, TX 76448.
Taylor, Robert W.	PVT–2	New Lisbon, NJ 08064.
Teter, Archie C.	CPL	N/A.
Thompson, J. Bruce	CPL	3321 Garden Keyniece, Hacienda Hts. CA 19745.
Torres, Raymond S.	PFC	Rt. 2 Box 1239, Oxnard, CA 93030.
True, Stanley W.	PVT–2	Box 318, Balboa Heights, Canal Zone
Valentine, Dale E.	CPL	410 W. 700 N., Bingham City, UT 84302.
Valentine, Robert G.	SGT	529 E. 100 N., Bingham City UT 84302.
Van Deventer, Paul R.	PVT–2	2225 Webster Ave., Liberty, TX 77575.
Van Haverbeke, Paul R.	CPL	Rt. #1, St. Ignatius, Mont 59865.
Vanzant, Robert E.	PVT	Rt. #1, Princeton, KY 42445.
Velaazquez, Roberto D.	CPL	8302 Elmont Ave., Los Angeles, CA 90000.
Vixie, Dale O.	PVT–2	Rt. 1 Box 34, Viking, Minn. 56760.
Wertz, Wallace A.	PFC	Rt. 1, Box 293B, Stanwood, Wash. 98292.
Whitaker, Charles A.	PVT	321 N. 3rd W., Bingham City, UT 84302.
Whitaker, Floyd J.	PFC	3795 No. Hwy. 89, Layton, UT 84041.
Whitaker, Jarvis G.	PFC	38 So. 4th E., Bingham City, UT 84302.
Whitaker, Ted O.	SGT	Huntington, UT 84528.
Wiggins, William E.	S/FC	Box 1445, Salt Lake City, UT 84100.
Wishart, Ellsworth L.	PVT–2	RD #1 Burghill, OH 44404.
Young, James A.	PFC	Box 40, Comwall, PA 17016.
Young, Lyle, Jr.	CPL	646 North 100 East Bingham City, UT 84302.

"B" Battery, 204th Field Artillery Battalion, Roster of Enlisted Men (Alphabetically Listed, N/A=Denotes Not Available)

Able, Roy	SGT	112 W. 10th So., Garland, Ut. 84312.
Anderson, Don C.	SGT	Garland, Ut. 84312.
Anthony, Frederick D.	PVT–2	3942 S. Parkway, Chicago, IL 60600.
Arazi, Ishad S.	CPL	Keewatin, Minn. 55753.
Armstrong, Harvey R.	PVT	N/A.
Austin, George L.	CPL	665 Holiday Dr., Bingham City, Ut. 84302.
Bailey, Earnest D.	PFC	Markland Hotel, Kokomo, Indiana 46901.
Ball, Paul E.	CPL	618 W. 10th Ave., Tallahassee, FL 32301
Barney, Dwight R.	SGT	1224 W. 6th St., Mishawaka, Ind 46544.
Bass, Marion L.	PFC	303 S. 4th St., Glendale AZ 85301.
Benedict, Robert L.	PFC	395 Evergreen Ave., Fondulac, Wisconsin 54935.
Bosley, Carl G.	CPL	Gassaway, W. Virginia 26624.
Bosco, Emil	PFC	69th St. Maspeth, Queens, NY 12801.
Brownfield, Louie A.	PFC	948 Myrtle St., Los Alamos, NM 87544.
Bryant, James W.	PFC	Williamsburgh, Whitely Co., KY 40769.
Bullard, James R.	S/FC	16838 11th Pl. N.E., Seattle, Washington 98100.
Bullock, J.B.	PFC	307 Venters St., Ayden, NC 28513.
Burns, Robert	N/A	RR 1 Box 485, Liberty, NY 12754.
Call, Bobby E.	PFC	1038 No. 48th St., #15, Phoenix, AZ 85008.
Cannon, Murray E.	S/FC	179 Ross Dr., Clearfield, UT 84015.
Cannon, Richard D.	CPL	366 W. 775 No., Logan, UT 84321.
Capener, Daryl M.	CPL	Garland, UT 84321.
Caroelle, Salvadore	N/A	355 Blvd., Kenilworth, NJ 070033.
Carter, Alexander, Jr.	PVT–2	82 Richmond St. S.E., Atlanta, GA 30300.
Carter, James R.	S/FC	715 So. Main St., Garland, UT 84321.
Carter, Ralph F.	CPL	836 E. Main St., Seneca, NY 14224.
Carter, Ralph J.	SGT	Box 12 Silverdale, WA 98383.
Castleton, Leonard G.	S/FC	702 E. 200 So., Centerville, UT 84014.
Cates, Donald N.	CPL	900 W. 57th, Seattle, WA 98100.
Chrismen, Kenneth L.	S/FC	1411 West Church St., Champagin, IL 61820.
Christensen, Niels A.	PFC	Polson, Montana 59860.
Clark, Manuel Jr.	PVT–2	102 10th St. S.W., Roanoke, VA 24001.
Conger, Leo R.	PFC	Tremonton, UT 84337.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Conger, Leon H.	PFC	7818 240th St. S.W., Edmonds, WA 98020.
Conley, Wesley E.	PFC	N/A.
Couch, Farrell C.	SGT	Box 84, Garland, Utah 84312.
Couch, Raymond Jr.	CPL	1088 So. 8th West, Woods Cross, UT 84087.
Cyr, Martin G.	S/SGT	#5 Applevale, Dover, NH 03820.
Davis, Steve	N/A	710 N. 26th St., Newcastle, Indiana 47362.
Dawkins, William P.	PFC	12 Coker Ave., Hartsville, SC 29550.
Deakin, David D.	CPL	Tremonton, UT 84337.
Deazevedo, John S.	PFC	1325 E. 14th St., Oakland, CA 94600.
Deazevedo, Lionel S., Jr.	PFC	1814 Washington St., Santa Clara, CA 95050.
Dial, Calvin D.	CPL	615 S. Cushman, Tacoma, WA 98400.
Duran, Jose S.	PFC	Rt. 1 Box 1237, Novato, CA 94947.
Emert, Charles F.	S/FC	1815 Geranio Dr., Alhambra, CA 91800.
Emmert, William H.	CPL	Box 373, Rice, TX 75155.
Ernsdorf, Anton D.	CPL	190446 Scoville Ave., Sunland, CA 91040.
Espino, Julian A.	PFC	19 S. 20th St., San Jose, Ca 95100.
Felix, Garlan V.	CPL	Gassaway, WV 26624.
Flud, Ben M.	PFC	274 W. Main, Ventura, CA 93001.
Forsgren, Louie D.	PFC	Garland, UT 84312.
Frazer, Charles R.	PVT	114 Camile St., Santa Anna, CA 92700.
Gamroth, Arthur P.	PVT–2	123 Ann St., Waukesha, Wis. 53186.
Garcia, David	PFC	1330 Santee St., Los Angeles, CA 90000.
Garcia, Louie D.	PFC	Rt. 1 Box 63, Firebaugh, CA 93622.
Garcia, Marcos E.	PFC	3007 Peralta St., Oakland, CA 94600.
Graczyk, Severin F.	SGT	2280 Navajo Rd E., North St. Paul, Minn. 55109.
Greenhill, Raymond E.	PFC	508 East Broad St., Blackstone, VA 23824.
Griffith, Richard H.	PVT–2	374 Somerset St., North Plainfield, NJ 07060.
Gross, Lawrence J.	CPL	1036 Burke Ave W., St. Paul, Minn. 55113.
Guerrero, Antonio C.	SGT	Box 3497, Lowell, AZ 85000.
Guilford, Dee J.	PFC	Box 565 Ontario, OR 97914.
Gunn, Charles D.	PFC	6740 S. Wabash Ave., Chicago, IL 60600.
Hancock, Jesse D.	PFC	Rt. 4, Waycross, GA 31501.
Hansen, LaVar H.	CPL	902 E. 3200 No., Ogden, UT 84404.
Hendrick, Wayne L.	PFC	Rt. 2 Loyal, Clark County, Wis 54446.
Heppler, Max R.	PFC	225 E. 4th No., Tremonton, UT 84331.
Herdrich, Wayne	N/A	314 So. Crocker Ave., Greenwood, Wis 54437.
Hill, Don J.	M/SGT	Box 243, Garland, UT 84312.
Hill, Merrill	PFC	41 W. Cutler, Garland, UT 84312.
Hinish, Frank	M/SGT	123 So. 4th St., Lewisburg, PA 17837.
Hoar, Gordon W.	PFC	604 S. J., Tacoma, WA 98400.
Hudson, T.W.	CPL	Cleveland, Miss. 38732.
Huish, Burton P.	CPL	1531 Julie Ln., Twin Falls, ID 83301.
Hunt, Joseph P.	PFC	Box 2099 Warren, AZ 85642.
Huston, Guyvon M.	SGT	Box 255, Ontario, CA 97914.
Innis, Alexander C.	PVT–2	1166 Union Ave., Apt. #6, Bronx, NY 10400.
Ishihara, Toshiyuki	PFC	303 W. Benjamin Apt. 15, Hollywood, CA 95207.
James, George L.	N/A	680 E. 6400 S. Murray, UT 84107.
Jensen, Val D.	SGT	701 Lamirada, Carson City, NV 89701.
Johnson, Calvin A.	CPL	Box 215, Bremerton, WA 98310.
Johnson, Eugene	PVT–2	316 W. Jackson St., Orlando, FL 32800.
Johnson, Lowell M.	CPL	202 E. 4th No., Tremonton, UT 84337.
Judson, Leroy E	PFC	858 19th St., San Diego, CA 92100.
Jucich, John J., Jr	CPL	110 Birch St., Anaconda, Mont 59711.
Keil, Joseph E	PVT–2	335 W. Maple Ave., VanWert, OH 45891.
Kempton, Wayne D	CPL	Chandler, AZ 85224.
Kingsbury, Monte C	SGT	Denton, Montana 59430.
Kitts, Charles L	PFC	513 Pandolph St., Knoxville, Tenn 37900.
Klein, Hilary J	PFC	RFD #2, Minooka, IL 60447.
Krueger, Louis H	CPL	82 Frelinhousen St., Battle Creek, Mich 49014.
Larsen, John F	PFC	1414 W. 11400 S., South Jordan, UT 84065.
Lavender, John L	SGT	1061 Douglas, Ogden, Ut 84400.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Lopez, Frank C	PFC	Box 942 Jerome, AZ 86331.
Lutz, Mervin R	S/FC	4069 Calhoun St., Detroit, Mich 48200.
Lydick, Harold L	PVT–2	Rt. 1 Box 73, Cave Junction, OR 97523.
Madsen, Fred R	M/SGT	136 N. 1st East, Brigham City, UT 84302.
Manning, Earl J	PFC	3050 E., Ogden, UT 84058.
Mason, Max L	CPL	581 N. 2nd E., Tremonton, UT 84337.
May, George M	PFC	1310 Woodrow St., Oildale, CA 93308.
Mayhew, N/A	N/A	N/A.
McGehee, David	PVT–2	Rt. #3 Box 30, Liberty, Miss. 39645.
Montgomery, Andrew V	PVT–2	1213 Whitlow St., Cincinnati, OH 45200.
Moore, William H	S/FC	2607 Rodger St., Bremerton, WA 98310.
Morey, Charles J	M/SGT	Rt. 1 Box 912 Oak Ave., Seaside, CA 92955.
Muckelry, Royce E	N/A	N/A.
Mueller, Jess A	SGT	Pacific, MO 63069.
Mulder, Robert L	CPL	703 Scott St., Boise, ID 83700.
Nelson, Leo I	PFC	Naple, ID 83847.
Nessen, Ray E	CPL	900 Century Park #23, Ogden, UT 84404.
Nuish, Orvil D	PFC	1430 Garfield, Idaho Falls, ID 83401.
Nye, Fredrick L	CPL	620 S.E. Kramer Pl, Issaquah, WA 98027.
Ollenburg, Robert E	SGT	P.O. Box 69, Ventura, Iowa 50482.
Osborn, Duane R	PVT–2	117 Marina Village, Bridgeport, Conn 06600.
Papanteniou, Nicholas	PFC	31–33–32nd St., Astoria, NY 12810.
Parr, Jerone L	S/FC	1144 Fawcett Ave., Tacoma, WA 98400.
Perry, John A	PFC	617 W. 3rd St., Washington, DC 20000.
Peterson, Gerald A	CPL	30965 Palo Alto Dr., Redland, CA 92373.
Petty, Vern G	SGT	1635 Marla Dr., Reno, NV 98509.
Pitzer, Robert H	CPL	334 Mt. Wash. Drive, Los Angeles, CA 90000.
Plish, Peter H	PFC	338 Oak St., Berwick, PA 18603.
Pofals, William B	PFC	3707 4th Ave S., Billings, Montana 59101.
Poffenbarger, Harold	PVT–2	Puritan Mines, West VA 26056.
Potter, Donald H	PFC	235 E. 8th No., Tremonton, UT 84337.
Prespentte, Jose C	PFC	Box 22, Bloomfield, NM 87413.
Preston, Bienvenido R	PVT–2	20 Reed St., New London, Conn 06320.
Prince, Wayne C	PVT–2	1065 Eubank Ave., Wilmington, CA 90744.
Raines, Willard M	PVT–2	Prairie City, OR 97869.
Ramsey, Donald E	PFC	716 S. 12th St., Louisville, KY 40200.
Ransom, Ronald D	PFC	1105 Fairfield Ave., Roseville, CA 95675.
Rasmussen, Joseph S	PFC	6th No. 800 East, Bountiful, UT 84010.
Rayburn, Albert M	SGT	Box 484 Glendale, AZ 85301.
Resner, John W	PFC	Rt 2 Box 95, Roseburg, OR 97470.
Rhodes, Harry R	SGT	14 5th St., Dover, NJ 67801.
Rhodes, Robert M	S/FC	Garland, UT 84312.
Rich, John D	PFC	245 E. 8th No., Tremonton, UT 84337.
Richardson, John W	CPL	Rt. 21 Box C–I Williow Creek, Canadaigua, Palmyra, NY 14522.
Riley, Charle E	PVT–2	1021 Washington St., Brighton, Mich 49229.
Rivett, Richard C	S/FC	2935 Grand Ave., Huntington Park, CA 90255.
Roberts, Ira C., Jr	PFC	127 W. Hampton St., Staunton, VA 24401.
Roberts, Robert R	CPL	Trementon, UT 84337.
Rodriques, Arthur P	PVT–2	Union St., North Marshfield, Mass. 02059.
Rucker, Fred W	CPL	930 S. 500 W., Bountiful, UT 84010.
Rudd, Evan N	CPL	631 E. 5900 S., Murray, UT 84107.
Russell, Lee J	PVT–2	Rt. #2, Harrisville, PA 16038.
Sacchetti, Louis J	PVT–2	731 Sylvan St., Camden, NJ 08100.
Sage, Harold	CPL	Box 721 Central Valley, CA 96019.
Sandall, Dallas W	CPL	705 N. 2nd E., Trementon, UT 84337.
Sato, George	CPL	RFD #3 Trementon, UT 84337.
Schmidt, Max C	SFC	4596 Mt. Bigelow Dr., San Diego, CA 92111.
Schoonmaker, Myron H	PFC	Rock Tavern, NY 12575.
Sellers, James C	PVT–2	4109½ Santa Anna S. Huntington Pk, CA 90255.
Shaffer, Charles L	PFC	Box 115, Oak Ridge, PA 16245.
Sisario, Frank	SGT	28 Lark St. Amsterdam, NY 12010.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Slane, Robert L	PFC	209 S.E. 29th St. Oklahoma City, OK 73100.
Smith, Leslie K	CPL	3949 W. 3100 S., West Valley City, UT 84120.
Smith, Orlin H	PFC	1554 21st St., Ogden, UT 84401.
Smith, Thomas E	CPL	6112 Richmond Ave., Garden Grove, CA 92645.
Speakman, Bob H	PFC	Rt. #1, Box 17B, Everett, GA 31536.
Spencer, Richard E	PFC	4764 S. 4621 W., Kearns, UT 84118.
Stanhill, Ezra	SGT	Bulan, KY 41722.
Stapleton, Gordon L	S/FC	Box 331, Chelan, WA 98816.
Stevens, Julius P	CPL	459 25th St., San Bernandino , CA 92400.
Stewart, Vernie	PFC	Beefhide, KY 42322.
Stiles, Gerald C	PFC	890 N. Main St., Akron, OH 44800.
Strauser, Luke S	PFC	Rt. 2, Richfield, PA 17086.
Strode, Leon	PFC	Rt. #3, Box 204-A, Tompkansville, KY 42167.
Sutherland, Kent L	S/FC	207 Robins Ave., Ogden, UT 84404.
Suvain, Charles L	PVT–2	Rt. 5, Box 62, Bedford, VA 24523.
Taber, Bruce E	M/SGT	407½ Bonneville St., Pasco, WA 99301.
Thomas, Beverly L	CPL	1593 E. 9th St., Highland, CA 92346.
Thomas, Otis	PVT–2	268 W. 14th St., Sarosota, FL 33577.
Thompson, Reid L	M/SGT	552 S. 7th W., Brigham City, UT 84302.
Tippets, Edward W	CPL	3915 Evelyn Rd., Ogden, UT 84400.
Trujillo, Delfino R	PFC	N/A.
Trujillo, Jessie D	PVT	N/A.
Tsuekawa, Toshio	CPL	145 W. LaFayette, Stockton, CA 95200.
Tucker, Samuel G	PVT–2	30 C Hawkins Village, PA 15241.
Turley, Grant E	CPL	Garland, UT 84312.
Tumer, Frank C	PVT–2	8832 S. Dante St. Chicago, IL 60600.
Turner, Gordon L	PVT	217 N. 5th W., Salt Lake City, UT 84111.
Tyler, Roosevelt Jr	PVT–2	1630 Waverly St., Philadelphia, PA 19100.
Vanesbeck, N/A	N/A	N/A.
Vaughn, Dewitt C	PVT–2	125 Williams D., Lexington Park, MD 20653.
Verrot, Raymond	PVT–2	28269 Goddard, Romulus, Mich. 48714.
Wada, Katsumi	CPL	Box 121 Lomita, CA 90717.
Walker, James C	PFC	N/A.
Walker, Robert L	PFC	RFD #1, Cogan Station, PA 17728.
Waterson, Vernon R	CPL	N/A.
Ward, Max C	SGT	Riverside, UT 84334.
Watson, Jessie T., Jr	PVT–2	Rt #3, Box 66, Williston, FL 32696.
Wheeler,. Porter K	CPL	417 Wetmore Ave., Everett, WA 98201.
Wilkie, James E	PVT–2	S.E. Mitchell Dr., Phoenix, AZ 85000.
Williams, Harry L	PVT–2	2026 Carr St., St. Louis, MO 63100.
Williams, James P	PVT–2	N/A.
Willis, David H	PVT–2	704 Broad St., New Bern, NC 28560.
Wilson, Billy D	PFC	1551 Snyder Rd. East Lansing, Mich. 48823.
Wise, Lawrence M	S/FC	2959 Jackson Blvd., Ogden, UT 84400.
Wood, LaMar	N/A	933 Vitt, Ogden, UT 84404.
Yanzetich, Peter L	PFC	Sidman, PA 15955.
Zac, Nicholas	M/SGT	430 W. 5th St., Rochester, Ind. 46795.
Zunder, Rosel W	S/FC	Garland, UT 84312.
Zwick, Bill	S/FC	26962 Oakman Ave., Lindstrom, MN 55045.

"C" Battery, 204th Field Artillery Battalion, Roster of Enlisted Men

Akkerman, Fredrick C	S/FC	10533 Garfield Ave., Southgate, CA 90280.
Andreason, Clifford R	PFC	Smithfield, UT 84335.
Anderson, James R	CPL	210 Turtle St., Syracuse, NY 13200.
Archibald, Marloe L	S/FC	Box 82, Wellsville, UT 84339.
Arellanes, Charles B	PFC	4776 E. Dozier St., Los Angeles, CA 90000.
Arellano, Enrique	CPL	544 N. Rodena, Los Angeles, CA 90000.
Atnip, Jerry T	PVT	142 W. Center St., Logan, UT 84321.
Baker, Jessie Jr	M/SGT	409 Pine St., Farmville, NC 27828.
Barnard, Melvin P	S/FC	44 Yellowstone Ave., Billings, MT 59101
Beckstrand, Arland K	PFC	Meadow, UT 84644.
Belleck, Gastin	PVT	2050 Alger Ave., St. Clair Shores, Mich. 48079.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Bethea, Cade D	PVT–2	218 S. Cedar St., Mobile, Ala. 36600.
Blazzard, John L	CPL	439 S. Main St., Logan, UT 84321.
Blazzard, Theron R	SGT	439 S. Main St., Logan, UT 84321.
Botsford, Peryl D	M/SGT	210 ½ N. 3rd St., Las Vegas, NV 89100.
Boucher, Thomas J	PFC	60 Boswell Ave., Norwich, Conn. 06360.
Branch, David E., Jr	CPL	316 Rossmore, Los Angeles, CA 90000.
Branch, Merrill E	PFC	Wellington, UT 84542.
Bresee, LeLand H	SGT	294 W. San Fernando St. San Jose, CA 95100.
Broberg, Val B	CPL	255 S. 5th E., Logan, UT 84321.
Brown, Edward L	S/FC	295 N. 1st W., Logan, UT 84321.
Brown, Thadeus D	SGT	547 S. Main St., Logan, UT 84321.
Cabrera, Manuel F	PFC	937 Prebest St., San Jose, CA 95100.
Campbell, Arnold H	CPL	Box 632 Ft. Benton, MT 59442.
Chapman, Alfred S	PVT–2	1805 Dakota, Leavenworth, KS 66027.
Christensen, Reed C	M/SGT	6265 Sternwood Dr., Salt Lake City, UT 84116.
Christiansen, Elmer L	PFC	4850 Atwood Blvd., Murray, UT 84107.
Chrystal, James M	PFC	Comstack Ave., Iveryton, Conn. 06442.
Cope, George	PVT–2	Ambia, Ind. 47917.
Cox, Bob M	SGT	Rt. 2 Kennett, MO 63857.
Cozad, James M	CPL	Rt. 4 Mt. Vernon, WA 98273.
Cressal, Calvin C	S/FC	54 E. 7th So., Logan, UT 84321.
Danzuka, Orville K	PFC	Warm Springs, OR 97761.
Darko, Paul R	SGT	Belt, Montana 59412.
Davidson, Gordon A	PFC	415 10th Ave. No., Seattle, WA 98100.
DeJulie, Enrice P	PVT	7 Elm St., West Orange, NJ 07052.
DeLorenzo, Charles J	PVT–2	57 Johnson Ave., Hackensack, NJ 07601.
Desa, Daniel M	PVT–2	PO Box 95, Los Banos, CA 93635.
Diggs, Arthur	PVT–2	Rt. 2 Box 12, Smithfield, VA 23430.
Doninguez, Raymond M	CPL	1417 E. Washington St., Phoenix, AZ 85000.
Dow, Melton H	SGT	216 Banner St., Nampa, ID 83651.
Duggan, Gerald S	PFC	119 Grant Ave., Jersey City, NJ 07300.
Ebright, Dale A	PFC	363 Erebis Ave., Columbus, OH 43200.
Elks, Richard J	PFC	RFD #1 Washington, Beaufort, NC 28516.
Erz, James D	S/FC	5585 Harrison Blvd, Ogden, UT 84404.
Estrada, Rudolph	SGT	205 Sunset Ave., San Gabriel, CA 91775.
Evans, Michael J	CPL	Box 345 Boulder, MT 59632.
Evans, Robert R	CPL	853 Bogert Rd., Riveredge, NJ 07661.
Flanders, Robert L	PVT–2	106 Hampden St. Roxbury, Mass. 01367.
Fondo, James T	PVT–2	1822 E. 82nd St., Cleveland, OH 44100.
Fong, Hong	CPL	2297 Riverside Dr., Los Angeles, CA 90000.
Foerste, Werner Otto, Jr	PFC	Rt. #1 Box 206, Largo, FL 33540.
Fohnson, Dewayne D	SGT	Rt. 1, Holt, FL 32564.
Forehand, Sheppard Jr	PVT–2	8 Morris Ave., Columbia, SC 29200.
Fortune, Billie N	PFC	Orondo, WA 98843.
Free, Franklin	PVT–2	Box 204, Luverne, AL 26049.
Freeman, Monte H	S/FC	181 E. 6th No., Logan, UT 84321.
French, John	PFC	1612 National Ave., New Bern, NC 28560.
Frye, James Jr	PVT–2	1701 Idlewood Ave., Richmond, VA 28200.
Furr, Robert L	PVT–2	726 N. Patrick St., Alexandria VA 22800.
Galloway, Gerald A	PVT	1130E 1300 S., Salt Lake City, UT 84112.
Gamble, Hanry L. Jr	PVT–2	1036 W. 23rd St., Winston Salem, NC 27100.
Gerner, Calvin	PVT–2	Rt 1, Box 8, Franklin, VA 23851.
Garner, Hal E	CPL	P.O. Box 3447 Logan, Utah 84321.
Gaunt, Ralph	SGT	4211 S. Washington, Saginaw, Mich. 48610.
Gerrow, Carl D.J	PVT–2	P.O. Box 121 Jeffersonville, NY 12748.
Giles, James J., Jr	PVT–2	527 N. 8th St., Richmond, VA 28200.
Giles, James W	PVT–2	730 Mtarry St., Petersburg, VA 23803.
Gilio, Joseph J	SGT	2715 Spruce St., Bakersfield, CA 93300.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Gillesne, Louis E	SGT	6670 E Wash. Box 321, Pellston, Mich 49769.
Gittins, Lloyd E	SGT	Mendon, UT 84325.
Golden, Revel	PVT–2	Rt. 1 Box 136, Leaksville NC 27288.
Golding, Seborn R	SGT	875 E. 150 N., Logan, UT 84321.
Goulette, Walter T	PVT–2	1508 S. I St., Tacoma, WA 98400.
Guajardo, Tony C	PFC	124 Sherman, Lubbock, TX 79400.
Guyer, Brada Jr	PVT	4731 Vine St., Denver, CO 80200.
Hadden, Neil O	CPL	1963 Williams Ave., Chehalis, WA 98532.
Hannon, Francis E	PFC	401 N. Willard St. Coquille, OR 98423.
Hansen, Richard B	CPL	Mt. Pleasant, UT 84647.
Harns, William F	S/FC	Box 363 Weiser, ID 83672.
Hawthorne, Franklin S	PFC	Rt. 6 Box 446, Tacoma, WA 98400.
Hilland, Marvin J	PFC	909 6th N.E. Minot, ND 58701.
Hendrickson, Harold L	PFC	Appleton City, Mo 64724.
Hess, Gerald A	CPL	467 N. 4th E., Logan, UT 84321.
Hestand, Nebert J	PVT	Hestand, KY 42151.
Holland, Richard D	CPL	Box 571, Roundup, MT 59072.
Holman, Keith L	SGT	Santaquin, UT 84655.
Howard, William P	PVT–2	2208 N. St., Vancouver, WA.
Howell, Arnold S	SGT	414 E. 84th Pl. Los Angeles, CA 90000.
Howell, Melvin A	CPL	1627 4th Ave., Oroville, CA 95965.
Hughes, John A	S/FC	3505 Sawatelle Blvd, Los Angeles, CA 90000.
Hylla, Walter F	PFC	1429 Prospect Ave., Peru, IL 61354.
James, George L	CPL	450 S. Main St., Logan, UT 84321.
John, Alvan R	CPL	384 N. 350 E., Logan, UT 84321.
Johnson, Kenneth	CPL	520 West Ave., Arlington, WA 98223.
Johnston, Joseph H	PVT	Box 422, Hamilton, MT 59840.
Jones, Joseph J	PVT–2	958 W. Beaver St., Jacksonville, FL 32200.
Kaichi, Sakae	CPL	1936 Sawtelle Blvd. W., Los Angeles, CA 90000.
Keatts, Lorraine L	SGT	Rt. 2, Pomeroy, WA 99347.
Keel, James C	PFC	Box 35 Alliance, NC 28509.
Keller, Lyle D	M/SGT	923 E. Cherry St., Seattle 22, Washington 98100.
Kelly, David F	PFC	623 Conkling S. Baltimore, MD 21200.
King, William E	PFC	977 E. A Ave., Glendale, AZ 85301.
Klackik, Thomas	CPL	429 East Ave., Mt. Carmel, PA 17851.
Klein, Roy T	PFC	1575 Wellston Ave., Wellston 20, MO 64097.
Kovene, Joseph E	SGT	190 N. 1st E., Logan, UT 84321.
Krahenbuhl, Ernest Jr	CPL	2426 11th St., Monroe, Wis. 53566.
Larsen, Melvin C	SGT	Rt. #3 Ferndale, WA 98248.
Leavitt, Val D	S/FC	296 E. 4th No., Logan, UT 84321.
Ledesma, Alejandro	CPL	Box 350 Sinaloa Ranch, Simi, CA 93065.
Leggett, Lawrence E	PFC	Rt. #2, Jasper MO 64755.
Lippinski, Albert J	CPL	Oslo, Minn. 56744.
Linsebigler, William	PVT	Box 204, Melston, MT 59054.
Long, Herbert B	PFC	218 Bragg Ave., Auburn AL 35830.
Lotter, Nicholas J	PFC	21–20 23rd Dr., Long Island, NY 11100.
Low, Kenneth	CPL	Box 113, Locke, CA 95649.
Lowe, Sterling C	PFC	76 W. 5th No., Logan, UT 84321.
Lucherinin, Glen L	SGT	1470 Highland Dr., Logan, UT 84321.
Lusk, James C	PFC	Jamestown, Ark. 72547.
MacKay, James H	CPL	320 N. E. Pacific, Portland, OR 97200.
Magno, John S	CPL	3442 Arroyo Seco Ave., Los Angeles, CA 90000.
Malone, Lloyd W	CPL	Crocker, MO 65452.
Marquette, Herbert C	PFC	429 8th St., St. Maries, ID 83861.
Martz, Kenneth R	PFC	708 N. Pine St., Sparta, IL 62286.
Mathews, John	PVT–2	69 West 11th St., Bayonne, NJ 07002.
Matley, Fred S	SGT	Lake Arthur, NM 88253.
Matthews, Arnold B	PFC	102 State St., Pleasant Grove, UT 84062.
Matthews, Clifford J	CPL	1007 W. Granite St., Havre, MT 59501.
Maugham, Raymond O	SGT	756 W. 200 N., Logan, UT 84321.
Merrell, Jack A	SGT	West Decautur, PA 16878.
Mielak, Paul F	CPL	1622 7th St., Columbus, Neb. 68601.
Miller, Milton S	CPL	Cotta Villa, Glendora, CA 91740.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Mitamura, John	CPL	44 S. 8th W., Brigham City, UT 84302.
Mitchell, Elvin G	CPL	Box 373 Fillmore, UT 84631.
Montano, Benancio	PFC	7047 Canoga Ave., Canoga Pk, CA 91203.
Morman, Verne J	SGT	N/A
Morse, Robert L	CPL	Box 102, Manitou Beach, Mich. 49253.
Murray, Thomas Jr	PFC	331 W. California Blvd., Ontario, CA 91761.
Melson, Francis E. J	N/A	N/A
Nicholson, William R	SGT	5333 Lexington Ave., Hollywood, CA 90700.
Nickerson, John H	PFC	Billings, MT 59101.
Noel, Edmund F	CPL	713 Church St., Greenwood Miss. 38920.
Noland, Cecil K	CPL	N/A
Norman, Ernest L	N/A	N/A
Olsen, Don H	S/FC	128 S. 1st East, Logan, UT 84321.
Ondarco, Paul P	CPL	346 W. Ridge St., Lansford, PA 18232.
Orbe, Regineld	PFC	130 Riverside Ave., New London, Conn. 06320.
Paison, Arnold T	CPL	23000 Columbia St., Dearborn, Mich. 48120.
Partington, Boyd T	CPL	425 W. 1st No., Logan, UT 84321.
Pascale, Frank J	PFC	1552 Point View, Los Angeles, CA 90000.
Penn, Lloyd L	PVT	7 Seller St., Martinsville, VA 24112.
Pettersson, Gusta H	SGT	1221 W. 13TH St., San Pedro, CA 90731.
Pope, Vernon L	SGT	Marshville, NC 28103.
Porter, Charles	PVT–2	MacAndrews, KY 41543.
Pratt, Charles W	SGT	456 Oak St., Elmira, NY 14901.
Prince, Wayne C	PVT–2	1065 Eubank Ave., Wilmington, CA 90744.
Rager, Donald G	PFC	Box 88 Penn, Westmoreland County, PA 15692.
Ranfeld, Howard D	PFC	907 1st Ave., Newton, Iowa 50208.
Rauch, Kenny F	PVT–2	312 Central Ave., Newark, OH 43055.
Richardson, James D	PVT–2	Rt. 2, Ruston, LA 71270.
Ridgeway, LeRoy	PVT	Box 93 Hancoverton, Columbiana Co., OH 44408.
Riley, John M., Jr	PFC	8 Trumbull Ave., Lower Pawcatuck, New London, Conn. 06320.
Ronero, Christ M	PVT–2	4521 Cook St., Denver, CO 80200.
Rowe, Lester, Jr	S/FC	717 Poplar St., Highland, Il 62249.
Salas, Ray	PFC	PO Box 283 Ordway, CO 81063.
San Caterina, Anthony	PVT–2	412 70th St., Guttanberg, NJ 07002.
Sanders, William	PVT	1144 W. 6th Ave., Pine Bluff, Ark. 71601.
Scarbrough, Billy D	PFC	Rt. 3 Pelzer, SC 24669.
Senno, Joseph F	SGT	304 Delaware Ave., West Pittsburg, PA 16160.
Shackelford, Charles E	SGT	Rt 4 Box 20, Columbus, Miss. 39701.
Shafer, Glynn T	PFC	High St. Ext, Mystic, Conn. 06355.
Shea, Clinton J	CPL	1007 W. Granite St., Butte, MT 59701.
Shnner, Walter T	SGT	Rt. 1 Box 231 H., Lewiston ID 83501.
Sidney, Perry L	PFC	Box 741, Chapmanville, WV 25508.
Silva, John A., Jr	CPL	Rt. 8 Box 1115, Sacramento, CA 95801.
Smiley, Kenneth H., Jr	S/FC	N/A.
Smiley, Wesley E	S/FC	5139 Eton Dr., Columbus, GA 31907.
Smith, Noble B	CPL	164 S. 3rd W., Logan UT 84321.
Sofaly, Robert E	PVT–2	13100 Tullar St., Detroit, Mich. 48200.
Sorenson, Howard R	CPL	Box 123 Edmonds, WA 98020.
Sorenson, IB	SGT	Star Rt. Box 44, San Bernadino, CA 92400.
Stanley, Eugene A	M/SGT	2334 Sunset Dr., Forest Grove, OR 97116.
Stile, Milton E	PVT	Rt. 1A, Kalispell, Montana 59901.
Sturgil, James D	PFC	Day, KY 41858.
Suggs, Thomas F	PVT–2	Rt 1 Pitts, Wilcox, GA 30581.
Surratt, Vernon H	PFC	Box 297 Victorville, CA 92392.
Swiff, Joseph E	PFC	334 Reno Av., Reno, NV 89500.
Swinkells, George A	PVT–2	902 No. Francisco, Chicago, IL 60600.
Taylor, Ernest E	PFC	32 Washington, Somersville, NH 08876.
Thompson, Warren H	PVT	Hyacinth, VA 22477.
Thornton, James L	CPL	Arcadia, CA 90701.
Thompson, Daniel	PVT	RR #2, Neillssville, Wisc. 54456.
Tilton, Lyle J	PFC	St. David, AZ 85630.
Townson, James L	PVT–2	1244½ Brd St Richmond C, Augusta GA 36900.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Uyeda, Mamoru M	PFC	1015 S. Gramercy Pl. Los Angeles, CA 90000.
Van Nostran, Cecil A	CPL	5025 36th Ave., S.W., Seattle, WA 98100.
Vinson, Henry L	PVT–2	Jasper, AL 35501.
Valsos, James W	PVT–2	P.O. Box 7401, Chicago, IL 60600.
Vollbracht, Glenn R	PVT–2	Clayton, IL 62324.
Wagner, Leroy E	CPL	Tuscon, AZ.
Walker, Charles	PVT	1431 W. Cambridge St. Philadelphia, PA 19100.
Walton, James C	CPL	15522 Blain St., Bellflower, CA 90706.
Wano, Franklin	PFC	308 S. Market, Shawnee, OK 74801.
Watt, Richard W	PFC	2954 N. Mascher St., Philladelphia, PA 19100.
Wentworth, Ronald D	PFC	Rt. 1 Box 118, Oakville, WA 98568.
Weslet, Elmer E	PFC	RFD #1, Dardanele, ARK 72834.
White, Lewis S	SGT	Rt. 2 Box 28, Johnsonville, SC 29555.
White, Walter Jr	CPL	1251 N. Ohio Ave., El Paso, TX 79900.
Whitney, Earl M	M/SGT	112 Greenwood Ave., Waterloo, Iowa 50700.
Wiley, Victor A	S/FC	1315 Ellendale Ave., Logan, UT 84321.
Willers, Donald K	CPL	707 Cloverdale St., Seattle, WA 98100.
Willis, David H., Jr	PFC	704 Broad St., New Bern, NC 28560.
Willis, Robert J	PVT	2964 Autumn Ave., Memphis, Tenn 38100.
Wilson, Woodford E	CPL	Duke, MO 65461.
Witten, Dick R	M/SGT	P.O. Box 1385 McFarland, CA 93250.
Woodhouse, Nathaniel S	CPL	Box 455, Beaver, UT 84713.
Yaryan, Jack W	CPL	Hope, ID 83836.
Yeager, Fern	PFC	3rd St., Summerdale Penn 17093.
Yocum, Lester A	PFC	Slysburg, Penn. 16255.
Yorkiewicz, Theodore C	PFC	314 N. Tumpike St., Mt. Carmel, PA 17851.
Zender, Joseph P	SGT	Glacier Star Rt. Deming, WA 98244.
Acker, William G	SGT	137 Chenault, Hoquiam, WA 98550
Addimanda, Frank E	PVT–2	1720 3rd Ave., New York City, NY 10000.
Altschul, Theodore	PFC	2008 S. 18th Ave., Maywood, IL 60153.
Andreasen, Clifford R	PFC	611 E. 1200 W., Logan, UT 84321.
Andreasen, DeVon K	CPL	PO Box 947, Smithfield, UT 84335.
Arellanes, Charles B	CPL	4776 Dozier St., Los Angeles, CA 90000.
Baker, Robert E	CPL	Box 491 Fredrick, MD 21701.
Banks, John R	PVT–2	164 N.Fulton Ave., Baltimore, MD 21200.
Barnhardt, Benjamin F	PFC	N/A.
Bass, Murray T	SGT	612 N. Meyers St. Burbank, CA 91500.
Beard, Marvin G	PFC	Arcanum, OH 45304.
Beck, James D	PFC	Gen. Del. Placerville, CA 95667.
Bell, Jessie	PVT–2	N/A.
Bergeson, Omar H	M/SGT	75 E. 200 S., Lewiston, UT 84320.
Binham, Stanley P	S/FC	47 E. 1st So., Smithfield, UT 84335.
Bossard, William H	N/A	4585 Lincoln Dr., Concord, CA 94521.
Braden, Finis R	PVT–2	N/A.
Bradford, Edwin R	PFC	N/A.
Brand, Mack F	CPL	Rt 1–1477 Ross Rd, Winterhaven, CA 92213.
Butterfield, Melvin D	CPL	5370 Afton Ave., Murray, UT 84107
Calhoun, Carl E	CPL	422 Payson Ave., Quincy, IL 62301.
Cantwell, Clair	N/A	Smithfield, UT 84335.
Cantwell, George C	N/A	11790 SW Lynnridge, Portland, OR 97225.
Carpette, Victor	PFC	96–2nd Place Brooklyn, Kings, N.Y. 11754.
Charles, Gail I	PVT	Consolidated Dwellings #48, Tucson, AZ 95700.
Cincoski, John J	PFC	1901 Hyacinth Ave., St. Paul, MN 55100.
Clark, Roy V	N/A	Tacoma, WA 98400.
Corbett, George Q	PFC	N/A.
Cosentino, Joseph C	PVT	1455 S. McBride Ave., Los Angeles, CA 90000.
Crenshaw, Ralph N	SGT	9622 Arroya Vista Dr., Phoenix AZ 85000.
Crutchfield, John T	PFC	3742 9th St. N.W., Washington, D.C. 20000.
Curtis, Dennis R	M/SGT	6923–37th Ave. So. Seattle, WA 98100.
Deer, Ralph Jr	PFC	1370 4th Ave., Hickery, NC 28601.
Dent, James D	CPL	11003 Balfour St., Wittier, CA 90601.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Dexter, David D	PFC	700 S.E. Watrous, Des Moines, Iowa 50300.
Dodson, Clarence L	S/FC	Rt. 2 Nyssa, OR 97913.
Dolan, Paul	PFC	5 Mason Ave., Billerica, Mass. 01821.
Eaves, Richard K	SGT	Chambers. AZ 86502.
Elwood, Russel D	CPL	181 N. 1st W. Smithfield UT 84335.
Epple, Eugene G	CPL	846 Grant St., Gary, Ind. 46400.
Evans, Alfred	PFC	5031 Michigan Ave., Chicago, IL 60600.
Evans, Clifton	PVT–2	PO Windsor, VA 23847.
Facer, Conrad L	SGT	4043 Muirfield Lompoc, CA 93436.
Facer, Wilford P	S/FC	2015 W. 3150 S., Salt Lake City, UT 84119.
Farrera, Jimmie	CPL	1828 Hancock St., Los Angeles CA 90000.
Fink, Evan C	N/A	Bridgeport, WA 98813.
Fitch, Robert D	PFC	N/A.
Gilbert, Melvin	N/A	1331 No. Redwood Rd., Riverton, UT 84104.
Glancy, Robert G	PVT–2	68 2nd St., Newark, NJ 07100.
Greeley, Andrew Jr	CPL	Sheaville, OR 97057.
Griffin, Eulee	PFC	Box 1672, Loris, SC 29569.
Guerrero, Antonio C	SGT	PO Box 3497 Lowell, AZ 85301.
Hall, Edward L	N/A	904 Homewood Dr., Woodland, CA 95695.
Hall, Winslow G., Jr	SGT	1738 24th Ave., San Francisco, CA.
Handley, Charles L	SGT	520 E. Fridley, Boseman, MT.
Hannan, Darrell B	M/SGT	7026 Arthur St., Oakland, CA.
Harter, Billy L	CPL	Billings, MT.
Hawkins, Robert K	M/SGT	4813 Viewmont Ave., SLC, UT 84000.
Helland, Marvin J	PFC	909 6th St. N.E., Minot, ND 58701.
Hibbard, Oliver	PFC	760 N. 3rd East, Logan, UT 84321.
Hodges, Richard M	M/SGT	7412 Siz Ct. Conogu, CA 91304.
Hogarth, Ernest F	N/A	Brunswick, GA 31520.
Holland, Richard	N/A	Roundup, MT 59072.
Holton, Richard E	SGT	108 N. 3rd Ave., Marshalltown, IA 50158.
Hood, Frank C	CPL	707 W. 38th St. Vancouver, WA 98660.
Hopson, Dewey R	N/A	Porterville, CA 93257.
Howell, James C	N/A	Home in Idaho—Address N/A.
Hyer, Larry L	CPL	200 W. 1000 So., Lewiston, UT 84320.
James, Thomas A	PVT–2	Rt. 1 Box 203, N/A, NC.
Johnson, Garden E	N/A	Rutland, UT 84063.
Jones, Fredrick W	PVT–2	1700 Patapsco St., Baltimore, MD 21200.
Jones, Grady E	PVT–2	Box 152 W. Roylston, Montgomery AL 36101.
Kanner, John H	CPL	1227 Willow Way, Braddock, PA 15104.
Karren, Steven K	CPL	9453 Pendale Cir., W. Valley City, UT 84090.
Karren, Steven L	CPL	Lewiston, UT 84320.
Karren, Ves A	CPL	4522 Dartmouth Cir., W. Valley City, UT 84120.
Kolata, Raymond J	PFC	2667 S. 15th Place Milwaukee, WI 53200.
Koon, Wilbar C	PFC	Weirton, WV 26062.
Larsen, John F	CPL	PO Box 43 Garland, UT 84312.
Laudise, Henry J	SGT	1034 Clark St., No. Bend, OR 97459.
Leavitt, Joe L	CPL	PO Box 37, Lewistown, UT 84320.
Levigion, Jerry	N/A	Box 180 Kinnamon Ave., Washington NJ 07882.
Lewis, Sannford H	CPL	Rt. #1 Box 950, Eagle Point, OR 97524.
Lima, Vincent C	PFC	21116 Devonshire St., Chatsworth, CA 91211.
Loftus, Samuel P	PFC	Wallowa, OR 97885 c/o C. Wisdom.
Long, Kenneth C	PVT–2	Rt. #2, Kaw City, OK 74641.
Lowe, Oliver D	CPL	39 S. 1st W. Smithfield, UT 84335.
Ludington, Kenneth N	PFC	415 Forrest Ave., Oak Park, IL 60300.
Lueders, Richard A	CPL	782 Fuller Ave., St. Paul, MN 55100.
Lundberg, George D	SGT	94 E. 3rd So., Smithfield, UT 84335.
Madison, Oscar L	CPL	N/A
Martin, Ocie R	PVT–2	N/A
McKnight, Gilbert E	PFC	5823 Harding, Indianapolis, IN 46218.
Mezta, Francisco J	CPL	400 W. Birch St., Calexico, CA 92231.
Mills, Richard J	PFC	601 N. 7th S. Lawrence KS 66044.
Nichols, Fletcher L	PVT–2	Rt. #1, Box 174, Wakefield, VA 05673.
Niles, Robert W	PFC	3315 Park N. St., St. Petersburg, FL 33700.
Noble, Harl M	S/FC	19 West 1300 South, Bountiful, UT 84010.
Otto, Jay M	N/A	328 Cypress Way West, Naples, Fl 33942

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Ortega, Benjamin	PFC	1110 W. 30th St., Los Angeles, CA 90000
Paison, Arnold T	PFC	559 Winthrop St., Medford, MA. 02155.
Parsons, Proctor C	PFC	2003 47th Ave., Oakland, CA 94600.
Paulson, LaVerne O	M/SGT	503 South Main, Lake Mills, WN 53551.
Peterman, Larry L	CPL	9625 San Luis Ave., Southgate, CA 90280.
Pickett, George B	SGT	4409 Alma Ave., Castro Valley, CA 94546.
Poulsen, Scott L	CPL	13513 Homestead, Riverton, UT 84065.
Pudlitzke, Glen E	PFC	Howard Lake, MN 55349.
Pynnonen, Oscar	S/FC	W 7537 Patchin Rd. Pardeevill, WI, 53954–9524.
Rand, Allen G	PFC	PO Box 146 Old Lyme CT 06371.
Ray, Andrew M., Jr	S/FC	1511 E. 3150 S., SLC, UT 84110.
Reeder, Billy L	SGT	511 S. 1st W., Logan, UT 84321.
Reeder, Jack L	CPL	PO Box 268 Fernley, NV 89408.
Reeder, LeGrand E	CPL	1015 E. 2250 N., Logan, UT 84321.
Reeder, Marlin D	CPL	75 N. Main St. Milville, UT 84326.
Reeder, Martin C	SGT	539 E 100 N. Logan, UT 84321.
Robbins, Donald R	PFC	Rt. #3 Grand Junction, CO 81501.
Robertson, William L	M/SGT	1618 Cutting Blvd., Apt. 2D Richmond, CA 94800.
Robinson, Cecil T	CPL	3336 Kerckhoff, San Pedro, CA 90731.
Rogers, Marion D	CPL	Lewiston, UT 84320.
Rolland, Irvin L	PFC	Larimore, ND 58251.
Rourke, Donald A	PFC	321 N. Ball St., Owosso, Mich. 49266.
Ruiz, Trinidad	PFC	641 N. Grand Ave., Los Angles, CA 90000.
Sauer, Paul P	CPL	DuBois Rt., Riverton, WY 82501.
Schramm, Donald F	SGT	123 Sheridan Rd., Walla Walla, WA 99362.
Sherman, Wilford A	CPL	Rt. #1 Box 940, Everett, WA 98201.
Singleton, William B	CPL	2107 N. Rolbe St., Apt. B, Arlington, VA 22200.
Simms, Horace	PVT–2	1531 Latona St., Philadelphia, Penn 19100.
Smith, Andrew Jr	PVT–2	37 Stiers Ln., Natchez, Miss. 39120.
Smith, Bob W	CPL	Rt #1 Box 127, Shelton, WA 98584.
Spadone, Emil J. Jr	PFC	265 N. 6th St., Newark, NJ 07100.
Stapleton, Gordon L	S/FC	Box 331 Chelan, WA 98816.
Stauber, Richard I	PFC	Rt. #1 Box 193 A, Hughson, CA 95326.
Stewart, Seth J.	CPL	Box 242 Tylertown, Miss. 39667.
Stocks, Clair J	CPL	335 S. 900 W., Box 489, Cedar City, UT 84720.
Stocks, Dayna L	S/FC	Preston, ID 83263.
Stout, Delbert F	PFC	410 East Center St., Decatur, IL 62521.
Stultz, Richard A	PFC	643 Briar Place, Kennilworth, IL 60043.
Taggart, Sylvan W	SGT	15 No. Main St.—, Milville, UT 84326.
Tarr, William G	S/FC	1 Howe St., Hingham-Mass. 02043.
Terrera, Jimmie	N/A	Los Angeles, CA 90000-Street N/A.
Therriault, George D	CPL	Rt. #1 Cashmere, WA 98815.
Thomas, Billy R	PVT–2	1009 Edwards Ave., Mount Pleasant, TX 75455.
Thoms, Alfred J	PVT–2	212 Cedar Ave., Willow Grove, PA 19090.
Tooze, Chester W	SGT	Box 606, Ocean Lake, OR 97134.
Turner, Gordon L	PFC	417 N. 5th W. Salt Lake City, UT 84011.
Voyles, Junior R	PVT–2	2869 S. Jefferson Ave., St. Louis, MO 63100.
Wall, Melvin F	CPL	Rt. #1 Greenville, IL 62246.
Ward, William G	PVT–2	Avalon, VA 24054.
Weber, Nicholas D	CPL	70 N. Bonnie, Pasadena, CA 91100.
Wheatley, James F	CPL	Gen. Del. Warrenton, OR 97146.
Whipple, Nathan R	CPL	Flanders Rd., Mystic, Conn. 06355.
White, William E	PFC	2869 S. Jefferson Ave., St. Louis MO 63100.
Whitten, Dick R	SGT	PO Box 1385 McFarland, CA 93250.
Williams, John E	PVT–2	130 College St., Dayton, OH 45400.
Winters, Howard L	CPL	1164 N. Front St., Salem, OR 97301.
Witzel, Glenn L	PFC	203 2nd Av, SE Lake Heights, Atlanta GA 30300.

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

Name	Grade	Address (Present or last known)
Wood, Charles R	CPL	210 N. Main St., Lewiston, UT 84320.
Wright, Howard L	PFC	18th & Sheridan Rd, Zion, IL 60099.
Wright, John B	PFC	N/A.
Personnel Who Served Battery Assignment & Grade Not Available		
Antoine, Joseph		540 W. 15th St., Port Arthur, TX 77640.
Bull, Kenneth		4669 King Rd., Saginaw, Mich. 48601.
Dollinger, Robert		Marion Chadington Rd. East, Marion OH 43302.
Edwards, Clark		811 Halula Pl., Kailua, Hawaii 96734.
Hoover, Arthur A		10500 Village Rd. #101 E., Seminole, FL 34642.
Keller, Corwin F		PO Box 97 Albion ID 83055.
Koch, Harry		2121 South 44th St., Omaha, Neb. 68105.
McClure, Oscar		Rt. # Box 125 El Compo, TX 77437.
Miller, Jerry		1816 North Bell St., Bismark, ND 58501.
Nutall, Paul		4 Viking Ct., Apt. #34, Arlington, Mass. 02174.
Pitzer, Daniel		Rt. 3 Box 397R, Fayetteville, NC 28306.
Plemons, H.W		103 Crystal Ct., Cary, NC 27511.
Strain, Glen		718 South Rose, Glencoe, OK 74032.
Viera, Ernest		Lovers Lane, Nantucket, Mass. 02554.
Wiser, William		607 North Paca St., Baltimore, MD 21203.

THE SITUATION IN EAST TIMOR

Mr. PELL. Mr. President, last Monday the trial of the East Timorese resistance leader, Jose "Xanana" Gusmao, began in Dili, East Timor. Last year I attempted to visit East Timor but was denied permission by President Suharto. Indonesian authorities told me that such a visit was not convenient following the massacre by Indonesian security forces of 75 to 100 East Timorese civilians during a peaceful demonstration in Dili on November 12, 1991.

The roots of the conflict in East Timor are in the December 7, 1975, Indonesian invasion of the territory following Portugal's precipitous withdrawal after 450 years of colonial rule. The U.N. General Assembly and Security Council have passed resolutions condemning the invasion and calling for self determination for the East Timorese. American policy has been to accept Indonesia's incorporation of East Timor without acknowledging that it was a valid act of self-determination.

The Indonesian human rights situation overall is deeply troubling. As the recently released Department of State's annual human rights report for 1992 observed generally about Indonesia:

In addition to extrajudicial killings and unfair trials, other serious human rights problems continued. They include torture and other mistreatment of prisoners and detainees, arbitrary arrest and detention, arbitrary interference with privacy, significant restrictions on freedom of speech and press, assembly and association, and on freedom of movement, and the inability of citizens to change their government. Other problem areas include harassment of human rights monitors, discrimination and violence against women, and restrictions on worker rights.

Such is the situation in East Timor but even more so. As the State Department report notes, for example, last October 5 two East Timorese were shot by security forces. One was killed immediately while the other was taken to a military hospital where he was then beaten to death. Security forces involved in the Dili massacre were charged with relatively minor offenses while 13 civilians charged for demonstrating received extremely harsh sentences. The Indonesian authorities have yet to locate 66 people missing following the massacre whom the State Department now believes are all dead.

The report further states that in "East Timor military authorities continued the practice of detaining people without charges for short periods and then requiring them to report daily or weekly to the police after their release. There were credible reports of scores of people being detained without charges at various times during the year for enforced 'vocational training.'"

In addition the State Department reports that the East Timorese are regularly subjected to arrest, temporary detentions, intrusive searches and beatings. After Mr. Gusmao was arrested, there were credible reports that members of his family and friends were also detained possibly to ensure his cooperation with the Indonesian authorities during his trial.

The International Committee of the Red Cross [ICRC] which maintains a pressure in East Timor has been trying without success for the last 2 months to gain access to about 24 detainees being held in a military detention center in Baucau. There has been a persistent pattern of denial to all requests by international human rights groups. For example, the ICRC has been permitted only one visit to Mr. Gusmao's jail cell since his capture on November 20 and this only occurred on December 7. Amnesty International's request to observe his trial in Dili has been denied despite a claim by the Indonesian Foreign Minister, Ali Alatas, that the trial would be open. To Indonesian's credit, however, several foreign journalists have been granted permission to visit Dili, including ABC although the BBC has not been so authorized.

In addition Indonesian authorities have restricted defendant access to legal assistance. When I was in Djakarta, I met with lawyers from the Indonesian legal aid society. They were not permitted to meet with their East Timorese clients until the day of their trial. They were denied access to Mr. Gusmao and instead later received a letter from him delivered by the police, authorizing the police to appoint his defense attorney. According to reports, this attorney does not speak Mr. Gusmao's language.

The pattern of past practices and recent actions all call into question the fairness of Mr. Gusmao's trial as well as Indonesian policy in East Timor.

Last year the Congress passed Foreign Relations Authorization legislation which the President signed into law urging the Indonesian Government to end all forms of human rights violations in East Timor and calling for an internationally acceptable solution to the conflict. Events since then indicate that the Government of Indonesia still has not understood the depth of American concern for the East Timorese.

Recent Indonesian-Portuguese talks sponsored by the United Nations to resolve the dispute are at an impasse. The United States should press both sides to renew their discussions while including representatives from East Timor.

The United States should support a resolution during the 49th session of the United Nations Human Rights Commission expressing international concern about the continuing human rights abuses in East Timor.

Finally, Indonesia should demonstrate its good faith by inviting the U.N. Special Rapporteur on Summary and Arbitrary Executions and the Working Group on Enforced or Involuntary Disappearances to come to East Timor to recommend procedures to prevent human rights abuses.

A peaceful resolution to this conflict can only be achieved by compromise and negotiation between the parties most involved—the Indonesians and the East Timorese. I hope the Indonesians soon recognize the value of such discussions because their current policy is doomed to failure.

UNITED NATIONS ESTABLISHES WAR CRIMES TRIBUNAL FOR FORMER YUGOSLAVIA

Mr. PELL. Mr. President, on August 11, 1992, the Senate passed a resolution (S. Res. 330) concerning the situation in Bosnia and other parts of the former Yugoslavia. Among its provisions the resolution expressed the sense of the Senate that the President of the United States should act through the United Nations to "convene a tribunal to investigate allegations of war crimes and crimes against humanity committed within the territory of the former Yugoslavia and to accumulate evidence, charge, and prepare the basis for trying individuals believed to have committed or to have been responsible for such crimes."

In helping introduce that resolution in the Senate I recalled my own participation in the founding of the United Nations in 1945 in San Francisco. I was heartened then and continue to be heartened at the efforts underway to use the United Nations in the spirit intended by the charter to deal with threats to peace, humanitarian emer-

gencies, and violations of human rights.

One of the ways in which the United Nations can be especially effective is in investigating and pursuing war crimes and crimes against humanity. I have welcomed the actions of our Government and the United Nations to start the process of gathering information on this subject with regard to the former Yugoslavia.

Information obtained by the Foreign Relations Committee has formed part of the record being compiled by the United Nations. The State Department's submissions for this record included extensive documentation provided by this committee.

In light of this background, I welcome the action by the United Nations Security Council February 22 to create an international tribunal to prosecute war crimes in the former Yugoslavia.

Unanimously approving a proposal by the Government of France, the Security Council has directed Secretary General Boutros Boutros-Ghali to report back within 60 days with recommendations for the structure and procedures of the war crimes tribunal. This is an important action with significant implications for the future of international law.

Mr. President, my personal interest subject stems not just from participation in the San Francisco Conference of 1945, but also from the role played by my father, the late Herbert C. Pell, who was appointed by President Franklin Roosevelt as the U.S. member of the International War Crimes Commission that recommended creation of the Nuremberg tribunal. There were obstacles to establishing that tribunal, which my father worked hard to help overcome. I hope there will be no such obstacles this time to moving forward in the United Nations to create the appropriate body to deal with the very serious war crimes and crimes against humanity that have occurred and continue to occur in the former Yugoslavia.

Establishing a tribunal for Yugoslavia is important also as a precedent for war crimes proceedings in other areas. For example, the Foreign Relations Committee has in its possession 14 tons of documentation on war crimes committed against the Kurdish population in Iraq. These materials are in safe keeping at the National Archives and remain under the control of the Foreign Relations Committee. They can be used as the basis for war crimes proceedings against those responsible for these serious violations of international law and moral standards.

Former Ambassador Jerome J. Shestack, Chairman of the International League for Human Rights, and the U.S. Representative to the U.N. Human Rights Commission in the late 1970's, has written a clear and constructive article on this subject in the February 10, 1993, Wall Street Journal.

Ambassador Shestack notes that there are several precedents and legal frameworks under which war crimes trials can be conducted. The principal modern precedent is the Nuremberg tribunals established following World War II, which conducted trials of major Nazi war criminals. Other tribunals tried more than 20,000 war criminals in the respective allied zones of Germany.

The 1919 Geneva Conventions, developed under the auspices of the International Committee of the Red Cross, set forth specific protections of prisoners of war and civilians in time of war. Protocol I to the Geneva Conventions signed in 1977 expanded the description of "grave breaches" of the Conventions to include additional inhumane practices against civilians. The protocol also holds superiors responsible if they do not take all feasible measures to prevent such war crimes.

I regret that the United States has not ratified the 1977 protocols to the 1949 Geneva Conventions. The Reagan administration supported the less detailed protocol II which applies in noninternational conflicts, but rejected protocol I applicable in international conflicts, thus to Bosnia, despite the fact that the United States participated in its drafting and was among its original signators.

Over 120 countries have ratified protocol I including such major allies as Australia, Canada, and the Federal Republic of Germany. I hope the Clinton administration will undertake an urgent review of the protocols with the aim of submitting both for Senate ratification.

Mr. President, I ask unanimous consent that the article entitled "Put the Yugoslavian War Criminals on Trial" by Jerome J. Shestack from the February 10, 1993, Wall Street Journal be printed in the RECORD at this point. I also ask that the article by Paul Lewis in the February 19, 1993, New York Times entitled "U.N. Council Moves to Create Balkan War-Crimes Tribunal," and the article by Julia Preston in the February 23, 1993 Washington Post entitled "U.N. Security Council Establishes Yugoslav War Crimes Tribunal" also be printed at this point.

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

[From the Wall Street Journal, Feb. 10, 1993]

PUT THE YUGOSLAVIAN WAR CRIMINALS ON TRIAL

As the world recoils in horror from daily reports of atrocities in Bosnia, Herzegovina and Montenegro—systematic rape, executions, torture, wanton pillage and forceable displacement of civilians—there is an increasing outcry that the perpetrators of these savage acts be punished. The U.S. and the West European nations, though refusing to enter the battle, have called for war crimes trials.

In a world unwilling to stop the crimes, it may seem premature to talk of bringing the criminals to justice, but the reasons for seeking to punish war criminals are profound. They include the moral imperative of justice, the need to provide credibility for the rule of law, hope of deterrence, vindication of the rights of the victims and a basis for reconciliation. It is necessary to prepare now for the day when justice will be possible.

What are war crimes? How are the perpetrators to be tried? What is the mechanism and what are the procedures?

The modern precedents come from the Nuremberg tribunals established by the Allies to try Nazi war criminals. The offenses were of three kinds: "war crimes," consisting of violations of established rules of war; "crimes against humanity," which included the Nazi racial and religious atrocities; and the crime of making "aggressive war."

The major Nazi war criminals were tried by an International Military Tribunal created by the victorious Allies. Subsequently, the Allies also established war crimes tribunals in their respective zones of occupation in Germany and tried more than 20,000 war criminals. Then, Germany itself and formerly occupied countries of Europe prosecuted offenders in their respective countries. But those tribunals did not lead to the establishment of a permanent international court.

In 1949, representatives of most of the world's nations met in Geneva under the auspices of the International Committee of the Red Cross to expand and codify the laws of war. Four treaties were adopted and are known as the Geneva Conventions. The principal provisions applicable to the current war in the former Yugoslavia are in the Third and Fourth Geneva Conventions, which prescribe protections for prisoners and civilians in time of war.

These treaties call for the parties to "search out" and bring to trial people committing "grave breaches" of the Geneva Conventions. "Grave breaches" include willful killing, torture, inhumane treatment, taking of hostages, wanton destruction of property and other atrocities of the kind chiefly committed by the Bosnian Serbs, and, to a much lesser extent, by Croatian and Muslim forces.

In 1977, protocol to the Geneva Conventions expanded the category of "grave breaches" to include as war crimes a series of inhumane practices against civilians. Superiors are responsible if they do not take all feasible measures to prevent or repress such breaches. This protocol is limited to international conflict, but applies to the current conflict, which is not just a civil war, but includes participation by Croatia and current Yugoslavia (Serbia and Montenegro). All of the parties to the conflicts in Bosnia and Croatia have accepted the Geneva Conventions and are therefore responsible for violations.

The "ethnic cleansing" by the Serbs is also a violation of the Genocide Convention, which prohibits acts intended to destroy a "national, ethnical, racial or religious group as such." According to the Genocide Convention, the United Nations has a direct responsibility to take "appropriate" action to prevent and suppress such acts of genocide.

How, then, are the war criminals in the former Yugoslavia to be brought to trial? Despite the obligations of the parties to the Geneva Conventions to prosecute violators, trials at a national level are not now a realistic possibility, of course. The obligation thus falls upon the United Nations.

Since 1950, the U.N. has been wrestling with the idea of an international criminal court to deal with crimes against the peace

and security of mankind. Scores of drafts have been considered but after more than 40 years of discussion, no conclusion is yet at hand. The U.S. has been less than enthusiastic about an international court with broad jurisdiction.

If the war crimes in the former Yugoslavia are to be addressed, it must be through an ad hoc tribunal established by the Security Council to deal with such crimes. The substantive law of war crimes is well developed, so what is needed are the procedures. The Security Council has the power under the U.N. Chapter to establish a tribunal, appoint the judges and designate the procedures for indictment and trial.

As a first step, Secretary-General Boutros Boutros-Ghali has established a Commission of Experts to gather evidence of war crimes in former Yugoslavia. The commission has made a preliminary announcement that it has found such evidence. But the five-person commission is woefully understaffed and underfunded, lacking even the computer power to organize the mounds of evidence gathering in Geneva.

If this commission is to be effective, it must receive more funds to assimilate the evidence from the many human rights organizations in the field and to investigate on its own. Additionally, it is not too early for the U.N. to set up a prosecutorial agency along the lines of Justice Robert Jackson's prosecution team in Nuremberg. That agency should evaluate the evidence and issue indictments of named defendants.

Secretary of State Warren Christopher has said that his advisers are studying the mechanism for a war crimes tribunal. But there are already abundant models developed by the International Law Commission and other experts. What is not needed now is more study; what is needed now is decisive action.

But, one may ask, when will the culprits be brought to trial? Perhaps never. But then again, no one in the generation that has seen the end of the Cold War should underestimate Eastern and Central Europe's potential for political change. War criminals and their protectors may well lose power. In any event, it is important for those indicted to know that they may never leave their political safe houses without the risk of arrest.

The Vance-Owen peace effort seems doomed. Sanctions have only limited value. Arming the Muslims will escalate the fighting and loss of life. The U.S. and the European Community lack the political and military will to enter the fray. In this bleak hour, at the very least, the U.N. should set up a war crimes tribunal and proclaim that if the perpetrators of evil cannot be punished now, they will nevertheless be named and their future is in peril.

[From the New York Times, Feb. 19, 1993]

U.N. COUNCIL MOVES TO CREATE BALKAN WAR-CRIMES TRIBUNAL

(By Paul Lewis)

UNITED NATIONS, February 18.—The Security Council is expected to vote unanimously early next week to ask the United Nations Secretary General to prepare a new international tribunal to judge those accused of war crimes in the Balkan conflict.

This will be the first time such a war crimes tribunal has been created since the victorious World War II Allies set up the Nuremberg tribunal to try the leaders of Nazi Germany.

The Council has already set up a commission to collect evidence of war crimes in the former Yugoslavia, but it has not yet presented its findings. In a report to the Council, a committee of French jurists has recommended a 15-judge panel and a separate commission to identify the guilty and prosecute them before the new court.

The draft resolution, informally approved by all council members at consultations today, calls for the Secretary General to draft a plan for an "international criminal court" that would try those accused of "grave breaches of international humanitarian law committed in the territory of the former Yugoslavia after 25 June 1991," when the federal started falling apart.

A second Council resolution will be necessary to approve the Secretary General's plan and create the tribunal.

In another move intended to signal its determination to end the Balkan crisis, the Council has agreed to adopt a resolution on Friday strengthening the 12,000-member United Nations peacekeeping force in Croatia.

The resolution, which is also expected to win unanimous support, also demands the resumption of aid deliveries blocked by Muslims and Serbs in Bosnia and Herzegovina and paves the way for possible sanctions against Croatia unless it pulls out of Serbian enclaves and respects the United Nations peace plan for Croatia.

The resolution was drafted by France, which has seen 12 of its peacekeepers killed in the Balkans so far. It extends the peacekeeping force's mandate in Croatia until March 31 and asks the Balkan mediators, former Secretary of State Cyrus R. Vance and Lord Owen of Britain, to try to formulate a political settlement by then.

For the first time, the resolution says the entire United Nations peacekeeping effort in Croatia and Bosnia is operating under the provisions of Chapter 7 of the United Nations Charter, which allow forces authorized by the Security Council to use military might to accomplish their mission.

This will give the peacekeepers in Croatia as well as the troops around Sarajevo airport an unambiguous right under international law to use force if necessary to achieve their objective. The British, French and other troops escorting relief convoys in Bosnia and Herzegovina already have this right.

But it also serve as a warning to President Franjo Tudjman of Croatia that the Security Council may impose economic sanctions on his country unless he withdraws his forces from Serbian enclaves, And it tells Bosnia's Muslims that they will also face punitive action unless they allow the United Nations to resume relief deliveries in areas they control.

[From the Washington Post, Feb. 23, 1993]

U.N. SECURITY COUNCIL ESTABLISHES YUGOSLAV WAR CRIMES TRIBUNAL

(By Julia Preston)

UNITED NATIONS, February 22—The U.N. Security Council voted unanimously today to establish an international tribunal to prosecute war crimes perpetrated during more than a year and a half of Yugoslav factional warfare.

The panel will be the first set up by the United Nations to try crimes against humanity and the first internationally mandated forum to deal with such crimes since the Nuremberg trials of top Nazi leaders after World War II.

Voting on a French proposal, the 15-nation Security Council asked U.N. Secretary General Boutros Boutros-Ghali to prepare a report within 60 days detailing the specific structure and procedures of the tribunal, whose members will likely be drawn from internationally recognized judicial bodies, such as the World Court at The Hague.

"There is an echo in this chamber today," said U.S. Ambassador Madeleine K. Albright. "The Numerberg principles have been reaffirmed. The lesson that we are all accountable to international law may finally have taken hold in our collective memory."

"This will be no victor's tribunal," Albright added, referring to criticism raised during the Nuremberg trials that those proceedings administered justice only as the victorious World War II Allies defined it. In the same vein, the U.S.-based organization Human Rights Watch noted that in some respects the new tribunal "is even more important" than Nuremberg.

"Now, for the first time," the group said, "the world community is acting to bring the apparent victors to judgment for their crimes"—a reference to powerful Serb nationalist forces that have seized vast tracts of territory in two Balkan republics and against whom most war crimes allegations have been lodged.

Security Council diplomats said they expect the new tribunal—a body whose scope is limited to the territory of the former six-republic Yugoslav federation—can be created without time-consuming disputes, because international laws governing war crimes have been extensively codified in the four decades since Nuremberg.

France, Italy and the 52-Nation Conference on Security and Cooperation in Europe have submitted proposals suggesting how the tribunal should operate, but one key aspect that remains unclear is how unwilling defendants would be brought to trial. The French proposal recommends that as a last resort accused persons should be tried in absentia; possible sentences could include long prison terms, but current recommendations exclude the death penalty.

In a Feb. 10 report to the Security Council—based on findings of a U.N. investigative team—Boutros-Ghali declared that "grave breaches of international norms had been committed in the Balkan fighting—which broke out in earnest between Croats and Serbs in Croatia in June 1991 and continues unabated among the Serbs, Croats and Slavic Muslims of neighboring Bosnia.

The report cited evidence of mass killings and systematic rape, torture of prisoners, wholesale destruction of civilian homes and towns and the violent dislocation of rival communal groups known as "ethnic cleansing." U.N. officials and human rights observers have noted that all the warring factions have been guilty of war crimes but that the overwhelming preponderance of them were committed by Serb nationalist forces.

Last fall, Secretary of State Lawrence S. Eagleburger singled out a number of top Serb politicians and military figures—including Bosnian Serb leader Radovan Karadzic and his powerful patron in neighboring Serbia, President Slobodan Milosevic—as ultimately responsible for war crimes committed by their underlings.

One of the first such incidents the tribunal will investigate is the disappearance of more than 200 wounded Croats from a hospital in the Croatian city of Vukovar that was forcibly evacuated by Serb militiamen and members of the Serb-led Yugoslav army in November 1991. U.N.-sponsored forensic experts have examined a grave site near Vukovar and have concluded that a mass execution may have occurred there and that the victims may have been the hospitalized Croats.

Although it will be some months before formal judicial proceedings can begin, the

Security Council declared that the tribunal should serve as a deterrent to new crimes in the continuing Balkan warfare. "This warning should be given to those who perpetrated these horrendous crimes—that they will be held accountable," said Russian Ambassador Yuli Vorontsov.

Muhamed Sacirbey, who represents Bosnia's Muslim-led government at the United Nations, hailed creation of the tribunal as "maybe the one U.N. resolution that in the long term will define the peace in our country." But he also declared that "we shouldn't kid ourselves" into believing that the U.N. move will stop further Serb aggression. Albright noted, however, that the establishment of the tribunal was not intended to discourage Serb participation in continuing peace negotiations among the warring parties. "This is not a bargaining process," she said. "These are two different actions on two separate tracks."

Karadzic, who leads the Bosnian Serb delegation to peace talks here, has vehemently opposed any tribunal set up only to issue judgments on the Yugoslav conflict. "It is a dangerous procedure, open to abuses," he said in a recent interview.

Mr. FORD. Mr. President, the items I am about to offer have been approved on the Republican side.

REREFERRAL OF A BILL—S. 409

Mr. FORD. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 409, a bill to extend certain patents, and that the measure then be referred to the appropriate committee of jurisdiction, Judiciary.

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

AMENDING SENATE RESOLUTION 62

Mr. FORD. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Senate Resolution 73, Re Indian Affairs Committee, just submitted today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 73) to amend Senate Resolution 62, agreed to February 28, 1991 (102d Congress).

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 73) was agreed to, as follows:

S. RES. 73

Resolved,

SECTION 1. TRAINING EXPENSES.

Section 21(c) of Senate Resolution 62, agreed to February 28, 1991 (102d Congress), is amended by deleting the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed $3,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of such Act).".

Mr. FORD. Mr. President, I move to reconsider the vote by which the resolution was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BRADY HANDGUN VIOLENCE PREVENTION ACT

Mr. FORD. Mr. President, I understand that S. 414, introduced earlier today by Senators METZENBAUM, MITCHELL, and others is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 414) to amend title 18, United States Code, to require a waiting period for the purchase of a handgun.

Mr. FORD. Mr. President, I ask for the second reading; and, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

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

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

The legislative clerk proceeded to call the roll.

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

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

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy: the Senator from Nebraska [Mr. EXON], from the Committee on Armed Services, and the Senator from South Carolina [Mr. HOLLINGS], from the Committee on Appropriations.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy: the Senator from Maryland [Ms. MIKULSKI], from the Committee on Appropriations, and the Senator from Maryland [Mr. SARBANES], at large.

The Chair, on behalf of the Vice President, pursuant to title 46, section 1295(b), of the United States Code, as amended by Public Law 101-595, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: the Senator from South Carolina [Mr. HOLLINGS], ex officio, and the Senator from Louisiana [Mr. BREAUX], from the Committee on Commerce, Science, and Transportation.

The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), as amended by Public Law 101-595, appoints the Senator from South Carolina [Mr. HOLLINGS], from the Committee on Commerce, Science, and Transportation, to the Board of Visitors of the U.S. Coast Guard Academy.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the following Senators to the Board of Visitors of the U.S. Military Academy: the Senator from Nevada [Mr. REID], from the Committee on Appropriations, and the Senator from Alabama [Mr. SHELBY], from the Committee on Armed Services.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 102-392, appoints the following Senators as members of the Bipartisan Task Force on Senate Coverage:

The Senator from Kentucky [Mr. FORD];

The Senator from Nevada [Mr. REID]; and

The Senator from Hawaii [Mr. AKAKA].

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 102-392, appoints the following Senators as members of the Bipartisan Task Force on Senate Coverage:

The Senator from Alaska [Mr. STEVENS];

The Senator from Iowa [Mr. GRASSLEY]; and

The Senator from Oklahoma [Mr. NICKLES].

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 February 23, 1993, received a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

The nominations received on February 23, 1993, are shown in today's RECORD at the end of the Senate proceedings.

MESSAGE FROM THE HOUSE

At 2:38 p.m., a message from the House of Representatives, delivered by

Ms. Goetz, one of it's reading clerks, announced that the House has agreed to the following concurrent resolution in which it requests the concurrence of the Senate:

H. Con. Res. 34. A concurrent resolution calling for a continued United States policy of opposition to the resumption of commercial whaling, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale, dolphin, and porpoise populations.

MEASURES REFERRED

The Committee on Finance was discharged from the further consideration of the following bill; which was referred to the Committee on the Judiciary:

S. 409. A bill to extend the terms of certain patents, and for other purposes.

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. WELLSTONE (for himself, Mr. HARKIN, and Mr. GRASSLEY):

S. 413. A bill to provide that the cost of living adjustment to increase the rate of pay for Members of Congress in calendar year 1994 shall not take effect; to the Committee on Governmental Affairs.

By Mr. METZENBAUM (for himself, Mr. MITCHELL, Mrs. KASSEBAUM, Mr. KOHL, Mr. CHAFEE, Mr. KENNEDY, Mr. SIMON, Mr. PELL, Mr. WELLSTONE, Mr. AKAKA, Mr. GLENN, Mr. LEVIN, Mr. HARKIN, Mr. LAUTENBERG, Ms. MOSELEY-BRAUN, Mrs. BOXER, Mr. HATFIELD, Mr. FEINGOLD, Mr. DODD, Mrs. FEINSTEIN, Mr. MOYNIHAN, Mr. LIEBERMAN, Mr. BRADLEY, Mrs. MURRAY, Mr. KERRY, Mr. INOUYE, Mr. WARNER, and Ms. MIKULSKI):

S. 414. A bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun; placed on the calendar.

By Mr. BOREN:

S. 415. A bill to require the Attorney General to establish 10 military-style boot camp prisons; to the Committee on the Judiciary.

By Mr. DECONCINI (for himself, Mr. DOMENICI, Ms. MIKULSKI, and Mr. LAUTENBERG):

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; to the Committee on Foreign Relations.

By Mr. PACKWOOD (for himself, Mr. DANFORTH, and Mr. BAUCUS):

S. 417. A bill to exempt semiconductors from the country of origin marking requirements under the Tariff Act of 1930; to the Committee on Finance.

By Mr. DANFORTH (for himself, Mr. BAUCUS, Mr. BOND, and Mrs. MURRAY):

S. 418. A bill to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to Airbus Industrie; to the Committee on Finance.

By Mr. DANFORTH (for himself, Mr. ROCKEFELLER, Mr. GORTON, Mr. LIEBERMAN, Mr. BAUCUS, Mr. BOND, Mr. DODD, Mrs. MURRAY, and Mr. RIEGLE):

S. 419. A bill to provide for enhanced cooperation between the Federal Government and the U.S. commercial aircraft industry in aeronautical technology research, development, and commercialization, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOREN (for himself, Mr. MCCAIN, Mr. BRYAN, Mr. FEINGOLD, and Mr. CAMPBELL):

S. 420. A bill to amend section 207 of title 18, United States Code, to tighten the restrictions on former executive and legislative branch officials and employees; to the Committee on Governmental Affairs.

By Mr. DASCHLE:

S. 421. A bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself, Mr. RIEGLE, Mr. D'AMATO, Mr. SHELBY, Mr. KERRY, Mr. BRYAN, and Mrs. MURRAY):

S. 422. A bill to amend the Securities Exchange Act of 1934 to ensure the efficient and fair operation of the government securities market, in order to protect investors and facilitate government borrowing at the lowest possible cost to taxpayers, and to prevent false and misleading statements in connection with offerings of government securities; to the Committee on Banking, Housing, and Urban Affairs.

S. 423. A bill to provide for recovery of costs of supervision and regulation of investment advisors and their activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself, Mr. RIEGLE, Mr. D'AMATO, Mr. SARBANES, Mr. BOND, Mr. SASSER, Mr. SHELBY, Mr. KERRY, Mr. BRYAN, Mr. DOMENICI, Mrs. BOXER, Mrs. MURRAY, Ms. MIKULSKI, Mr. ROBB, Mr. LEAHY, Mr. INOUYE, Mr. SIMON, Mr. KERREY, Mr. LEVIN, Mr. HOLLINGS, Mr. HARKIN, Mr. AKAKA, Mr. LAUTENBERG, Mr. BRADLEY, Mr. PRYOR, Mr. GRAHAM, Mr. BOREN, Mr. JEFFORDS, Mr. KOHL, Mr. CONRAD, Mr. BINGAMAN, and Mr. WOFFORD):

S. 424. A bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MIKULSKI:

S. 425. A bill to establish the National Environmental Technologies Agency; to the Committee on Governmental Affairs.

By Mr. SHELBY:

S. 426. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States; to the Committee on Governmental Affairs.

By Mr. MITCHELL:

S. 427. A bill to amend the Internal Revenue Code of 1986 to permit private foundations to use common investment funds; to the Committee on Finance.

By Mr. BREAUX:

S. 428. A bill to make permanent the temporary exemption from duty of the cost of certain foreign repairs made to United States vessels; to the Committee on Finance.

By Mr. DURENBERGER (for himself, Mr. LIEBERMAN, Mr. KERREY, and Mr. GORTON):

S. 429. A bill to establish a demonstration program that encourages State educational agencies to assist teachers, parents, and communities in establishing new public schools, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MACK (for himself and Mr. MCCAIN):

S. 430. A bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes; to the Committee on Rules and Administration.

By Mr. EXON:

S. 431. A bill to amend the Motor Vehicle Information and Cost Savings Act; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN (for himself and Mr. KERREY):

S. 432. A bill to establish a commission to make the Federal Government more effective by promoting economy, efficiency, and consistency in Government programs and services; to the Committee on Governmental Affairs.

By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. 433. A bill to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, Louisiana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BUMPERS (for himself, Mr. DURENBERGER, Mr. LIEBERMAN, Mrs. KASSEBAUM, Mr. HARKIN, Mr. DOMENICI, Mr. KERRY, Mr. GRASSLEY, Mr. DECONCINI, Mr. LEVIN, Mr. GLENN, Mr. SHELBY, Mr. INOUYE, Mr. REID, Mr. SIMON, Mr. CONRAD, Mr. JOHNSTON, and Mr. ROBB):

S. 434. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers a bad debt deduction for certain partially unpaid child support payments and to require the inclusion in income of child support payments which a taxpayer does not pay, and for other purposes; to the Committee on Finance.

By Mr. DECONCINI:

S. 435. A bill to reduce the rate of pay for each Member of Congress to the rate which was in effect before the cost of living adjustment in calendar year 1993; to the Committee on Governmental Affairs.

By Mr. SPECTER:

S.J. Res. 50. A joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week"; to the Committee on the Judiciary.

By Mr. DURENBERGER (for himself and Mr. SIMON):

S.J. Res. 51. A joint resolution designating the week commencing October 3, 1993, as "National Aviation Education Week"; 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. MCCAIN (for himself and Mr. INOUYE):

S. Res. 73. A resolution to amend Senate Resolution 62, agreed to February 28, 1991 (102d Congress); considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE (for himself, Mr. HARKIN, and Mr. GRASSLEY):

S. 413. A bill to provide that the cost of living adjustment to increase the rate of pay for Members of Congress in calendar year 1994 shall not take effect.

MEMBERS OF CONGRESS PAY FREEZE

• Mr. WELLSTONE. Mr. President, today I am introducing legislation to prevent the next scheduled cost-of-living adjustment for Senators from going into effect for fiscal year 1994. The measure is simple and straightforward: It would freeze Members' salaries at their current level. This system of automatic annual increases was enacted into law as part of the Ethics Reform Act of 1989.

In the wake of President Clinton's economic plan, in the weeks and months to come we will be asking all Americans to make some difficult budget choices. I do not believe that as elected representatives we can credibly ask such sacrifices of others unless we are willing to tighten our belts a bit ourselves. This modest gesture is one way we can signal to those whom we represent that we are serious about reassessing our own house, getting it in order, and tightening our own belts.

Unless we demonstrate our willingness to put the common good—the public interest—above our private interests in something which affects all of us so personally, I do not believe we can realistically persuade those whom we represent to accept at least the spending changes and tax increases that are central to the President's economic plan.

I know there will be some who might object to this approach on grounds that it may violate the 27th amendment to the Constitution, which states that, "no law, varying the compensation for the services of the Senators and Representatives, shall take effect until an election of Representatives shall have intervened." I would respond to this argument in two ways.

First, and most obviously, this legislation would not vary the compensation of Senators and Representatives. In fact, it is designed to do precisely the opposite—to freeze them where they are right now. Second, I believe the intent of the amendment is clear—to prevent any increases in the salaries of Members. I think my colleagues will have to agree that it was not the framer's intent to guard against attempts in the dark of night to cut their salaries, but to prevent attempts to enact increases.

Leaders must set an example. That's what leadership means. We should not have to be asked to lead: We should volunteer to lead. We were elected to lead. With our Government deeply in debt and a major Presidential plan before us to comprehensively reform our fiscal policy, Members of Congress can begin to restore the faith of the American people by exercising some self-discipline and supporting this effort.

I intend to offer this measure in some form later today as an amendment to the committee funding resolution. I urge my colleagues to support this modest gesture to freeze our salaries at their current levels.

I ask consent that the full 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. 413

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

SECTION 1. COST OF LIVING ADJUSTMENT FOR PAY OF MEMBERS OF CONGRESS NOT EFFECTIVE IN CALENDAR YEAR 1994.

Notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the cost of living adjustment (relating to pay for Members of Congress) which would become effective under such provision of law during calendar year 1994 (if not for the provisions of this section) shall not take effect.•

By Mr. METZENBAUM (for himself, Mr. MITCHELL, Mrs. KASSEBAUM, Mr. KOHL, Mr. CHAFEE, Mr. KENNEDY, Mr. SIMON, Mr. PELL, Mr. WELLSTONE, Mr. AKAKA, Mr. GLENN, Mr. LEVIN, Mr. HARKIN, Mr. LAUTENBERG, Ms. MOSELEY-BRAUN, Mrs. BOXER, Mr. HATFIELD, Mr. FEINGOLD, Mr. DODD, Mrs. FEINSTEIN, Mr. MOYNIHAN, Mr. LIEBERMAN, Mr. BRADLEY, Mrs. MURRAY, Mr. KERRY, Mr. INOUYE, Mr. WARNER, and Ms. MIKULSKI):

S. 414. A bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

THE BRADY BILL

Mr. METZENBAUM. Mr. President, today I rise to reintroduce a bill which should be familiar to everyone in this Chamber and to millions of people around the country, the Brady bill.

In the last Congress, 67 Senators voted in favor of the Brady bill. Polls show that about 95 percent of the American people support it, 87 percent of gun owners support it. Every single major law enforcement organization in the country supports the Brady bill. Four former Presidents—Reagan, Carter, Ford, and Nixon—support this measure. And you would be hard pressed to find a major newspaper anywhere in the country that opposes the Brady bill.

There are not too many pieces of legislation that command that kind of support. But then there are not too many pieces of legislation that are as sensible and effective as the Brady bill.

Mr. President, 6 years ago, on February 4, 1987, I first introduced the Brady bill. It was a lonely mission. No longer is that the case. This is the fourth consecutive Congress in which I have introduced this bill. In 1987, there were no original cosponsors. The next time I introduced it, there were 10 cosponsors. The next time I introduced it, there were 11 cosponsors. I stand here proudly on the floor today and say that more than 25 percent of the Senate are joining me in introducing the Brady bill. There are 26 cosponsors at this point.

When this effort began 6 years ago, the prospects for the legislation were not bright. There was never any doubt about the merits of the proposal. There was never any doubt that a waiting period was—and is—sensible public policy. We knew then, just as we know now, that enactment of the Brady bill would help police officers, save lives, and make our streets safer.

The problem was that too many public officials were unwilling—unwilling—to risk the wrath of the NRA, which mindlessly opposes this proposal every year despite all overwhelming support among the public, the police, and even gun owners.

That failure of nerve started at the very top of our political leadership. President Reagan and President Bush refused to push for the Brady bill because they were afraid of the NRA.

And that is why today is such an exciting day, because today we have a President who is not afraid of the NRA. Today we have a President who has said bluntly and forcefully to the Congress: If you send me the Brady bill, I will sign it.

I believe we should do just that, and do it quickly.

The legislation I am introducing today is the same version of the Brady bill that was contained in last year's crime bill conference report. It was virtually identical to the Dole-Metzenbaum-Mitchell compromise that passed the Senate in June 1991 by a 67 to 32 vote.

The bill provides for a national waiting period of 5 business days prior to the sale of a handgun. Local law enforcement would be required to conduct a background check on the potential handgun purchaser during the waiting period. The Federal waiting period imposed by this bill will not apply in those States which have laws that require a background check be conducted prior to the sale of a handgun. And the waiting period will be removed once a computerized nationwide instant background check system is operational.

I believe the Brady bill is the most effective anticrime measure before the Congress. The reason is simple: The Brady bill keeps guns out of the hands of criminals.

Mr. President, the Brady bill is named after two very courageous people, Jim and Sarah Brady. For the last 6 years they have been the stalwarts of

this legislative effort. But they are no longer toiling by themselves. American families all across the country are working in support of the Brady bill. They want a safer future for their children, and one sure way to accomplish that is to do everything we can to keep guns out of the hands of criminals.

Some of the people who are working for the Brady bill have had a handgun tragedy strike their own family or a close friend or a neighbor. And in the best American tradition, they are doing whatever they can to prevent such tragedies from striking others.

On Monday, at a press conference announcing the reintroduction of this legislation, scores of high school students were there to lend their support for the Brady bill. Two teenagers spoke movingly about how handgun violence had taken the lives of their classmates and their friends. They spoke in support of the Brady bill because they do not want these tragedies to recur, and because they want us to do what we can to make their future safer and more secure.

Mr. President, this bill, when it becomes law, will be known as the Brady bill. But I think it would also be a magnificent memorial to the memory of a man who provided great leadership in this effort to control handguns and control guns in this country.

Handgun Control, Inc., was formed by Pete Shields, who just recently passed away. Pete Shields formed Handgun Control because he had lost a beloved one by reason of gunfire.

And so I think that when we pass the Brady bill, it will not only be known as the Brady bill but also as a living memorial to the memory of a great man who did so much to control guns in this country.

Mr. President, every year 24,000 people are killed with handguns. That means about 65 people are killed with handguns per day, or almost 3 per hour.

Some of these tragedies could have been prevented if a waiting period had been in effect. The police officers of this country know this. That is why they overwhelmingly support the Brady bill.

The cops also know that waiting periods work. In the States that have waiting periods, thousands of illegal guns sales have been stopped. In 1 year, in California, a waiting period kept guns out of the hands of 760 drug felons and over 3,700 violent offenders. In 1990, a waiting period kept guns out of the hands of 750 convicted felons in Maryland. And these numbers do not include the many criminals who are deterred from trying to buy a handgun by a waiting period.

So here is a measure which can work. And it is supported by an overwhelming majority of the American people, by an overwhelming majority of gun owners, and by law enforcement. It already has passed the Senate by a 2 to 1 margin, and the President has said he will sign it.

In other words, the table is set for enactment of the Brady bill. But it still will not be easy.

A well-funded, single-issue special interest group, the National Rifle Association, has made this issue a litmus test. And the NRA will do everything it can to fight this bill.

But I predict they will lose. The NRA will lose because the President and a majority of the Congress are ready and willing to stand up to this special interest group and do what is right for the American people and for this Nation's police officers.

Last year, on September 28, former Presidents Reagan, Carter, Ford, and Nixon wrote a letter urging Senators to "put aside partisan politics and do what is right for the American people." The letter went on to say that these four former Presidents "strongly urge every Senator to stand up for the Nation's law enforcement community, as well as for public safety, by voting for the Brady bill * * *".

In the next few years, there probably will not be very many pieces of legislation that Richard Nixon, Gerald Ford, Jimmy Carter, Ronald Reagan, and Bill Clinton all support. But they are in favor of this legislation because the Brady bill makes sense, and because the American people want it to become the law of the land.

There really is no time to lose. Today, in some part of the country, a felon is walking into a gun shop and purchasing a handgun. Today, in some part of this country, an illegal gun sale is taking place. Today, a gun is being transferred over the counter to a person who is already a demonstrated threat to public safety. Today, because of our failure to act on the Brady bill, our streets are less safe, and the job of our police is more difficult.

We have the power to change all that by enacting the Brady bill. We have the power to save lives, make our communities safer, and help our law-enforcement officials do their job.

We have waited much too long. And each additional day we wait puts more people at risk. Let us enact the Brady bill, and let us do it quickly.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the CONGRESSIONAL RECORD.

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

S. 414

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 "Brady Handgun Violence Prevention Act."

SEC. 2. FEDERAL FIREARMS LICENSEE REQUIRED TO CONDUCT CRIMINAL BACKGROUND CHECK BEFORE TRANSFER OF FIREARM TO NONLICENSEE.

(a) INTERIM PROVISION.—

(1) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(s)(1) Beginning on the date that is ninety days after the date of enactment of this subsection and ending on the day before the date that the Attorney General certifies under section 3 of the Brady Handgun Violence Prevention Act that the national instant criminal background check system is established (except as provided in paragraphs (2) and (3) of such section), it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a handgun to an individual who is not licensed under section 923, unless—

"(A) after the most recent proposal of such transfer by the transferee—

"(i) the transferor has—

"(I) received from the transferee a statement of the transferee containing the information described in paragraph (3);

"(II) verified the identity of the transferee by examining the identification document presented;

"(III) within one day after the transferee furnishes the statement, provided notice of the contents of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(IV) within one day after the transferee furnishes the statement, transmitted a copy of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(ii)(I) five business days (as defined by days in which State offices are open) have elapsed from the date the transferor furnished notice of the contents of the statement to the chief law enforcement officer, during which period the transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal, State, or local law; or

"(II) the transferor has received notice from the chief law enforcement officer that the officer has no information indicating that receipt or possession of the handgun by the transferee would violate Federal, State, or local law;

"(B) the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the ten-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of any member of the household of the transferee;

"(C)(i) the transferee has presented to the transferor a permit that—

"(I) allows the transferee to possess a handgun; and

"(II) was issued not more than five years earlier by the State in which the transfer is to take place; and

"(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of the law;

"(D) the law of the State requires that, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under section 923, an authorized government official verify that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law, ex-

cept that this subparagraph shall not apply to a State that, on the date of certification pursuant to section 3 of the Brady Handgun Violence Prevention Act, is not in compliance with the timetable established pursuant to section 3 of such Act;

"(E) the Secretary has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

"(F) on application of the transferor, the Secretary has certified that compliance with subparagraph (A)(i)(III) is impracticable because—

"(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

"(ii) the business premises of the transferor at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer; and

"(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

"(2) A chief law enforcement officer to whom a transferor has provided notice pursuant to paragraph (1)(A)(i)(III) shall make a reasonable effort to ascertain within five business days whether the transferee has a criminal record or whether there is any other legal impediment to the transferee's receiving a handgun, including research in whatever State and local recordkeeping systems are available and in a national system designated by the Attorney General.

"(3) The statement referred to in paragraph (1)(A)(i)(I) shall contain only—

"(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1)) of the transferee containing a photograph of the transferee and a description of the identification used;

"(B) a statement that transferee—

"(i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

"(ii) is not a fugitive from justice;

"(iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

"(iv) has not been adjudicated as a mental defective or been committed to a mental institution;

"(v) is not an alien who is illegally or unlawfully in the United States;

"(vi) has not been discharged from the Armed Forces under dishonorable conditions; and

"(vii) is not a person who, having been a citizen of the United States, has renounced such citizenship;

"(C) the date the statement is made; and

"(D) notice that the transferee intends to obtain a handgun from the transferor.

"(4) Any transferor of a handgun who, after such transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall immediately communicate all information the transferor has about the transfer and the transferee to—

"(A) the chief law enforcement officer of the place of business of the transferor; and

"(B) the chief law enforcement officer of the place of residence of the transferee.

"(5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not disclose such information except to the transferee, to law enforcement authorities, or pursuant to the direction of a court of law.

"(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the statement of the transferee with respect to the handgun transaction, and shall retain evidence that the transferor has complied with subclauses (III) and (IV) of paragraph (1)(A)(i) with respect to the statement.

"(B) Unless the chief law enforcement officer to whom a statement is transmitted under paragraph (1)(A)(i)(IV) determines that a transaction would violate Federal, State, or local law—

"(i) the officer shall, within twenty business days after the date the transferee made the statement on the basis of which the notice was provided, destroy the statement and any record containing information derived from the statement;

"(ii) the information contained in the statement shall not be conveyed to any person except a person who has a need to know in order to carry out this subsection; and

"(iii) the information contained in the statement shall not be used for any purpose other than to carry out this subsection.

"(7) A chief law enforcement officer or other person responsible for providing criminal history background information pursuant to this subsection shall not be liable in an action at law for damages—

"(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

"(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.

"(8) For purposes of this subsection, the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.

"(9) The Secretary shall take necessary actions to ensure that the provisions of this subsection are published and disseminated to licensed dealers, law enforcement officials, and the public.".

(2) HANDGUN DEFINED.—Section 921(a) of such title is amended by adding at the end the following:

"(29) The term 'handgun' means—

"(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.".

(b) PERMANENT PROVISION.—Section 922 of title 18, United States Code, as amended by subsection (a)(1) of this section, is amended by adding at the end the following:

"(t)(1) Beginning on the date that the Attorney General certifies under section 3 of the Brady Handgun Violence Prevention Act that the national instant criminal background check system is established (except as provided in paragraphs (2) and (3) of such section), a licensed importer, licensed manufacturer, or licensed dealer shall not transfer a firearm to any other person who is not such a licensee, unless—

"(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 3 of such Act;

"(B) the system notifies the licensee that the system has not located any record that demonstrates that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section or any State or local law; and

"(C) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in section 1028(d)(1) of this title) of the transferee containing a photograph of the transferee.

"(2) Paragraph (1) shall not apply to a firearm transfer between a licensee and another person if—

"(A)(i) such other person has presented to the licensee a permit that—

"(I) allows such other person to possess a firearm; and

"(II) was issued not more than five years earlier by the State in which the transfer is to take place; and

"(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by such other person would be in violation of law;

"(B) the Secretary has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

"(C) on application of the transferor, the Secretary has certified that compliance with paragraph (1)(A) is impracticable because—

"(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

"(ii) the business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer (as defined in subsection (s)(8)); and

"(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

"(3) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the receipt of a firearm by such other person would violate subsection (g) or (n), and the licensee transfers a firearm to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

"(4) In addition to the authority provided under section 923(e), if the licensee knowingly transfers a firearm to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer and, at the time such other person most recently proposed the transfer, the national instant criminal background check system was operating and information was available to the system demonstrating that receipt of a firearm by such other person would violate subsection (g) or (n) of this section, the Secretary may, after notice and opportunity for a hearing, suspend for not more than six months or revoke any license issued to the licensee under section 923, and may impose on the licensee a civil fine of not more than $5,000.

"(5) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

"(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

"(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.".

(c) PENALTY.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "paragraph (2) or (3) of"; and

(2) by adding at the end the following:

"(5) Whoever knowingly violates subsection (s) or (t) of section 922 shall be fined not more than $1,000, imprisoned for not more than 1 year, or both.".

SEC. 3. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) ESTABLISHMENT OF SYSTEM.—The Attorney General of the United States shall establish a national instant criminal background check system that any licensee may contact for information on whether receipt of a firearm by a prospective transferee thereof would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law.

(b) EXPEDITED ACTION BY THE ATTORNEY GENERAL.—The Attorney General shall expedite—

(1) the upgrading and indexing of State criminal history records in the Federal criminal records system maintained by the Federal Bureau of Investigation;

(2) the development of hardware and software systems to link State criminal history check systems into the national instant criminal background check system established by the Attorney General pursuant to this section; and

(3) the current revitalization initiatives by the Federal Bureau of Investigation for technologically advanced fingerprint and criminal records identification.

(c) PROVISION OF STATE CRIMINAL RECORDS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—(1) Not later than six months after the date of enactment of this Act, the Attorney General shall—

(A) determine the type of computer hardware and software that will be used to operate the national instant criminal background check system and the means by which State criminal records systems will communicate with the national system;

(B) investigate the criminal records system of each State and determine for each State a timetable by which the State should be able to provide criminal records on an on line capacity basis to the national system;

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of the State timetable that the State achieve, by the end of five years after the date of enactment of this Act, at least 80 percent currency of case dispositions in computerized criminal history files for all cases in which there has been an event of activity within the last five years and continue to maintain such a system.

(d) NATIONAL SYSTEM CERTIFICATION.—(1) On the date that is thirty months after the date of enactment of this Act, and at any time thereafter, the Attorney General shall determine whether—

(A) the national system has achieved at least 80 percent currency of case dispositions in computerized criminal history files for all cases in which there has been an event of activity within the last five years on a national average basis; and

(B) the States are in compliance with the timetable established pursuant to subsection (c),

and, if so, shall certify that the national system is established.

(2) If, on the date of certification in paragraph (1) of this subsection, a State is not in compliance with the timetable established pursuant to subsection (c) of this section, section 922(s) of title 18, United States Code, shall remain in effect in such State and section 922(t) of such title shall not apply to the State. The Attorney General shall certify if a State subject to the provisions of section 922(s) under the preceding sentence achieves compliance with its timetable after the date of certification in paragraph (1) of this subsection, and section 922(s) of title 18, United States Code, shall not apply to such State and section 922(t) of such title shall apply to the State.

(3) Six years after the date of enactment of this Act, the Attorney General shall certify whether or not a State is in compliance with subsection (c)(2) of this section and if the State is not in compliance, section 922(s) of title 18, United States Code, shall apply to the State and section 922(t) of such title shall not apply to the State. The Attorney General shall certify if a State subject to the provisions of section 922(s) under the preceding sentence achieves compliance with the standards in subsection (c)(2) of this section, and section 922(s) of title 18, United States Code, shall not apply to the State and section 922(t) of such title shall apply to the State.

(e) NOTIFICATION OF LICENSEES.—On establishment of the system under this section, the Attorney General shall notify each licensee and the chief law enforcement officer of each State of the existence and purpose of the system and the means to be used to contact the systems

(f) ADMINISTRATIVE PROVISIONS.—

(1) AUTHORITY TO OBTAIN OFFICIAL INFORMATION.—Notwithstanding any other law, the Attorney General may secure directly from any department or agency of the United States such information on persons for whom receipt of a firearm would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law, as is necessary to enable the system to operate in accordance with this section. On request of the Attorney General, the head of such department or agency shall furnish such information to the system.

(2) OTHER AUTHORITY.—The Attorney General shall develop such computer software, design and obtain such telecommunications and computer hardware, and employ such personnel, as are necessary to establish and operate the system in accordance with this section.

(g) CORRECTION OF ERRONEOUS SYSTEM INFORMATION.—If the system established under this section informs an individual contacting the system that receipt of a firearm by a prospective transferee would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law, the prospective transferee may request the Attorney General to provide the prospective transferee with the reasons therefor. Upon receipt of such a request, the Attorney General shall immediately comply with the request. The prospective transferee may submit to the Attorney General information that to correct, clarify, or supplement records of the system with respect to the prospective transferee. After receipt of such information, the Attorney General shall immediately consider the information, investigate the matter further, and correct all erroneous Federal records relating to the prospective transferee and give notice of the error to any Federal department or agency or any State that was the source of such erroneous records.

(h) REGULATIONS.—After ninety days notice to the public and an opportunity for hearing by interested parties, the Attorney General shall prescribe regulations to ensure the privacy and security of the information of the system established under this section.

(i) PROHIBITION RELATING TO ESTABLISHMENT OF REGISTRATION SYSTEMS WITH RESPECT TO FIREARMS.—No department, agency, officer, or employee of the United States may—

(1) require that any record or portion thereof maintained by the system established under this section be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or political subdivision thereof; or

(2) use the system established under this section to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions, except with respect to persons, prohibited by section 922(g) or (n) of title 18, United States Code, from receiving a firearm.

(j) DEFINITIONS.—As used in this section:

(1) LICENSEE.—The term "licensee" means a licensed importer, licensed manufacturer, or licensed dealer under section 923 of title, 18, United States Code.

(2) OTHER TERMS.—The terms "firearm", "licensed importer", "licensed manufacturer", and "licensed dealer" have the meanings stated in section 921(a) (3), (9), (10), and (11), respectively, of title 18, United States Code.

SEC. 4. FUNDING FOR IMPROVEMENT OF CRIMINAL RECORDS.

(a) IMPROVEMENTS IN STATE RECORDS.—

(1) USE OF FORMULA GRANTS.—Section 509(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(A) in paragraph (2) by striking "and" after the semicolon;

(B) in paragraph (3) by striking the period and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) the improvement of State record systems and the sharing with the Attorney General of all of the records described in paragraphs (1), (2), and (3) of this subsection and the records required by the Attorney General under section 3 of the Brady Handgun Violence Prevention Act, for the purpose of implementing such Act."

(2) ADDITIONAL FUNDING.—

(A) GRANTS FOR THE IMPROVEMENT OF CRIMINAL RECORDS.—The Attorney General, through the Bureau of Justice Statistics, shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(i) for the creation of a computerized criminal history record system or improvement of an existing system;

(ii) to improve accessibility to the national instant criminal background system; and

(iii) upon establishment of the national system, to assist the State in the transmittal of criminal records to the national system.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under subparagraph (A) a total of $100,000,000 for fiscal year 1994 and all fiscal years thereafter.

(b) WITHHOLDING STATE FUNDS.—Effective on the date of enactment of this Act the Attorney General may reduce by up to 50 percent the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance with the timetable

established for such State under section 3 of this Act.

(c) WITHHOLDING OF DEPARTMENT OF JUSTICE FUNDS.—If the Attorney General does not certify the national instant criminal background check system pursuant to section 3(d)(1) by—

(1) thirty months after the date of enactment of this Act the general administrative funds appropriated to the Department of Justice for the fiscal year beginning in the calendar year in which the date that is thirty months after the date of enactment of this Act falls shall be reduced by 5 percent on a monthly basis; and

(2) forty-two months after the date of enactment of this Act the general administrative funds appropriated to the Department of Justice for the fiscal year beginning in the calendar year in which the date that is forty-two months after the date of enactment of this Act falls shall be reduced by 10 percent on a monthly basis.

Mr. MITCHELL. Mr. President, I'm very pleased to reintroduce the Brady handgun waiting period bill in the 103d Congress, along with my cosponsors.

This is exactly the same legislation for which a bipartisan group of 67 Members of the Senate voted in June 1991. They were led by the Republican leader of the Senate, Senator DOLE, Senator METZENBAUM, and Senator KOHL.

That vote demonstrated the broad, bipartisan support of Senators for sensible and effective ways to meet the public demand for action on gun violence. Americans across the country, from Maine to Kansas to California, are frustrated and frightened by the continued high levels of drug-related crime and gun violence in our Nation.

The 67-vote margin by which the Brady bill was passed in 1991 reflects the underlying fact that the Brady bill, as it was worked out in the Senate, is the best way to achieve a goal on which there is universal agreement: Keeping firearms out of the hands of convicted felons.

There is no disagreement anywhere in the country on that goal.

The National Rifle Association, the Congress of the United States, the Governors of our States, the mayor of every large city, the police who man the beats in all our cities—all are united in agreement on that goal.

Five former Presidents of the United States, all but one of them Republicans, have expressed support for this bill. Six former Attorneys General of the United States have expressed support for this bill. The major police organizations in our country, representing hundreds of thousands of police officers are strong supporters of this bill.

We have the expressed support of President Clinton. Last Wednesday night, he told the Congress that if we send him the Brady bill, he'll sign it.

And of course, polls reveal the consistent public support for this very elementary proposal: That we somehow act to prevent convicted felons from legally purchasing firearms.

The bill we introduce today contains the elements that will allow us to do so. It provides for a 5-business-day waiting period to take effect in those States which do not now have a State-level waiting period requirement to allow law enforcement authorities to conduct a background check of a prospective gun purchaser.

Meantime, States will receive grants to upgrade and computerize their criminal records and to link them with the central FBI system, so that within a determined period of time, a telephone check of a prospective customer by the dealer will be possible, thus eliminating the need for a Federal-level waiting period.

This approach is the best way to balance the legitimate rights of law-abiding gunowners with the equally legitimate demand of the general public to be protected against gun violence.

In the last Congress, this bill won broad, bipartisan support in the Senate because it is sensible, it provides the resources to make a background check possible, and it sets clear standards for achieving the goal.

It is a moderate, sensible proposal that will achieve what both the opposing sides identify as their common goal: Preventing legal handgun sales to convicted felons.

The people of this Nation are concerned and angry about random gun violence. They're asking for more effective laws to curb it.

This proposal isn't a total response to that demand. But it's a prudent, sensible measure that will help reduce that random violence.

The States don't all have the ability to check out handgun buyers today, and not all of them want to divert the police resources to take up that new task, especially States where gun-related crime rates are low.

The Federal authorities are required by the 1988 drug bill to put into place some kind of checking system, but today lack the authority to compel State cooperation in setting up the record system needed to support a national check.

This bill takes elements from both sides of the issue and seeks to make them work together. If we're going to ask people to wait to receive a gun they wish to buy, then we ought to do a check during that wait; if we're going to do a check, we ought to make sure the records checked are reasonably accurate and updated. And if we're going to make this a national policy, we have to do something to make sure the records involved are national in scope.

That's what this proposal seeks to do. It doesn't fully satisfy everyone on either side: But it does meet what both claim as their goal more fully and more quickly than do either of their competing proposals.

The principal purpose of this proposal is to help keep handguns out of the hands of felons.

A great deal of emotion and rhetoric always fuel debates over firearms. That's been the case on this bill as well.

Supporters of the Brady bill approach argue that the use of firearms in crimes and accidental killings is too high a price to pay for unrestricted access to handguns, and that at least those persons who are by law already prohibited from owning a handgun ought to be prevented from easily buying one.

Supporters of the National Rifle Association argue that the vast majority of all guns, including handguns, are purchased and owned by law-abiding citizens, whose rights ought not be infringed because of a very small minority of criminals.

Emotional arguments and controversy do not arise when one side is completely in the right and the other is completely in the wrong.

Controversy arises precisely when there is some truth on both sides of an issue. That is the case here.

Supporters of a waiting period are right to say that the easy accessibility of handguns may contribute to crime and accidents.

They make a fair argument in saying that a brief waiting period is a reasonable accommodation to a serious social problem.

The National Rifle Association and its supporters are right to remind us that the overwhelming majority of American gunowners are not criminals. They are law-abiding citizens whose ownership of firearms poses no threat to anyone.

Controversy also arises when exaggerated claims and misleading rhetoric is used. That has also happened on this issue.

Some supporters of a waiting period approach have implied that it's a panacea for firearms violence. That's just not true. No waiting period is going to keep handguns from the hands of the mentally incompetent, unstable, or drug addicts, because our society doesn't maintain readily available lists of persons with mental instabilities or addictions.

Meantime, some opponents of a waiting period have suggested that even the most minor inconvenience to a handgun purchaser is a constitutional violation and the first step to firearms confiscation. That's not true either. We've had laws governing firearms sales for well over half a century and there is no proof that the right of law-abiding persons to purchase firearms is any more at risk today than it was 50 or a 100 years ago.

We are a diverse Nation in which some Americans experience the freedom and peace of mind that comes in a rural setting, where guns pose no particular threat, and other Americans live in concentrated urban populations, where guns represent a very present danger.

I don't think we can or should tell either of our populations that their con-

cerns don't matter. We can't turn our backs on the fact that citizens in our larger cities are frightened by the easy availability of firearms. But we can't and shouldn't ask our rural people to live for all time under a regime geared to the needs and fears of urban residents.

There's a middle way where both sides can acknowledge the legitimate concerns of the other and accommodate them. That's what our proposal is designed to do. We're asking residents of both rural and urban America to recognize that they're all part of the same Nation. What's a problem for some of them for some of the time is important to others, and vice versa.

I believe this bill is the least intrusive feasible way to meet a common goal.

I hope that we can look for broad, bipartisan support from Republican and Democratic Members alike in the 103d Congress.

No piece of legislation is perfect and every piece of legislation can be improved. We stand ready to work with anyone who wants to offer constructive help on this bill. Because we all agree on its goal, finding the way to reach it together cannot be beyond the bounds of human ingenuity.

In 1991, we succeeded in achieving better than 2-to-1 Senate support for the proposal through that process. I hope we can achieve similar support for it again this year.

What we have to remember is that the public does not care if the solution to gun violence and crime carries a Republican label or a Democratic one. They care about getting some action. I agree.

Mr. KOHL. Mr. President, before I begin, I want to commend my colleague HOWARD METZENBAUM, who has been the long-time leader in Congress for sane handgun laws.

Though both the House and Senate voted for the Brady bill last Congress, it was never signed into law. That was a tragedy. Because some of the 60,000 American citizens killed by firearms in the past 2 years—more than the number of United States soldiers killed in the Vietnam war—might be alive today if we had enacted the Brady bill rather than played a political game. That includes four Milwaukee teenagers—two of them 13-year-old girls—who were executed in a gangland-style killing earlier this winter. Simply put, Ayshia Lewis, age 13; Patricia Simmons, age 13; Kizzy Holt, age 14; and Frank Odell Cook, age 17; were in the wrong place at the wrong time. Now they are dead, along with the more than 200 other Wisconsinites murdered in the past year.

It is difficult to fathom what kind of twisted minds could gun down these young people. But it is also difficult to fathom what kind of government could fail to enact the Brady bill.

I believe this year will be different. I believe that in this Congress we will enact the Brady bill. We will enact it because former presidents Nixon, Ford, Carter, and Reagan all support it. We will enact it because President Clinton, who spoke about Brady in his address to Congress last week and again in his town meeting with children on Saturday, is resolutely in support. We will enact the bill because, according to Saturday's New York Times, even Stuart Gerson—the Acting Attorney General and a holdover Republican—has endorsed Brady. Most importantly, though, we will enact the bill because 90 percent of the American people recognize that the need for the Brady bill has never been so compelling, and that the consequences created by its absence have never been so destructive.

Enacting the Brady bill will help save lives. And, hopefully, it will help restore the American people's faith in their Government.

I do want to briefly make one other point.

First, in the last Congress, I was involved in negotiating the compromise version of the Brady bill that passed the Senate. That version had three major components: No. 1, mandatory background checks on all firearms purchases; No. 2, $100 million for States to upgrade their computerized criminal history records; and, finally, a uniform 5-business-day waiting period for handgun buys that would remain in effect for several years. The Senate-passed proposal is virtually identical to the bill we are introducing today, and I am absolutely convinced it represented the best deal we could then make in the Senate.

But I also believe strongly in the value of waiting periods, which give people consumed by violent passion time to cool off. As the NRA noted in its 1976 publication entitled "On Firearms Control":

> A waiting period could help in reducing crimes of passion and in preventing people with criminal records or dangerous mental illness from acquiring weapons.

And so, Mr. President, when we debate this measure on the Senate floor, I may offer an amendment that would make the waiting period on handguns permanent—rather than temporary. The overwhelming majority of Americans support a permanent waiting period for handgun buys. At the very least, we owe it to them to make this effort.

SUMMARY OF BRADY BILL

A waiting period of 5 business days prior to the purchase of any handgun will go into effect 3 months after enactment of this legislation. During the waiting period, local law enforcement will use available resources to determine whether a prospective handgun buyer is ineligible to buy a firearm.

The waiting period applies only to handgun sales by licensed dealers.

Handgun purchasers must complete a form, verified by some type of photo identification, which includes the buyer's name, address, and date of birth. Within 1 day of the proposed transaction, the dealer is required to furnish the information from the purchaser's statement to law enforcement officials.

Unless law enforcement notifies the dealer that the transaction is prohibited by law, the sale may go forward 5 business days after the purchaser signs the statement.

Handgun transfers may take place in fewer than 5 business days if law enforcement notifies the dealer that the transaction would not violate Federal, State, or local law.

If an individual needs a handgun immediately because of a threat to his life, that person could obtain a handgun without waiting 5 business days if the police approve.

States which have laws requiring that a background check be conducted prior to the sale of a handgun are exempt from the Federal waiting period.

For instance, if a State law requires an individual to obtain a permit prior to purchasing a handgun—and a State official is required to perform a background check on that individual before issuing the permit—then that State is exempt from this legislation.

The waiting period will be removed once a nationwide, computerized instant felon identification system becomes operational.

Six months after enactment, the Attorney General will choose the computer software needed to implement a nationwide instant background check of gun buyers.

The Attorney General also will review each State's criminal recordkeeping system and establish a timetable for each State to link those records with the national system. Each State will be required, within 5 years of enactment, to have a computer data base that is 80 percent reliable. That is, the computer system should contain information on the current status of 80 percent of the cases in the country in which an arrest has been made in the last 5 years.

Thirty months after enactment, if the Attorney General determines that the national system is at least 80 percent reliable, and that the State timetables are being met, the waiting period will be replaced by the nationwide computerized instant check system. Any individual State which is not in compliance with the timetable established by the Attorney General shall remain under the waiting period.

Once the national system is in place in a particular State, that State is obligated to keep its records up to date. If any State where the waiting period has been phased out fails to meet the 80-percent reliability test, then the waiting period is reinstated in that State.

The sum of $100 million is authorized for Federal grants to States to upgrade criminal records and improve accessibility to the national system, and for the cost of conducting checks until the national system is operational.

By Mr. BOREN:

S. 415. A bill to require the Attorney General to establish 10 military-style boot camp prisons; to the Committee on the Judiciary.

BOOT CAMP PRISON ACT OF 1993

• Mr. BOREN. Mr. President, in his address to the Congress, President Clinton identified many of the challenges facing us as our Nation prepares to enter the 21st century. One of the most frightening problems of modern life is the unacceptably high level of crime. It seems that nothing we do has any significant effect on the escalating violence. Moreover, an entire generation of inner-city youths are growing up with no sense that they belong to their communities or that they have any obligations toward their neighbors. Instead, their disillusionment and hopelessness force them to search for answers in gangs, drugs, and crime.

The Government's answer to the crime crisis has been simple and inadequate: We have incarcerated more people for longer periods of time in conventional prison environments. The population of many prisons is at record levels, and most correctional systems are seriously overcrowded. The Federal prison system has 45 percent more inmates than the institutions should hold, based on standards adopted by the Bureau of Prisons. The problem is only worsening; overcrowding will increase in the future. It is estimated that the current Federal population of 79,000 will grow to 109,000 inmates by 1998.

Certainly, the country needs to expand conventional prison capacity to deal with this explosion of prison inmates. But we cannot respond simply by building more and more prisons. We must be willing to try innovative, cost-effective approaches that offer real potential for rehabilitation. Especially with regard to young offenders, we cannot afford to miss an opportunity to help these Americans to transform their lives so that they are productive members of their communities.

My State of Oklahoma led the way in one promising alternative to conventional incarceration. In 1984, Oklahoma opened what is now one of the Nation's oldest correctional boot camps for young, nonviolent, first-time offenders. Oklahoma's example has been followed by 24 other States. There are now at least 34 boot camps in the Nation, incarcerating over 4,000 people. In light of the success of boot camps on the State level, it is high time that we embark on a robust Federal demonstration program. Indeed, such a demonstration boot camp proposal was included in the comprehensive crime bill that the Senate passed last year, and President Clinton endorsed the concept of boot camps in his address to Congress. I am introducing today the Boot Camp Prison Act of 1993, so that Congress can again consider and adopt a Federal demonstration program.

A boot camp reduces the damage of institutionalization to young offenders because they are segregated from the more hardened general population. The goals of a boot camp are rehabilitation, deterrence, building self-esteem, and prison population reduction. To achieve these objectives, the boot camp regime includes four major components: drills, work assignments, education classes, and counseling. Young offenders are confined for a short period of time—between 90 and 120 days—under rigid standards and strict military discipline. Participants are subjected to tough physical conditioning, rigid dress codes, stiff grooming and hygiene standards, severe limitations on personal property, structured leisure and recreation activities, early lockdown, intensive vocational and educational training, and considerable drug and stress counseling. In addition, the act establishes a system of postrelease supervision so that the young people can receive further counseling, substance abuse treatment, and training as they are making the difficult transition from institutional life to life on the outside.

Certainly, life in a boot camp is not easy. One inmate in Oklahoma, Anthony Nero, described his experience: "It's a shock when you first come in. They wake you at five in the morning, telling you to do this or that * * *. Get up! Clean up! Get moving! But it helped me somehow." This is the hope offered by prison boot camps. Although they may not be the entire solution to the crime problem, they offer many young offenders a chance to reclaim their futures, to find order and meaning in their lives, and to return to the civilian world ready to be productive citizens.

The bill would establish 10 Federal boot camps, each designed to accommodate between 200 and 300 inmates. The boot camps would be located on closed military installations. Young people under the age of 25 who have been convicted of serious but nonviolent Federal offenses and have no serious prior conviction would be eligible for assignment to a boot camp. In addition, States could apply to place certain eligible young offenders in the Federal boot camps.

The State boot camps are currently the subject of much study and evaluation. The evidence of their success is not yet complete, although it appears that the recidivism rate for boot camp graduates is lower than the general rate. This act would increase our knowledge about the effect of boot camps and allow us to make meaningful improvements in the program. It mandates that the Attorney General evaluate the boot camp prisons and report on the rate of recidivism among graduates, the cost effectiveness of boot camps, and the effect on overcrowding in the entire prison system.

Mr. President, the new administration has welcomed the opportunity to adopt a series of bold and innovative experiments relating to the seemingly intractable problems of modern life. The Senate attempted to embark on such a worthwhile demonstration when it adopted the comprehensive crime bill with its important provision establishing boot camp prisons. Let us not miss the opportunity to enact similar legislation this year. We need to adopt the Boot Camp Prison Act of 1993 as soon as possible.

Mr. President, I ask unanimous consent that a copy of the act appear in the RECORD after my statement.

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

S. 415

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 "Boot Camp Prison Act of 1993".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Federal prisons are greatly overcrowded. Although the Federal prison system had a maximum capacity of only 50,707 inmates as of December 17, 1992, on that date it housed 72,191 inmates.

(2) The prisoner populations of both Federal and State prisons have been increasing rapidly and are expected to continue to increase in part because of the effect of the Federal Sentencing Guidelines. In fiscal year 1993, the Federal prison population will be approximately 79,000, growing to about 92,000 in fiscal year 1995 and 109,000 in fiscal year 1998.

(3) The average cost of constructing a medium security Federal prison is $53,173 per bed. The average cost of housing a Federal inmate is $20,072 per year. This country needs to find an effective and affordable alternative to our current prison situation.

(4) Boot camp prisons are an excellent solution to this problem. Instituted originally in 1984 in the State prison systems of Oklahoma and Georgia, the concept of boot camp prisons has now spread to 25 States. Although incarceration in a boot camp costs more per year because of counseling and educational services, an inmate stays for a shorter period of time (between 90 and 120 days), thus reducing total costs and overcrowding. The boot camp prison system in the New York Department of Correctional Services saved that State's taxpayers an estimated $150,000,000 as of December 31, 1991.

SEC. 3. BOOT CAMPS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall establish within the Bureau of Prisons 10 military-style boot camp prisons (referred to in this section as "boot camps").

(b) LOCATIONS.—The boot camps shall be located on closed military installations on

sites to be chosen by the Director of the Bureau of Prisons.

(c) REGIMEN.—The boot camps shall provide—

(1) a highly regimented schedule of strict discipline, physical training, work, drill, and ceremony characteristic of military basic training;

(2) remedial education;

(3) counseling as appropriate; and

(4) treatment for substance abuse.

(d) CAPACITY.—Each boot camp shall be designed to accommodate between 200 and 300 inmates for periods of not less than 90 days and not greater than 120 days. Not more than 20 percent of the inmates shall be Federal prisoners. The remaining inmates shall be State prisoners who are accepted for participation in the boot camp program pursuant to subsection (f).

(e) FEDERAL PRISONERS.—Section 3582 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) BOOT CAMP PRISON AS A SENTENCING ALTERNATIVE.—(1) The court, in imposing sentence in the circumstances described in paragraph (2), may designate the defendant as eligible for placement in a boot camp prison. The Bureau of Prisons shall determine whether a defendant so designated will be assigned to a boot camp prison.

"(2) A defendant may be designated as eligible for placement in boot camp prison if—

"(A) the defendant—

"(i) is under 25 years of age;

"(ii) is able-bodied;

"(iii) has been convicted of a serious but nonviolent offense;

"(iv) has no serious prior conviction for which he or she has served more than 10 days of incarceration; and

"(v) consents to the designation; and

"(B) the sentencing court finds that the defendant's total offense level under the Federal sentencing guidelines is level 15 or less.

"(3) If the Director of the Bureau of Prisons finds that an inmate placed in a boot camp prison pursuant to this subsection has willfully refused to comply with the conditions of confinement in the boot camp, the Director may transfer the inmate to any other correctional facility in the Federal prison system.

"(4) Successful completion of assignment to a boot camp shall constitute satisfaction of any period of active incarceration, but shall not affect any aspect of a sentence relating to a fine, restitution, or supervised release.".

(f) STATE PRISONERS.—(1) The head of a State corrections department or the head's designee may apply for boot camp placement for any person who has been convicted of a criminal offense in that State, or who anticipates entering a plea of guilty of such offense, but who has not yet been sentenced. Such application shall be made to the Bureau of Prisons and shall be in the form designated by the Director of the Bureau of Prisons and shall contain a statement certified by the head of the State corrections department or the head's designee that at the time of sentencing the applicant is likely to be eligible for assignment to a boot camp pursuant to paragraph (2). The Bureau of Prisons shall respond to such applications within 30 days so that the sentencing court is aware of the result of the application at the time of sentencing. In responding to such applications, the Bureau of Prisons shall determine, on the basis of the availability of space, whether a defendant who becomes eligible for assignment to a boot camp prison at the time of sentencing will be so assigned.

(2) A person convicted of a State criminal offense shall be eligible for assignment to a boot camp if he or she—

(A) is under 25 years of age;

(B) has no prior conviction for which he or she has served more than 10 days incarceration;

(C) has been sentenced to a term of imprisonment that will be satisfied under the law of the sentencing State if the defendant successfully completes a term of not less than 90 days nor more than 120 days in a boot camp;

(D) has been designated by the sentencing court as eligible for assignment to a boot camp; and

(E) has consented to the designation.

(3) If the Director of the Bureau of Prisons finds that an inmate placed in a boot camp prison pursuant to this subsection has willfully refused to comply with the conditions of confinement in the boot camp, the Director may transfer the inmate back to the jurisdiction of the State sentencing court.

(4) A State that refers a prisoner to a boot camp shall reimburse the Bureau of Prisons for the full cost of the incarceration of the prisoner, except that if the prisoner successfully completes the boot camp program, the Bureau of Prisons shall return to the State 20 percent of the amount paid for that prisoner. The total amount returned to each State under this paragraph in each fiscal year shall be used by that State to provide the aftercare supervision and services required by paragraph (e).

(g) POST-RELEASE SUPERVISION.—(1) Any State seeking to refer a State prisoner to a boot camp prison shall submit to the Director of the Bureau of Prisons an aftercare plan setting forth the provisions that the State will make for the continued supervision of the prisoner following release. The aftercare plan shall also contain provisions for educational and vocational training and drug or other counseling and treatment where appropriate.

(2) The Bureau of Prisons shall develop an aftercare plan setting forth the provisions that will be made for the continued supervision of Federal prisoners following release. The aftercare plan shall also contain provisions for educational and vocational training and drug or other counseling and treatment where appropriate.

(h) EVALUATION AND REPORT.—(1) Not later than 7 years and 6 months after the date of enactment of this Act, the Attorney General shall evaluate the boot camp prisons and report to Congress on the performance of the boot camp prisons.

(2) The report under paragraph (1) shall include an assessment of—

(A) the rate of recidivism of boot camp prisoners as compared with similar defendants in conventional prisons;

(B) the cost-effectiveness of boot camp prisons as compared to conventional prisons; and

(C) the program's effect on the overcrowding of conventional prisons.

(i) TERMINATION.—The boot camp prison program shall be terminated on the date that is 8 years after the date of establishment of the first boot camp.

(j) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated to the Bureau of Prisons, there are authorized to be appropriated $150,000,000 for fiscal year 1994, to remain available until expended, of which—

(1) not more than $12,500,000 shall be used to convert each closed military base to a boot camp prison; and

(2) not more than $2,500,000 shall be used to operate each boot camp for 1 fiscal year.●

By Mr. DECONCINI (for himself, Mr. DOMENICI, Ms. MIKULSKI, and Mr. LAUTENBERG):

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; to the Committee on Foreign Relations.

FORMER YUGOSLAVIA ASSISTANCE ACT OF 1993

Mr. DECONCINI. Mr. President, one of the most sinister aspects of the ongoing war in the former Yugoslavia is systematic and widespread rape and sexual abuse of women, young girls, and children. Let there be no doubt—rape is a war crime.

Under all circumstances, the Geneva Conventions prohibit torture and degrading or inhumane punishment. Rape has been extensively used as a weapon in the war in Bosnia and Herzegovina.

A recently released report by Amnesty International found that all sides have committed these abuses, but that Moslem women have been the chief victims and the main perpetrators have been members of the Serbian armed forces.

A European Community team of investigators has estimated that as many as 20,000 Moslem women have been raped. The team noted that some of the rapes were carried out in particularly sadistic ways so as to inflict maximum humiliation on the victims.

While it is important that we vigorously pursue the prosecution of those responsible for war crimes in Bosnia and Herzegovina, including rape, we must not forget the victims and their families. I commend my colleagues and nongovernmental organizations who have increased public awareness of widespread rape and sexual abuse in Bosnia and Herzegovina.

Mr. President, I ask unanimous consent that a recent article by Ambassador Kenneth Blackwell be printed in the RECORD at this time.

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

THE RAPES IN BOSNIA

(By Ambassador Kenneth Blackwell)

Evidence is accumulating that the widespread rape of Bosnian Muslim women may be organized and directed by senior Serbian military officers and possibly, political leaders. If so, rape must be placed alongside wanton torture and murder on the long list of unconscionable war crimes in the former Yugoslavia. The 49th Session of the U.N. Commission on Human Rights, now underway in Geneva, affords those nations concerned about this situation an opportunity to do something about it. It is an opportunity the United States does not intend to miss.

Reports indicate that rapes have been committed by all sides in Bosnia-Hercegovina, but that the overwhelming majority are committed by Serbian forces against Muslim women. So far, the U.S. government has been unable to prove that the preponderance of the assaults are committed on orders from Serbian officers, possibly directed by Serbian

political leaders in Bosnia and also in Belgrade. But the fact that the rapes are so widespread and that the victims belong overwhelmingly to one ethnic group suggests that they are more than the incidental acts of individual soldiers.

The exact number of victims is unknown. Recently, a team of investigators from the European Community reported that at least 20,000 women have been raped, some of them killed. The EC team concluded the rapes were an integral part of the ethnic cleansing policy. The Bosnian government's estimate of rape victims ranges from 30,000 to 50,000, most of them Muslim. And it is not just women. Eyewitness accounts have told of girls as young as six or seven being raped, some gang raped. Some have been horribly mutilated as well.

Nongovernmental organizations, such as Amnesty International and the French-based Doctors Without Borders, also say the rapes have been widespread and systematic. Amnesty says the sole purpose of some of the detention camps is rape and that the rapes may be an integral part of ethnic cleansing—a deliberate policy to force Serbian children on Muslim women as a way of destroying Muslim families in Bosnia. Amnesty released a report containing eyewitness accounts just a few weeks ago.

The evidence has been compelling enough for the United Nations Security Council to vote—unanimously—to condemn "atrocities committed against women, particularly Muslim women in Bosnia and Hercegovina."

The United States believes that the persons responsible for the sexual assaults—and just as importantly, the persons who may have ordered them—must be held individually accountable for their actions. The United States has already named high-ranking Serbian officials and others who should be investigated for war crimes, including rape. We will help the U.N. in any way we can to build the evidence necessary against war criminals, to prosecute them to the fullest extent of the law.

The legal precedent for such prosecutions is well established in international law. Any violation of the Geneva Convention is a war crime. Article 27 specifically mentions rape. The systematic use of rape as a weapon of war to achieve political and racial goals—as in ethnic cleansing—may have carried the crime to an historically-unprecedented level that the world must not ignore.

Next to murder, rape is the most serious crime committed against women. But history also demonstrates that women suffer disproportionately from war in all kinds of other ways also. For example, women often take the back seat to men when it comes to scarce food supplies and shelter. The statistics on war refugees tell the story. The data shows that up to two-thirds of refugees are women and children.

Moreover, their suffering is compounded by inferior economic and social status. Some of the Muslim women raped in Bosnia, for example, have been hiding from their families—filled with shame for what happened to them, which is so obviously no fault of their own.

What can be done to remedy the adverse impact of war on women? That women are so frequently the victims of war is testimony not only to their inferior economic and social status in societies across the globe, but also to their under representation in government and in international bodies—human rights organizations included—that can do something about it. We must work to ensure the equitable participation of women in all governments and in all the international organizations. Gender-specific information and documentation should be included in all major studies and reports.

We should also consider the appointment of a special U.N. rapporteur on gender discrimination and violence against women and the strengthening of implementation procedures under the Convention for the Elimination of all Forms of Discrimination Against Women. I believe that women's rights should be fully incorporated into the agenda of the historic World Conference on Human Rights that will take place in Venice later this year. This will be a major opportunity for the world to map out its human rights agenda into the next century. The role and position of women in our world should be among our most pressing concerns.

Finally, the United States strongly supports specific programs aimed at ameliorating the suffering of women in places like the former Yugoslavia. We must devote more resources to women's medical and other needs specifically. The plight of women during wartime has been for too long ignored. The time to remedy the situation is now.

Mr. DECONCINI. Mr. President, as Ambassador Blackwell rightly concludes, we must devote more resources to meet the needs of women and other victims and we must act now.

Mr. President, today I am introducing legislation, together with Senators DOMENICI, MIKULSKI, and LAUTENBERG, authorizing the provision of assistance for the victims of war crimes in the former Yugoslavia, including the victims of torture, rape, and other war crimes and the families of such victims.

To date there has been no concerted or coordinated effort to provide assistance to the victims of such heinous crimes. We cannot wait for the fighting in Bosnia to stop before responding. The victims of rape and other barbarous acts are in desperate need of medical, psychological, psychiatric care, and crisis counseling.

The bill I am introducing today would provide such services, taking advantage of existing expertise in order to make maximum use of limited resources. In this regard, I should mention the outstanding work of the Minnesota-based Center for Victims of Torture.

A nonprofit organization, the center is committed to providing care to survivors of politically motivated torture and their families. The center has treated victims from throughout the world.

The legislation also provides for professional training to other care providers from the region and to rape victims themselves to staff trauma centers in Bosnia and elsewhere in the former Yugoslavia.

We have been shocked and horrified at the atrocities, including mass rape and forced impregnation of women and girls.

Statements of condemnation alone will bring no comfort to the victims. We must do more. I urge my colleagues to support this legislation as a demonstration of our commitment to come to the aid of the most vulnerable victims—women and children.

Mr. President, I ask unanimous consent that Mr. WELLSTONE be added as a cosponsor.

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

Mr. DECONCINI. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 416

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) the loss of life and human suffering in Bosnia-Herzegovina has reached an unprecedented scale in post-World War II Europe;

(2) war and "ethnic cleansing" in Bosnia-Herzegovina has uprooted more than 1.5 million people, contributing to the largest refuge problem in Europe since World War II;

(3) the people of Bosnia-Herzegovina have been subjected to organized, systematic, and premeditated war crimes and genocide, including willful killings, rape, forced impregnation, abuse of civilians in detention centers, deliberate attacks on noncombatants, "ethnic cleansing" through the forcible expulsion and deportation of civilians, and torture of prisoners; and

(4) there has been no concerted and coordinated effort to provide assistance to the victims of such acts and their families to meet their short- and long-term needs.

SEC. 2. AUTHORIZATION OF ASSISTANCE.

(a) ELIGIBILITY FOR ASSISTANCE.—The President is authorized to provide assistance under this section for victims of torture, including rape and other war crimes, and for the families of such victims, in the former Yugoslavia, with a particular focus on victims of the war in Bosnia-Herzegovina.

(b) DESCRIPTION OF ASSISTANCE.—Assistance authorized by subsection (a) includes such activities as—

(1) the provision of medical, psychological, and psychiatric care and crisis counseling for victims of war crimes stemming from the conflict in the former Yugoslavia, whether in the United States or abroad;

(2) the training of persons within the former Yugoslavia, including those who have been the victims of torture and those of the Moslem faith, to provide medical, psychological, and psychiatric care and crisis counseling; and

(3) the procurement of necessary medical and training supplies.

(c) COORDINATION OF ASSISTANCE EFFORTS.—Assistance authorized by subsection (a) shall be coordinated by the Administrator of the Agency for International Development and channeled through such governments, international organizations, and nongovernmental organizations as the Administrator determines appropriate to reach those in need.

(d) SPECIAL AUTHORITY.—Assistance authorized by subsection (a) may be made available notwithstanding any other provision of law except the provisions of section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(f)).

SEC. 3. DEFINITION.

For purposes of this Act, the term "former Yugoslavia" means the territory covered by

the former Socialist Federal Republic of Yugoslavia, consisting of the republics of Serbia, Montenegro, Slovenia, Croatia, Macedonia, and Bosnia-Herzegovina, without regard to diplomatic recognition by the United States of any republic.

By Mr. PACKWOOD (for himself, Mr. DANFORTH, and Mr. BAUCUS):

S. 417. A bill to exempt semiconductors from the country of origin marking requirements under the Tariff Act of 1930; to the Committee on Finance.

SEMICONDUCTOR MARKINGS ACT OF 1993

Mr. PACKWOOD. Mr. President, in the last Congress, I introduced a bill of great significance to the U.S. semiconductor industry. I rise today, along with Senators BAUCUS and DANFORTH, to reintroduce this bill which will eliminate the country-of-origin marking requirements for semiconductors and their containers classified in headings 8541 and 8542 of the Harmonized Tariff Schedule of the United States. The products provided for under these headings include diodes, transistors, integrated circuits, and microassemblies.

This bill will resolve a critical problem for the U.S. semiconductor industry which arises from the different methods various countries have for determining origin of these products. In particular, the United States determines origin based on the country of final assembly, whereas the European Community determines origin based on the country in which the diffusion process takes place, that is, the point where the wafer fabrication occurs.

The result is that a product shipped to the United States that complies with U.S. marking requirements may violate EC law when shipped to any EC destination. This anomaly arises because, while the EC does not require marking, it does require that a product not be mislabeled. To avoid violating EC member-State law, the producer would have to remove the U.S.-required marking before export from the United States. Removal of markings is costly and may be a violation of U.S. law.

The elimination of the marking requirements of U.S. law for semiconductors will resolve this problem, and will result in significant cost savings to the companies involved. Furthermore, country-of-origin markings serve predominantly to provide product information to consumers. However, very few semiconductors are sold at retail, and therefore consumer information is not at issue. Computer companies and other purchasers of semiconductors will, in most cases, still be able to determine the origin of the product through other available sources.

This bill also eliminates the marking requirements for semiconductor containers. This provision is as necessary and important as the elimination of the marking requirement for semiconductors themselves because containers face the same origin-related issue when shipped to the European Community.

Mr. President, this bill will be an important cost-saving measure for semiconductor companies such as Intel Corp., the second largest industrial employer in my own State of Oregon, with 4,900 full-time employees currently, and more expected in the future.

I would like to note, Mr. President, that this bill will not have a negative revenue impact. In fact, there may be a small revenue gain from eliminating enforcement of country-of-origin requirements on these products. Finally, Mr. President, there is widespread support for the bill from the industry and no known opposition from the administration.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, and that my statement appear in the RECORD immediately thereafter.

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

S. 417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—

(1) by striking "Except as hereinafter provided," at the beginning of subsection (a) and inserting "Except as otherwise provided in this section,";

(2) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(3) by inserting after subsection (e) the following new subsection:

"(f) EXEMPTION FROM MARKING FOR SEMICONDUCTORS.—Articles provided for in headings 8541 and 8542 of the Harmonized Tariff Schedule of the United States and their containers are exempt from the marking requirements of subsection (a).".

By Mr. DANFORTH (for himself, Mr. BAUCUS, Mr. BOND, and Mrs. MURRAY):

S. 418. A bill to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to Airbus Industrie; to the Committee on Finance.

CIVIL AIRCRAFT TRADE ENFORCEMENT ACT OF 1993

• Mr. DANFORTH. Mr. President, on behalf of myself, Senators BAUCUS, BOND, and MURRAY, I am introducing today the Civil Aircraft Trade Enforcement Act of 1993.

In 1990, the Commerce Department released an independent analysis that concluded that the European aircraft consortium, Airbus Industrie, had received nearly $26 billion in subsidies from the Governments of France, Germany, and the United Kingdom as of 1989. The Commerce Department study also concluded that there is little likelihood that these government subsidies will be repaid in full, and that Airbus Industrie programs, taken individually or as a group, have not been and will not become commercially viable in the foreseeable future.

Airbus Industrie's worldwide market share of jet aircraft orders has increased from 7 percent in 1980 to 28 percent in 1992, while the market share for U.S. aircraft manufacturers has declined from 88 percent in 1980 to 63 percent in 1992. U.S. imports of Airbus Industrie commercial aircraft have increased from $133 million in 1981 to $844 million in the first three quarters of 1992. Airbus' share of the U.S. market for commercial jets also has increased dramatically in the 1980's. In 1980, it had no orders for the U.S. market. By 1992, it had captured 44 percent of all U.S. commercial jet orders.

The rise of Airbus has caused serious injury to the U.S. commercial aircraft manufacturing industry. Employment has declined from approximately 326,000 jobs in 1989 to an estimated 266,000 jobs in 1993.

If Airbus Industrie continues to sell its aircraft at subsidized prices, U.S. manufacturers will lose market share even while being pressured to lower their own prices. As a consequence, both current and expected profits for U.S. manufacturers will decline due to continued government subsidies to Airbus.

Mr. President, the countervailing duty law was written to provide a remedy for U.S. industry hit by this type of unfair foreign trade practice. Unfortunately, rather than enforcing our trade law, the executive branch prefers unending negotiations. To add insult to injury, last year the U.S. Trade Representative signed an agreement with the European Community that legitimatized the subsidies to Airbus rather than eliminating them. The $26 billion in subsidizes already committed to Airbus were not affected at all by the agreement, and new Airbus aircraft programs could still receive up to 33 percent in development support.

It is my firm belief that the only real way to get at the $26 billion in subsidies already committed to Airbus is by enforcing our countervailing duty law. And this is what I propose to do. The legislation I am introducing today requires the Commerce Department to initiate a countervailing duty investigation with respect to commercial aircraft produced by Airbus Industrie.

The provisions of the act are straightforward. The Secretary of Commerce is directed to begin collecting information within 5 days of the enactment of the act regarding subsidies provided by France, Germany, and the United Kingdom to Airbus Industrie member companies. The Secretary also is directed to collect information as to whether the U.S. commercial aircraft industry is materially injured or threatened with material injury by reason of imports of Airbus aircraft.

Within 45 days of the enactment of the act, the Department of Commerce is required to initiate a countervailing duty investigation pursuant to section 702(a) of the Tariff Act of 1930. The regular requirements and deadlines under the countervailing duty law will apply to the Airbus investigation.

Under the countervailing duty law, the Department of Commerce may suspend the investigation against Airbus if the Governments of France, Germany, and the United Kingdom sign an agreement with the United States to eliminate or offset completely the subsidies to Airbus Industrie, or eliminate completely the injurious effect of sales of Airbus aircraft in the United States.

Mr. President, I urge my colleagues to give this legislation their serious consideration. I ask unanimous consent that the full text of the bill 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. 418

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 "Civil Aircraft Trade Enforcement Act of 1993".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress makes the following findings:

(1) Airbus Industrie is a multinational consortium of 4 aircraft manufacturers organized to develop, produce, and sell large civil aircraft.

(2) Airbus Industrie's shareholders are Aerospatiale of France, British Aerospace of the United Kingdom, Deutsche Aerospace of the Federal Republic of Germany, and Construcciones Aeronauticas S.A. of Spain.

(3) The governments of the countries of the Airbus Industrie member companies have signed agreements guaranteeing political and financial support for Airbus Industrie's aircraft programs.

(4) The United States Department of Commerce has commissioned an analysis of the various Airbus Industrie aircraft programs in order to advise the United States Government regarding the economic performance of Airbus Industrie programs, to document the past levels of government support provided to the Airbus Industrie member companies by their respective governments, to assess the financial viability of Airbus Industrie aircraft programs to determine whether such programs could have been undertaken by a commercial entity, and to examine the effects of Airbus Industrie on the United States aircraft, aircraft engine, and avionics manufacturing industries.

(5) The Department of Commerce analysis concluded that—

(A) the governments of France, the Federal Republic of Germany, and the United Kingdom provided $8,200,000,000 to support Airbus Industrie member companies through 1989,

(B) another $2,300,000,000 in government support had been pledged as of 1989 for the Airbus A330/A340 program,

(C) the government of the Federal Republic of Germany committed $3,000,000,000 to Deutsche Aerospace as part of the merger between Daimler-Benz and MBB, the parent company of Deutsche Aerospace,

(D) the total government funds committed to Airbus Industrie would be valued at $25,900,000,000, if Airbus Industrie were required to pay commercial rates for the government support it received through 1989,

(E) the governments of the countries of the Airbus Industrie member companies have provided almost 75 percent of the development funds for the various Airbus Industrie aircraft,

(F) the financial analysis of Airbus Industrie indicates that there is little likelihood that this government support will be repaid in full,

(G) Airbus Industrie programs, taken individually or as a group, have not been and will not become commercially viable in the foreseeable future; all programs have a negative net present value when the cash flows are discounted at the average commercial borrowing rate in Europe,

(H) if Airbus Industrie continues to sell its aircraft at subsidized prices, United States aircraft manufacturers will lose market share even while being pressured to lower their own prices,

(I) as a consequence, both current and expected profits for United States aircraft manufacturers will decline due to continued government support for Airbus Industrie programs,

(J) reduced profits on current United States aircraft programs have significant impacts because United States aircraft manufacturers have traditionally relied heavily upon internally generated funds to make the necessary multibillion dollar investments in new aircraft programs, and

(K) lower than expected profits on existing United States aircraft programs may discourage the introduction of new, advanced-technology United States aircraft at the same time that Airbus Industrie is introducing advanced technology models.

(6) Airbus Industrie's worldwide market share of jet aircraft orders has increased from 7 percent in 1980 to 28 percent in 1992, while the worldwide market share for United States aircraft manufacturers has declined from 88 percent in 1980 to 63 percent in 1992.

(7) Airbus Industrie's market share of United States jet aircraft orders has increased from zero percent in 1980 to 44 percent in 1992, while the United States market share for United States aircraft has declined from 100 percent in 1980 to 56 percent in 1992.

(8) United States imports of Airbus Industrie large civil aircraft have increased from $133,000,000 in 1981 to $844,000,000 in the first 3 quarters (January-September) of 1992.

(9) Employment in the United States civil aircraft manufacturing industry has declined from approximately 326,000 positions in 1989, to an estimated 266,000 positions in 1993.

(b) PURPOSE.—The purpose of this Act is to initiate a countervailing duty investigation with respect to large civil aircraft produced by Airbus Industrie.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(2) COMMISSION.—The term "Commission" means the United States International Trade Commission.

(3) LARGE CIVIL AIRCRAFT.—The term "large civil aircraft" means aircraft, other than military aircraft, described in subheading 8802.40.00 of the Harmonized Tariff Schedule of the United States.

(4) ADMINISTERING AUTHORITY.—The term "administering authority" has the meaning given such term by section 771(1) of the Tariff Act of 1930 (19 U.S.C. 1677(1)).

(5) INTERESTED PARTY.—The term "interested party" has the meaning given such term by section 771(9) of the Tariff Act of 1930 (19 U.S.C. 1677(9)).

SEC. 4. INITIATION OF COUNTERVAILING DUTY INVESTIGATION.

(a) COLLECTION OF INFORMATION.—Not later than 5 days after the date of the enactment of this Act, the Secretary shall begin collecting information regarding—

(1) subsidies provided by France, the Federal Republic of Germany, and the United Kingdom to Airbus Industrie member companies with respect to the manufacture, production, and exportation of large civil aircraft imported or sold for importation into the United States, and

(2) whether the United States large civil aircraft manufacturing industry is materially injured, or is threatened with material injury, by reason of imports of Airbus Industrie large civil aircraft, or by reason of sales (or the likelihood of sales) of Airbus Industrie large civil aircraft for importation.

(b) INITIATION OF INVESTIGATION.—Not later than 45 days after the date of the enactment of this Act, the administering authority shall initiate a countervailing duty investigation pursuant to section 702(a) of the Tariff Act of 1930 (19 U.S.C. 1671a(a)) with respect to imports and sales for import of civil aircraft manufactured by Airbus Industrie.

(c) APPLICATION OF TITLE VII OF THE TARIFF ACT OF 1930.—Except as otherwise provided in this Act, the provisions of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) shall apply to the countervailing duty investigation initiated under this section with respect to Airbus Industrie.

(d) TERMINATION OR SUSPENSION OF INVESTIGATION.—

(1) TERMINATION.—Subsections (a) and (k) of section 704 of the Tariff Act of 1930 (19 U.S.C. 1671c) shall not apply to the investigation initiated pursuant to subsection (b) of this section.

(2) SUSPENSION.—The investigation initiated pursuant to subsection (b) of this section may be suspended pursuant to subsection (b) or (c) of section 704 of such Act, if the requirements of paragraph (3) are satisfied.

(3) SUSPENSION OF INVESTIGATION PROCEDURE.—The requirements of this paragraph are satisfied, if, not less than 30 days before suspending the investigation, the administering authority—

(A) notifies the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, the Commission, and other parties to the investigation, of the administering authority's intention to suspend the investigation,

(B) consults with such committees regarding such suspension,

(C) provides a copy of the proposed agreement to such committees, together with an explanation of—

(i) how the agreement will be carried out and enforced,

(ii) how the agreement meets the requirements of either subsections (b) and (d) of section 704 of the Tariff Act of 1930, or subsections (c) and (d) of such section 704, and

(iii) any action required of the foreign governments, and

(D) permits all interested parties to submit comments and information for the record before the date on which notice of suspension of the investigation is published.•

By Mr. DANFORTH (for himself, Mr. ROCKEFELLER, Mr. GORTON, Mr. LIEBERMAN, Mr. BAUCUS,

Mr. BOND, Mr. DODD, Mrs. MURRAY, AND Mr. RIEGLE):

S. 419. A bill to provide for enhanced cooperation between the Federal Government and the United States commercial aircraft industry in aeronautical technology research, development, and commercialization, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AERONAUTICAL TECHNOLOGY CONSORTIUM ACT OF 1993

• Mr. DANFORTH. Mr. President, on behalf of myself and Senators ROCKEFELLER, GORTON, LIEBERMAN, BAUCUS, BOND, DODD, MURRAY and RIEGLE, I am introducing today the Aeronautical Technology Consortium Act of 1993.

A strong commercial aircraft industry is critical to the health of the United States economy: According to the Congressional Research Service, for every additional dollar of aircraft shipments, output of the economy increases by $2.31. A health commercial aircraft industry is also critical to our national security because of the synergies between commercial and military aeronautical technologies. A strong aircraft industry is also essential to preserve the technology base required for national security needs.

While the United States has dominated the world commercial aircraft market, the U.S. commercial aircraft industry is facing two critical challenges: significant cutbacks in defense procurement and related military spending, and the growing competitive strength of the European aircraft consortium, Airbus Industrie.

According to a 1990 Department of Commerce study, Airbus Industrie has received almost $26 billion in government subsidies over two decades. By 1992, these subsidies had permitted Airbus to capture 28 percent of the world market for commercial aircraft, and 44 percent of the U.S. market.

The rise of Airbus and the recent decline in defense spending have had significant impacts on the U.S. aerospace industry. Total employment in the industry dropped from 1,331,000 jobs in 1989 to an estimated 991,000 in 1993. This is a loss of 340,000 jobs—fully 25 percent of the workforce—in just 4 years.

In the face of these challenges, the Federal Government must act. The Federal Government already spends nearly $10 billion annually on aeronautical research and development. Two-thirds of this money goes for military purposes. The remainder is for government-selected projects, rather than industry-led efforts to promote the competitiveness of the U.S. commercial aircraft industry.

This legislation would change this situation. The Aeronautical Technology Consortium Act establishes a program to coordinate and redirect Federal aeronautical research and development programs to make them more effective in promoting the competitiveness of the U.S. industry. The Act also creates an industry advisory committee to advise on the best use of Federal aeronautical research and development programs to assist the U.S. commercial aircraft industry.

This legislation further directs the Federal Government to provide financial assistance to an industry-led consortium of U.S. aircraft manufacturing companies: Aerotech. The consortium—modeled on Sematech, the semiconductor manufacturing technology consortium—would combine Federal research assistance with industry contributions to fund industry-selected projects relating to research, development, and commercialization of aeronautical technologies, as well as the transfer and conversion to commercial applications of aeronautical technologies developed for military purposes. Funding of the consortium will be equally divided between the Federal Government and industry participants.

Mr. President, for too long we have stood by and watched as Airbus has succeeded at the expense of U.S. manufacturers. Aerotech will not fully offset the damage caused by the huge subsidies to Airbus, but it is a start. I believe this approach is consistent with the Clinton administration's recently articulated technology policy, and I look forward to working with the new administration on this important issue. This legislation is a work in progress, and I welcome the suggestions of my colleagues on improvements for the bill.

Mr. President, I ask unanimous consent that the text of the bill 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. 419

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aeronautical Technology Consortium Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) a strong commercial aircraft industry is critical to the health of the United States economy: aircraft production in the United States affects nearly 80 percent of the economy, and for every additional dollar of shipments of aircraft, output of the economy increases by an estimated $2.30;

(2) a strong commercial aircraft industry is critical to the national security of the United States because of the synergies between commercial and military aeronautical technologies and the need for a strong advanced technology industrial base;

(3) the National Critical Technologies Panel has identified aeronautics as one of twenty-two categories or technologies critical to the national economic prosperity and to national security;

(4) while the United States has traditionally dominated the world commercial aircraft market, the United States aircraft industry is facing two critical challenges: significant cutbacks in defense procurement and related military spending, and the growing competitive strength of the European aircraft consortium, Airbus Industrie;

(5) Airbus Industrie, a consortium of four European aircraft manufacturing companies that have received almost $26 billion in government subsidies over two decades, has developed a family of competitive aircraft models and has captured one-fourth of the world market for large civil aircraft;

(6) in 1992, the United States signed an agreement with the European Community that permits the European governments to continue to subsidize up to 33 percent of the development costs of new large civil aircraft;

(7) given current and expected reductions in defense spending and increased competitive pressures in the commercial aircraft market, it is critical for the Federal Government to coordinate its aeronautics and related programs and redirect these resources to assist the United States commercial aircraft industry to meet the competitive challenge from Airbus Industrie;

(8) the Federal Government has played an active role in research and development of aeronautical technologies since the National Advisory Committee on Aeronautics (NACA) was created in 1915;

(9) in recent years, however, Federal Government support for aerospace research and development has focused overwhelmingly on military and space technologies;

(10) Federal programs relating to aeronautics research and development today are spread among a number of different agencies and departments, including the Departments of Defense, Transportation, and Commerce, as well as the National Aeronautics and Space Administration and the National Science Foundation;

(11) Federal financial assistance to the semiconductor industry consortium known as Sematech has been successful in improving the competitiveness of the United States semiconductor industry;

(12) the Federal Government should use Sematech as a model in developing a program to provide financial assistance to an industry-led consortium of United States commercial aircraft manufacturing companies; and

(13) such a government-industry consortium should focus its efforts on research, development, and commercialization of new aeronautical technologies and related manufacturing technologies, as well as the transfer and conversion of aeronautical technologies developed for national security purposes to commercial applications for large civil aircraft.

(b) PURPOSE.—The purpose of this Act is to strengthen and assist the United States commercial aircraft industry by—

(1) providing for an interagency aeronautical technology program to coordinate and expand Federal research and development programs relating to aeronautical technologies and related manufacturing technologies; and

(2) assisting the United States commercial aircraft industry in developing an Aeronautical Technology Consortium for the purpose of providing Federal assistance to industry-led joint ventures established for research, development, and commercialization of aeronautical technologies and related manufacturing technologies applicable to large civil aircraft.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) The term "Director" means the Director of the Office of Science and Technology Policy.

(2) The term "eligible firm" means a company or other business entity that, as determined by the Secretary of Commerce—

(A) conducts a significant level of its research, development, engineering, and manufacturing activities in the United States; and

(B) either—

(i) is a United States-owned company; or

(ii) is a company incorporated in the United States and has a parent company which is incorporated in a country the government of which—

(I) affords United States-owned companies opportunities, comparable to those afforded any other company, to participate in research and development consortia to which the government of that country provides funding directly or provides funding indirectly through international organizations or agreements; and

(II) affords adequate and effective protection for the intellectual property rights of United States-owned companies.

Such term includes a consortium of such companies or other business entities, as determined by the Secretary of Commerce.

(3) The term "Federal laboratory" has the meaning given such term in section 4(6) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(6)).

(4) The term "joint venture" has the meaning given such term in section 28(j)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(j)(1).

(5) The term "large civil aircraft" means all aircraft that are designed for passenger or cargo transportation and have 100 or more passenger seats or its equivalent in cargo configuration.

(6) The term "manufacturing technology" means techniques and processes designed to improve manufacturing quality, productivity, and practices, including engineering design, quality assurance, concurrent engineering, continuous process production technology, energy efficiency, waste minimization, design for recyclability or parts reuse, shop floor management, inventory management, worker training, and communications with customers and suppliers, as well as manufacturing equipment and software.

(7) The term "United States-owned company" means a company or other business entity the majority ownership or control of which is by United States citizens.

SEC. 4. AERONAUTICAL TECHNOLOGY PROGRAM.

(a) ESTABLISHMENT.—The President shall establish an Aeronautical Technology Program (hereinafter in this Act referred to as the "Program"), which shall—

(1) provide for interagency coordination of Federal research and development programs relating to aeronautical technologies and related manufacturing technologies;

(2) provide a mechanism for private industry comment and guidance regarding the cost-effectiveness and commercial practicability of existing and proposed Federal research and development programs relating to aeronautical technologies and related manufacturing technologies;

(3) promote, to the maximum extent practicable, the transfer and conversion to commercial applications of aeronautical technologies developed for national security purposes;

(4) coordinate and expand existing Federal research and development programs relating to—

(A) subsonic aeronautics, and

(B) supersonic aeronautics,

with particular focus on government-industry cooperative programs to develop large civil aircraft beyond the financial means of any single company;

(5) assist the United States commercial aircraft industry in developing an Aeronautical Technology Consortium for the purpose of providing Federal assistance to industry-led joint ventures established for research, development, and commercialization of aeronautical technologies and related manufacturing technologies applicable to large civil aircraft; and

(6) establish other goals and priorities for Federal research and development programs relating to aeronautical technologies and related manufacturing technologies.

(b) NATIONAL AERONAUTICS STRATEGY.—

(1) IN GENERAL.—The President, acting through the Coordinating Committee established in subsection (c), shall develop a National Aeronautics Strategy (hereafter in this Act referred to as the "Strategy") to implement the Program. The Strategy shall contain specific recommendations for a 5-year national effort, to be submitted to the Congress within 6 months after the date of enactment of this Act.

(2) CONTENTS OF STRATEGY.—The Strategy shall—

(A) establish the specific goals and priorities for the Program for the fiscal year in which the Strategy is submitted and the succeeding 4 fiscal years;

(B) set forth the role of each Federal agency and department in implementing the Program;

(C) describe the levels of Federal funding for each agency and specific research, development, and commercialization activities required to achieve such goals and priorities;

(D) take into account the recommendations of the Advisory Committee established in section 6; and

(E) consider and use, as appropriate, reports and studies conducted by Federal agencies and departments, the National Research Council, or other entities.

(3) FEDERAL AGENCIES AND DEPARTMENTS TO BE ADDRESSED.—The Strategy shall address, where appropriate, the relevant programs and activities of—

(A) the Department of Defense, particularly the Department of the Air Force, the Department of the Navy, and the Defense Advanced Research Projects Agency;

(B) the Department of Commerce, particularly the National Institute of Standards and Technology;

(C) the Department of Transportation, particularly the Federal Aviation Administration;

(D) the National Aeronautics and Space Administration;

(E) the National Science Foundation;

(F) the Federal laboratories; and

(G) such other agencies and departments as the President or the Coordinating Committee considers appropriate.

(c) COORDINATING COMMITTEE.—

(1) AUTHORITY; COMPOSITION.—The Program shall be administered by an Aeronautical Technology Coordinating Committee (hereafter in this Act referred to as the "Coordinating Committee") composed of the following officials:

(A) The Director, who shall be chairperson.

(B) The Secretary of Defense.

(C) The Secretary of Commerce.

(D) The Secretary of Transportation.

(E) The Administrator of the National Aeronautics and Space Administration.

(F) The Director of the National Science Foundation.

(2) FUNCTIONS.—The Coordinating Committee shall—

(A) serve as the lead entity responsible for implementation of the Program;

(B) coordinate all Federal research and development programs relating to aeronautical technologies and related manufacturing technologies;

(C) consult regularly with and seek recommendations from the Advisory Committee established by section 6;

(D) consult with academic, State, industry, and other appropriate groups conducting research on and using aeronautical technologies; and

(E) submit to the Congress an annual report, along with the President's annual budget request, describing the implementation of the Program.

SEC. 5. AERONAUTICAL TECHNOLOGY CONSORTIUM.

(a) IN GENERAL.—Under the Program, the Coordinating Committee shall provide assistance to an Aeronautical Technology Consortium (hereafter in this Act referred to as the "Consortium"), which shall consist of all eligible firms that—

(1) are engaged in research, development, testing, demonstration, or production of aeronautical technology applicable to the production of large civil aircraft;

(2) are selected by the Coordinating Committee, through the Director, on the basis of the criteria specified under subsection (d); and

(3) are necessary to enable the Consortium to achieve its purpose as described under subsection (b).

(b) PURPOSE.—The purpose of the Consortium is to conduct industry-led joint ventures relating to—

(1) manufacturing technologies applicable to the production of large civil aircraft;

(2) the transfer and conversion of aeronautical technologies developed for national security purposes to commercial applications for large civil aircraft;

(3) subsonic aeronautical technologies applicable to the development and production of large civil aircraft; and

(4) supersonic aeronautical technologies applicable to the development and production of large civil aircraft.

(c) ASSISTANCE TO BE PROVIDED.—In providing assistance to the Consortium, the Coordinating Committee, acting through the Director, shall—

(1) provide financial and other assistance to the United States commercial aircraft industry in the formation of the Consortium;

(2) support the Consortium, and such subordinate joint ventures as the Consortium may establish, by making available equipment, facilities, and personnel;

(3) aid the Consortium, and such subordinate joint ventures as the Consortium may establish, by means of grants, cooperative agreements, contracts, and provision of organizational and technical advice;

(4) enter into contracts and cooperative agreements in support of the Consortium with independent research organizations, institutions of higher education, and agencies of State and local governments;

(5) involve the Federal laboratories in the Consortium, where appropriate, using among other authorities the cooperative research and development agreements provided for under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a); and

(6) carry out, in a manner consistent with this section, such other cooperative research activities with the Consortium and joint ventures as may be authorized by law or assigned to the Coordinating Committee by the President.

(d) SELECTION OF CONSORTIUM PARTICIPANTS.—The criteria for selection of industry

participants in the Consortium, as referred to in subsection (a)(2), are as follows:

(1) The extent of present participation of the eligible firm in Federal research and development programs relating to aeronautical technologies and related manufacturing technologies.

(2) The extent of present commercial activity of the eligible firm relating to the development and production of large civil aircraft, engines, advanced materials, avionics, and other related components.

(3) The extent of present commercial activity of the eligible firm relating to aeronautical technologies developed for national security purposes that may have commercial applications for large civil aircraft.

(4) The technical excellence of the eligible firm.

(5) The extent of financial commitment of the eligible firm to the Consortium.

(6) Such other criteria that the Director prescribes.

(e) CHARTER; OPERATING PLAN.—The Consortium shall have—

(1) a charter, agreed to by all industry participants in the Consortium, that meets requirements established by the Coordinating Committee; and

(2) an annual operating plan that is developed in consultation with the Coordinating Committee and the Advisory Committee established in section 6.

(f) FINANCIAL COMMITMENT OF INDUSTRY PARTICIPANTS.—

(1) IN GENERAL.—The Director shall ensure that, to the maximum extent the Director determines to be practicable, the total amount of the funds provided by the Federal Government to the Consortium does not exceed the total amount provided by the industry participants in the Consortium.

(2) AUTHORITY TO EXCEED 50 PERCENT FEDERAL FUNDING.—Nothing in this subsection shall be construed to prohibit the Federal Government from providing greater than 50 percent of the funds for any individual joint venture, project, or program where the Director determines such funding to be consistent with the goals of the Program.

(3) CONSIDERATION OF IN-KIND CONTRIBUTIONS.—The Director shall prescribe regulations to provide for consideration of in-kind contributions by industry participants in the Consortium and joint ventures for the purpose of determining the share of the funds that have been or are being provided by such participants.

(g) MERIT REVIEW.—No contract or other award for a research project may be made under this section until the research project in question has been subject to a merit review, and, in the opinion of the reviewers appointed by the Director, has been shown to have scientific and technical merit.

(h) OVERSIGHT OF CONSORTIUM ACTIVITIES.—The Coordinating Committee, acting through the Director, shall take such actions as are necessary and appropriate to ensure that the Consortium's activities help to achieve the purposes of this Act, including—

(1) prescribing regulations for the purposes of this section;

(2) establishing procedures for the use by the Coordinating Committee of funds authorized to a particular Federal agency or department that is participating in the Consortium;

(3) establishing procedures regarding financial reporting and auditing to ensure that contracts and other awards are used for the purposes specified in this section and are in accordance with sound accounting practices;

(4) monitoring how technologies developed through the Consortium are used, and reporting to the Congress on the extent of any overseas transfer of those technologies;

(5) assuring that the recommendations of the Advisory Committee established in section 6 are considered routinely in carrying out the responsibilities of the Coordinating Committee under this Act; and

(6) providing for the expeditious and timely transfer of technology developed and owned by the Consortium to the participants in the Consortium.

(i) EXPORT OF AERONAUTICAL TECHNOLOGY.—Any export of materials, equipment, and technology developed by the Consortium in whole or in part with financial assistance provided under this section shall be subject to the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) and shall not be subject to the Arms Export Control Act.

(j) FREEDOM OF INFORMATION ACT.—Section 552 of title 5, United States Code, shall not apply to the following information obtained by the Federal Government on a confidential basis in connection with the activities of any industry participant in the Consortium:

(1) information on the business operation of any industry participant in the Consortium; and

(2) intellectual property, trade secrets, and technical data possessed by any industry participant in the Consortium.

(k) INTELLECTUAL PROPERTY.—

(1) DISCLOSURE LIMITATIONS.—Notwithstanding any other provision of law, intellectual property, trade secrets, and technical data owned and developed by the Consortium or any industry participant in the Consortium may not be disclosed by any officer or employee of the Federal Government except in accordance with a written agreement between the owner or developer and the Director.

(2) TITLE TO AND LICENSING OF INVENTIONS AND PATENTS.—Title to any invention or patent arising from assistance provided under this section shall vest in a company or companies incorporated in the United States. The Federal Government may reserve a nonexclusive, nontransferable, irrevocable paid-up license, to have practiced for or on behalf of the Federal Government, in connection with any such invention or patent, but shall not, in the exercise of such license, publicly disclose proprietary information related to the license. Title to any such invention or patent shall not be transferred or passed, except to a company incorporated in the United States, until the expiration of the first patent obtained in connection with such invention. For purposes of this paragraph, the term "invention or patent" means an invention patentable under title 35, United States Code, or any patent on such an invention.

(3) LICENSING TO COMPANIES.—Nothing in this subsection shall be construed to prohibit the licensing, to any company, of intellectual property rights arising from assistance provided under this section.

SEC. 6. AERONAUTICAL TECHNOLOGY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established an Aeronautical Technology Advisory Committee (hereinafter in this Act referred to as the "Advisory Committee").

(b) FUNCTIONS.—The Advisory Committee shall advise the Coordinating Committee and the Consortium on—

(1) the Strategy and other appropriate goals and priorities for the Program, and how best to achieve those goals;

(2) the operating plan of the Consortium;

(3) the annual progress of the Program and the Consortium in meeting the requirements of section 4(a) and, in the first 5 years, the Strategy;

(4) organizational and programmatic reforms which would improve the effectiveness of Federal research and development programs relating to aeronautical technologies and related manufacturing technologies in promoting the competitiveness of the United States commercial aircraft industry;

(5) mechanisms for private industry comment and guidance regarding the cost-effectiveness and commercial practicability of existing and proposed Federal research and development programs relating to aeronautical technologies and related manufacturing technologies;

(6) policies and mechanisms to promote the transfer and conversion to commercial applications of aeronautical technologies developed for national security purposes; and

(7) other goals and priorities for Federal research and development programs relating to aeronautical technologies and related manufacturing technologies.

(c) MEMBERSHIP.—The Advisory Committee shall be composed of 12 members, who shall be appointed by the President from among individuals who, because of their experience and accomplishments in the field of aeronautics and related technological and scientific fields, are exceptionally qualified to analyze and recommend policy relating to aeronautical technology research and development. Membership of the Advisory Committee shall be composed of representatives of—

(1) large civil aircraft manufacturing companies;

(2) aircraft engine manufacturing companies;

(3) advanced materials companies;

(4) avionics and other systems companies;

(5) other subcontractor firms engaged in aeronautical technology research, development, and production; and

(6) Federal laboratories, universities, and independent research institutes.

(d) TERMS OF MEMBERSHIP.—Each member of the Advisory Committee shall be appointed for a term of 3 years, except that of the members first appointed, four shall be appointed for a term of 1 year, four shall be appointed for a term of 2 years, and four shall be appointed for a term of 3 years, as designated by the President at the time of the appointment. A member of the Advisory Committee may serve after the expiration of the member's term until a successor has taken office.

(e) CHAIRPERSON.—The President shall appoint one member of the Advisory Committee to serve as chairperson.

(f) QUORUM.—Seven members of the Advisory Committee shall constitute a quorum.

(g) MEETINGS.—The Advisory Committee shall meet at least quarterly at the call of the chairperson or one-third of its members, and at the call of the Coordinating Committee.

(h) COMPENSATION AND EXPENSES.—

(1) NO COMPENSATION FOR MEMBERS.—Each member of the Advisory Committee shall serve without compensation.

(2) TRAVEL EXPENSES AUTHORIZED.—While away from their homes or regular places of business in performance of the duties of the Advisory Committee, members of the Advisory Committee shall be allowed travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code.

(i) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Office of Science and Technology Policy,

to carry out the provisions of this Act, such sums as may be necessary for the fiscal years 1994 and 1995.

• Mr. GORTON. Mr. President, the recent announcement of huge layoffs at Boeing brought a great deal of heartache and worry for thousands of families in Puget Sound.

Unfortunately, there is no single bill, nor a single solution, to fix Boeing's or the industry's troubles. In fact, the overall health of the economy, both here and abroad, probably has more effect on the industry than any other single variable.

But, government does have a responsibility, and I feel that I have a personal responsibility, to try to find ways to address and improve the health of the industry, not only for today but for tomorrow.

Within days, I hope, Congress will enact legislation forming a blue ribbon commission to study, and quickly report back, recommendations to assist the airlines and the aerospace industry. I have already outlined a number of components that I believe are essential in dealing with this problem, including: addressing the problems caused by bankrupt carriers, the need to assure funding for the Eximbank, the need to provide tax incentives to the industry, and the need not to impose new costs upon them.

I have worked with JACK DANFORTH, and joined him as a cosponsor of the Aeronautical Technology Consortium Act of 1993, because I believe it provides an important long-term strategy to help America's aerospace industry.

Too often, we have seen the United States give up our lead in critical technologies and lose our manufacturing base to foreign competition. This cannot be allowed to happen in aerospace.

The bill, being introduced today, is patterned after the highly successful Sematech consortium that has worked so well for America's semiconductor industry. The Aerotech bill envisions the same type of private/public partnership for aerospace research and development.

It is critically important to understand what this bill is not—it is not industrial policy. Industrial policy is when government tries to decide what is best for industry. This bill is just the opposite—this consortium will be industry-driven. Industry, not government will be in the lead.

Decreasing funding for the defense industry and increased worldwide market share of Airbus planes have had a very negative impact on U.S. aerospace manufacturers. We have an opportunity, now, to try to take advantage of aerospace research and development dollars that primarily have been used for defense purposes, and try to use them to promote the competitiveness of the U.S. commercial aircraft industry.

I look forward to working with Senator DANFORTH as we continue to refine this bill, and I appreciate his work leading to its introduction today.•

• Mr. LIEBERMAN. Mr. President, I rise today, to cosponsor with Senator DANFORTH, the Aeronautical Technology Consortium Act. This act will provide for enhanced cooperation between the Federal Government and the United States aerospace industry in developing next generation technologies—technologies that will enhance U.S. competitiveness in the global aerospace market. The importance of a healthy aerospace industry cannot be understated. Aircraft production alone affects nearly 80 percent of the economy, directly or indirectly, and for each $1 of aircraft sales, the Nation's economic activity is increased by $2.30. For each airplane built by Boeing or McDonnell Douglas, American workers across the country are producing the steel, the aluminum, the electronics, and a multitude of other products that go into that airplane. Many of these suppliers are the small- and medium-sized firms that are hardest hit by difficult economic times. Aerospace exports comprise 10 percent of all U.S. exports, making it the second largest export industry. The industry, as a whole, currently creates a positive trade balance for America in excess of $28 billion. Further, the National Critical Technologies Panel has identified aeronautics as one of the 22 technologies critical to national economic prosperity and national security. Clearly, aerospace is a critical industry.

Mr. President, all is not well in this industry. Commercial airlines have lost billions. Aerospace firms, such as Boeing and Pratt & Whitney, have already laid off thousands of highly skilled workers, and additional layoffs are planned. The heavily subsidized competitive strength of foreign firms has caused U.S. firms to lose a significant share of the international market. Over the last 5 years, Boeing and McDonnell Douglas' combined market share has dropped from 78 to 67 percent, measured in new aircraft orders. The Airbus consortium has captured 30 percent of the market for new orders, and has surpassed McDonnell Douglas as the second largest civilian transport producer. Increased competition from Pacific rim nations promises to further reduce U.S. market share.

What are the factors that have contributed to the current situation? Certainly, the defense downsizing and the reduction in military orders has hurt the aerospace industry, as it has all industries that are heavily reliant on defense business. But the problem is larger than that. The cost of developing new aircraft is exceptionally high, and has been growing in real terms and in relative terms for years, as the technology has become more sophisticated. The R&D costs for new aircraft range from $4 to $8 billion. The R&D cost for the next generation jet engine alone totals $2.5 billion. These costs will only increase as demands for technological advances rise. U.S. aerospace firms can afford these costs only by spreading the costs over hundreds of aircraft; usually 300 to 400 aircraft must be sold before a company can begin to realize a profit. Our foreign competitors can afford these costs because their governments are willing to underwrite a large portion of the R&D costs. As a result, U.S. firms have greatly curtailed R&D expenditures, or have turned to foreign partners to assist in financing the development of new aircraft. These alliances would shift a position of the manufacturing base for the aircraft and for spare parts to countries such as Japan, Australia, and Singapore. These manufacturing activities are precisely where U.S. layoffs are taking place. Mr. President, the U.S. Government must take a more active role in protecting existing jobs and promoting job growth. This bill, along with other administration initiatives, will contribute greatly to that end.

The Aeronautical Technology Consortium Act will provide Federal assistance to industry-led joint ventures engaged in the following activities: manufacturing technologies applicable to the production of large civilian aircraft; transfer and conversion of aeronautical technologies developed for national security purposes to commercial applications, and; developing subsonic and supersonic aeronautical technologies applicable to the development and production of civilian aircraft. The act will coordinate Federal aerospace programs, focusing resources to assist industry-led initiatives. There are billions of Federal dollars spread among such varied agencies as DOD, particularly the Air Force, Navy, and DARPA; the Commerce Department, particularly the National Institute of Standards and Technology; the Department of Transportation, particularly the FAA, NASA, the National Science Foundation, and our Federal labs. This act will focus those resources to catalyze industry-led technological advances that will contribute to the strengthening of the industry. The act will use the highly successful Sematech consortium as a model, to achieve for the aerospace industry the successes achieved for the semiconductor industry.

Mr. President, although there are some technical problems with this bill, and the organizational and implementation mechanisms need additional attention, I firmly believe that this bill is an important first step in revitalizing this industry that is so critical to our economic success. The goals of this bill are consistent with the goals of the Administration—investing in technology; strengthening America's industrial competitiveness; encouraging business development in areas that will

expand the number of well-paying jobs; and developing a true partnership between the Federal Government and industry to ensure America's preeminence in the global marketplace.●

● Mr. BOND. Mr. President, recently, we have seen the U.S. aerospace industry go through a very difficult and troubling time. Not only has defense spending been declining for almost a decade, but commercial orders have dropped as well. We cannot allow the free fall to continue.

The aerospace industry is the key to our economic and national security. It produces the aircraft that keep our defenses strong and allow us to perform as we did in the gulf. It provides millions of high-paying jobs in both the commercial and defense manufacturing, and it is our most important export industry.

With defense spending declining, we have to take steps to ensure that the United States retains its leadership position in aerospace, particularly commercial aerospace. To lose our position would cost us irreplaceable high-paying manufacturing jobs, technical expertise, and hard dollars which would help to ensure the long-term health of our economy.

The aerospace industry's troubles have been magnified by an extremely tough period for the U.S. airlines. However, there is no question that commercial aviation has a promising future and there will be great demand for new aircraft. We have to ensure that our airframe and engine companies—and their subcontractors—are around to participate in the coming boom. Aerotech will allow them to do that.

We also need to be more aggressive in fighting unfair foreign competition. Last year's Airbus deal locked in significant government development subsidies for European companies. That is a bad deal for the United States and we ought to pursue a countervailing duty investigation to get a better deal for our companies. The Civil Aircraft Trade Enforcement Act sets us on that course.

Today's legislation is a strong start. We also need to invest in aerospace infrastructure and R&D. At the least we should upgrade NASA's test facilities and wind tunnels. We should also put more emphasis on NASA's aeronautics programs and we particularly need to invest in R&D programs with commercial potential—especially the high speed civil transport and national aerospace plane.

As a member of both the NASA and Defense Appropriations Subcommittees, I intend to focus on these issues and see that these priority programs get the funding they deserve.●

By Mr. BOREN (for himself, Mr. MCCAIN, Mr. BRYAN, Mr. FEINGOLD, and Mr. CAMPBELL):

S. 420. A bill to amend section 207 of title 18, United States Code, to tighten the restrictions on former executive and legislative branch officials and employees; to the Committee on Governmental Affairs.

ETHICS IN GOVERNMENT REFORM ACT OF 1993

● Mr. BOREN. Mr. President, today I am reintroducing the Ethics in Government Reform Act of 1993. The Subcommittee on Oversight of Government Management will be holding hearings on this bill on March 5, and I felt it necessary to reintroduce the bill with certain technical changes so the committee would have the best possible bill to review. I look forward to working with Senators LEVIN and COHEN, the chairman and ranking member, as well as the rest of the committee on this important legislation. I also want to thank the original cosponsors of this reintroduced bill, Senators MCCAIN, BRYAN, CAMPBELL, and FEINGOLD.●

By Mr. DASCHLE:

S. 421. A bill to amend title XVIII of the Social Security Act to provide coverage under such title of certain chiropractic services authorized to be performed under State law, and for other purposes; to the Committee on Finance.

CHIROPRACTIC SERVICES ACT OF 1993

● Mr. DASCHLE. Mr. President, today I am reintroducing legislation to expand the range of services for which chiropractors will be reimbursed under Medicare. This bill advances three important health care objectives—objectives that also should guide our national health care reform efforts. These are: cost containment, improving access to care, and eliminating barriers to effective use of nonphysician practitioners.

The bill improves both access to care and the means for containing health care costs by affording patients greater freedom to chose less expensive forms of diagnosis and treatment. The bill also addresses issues of equity by removing outdated vestiges of a pronounced discrimination against chiropractic practitioners in the Medicare program.

Existing Medicare law strictly limits reimbursement for chiropractic services to manual manipulation of the spine only to correct a subluxation, which is a misalignment of the vertebrae. In a dramatic example of twisted logic, the law explicitly requires a diagnostic x ray before chiropractic treatments may be initiated, but denies the chiropractor reimbursement for the x ray itself. Medicare patients must either pay for the x ray out of their own pockets, a cost that many cannot afford, or pass through the gateway controlled by other medical providers, whose x rays are typically far more expensive, but happen to be reimbursable under Medicare.

My bill lends some common sense to the Medicare program. By rectifying the inconsistency in existing law, it ensures that the program's beneficiaries enjoy equitable access to a health care service much in demand, and it permits reimbursement to chiropractors for services for which they are fully licensed to perform throughout the country and that they routinely provide to patients: services such as diagnostic x rays, diagnostic physical examinations, and manual manipulation of the spine for a subluxation and other conditions.

I grew up in a community where chiropractors perform a valuable service by providing an alternative to allopathic medicine. The nearly 200 chiropractors in South Dakota serve the State well. In rural States like mine, chiropractors are often an essential source of health care delivery. Sometimes they are the only health providers in a community. In rural States across the country, the chiropractic profession plays a significant role in the health care system.

We must correct inequities in the law and recognize the contributions of chiropractors. But there is an even larger issue at stake here. We are constantly searching for ways to give more Americans greater access to quality health care, and to facilitate that availability of care in the most cost-effective manner. One proven way to do this is to exploit the talent and dedication represented in the diversity of well-trained, licensed practitioners, and increasingly involve them in the delivery of health care services in the United States.

Competition among different kinds of providers and access to less expensive forms of care have to be emphasized, if we are to control escalating health care costs. Yet this competition, with the beneficial choices it brings, is virtually impossible when Federal programs like Medicare deny reimbursements for services offered by whole groups of licensed professionals. This shortsighted policy limits freedom of choice for health care consumers and may force them to settle on more expensive care than is actually required.

At a time when soaring health care costs are threatening both the quality and the economic stability of our national health care delivery system, the cost savings potential of conservative, nonhospital-based chiropractic care should be fully explored.

The bill I am introducing today will help provide access to quality care at a reasonable cost. Beyond the particulars of Medicare reimbursement for chiropractic services, I hope that it also will foster vigorous discussion of the viability of effective and reliable nonphysician services. I urge my colleagues in the Senate to support this measure to ensure that Medicare patients have the access they desire to the benefits of chiropractic care.

Mr. President, I ask unanimous consent that the full text of the bill be printed at the close of there remarks.

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

S. 421

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

SECTION 1. COVERAGE OF CERTAIN CHIROPRACTIC SERVICES AUTHORIZED TO BE PERFORMED BY STATE LAW.

(a) IN GENERAL.—Section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)) is amended in the first sentence by amending clause (5) to read as follows:

"(5) a chiropractor who is licensed as such by the State, and who meets uniform minimum standards promulgated by the Secretary, but only for purposes of subsections (s)(1), (s)(2)(A), and (s)(3), and only with respect to diagnostic x-rays, diagnostic physical examinations, and treatment by means of manual manipulation of the spine (for conditions demonstrated by an x-ray or physical examination to exist) which such chiropractor is legally authorized to perform by the State or jurisdiction in which such treatment is provided.".

(b) EFFECTIVE DATE.—The amendment made by this section shall become effective with respect to chiropractic services performed on or after January 1, 1994.•

By Mr. DODD (for himself, Mr. RIEGLE, Mr. D'AMATO, Mr. SHELBY, Mr. KERRY, Mr. BRYAN, and Mrs. MURRAY):

S. 422. A bill to amend the Securities Exchange Act of 1934 to ensure the efficient and fair operation of the government securities market, in order to protect investors and facilitate government borrowing at the lowest possible cost to taxpayers, and to prevent false and misleading statements in connection with offerings of government securities; to the Committee on Banking, Housing, and Urban Affairs.

S. 423. A bill to provide for recovery of costs of supervision and regulation of investment advisors and their activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself, Mr. RIEGLE, Mr. D'AMATO, Mr. SARBANES, Mr. BOND, Mr. SASSER, Mr. SHELBY, Mr. KERRY, Mr. BRYAN, Mr. DOMENICI, Mrs. BOXER, Mrs. MURRAY, Ms. MIKULSKI, Mr. ROBB, Mr. LEAHY, Mr. INOUYE, Mr. SIMON, Mr. KERREY, Mr. LEVIN, Mr. HOLLINGS, Mr. HARKIN, Mr. AKAKA, Mr. LAUTENBERG, Mr. BRADLEY, Mr. PRYOR, Mr. GRAHAM, Mr. BOREN, Mr. JEFFORDS, Mr. KOHL, Mr. CONRAD, Mr. BINGAMAN, and Mr. WOFFORD):

S. 424. A bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups; to the Committee on Banking, Housing, and Urban Affairs.

SECURITIES AND INVESTMENT LEGISLATION

• Mr. DODD. Mr. President, today I am introducing three securities reform measures designed to protect investors and ensure the integrity of our capital markets: The Government Securities Act Amendments of 1993, the Investment Adviser Oversight Act of 1993, and the Limited Partnership Rollup Reform Act of 1993. I am joined by the chairman of the Banking Committee, Senator RIEGLE, the ranking Republican member of the committee, Senator D'AMATO, and many of our colleagues.

These measures were developed in the last Congress by the securities subcommittee and were strongly supported by a broad cross section of industry and consumer groups and State regulators. They received the overwhelming support of Members of this body.

They did not become law, however. They were stalled late in the session by procedural roadblocks in the Senate and a jurisdictional battle on the House floor. I am reintroducing these bills today with the hope that we can move them expeditiously, implement the important investor protection measures they contain, and then move forward with the new work of the Securities subcommittee in this Congress.

Let me briefly discuss the legislation.

The first bill, the Government Securities Act Amendments of 1993, reauthorizes Treasury's rulemaking authority over Government securities dealers and provides important reforms for the Government securities market. It contains the text of S. 1247, which passed the Senate in July 1991, and S. 1699, which passed the Senate in September 1991. Both of these measures were passed by unanimous consent.

The U.S. Government securities market is the most important securities market in the world. Conditions in this market determine the cost to the taxpayer of financing our Government operations. When the Treasury auctions its bills, notes or bonds, it must have the broad support of investors who have confidence in the integrity of the market and are willing to participate in it. The broader that participation, the more liquid and efficient the market will be, with a lower cost to the American taxpayer.

Experts have noted that, in the $2.3 trillion Treasury market, for each one-hundred of 1 percent reduction in the interest rate paid on the debt, American taxpayers will save $230 million annually. And, since all other markets use Treasury's interest rate as a benchmark, that translates into lower interest rates for home mortgage loans, consumer loans and college loans, as well as for loans made to virtually every business in the country.

The bill provides important protections for investors in this market. It authorizes the Securities and Exchange Commission, the National Association of Securities Dealers, and the bank regulators to write sales practice rules for Government securities dealers. This gives the regulators the authority to address abuses by Government securities dealers who engage in illegal markups, who churn customer accounts or who otherwise take advantage of investors. The need for this authority was brought to the attention of Congress by State and local officials, who have been victimized by unscrupulous dealers.

The bill also reauthorizes Treasury's authority to write capital and other financial responsibility rules for Government securities dealers. This authority expired October 1, 1991, when the House failed to act on S. 1247, reauthorization legislation passed by the Senate.

In addition, the bill contains a provision developed after the disclosures in August 1991 that Salomon Brothers had made illegal bids in auctions of U.S. Treasury securities. After hearings in the Securities Subcommittee, the Senate moved quickly to pass S. 1699, which made it a specific violation of the Federal securities laws to make a false bid in an offering of Treasury or other Government securities.

Mr. President, although the Senate completed action on both Government securities measures by September 1991, the House did not act on either Senate bill until September 1992. At that time, House Banking Committee members led and won a floor fight against the bill reported by the Energy and Commerce Committee. There was not enough time remaining in the Congress to complete action on the bill; thus, Congress adjourned without reauthorizing Treasury's important rulemaking authority for Government securities dealers.

I hope the House will settle its differences early this year so that both Chambers can pass their respective measures quickly, and we can complete the task of reauthorizing Treasury's authority and implementing reforms for this important market.

The second bill I am introducing today is the Investment Adviser Oversight Act of 1993. This measure is identical to S. 2266, which the Senate passed without opposition last year. It provides a mechanism to fund a substantial increase in the number of SEC examiners who oversee investment advisers and financial planners.

In recent years, the number of investment advisers registered with the SEC has dramatically outstripped the growth in the SEC's examiner staff. Between 1981 and 1992, the number of advisers registered with the SEC increased from 5,100 to 18,000, and assets under their management soared from $450 billion to $5.3 trillion, an increase of more than 1100 percent and more than twice the amount of deposits in commercial banks. During this same period, the SEC's investment adviser examination staff grew from 36 to 46 examiners. As a result, the SEC cur-

rently inspects investment advisers on average once every 25 to 30 years.

The SEC has predicted even more rapid growth during the 1990s. In the current low interest rate environment, the elderly and other savers increasingly are turning to professional financial advisers for help in achieving higher returns. SEC and industry experts have expressed concern that, without more cops on the beat, there will be an increase in financial fraud and losses to millions of investors.

Last year, we worked closely with the SEC and with the industry to develop a legislative proposal that provides for annual fees to be paid by investment advisers and targets those fees to hire more SEC examiners. The fees begin at $300 a year for advisers with less than $10 million under management and are capped at $7,000 for advisers with $500 million or more of assets under management.

The SEC believes this legislation will enable the agency to improve its inspection cycle to once every 3 to 5 years. This would be a fivefold increase in investor protection, completely funded by the industry and not by the taxpayer.

The bill also provides additional protection for customers of investment advisers by authorizing the SEC to require fidelity bonding under certain circumstances. It also contains a cost-savings measure for investors by modifying the managed account restrictions, which, under current law, force fund managers to use other firms to execute customer trades on an exchange. The industry has estimated that removal of these restrictions will save customers up to $200 million a year.

The Senate passed its adviser legislation in August of last year; the House passed its bill 6 weeks later. The House bill went far beyond the Senate bill and contained additional regulatory measures for investment advisers, measures that were well-intended but which a number of Senators believed were too costly, in light of the fee increases contained in the bill. We were unable to resolve our differences prior to adjournment.

Mr. President, I remain ready to discuss these issues with the House and hope we can get to conference soon. I continue to believe, however, that the most important part of both the House and Senate bills is the funding mechanism to provide more SEC examiners for this important industry. Until we can get more examiners into these firms to determine their compliance with existing law, it makes no sense to pass additional costly regulation.

The third bill I am introducing today contains provisions identical to S. 1423, the Limited Partnership Rollup Reform Act, which was adopted by the Senate on June 24 of last year as part of a larger measure to reform the regulation of Government-sponsored enterprises. The bill had 74 cosponsors, and the Senate defeated a motion to table the measure by a vote of 87–10—an overwhelming show of support for this legislation.

This bill has important protections for the estimated 8 million investors in limited partnerships that could be subject to abusive rollups, transactions in which existing limited partnerships are restructured or combined with other partnerships. Evidence presented to the Securities Subcommittee by the SEC, the NASD, State regulators and investors detailed serious abuses: confusing disclosure to investors; efforts by general partners to prevent limited partners from communicating with each other to oppose a rollup; brokers being paid commissions for delivering "yes" votes from investors; limited partners being forced to accept shares in a new entity with substantial reductions in their voting and other rights; managements gaining greater equity shares and other fees in excess of those agreed to in the original partnership deals; and other abuses. Investors have seen the value of their limited partnerships drop precipitously following a rollup.

The bill gives limited partners protection from these abuses. It requires greater disclosure; it guarantees that security holders wishing to oppose a rollup will be able to communicate with each other; it prohibits paying for "yes" votes; it protects limited partners who vote against a rollup and want to avoid being forced to accept shares in a new entity.

As my colleagues remember, the Securities Subcommittee's ranking Republican member, Senator GRAMM, strongly opposed this legislation. He disregarded the overwhelming vote of 87 of his colleagues and raised numerous procedural hurdles to block the measure. As a result, House and Senate negotiators did not include the measure in the final Housing/GSE conference report, which was adopted at the end of the 102d Congress.

Much has been done to increase the protection of investors subject to rollups since we began the legislative process 2 years ago. As a result of congressional pressure, the SEC has adopted changes in disclosure requirements for rollups. It has adopted major changes in its rules relating to shareholder communications. The NASD is moving closer to adopting rule changes to protect dissenting limited partners. Nonetheless, significant gaps remain in the protection of investors, and we need to pass this legislation to close those gaps.

Mr. President, I hope not to take the time of my colleagues in lengthy debate over these measures again this year. As I said at the beginning of my statement, identical measures were passed overwhelmingly by the Senate last year. I would underscore that these measures are being reintroduced today with the bipartisan support of the leadership of the Banking Committee. I look forward to working with my colleagues to move this legislation expeditiously and then turn to other important issues challenging this country.

I ask unanimous consent that the summaries of the bills and the text of the bills be printed in the RECORD.

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

S. 422

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 "Government Securities Act Amendments of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the liquid and efficient operation of the government securities market is essential to facilitate government borrowing at the lowest possible cost to taxpayers;

(2) the fair and honest treatment of investors will strengthen the integrity and liquidity of the government securities market;

(3) rules promulgated by the Secretary of the Treasury pursuant to the Government Securities Act of 1986 have worked well to protect investors from unregulated dealers and maintain the efficiency of the government securities market; and

(4) extending the authority of the Secretary and providing new authority will ensure the continued strength of the government securities market.

SEC. 3. EXTENSION OF TREASURY RULEMAKING AUTHORITY.

Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5) is amended by striking subsection (g).

SEC. 4. SALES PRACTICE RULEMAKING AUTHORITY.

(a) RULES FOR FINANCIAL INSTITUTIONS.—Section 15C(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(b)) is amended—

(1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3)(A) With respect to any financial institution that has filed notice as a government securities broker or government securities dealer or that is required to file notice under subsection (a)(1)(B), the appropriate regulatory agency for such government securities broker or government securities dealer may issue such rules and regulations with respect to transactions in government securities as may be necessary to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, if the Secretary has not determined that the rule or regulation, if implemented would, or as applied does—

"(i) adversely affect the liquidity or efficiency of the market for government securities; or

"(ii) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section.

"(B) The appropriate regulatory agency shall consult with and consider the views of the Secretary prior to approving or amending a rule or regulation under this paragraph, except where the appropriate regu-

latory agency determines that an emergency exists requiring expeditious and summary action and publishes its reasons therefor. If the Secretary comments in writing to the appropriate regulatory agency on a proposed rule or regulation that has been published for comment, the appropriate regulatory agency shall respond in writing to such written comment before approving the proposed rule or regulation.

"(C) In promulgating rules under this section, the appropriate regulatory agency shall consider the sufficiency and appropriateness of then existing laws and rules applicable to government securities brokers, government securities dealers, and persons associated with government securities brokers and government securities dealers.".

(b) RULES BY REGISTERED SECURITIES ASSOCIATIONS.—Section 15A(f)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(f)(2)) is amended—

(1) by striking "and" at the end of subparagraph (E); and

(2) by striking the period at the end of subparagraph (F) and inserting ", and (G) with respect to transactions in government securities, to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade.".

(c) OVERSIGHT OF REGISTERED SECURITIES ASSOCIATIONS.—Section 19 of the Securities Exchange Act of 1934 (15 U.S.C. 78s) is amended—

(1) in subsection (b), by adding at the end the following new paragraphs:

"(5) The Commission shall consult with and consider the views of the Secretary of the Treasury prior to approving a proposed rule filed by a registered securities association pursuant to section 15A(f)(2)(G), except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor. If the Secretary of the Treasury comments in writing to the Commission on a proposed rule that has been published for comment, the Commission shall respond in writing to such written comment before approving the proposed rule. The Commission may approve such a rule if the Secretary of the Treasury has not determined that the rule, if implemented, would, or as applied does—

"(A) adversely affect the liquidity or efficiency of the market for government securities; or

"(B) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section.

"(6) In approving rules filed by a registered securities association pursuant to section 15A(f)(2)(G), the Commission shall consider the sufficiency and appropriateness of then existing laws and rules applicable to government securities brokers, government securities dealers, and persons associated with government securities brokers and government securities dealers."; and

(2) in subsection (c), by adding at the end the following new paragraph:

"(5) With respect to rules adopted pursuant to section 15A(f)(2)(G), the Commission shall consult with and consider the views of the Secretary of the Treasury before abrogating, adding to, and deleting from such rules, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor.".

SEC. 5. DISCLOSURE BY GOVERNMENT SECURITIES BROKERS AND GOVERNMENT SECURITIES DEALERS WHOSE ACCOUNTS ARE NOT INSURED BY THE SECURITIES INVESTOR PROTECTION CORPORATION.

Section 15C(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(a)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) No government securities broker or government securities dealer that is not a member of the Securities Investor Protection Corporation shall effect any transaction in any security in contravention of such rules as the Commission shall prescribe pursuant to this subsection to assure that its customers receive complete, accurate, and timely disclosure of the inapplicability of Securities Investor Protection Corporation coverage to their accounts.".

SEC. 6. TECHNICAL AMENDMENT.

Section 15C(d)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(d)(2)) is amended to read as follows:

"(2) Information received by any appropriate regulatory agency or the Secretary from or with respect to any government securities broker or government securities dealer or with respect to any person associated with a government securities broker or a government securities dealer may be made available by the Secretary or the recipient agency to the Commission, the Secretary, any appropriate regulatory agency, any self-regulatory organization, or any Federal Reserve bank.".

SEC. 7. AMENDMENTS TO DEFINITIONS.

Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in paragraph (34)(G), by amending clauses (ii), (iii), and (iv) to read as follows:

"(ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a foreign bank, an uninsured State branch or State agency of a foreign bank, a commercial lending company owned or controlled by a foreign bank (as such terms are used in the International Banking Act of 1978), or a corporation organized or having an agreement with the Board of Governors of the Federal Reserve System pursuant to section 25 or section 25(a) of the Federal Reserve Act;

"(iii) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System or a Federal savings bank) or an insured State branch of a foreign bank (as such terms are used in the International Banking Act of 1978);

"(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation;"; and

(2) by amending paragraph (46) to read as follows:

"(46) The term 'financial institution' means—

"(A) a bank (as defined in paragraph (6));

"(B) a foreign bank (as such term is used in the International Banking Act of 1978); and

"(C) a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation.".

SEC. 8. STUDY RELATING TO GOVERNMENT SECURITIES INFORMATION.

(a) IN GENERAL.—The Secretary of the Treasury, the Securities and Exchange Commission, and the Board of Governors of the Federal Reserve System shall monitor and evaluate the effectiveness of private sector efforts to disseminate government securities price and volume information, and determine whether such efforts—

(1) assure the prompt, accurate, reliable, and fair reporting, collection, processing, distribution, and publication of information with respect to quotations for and transactions in government securities and the fairness and usefulness of the form and content of such information;

(2) assure that all government securities information processors may, for purposes of distribution and publication, obtain on fair and reasonable terms such information with respect to quotations for and transactions in government securities as is reported, collected, processed, or prepared for distribution or publication by any processor of such information (including self-regulatory organizations) acting in an exclusive capacity; and

(3) assure that all government securities brokers, government securities dealers, government securities information processors, and other appropriate persons may obtain on terms which are not unreasonably discriminatory such information with respect to quotations for and transactions in government securities as is published or distributed.

(b) REPORT.—A report describing any findings made under this section and any recommendations for legislation shall be submitted to Congress not later than 18 months after the date of enactment of this Act.

SEC. 9. OFFERINGS OF GOVERNMENT SECURITIES.

Section 15(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)) is amended by adding at the end the following new paragraph:

"(7) In connection with any bid for or purchase of a government security related to an offering of government securities by or on behalf of an issuer, no government securities broker, government securities dealer, or bidder for or purchaser of securities in such offering shall knowingly or willfully make any false or misleading written statement or omit any fact necessary to make any written statement made not misleading.".

GOVERNMENT SECURITIES ACT AMENDMENTS OF 1993

1. Reauthorization of the Treasury's rulemaking authority. The Treasury's authority to write financial responsibility (capital) and certain other rules for government securities dealers expired October 1, 1991. This legislation removes the "sunset" provision in current law and permanently reauthorizes the Treasury's authority.

2. Sales practices rulemaking authority. The government securities market is the only securities market where investors are not protected by sales practice rules (e.g., rules against "churning" of accounts by brokers, excessive markups, unsuitable recommendations, etc.) The legislation creates a structure for sales practice rules for government securities dealers. For banks that are government securities dealers, the appropriate banking regulator would be authorized to write rules "necessary to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade." For securities firms that are government securities dealers, the National Association of Securities Dealers would be authorized to write these rules, subject to SEC approval.

Before bank regulators or the SEC could approve rules, they must consult with the Treasury. They would not be permitted to approve a rule if the Treasury determined the rule would (a) adversely affect the liquidity or efficiency of the government securities market, or (b) impose any unnecessary burdens on competition. Regulators also are directed to consider existing rules when writing new rules.

3. Disclosure relating to coverage of accounts by the Securities Investor Protection Corporation. Prohibits government securities dealers that are not SIPC members from acting in contravention of SEC rules designed to assure that customers understand that their accounts are not covered by SIPC.

4. Study relating to government securities price and volume information. Directs the Treasury, the SEC and the Federal Reserve to monitor and evaluate the effectiveness of private sector efforts to disseminate government securities price and volume information and to report back to Congress in 18 months.

5. Prohibition against false and misleading statements in connection with offerings of government securities. Makes it clear that any false or misleading written statement in connection with bids for or purchases of government securities in connection with an offering of government securities is a violation of law.

S. 423

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 "Investment Adviser Oversight Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the activities of investment advisers are of continuing national concern;

(2) increased supervision of investment advisers by the Securities and Exchange Commission (hereafter referred to as the "Commission") is necessary to protect investors from fraud and other illegal conduct;

(3) additional resources are necessary to recover the Commission's costs of an enhanced program for the oversight of investment advisers and their activities, including the costs of registration and inspections; and

(4) because the direct beneficiaries of these activities are investment advisers, it is appropriate for investment advisers to pay fees for such activities.

SEC. 3. REGISTERED INVESTMENT ADVISER FEES.

(a) IN GENERAL.—The Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) is amended by inserting after section 203 the following new section:

"SEC. 203A. FEES FOR REGISTRANTS AND APPLICANTS.

"(a) IN GENERAL.—The Commission is authorized, in accordance with this section, to collect fees to recover the costs of enhanced efforts to register all persons required to be registered under this title and enhanced supervision and regulation of investment advisers and their activities. Such fees shall be collected and shall be made available only to the extent provided in advance in appropriations Acts. Such fees shall be deposited as an offsetting collection to the Commission's appropriation and shall remain available until expended. The costs covered by such fees shall be the costs of Commission expenses for the registration and inspection of investment advisers and related activities.

"(b) TIME FOR PAYMENT.—

"(1) APPLICANTS.—At the time of filing an application for registration under this title, the applicant shall pay to the Commission the fee directed in advance in appropriations Acts to be collected as specified in subsection (c). No part of such fee shall be refunded to the applicant. The filing of an application for registration under this title shall not be deemed to have occurred unless the application is accompanied by the fee required under this section.

"(2) INVESTMENT ADVISERS.—Each investment adviser whose registration is effective on the last day of its fiscal year shall pay such fee to the Commission not later than 90 days after the end of its fiscal year, or at such other time as the Commission, by rule, shall determine, unless its registration has been withdrawn, canceled, or revoked prior to that date. No part of such fee shall be refunded to the investment adviser.

"(c) SCHEDULE OF FEES.—The amount of fees due from investment advisers in accordance with paragraphs (1) and (2) of subsection (b) shall be determined according to the following schedule:

"Assets under management	Fee due:
Less than $10,000,000	$300
$10,000,000 or more, but less than $25,000,000.	$500
$25,000,000 or more, but less than $50,000,000.	$1,000
$50,000,000 or more, but less than $100,000,000.	$2,500
$100,000,000 or more, but less than $250,000,000.	$4,000
$250,000,000 or more, but less than $500,000,000.	$5,000
$500,000,000 or more	$7,000.

"(d) SUSPENSION FOR FAILURE TO PAY.—The Commission, by order, may suspend the registration of any investment adviser if it finds (after notice) that such investment adviser has failed to pay when due any fee required by this section. The Commission shall reinstate such registration upon payment of the fee (and any penalties due), if such suspension was based solely on the failure to pay the fee.

"(e) RULEMAKING.—The Commission may adopt such rules and regulations as are necessary to carry out this section.".

(b) EFFECTIVE DATE.—This section (and the amendment made by this section) shall become effective upon the adoption by the Commission of implementing rules and regulations, under section 203A(e) of the Investment Advisers Act of 1940, as added by subsection (a).

SEC. 4. FACILITIES FOR FILING RECORDS AND REPORTS.

Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-4) is amended—

(1) by inserting "(a)" after "SEC. 204."; and

(2) by adding at the end the following:

"(b) The Commission, by rule, may require any investment adviser—

"(1) to file with the Commission any fee, application, report, or notice required by this title or by the rules issued under this title through any person designated by the Commission for that purpose; and

"(2) to pay the reasonable costs associated with such filing.".

SEC. 5. BOND REQUIREMENT.

(a) IN GENERAL.—Section 208 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-8) is amended by adding at the end the following:

"(e)(1) The Commission may require, by rules and regulations for the protection of investors, any investment adviser registered under section 203 that—

"(A) is authorized to exercise investment discretion, as defined in section 3(a)(35) of the Securities Exchange Act of 1934, with respect to an account;

"(B) has access to the securities or funds of a client; or

"(C) is an investment adviser of an investment company, as defined in section 2(a)(20) of the Investment Company Act of 1940,

to obtain a bond from a reputable fidelity insurance company against larceny and embezzlement in such reasonable amounts and covering such officers, partners, directors, and employees of the investment adviser as the Commission may prescribe.

"(2) In implementing paragraph (1), the Commission shall consider—

"(A) the degree of risk to client assets that is involved;

"(B) the cost and availability of fidelity bonds;

"(C) existing fidelity bonding requirements;

"(D) any alternative means to protect client assets; and

"(E) the results, findings, and conclusions of the study required by paragraph (3).

"(3) Before implementing paragraph (1), the Commission shall study (and shall make such study and its conclusions and findings available to the public)—

"(A) the availability of fidelity bonds, both for large-scale and small-scale investment advisers, and also for investment advisers not located in urban areas; and

"(B) the impact of the provisions of paragraph (1) on the competitive position of small-scale investment advisers.".

SEC. 6. CERTAIN PROHIBITED TRANSACTIONS.

Section 11(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78k(a)(1)) is amended—

(1) in subparagraph (E), by striking "(other than an investment company)";

(2) in subparagraph (G), by striking "and" at the end;

(3) by redesignating subparagraph (H) as subparagraph (I); and

(4) by inserting after subparagraph (G) the following new subparagraph:

"(H) any transaction for an account with respect to which such member or an associated person thereof exercises investment discretion if such member—

"(i) has obtained, from the person or persons authorized to transact business for the account, express authorization for such member or associated person to effect such transactions prior to engaging in the practice of effecting such transactions;

"(ii) furnishes the person or persons authorized to transact business for the account with a statement at least annually disclosing the aggregate compensation received by the exchange member in effecting such transactions; and

"(iii) complies with any rules the Commission has prescribed with respect to the requirements of clauses (i) and (ii); and".

INVESTMENT ADVISER OVERSIGHT ACT OF 1993

1. INVESTMENT ADVISER FEES

Replaces the current one-time SEC registration fee of $150 with a fee structure based on assets under the investment adviser's management, directs the fees to be deposited as "offsetting collections" to the SEC's appropriations, and mandates that the funds be used to inspect investment advisers and to cover related costs. The new annual fees range from $300 for the smallest advisers (those with less than $10 million under management) to $7,000 per year for the largest advisers (those with more than $500 million under management).

2. FACILITIES FOR FILING RECORDS AND REPORTS

Gives the SEC authority to designate a central repository for adviser registrations and other filings so that advisers do not have to file separately in each State. This offers potential cost savings.

3. FIDELITY BOND REQUIREMENT

Gives the SEC authority to require certain advisers to obtain a fidelity bond to establish a source of funds for defrauded clients. The SEC must conduct a study of the availability of bonds for large and small advisers and for advisers that are not located in urban areas, and must consider these and other factors before adopting rules in this area.

4. SECTION 11(A) "MANAGED ACCOUNT RESTRICTIONS"

Permits investment companies and institutional investors that are members of a stock exchange to execute transactions on behalf of their clients instead of using an independent floor broker as is currently required. They must first obtain authorization from the client and must comply with SEC rules relating to conflicts of interest. Studies have estimated this change will result in cost savings that could be passed on to investors.

S. 424

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 "Limited Partnership Rollup Reform Act of 1993".

SEC. 2. REVISION OF PROXY SOLICITATION RULES WITH RESPECT TO LIMITED PARTNERSHIP ROLLUP TRANSACTIONS.

(a) AMENDMENT.—Section 14 of the Securities and Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end the following new subsection:

"(h) PROXY SOLICITATIONS AND TENDER OFFERS IN CONNECTION WITH LIMITED PARTNERSHIP ROLLUP TRANSACTIONS.—

"(1) PROXY RULES TO CONTAIN SPECIAL PROVISIONS.—It shall be unlawful for any person to solicit any proxy, consent, or authorization concerning a limited partnership rollup transaction, or to make any tender offer in furtherance of a limited partnership rollup transaction, unless such transaction is conducted in accordance with rules prescribed by the Commission under sections 14(a) and 14(d), as required by this subsection. Such rules shall—

"(A) permit any holder of a security that is the subject of the proposed limited partnership rollup transaction to engage in preliminary communications for the purposes of determining whether to solicit proxies, consents, or authorizations in opposition to the proposed transaction, without regard to whether any such communication would otherwise be considered a solicitation of proxies, and without being required to file soliciting material with the Commission prior to making that determination, except that nothing in this subparagraph shall be construed to limit the application of any provision of this title prohibiting, or reasonably designed to prevent, fraudulent, deceptive, or manipulative acts or practices under this title;

"(B) require the issuer to provide to holders of the securities that are the subject of the transaction such list of the holders of the issuer's securities as the Commission may determine in such form and subject to such terms and conditions as the Commission may specify;

"(C) prohibit compensating any person soliciting proxies, consents, or authorizations directly from security holders concerning such a transaction—

"(i) on the basis of whether the solicited proxies, consents, or authorizations either approve or disapprove the proposed transaction; or

"(ii) contingent on the transaction's approval, disapproval, or completion;

"(D) set forth disclosure requirements for soliciting material distributed in connection with a limited partnership rollup transaction, including requirements for clear, concise, and comprehensible disclosure, with respect to—

"(i) any changes in the business plan, voting rights, form of ownership interest or the general partner's compensation in the proposed limited partnership rollup transaction from each of the original limited partnerships;

"(ii) the conflicts of interest, if any, of the general partner;

"(iii) whether it is expected that there will be a significant difference between the exchange values of the limited partnerships and the trading price of the securities to be issued in the limited partnership rollup transaction;

"(iv) the valuation of the limited partnerships and the method used to determine the value of limited partners' interests to be exchanged for the securities in the limited partnership rollup transaction;

"(v) the differing risks and effects of the transaction for investors in different limited partnerships proposed to be included, and the risks and effects of completing the transaction with less than all limited partnerships;

"(vi) a statement by the general partner as to whether the proposed limited partnership rollup transaction is fair or unfair to investors in each limited partnership, a discussion of the basis for that conclusion, and the general partner's evaluation, and a description, of alternatives to the limited partnership rollup transaction, such as liquidation;

"(vii) any opinion (other than an opinion of counsel), appraisal, or report received by the general partner or sponsor that is prepared by an outside party and that is materially related to the limited partnership rollup transaction and the identity and qualifications of the party who prepared the opinion, appraisal, or report, the method of selection of such party, material past, existing, or contemplated relationships between the party, or any of its affiliates and the general partner, sponsor, successor, or any other affiliate, compensation arrangements, and the basis for rendering and methods used in developing the opinion, appraisal, or report; and

"(viii) such other matters deemed necessary or appropriate by the Commission;

"(E) provide that any solicitation or offering period with respect to any proxy solicitation, tender offer, or information statement in a limited partnership rollup transaction shall be for not less than the lesser of 60 calendar days or the maximum number of days permitted under applicable State law; and

"(F) contain such other provisions as the Commission determines to be necessary or appropriate for the protection of investors in limited partnership rollup transactions.

The disclosure requirements under subparagraph (D) shall also require that the soliciting material include a clear and concise summary of the limited partnership rollup transaction (including a summary of the matters referred to in clauses (i) through (vii) of that subparagraph) with the risks of the limited partnership rollup transaction set forth prominently in the fore part thereof.

"(2) EXEMPTIONS.—The Commission may, consistent with the public interest, the protection of investors, and the purposes of this title, exempt by rule or order any security or class of securities, any transaction or class of transactions, or any person or class of persons, in whole or in part, conditionally or unconditionally, from the requirements imposed pursuant to paragraph (1) or, from the definition contained in paragraph (4).

"(3) EFFECT ON COMMISSION AUTHORITY.—Nothing in this subsection limits the authority of the Commission under subsection (a) or (d) or any other provision of this title or precludes the Commission from imposing, under subsection (a) or (d) or any other provision of this title, a remedy or procedure required to be imposed under this subsection.

"(4) DEFINITION.—As used in this subsection the term 'limited partnership rollup transaction' means a transaction involving—

"(A) the combination or reorganization of limited partnerships, directly or indirectly, in which some or all investors in the limited partnerships receive new securities or securities in another entity, other than a transaction—

"(i) in which—

"(I) the investors' limited partnership securities are reported under a transaction reporting plan declared effective before January 1, 1991, by the Commission under section 11A; and

"(II) the investors receive new securities or securities in another entity that are reported under a transaction reporting plan declared effective before January 1, 1991, by the Commission under section 11A;

"(ii) involving only issuers that are not required to register or report under section 12 both before and after the transaction;

"(iii) in which the securities to be issued or exchanged are not required to be and are not registered under the Securities Act of 1933;

"(iv) which will result in no significant adverse change to investors in any of the limited partnerships with respect to voting rights, the term of existence of the entity, management compensation, or investment objectives; or

"(v) where each investor is provided an option to receive or retain a security under substantially the same terms and conditions as the original issue; or

"(B) the reorganization of a single limited partnership in which some or all investors in the limited partnership receive new securities or securities in another entity, and—

"(i) transactions in the security issued are reported under a transaction reporting plan declared effective before January 1, 1991, by the Commission under section 11A;

"(ii) the investors' limited partnership securities are not reported under a transaction reporting plan declared effective before January 1, 1991, by the Commission under section 11A;

"(iii) the issuer is required to register or report under section 12, both before and after the transaction, or the securities to be issued or exchanged are required to be or are registered under the Securities Act of 1933;

"(iv) there are significant adverse changes to security holders in voting rights, the term of existence of the entity, management compensation, or investment objectives; and

"(v) investors are not provided an option to receive or retain a security under substantially the same terms and conditions as the original issue.

"(5) EXCLUSION.—For purposes of this subsection, a limited partnership rollup transaction does not include a transaction that involves only a limited partnership or partnerships having an operating policy or practice of retaining cash available for distribution and reinvesting proceeds from the sale, financing, or refinancing of assets in accordance with such criteria as the Commission determines appropriate.".

(b) SCHEDULE FOR REGULATIONS.—The Securities and Exchange Commission shall, not later than 12 months after the date of enactment of this Act, conduct rulemaking proceedings and prescribe final regulations under the Securities Act of 1933 and the Securities Exchange Act of 1934 to implement the requirements of section 14(h) of the Securities Exchange Act of 1934, as amended by subsection (a).

SEC. 3. RULES OF FAIR PRACTICE IN ROLLUP TRANSACTIONS.

(a) REGISTERED SECURITIES ASSOCIATION RULE.—Section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(b)) is amended by adding at the end the following new paragraph:

"(12) The rules of the association to promote just and equitable principles of trade, as required by paragraph (6), include rules to prevent members of the association from participating in any limited partnership rollup transaction (as such term is defined in paragraphs (4) and (5) of section 14(h)) unless such transaction was conducted in accordance with procedures designed to protect the rights of limited partners, including—

"(A) the right of dissenting limited partners to an appraisal and compensation or other rights designed to protect dissenting limited partners;

"(B) the right not to have their voting power unfairly reduced or abridged;

"(C) the right not to bear an unfair portion of the costs of a proposed rollup transaction that is rejected; and

"(D) restrictions on the conversion of contingent interests or fees into non-contingent interests or fees and restrictions on the receipt of a non-contingent equity interest in exchange for fees for services which have not yet been provided.

As used in this paragraph, the term 'dissenting limited partner' means a holder of a beneficial interest in a limited partnership that is the subject of a limited partnership rollup transaction who casts a vote against the transaction and complies with procedures established by the association, except that for purposes of an exchange or tender offer, such term means any person who files an objection in writing under the rules of the association during the period in which the offer is outstanding and complies with such other procedures established by the association.".

(b) LISTING STANDARDS OF NATIONAL SECURITIES EXCHANGES.—Section 6(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(b)) is amended by adding at the end the following:

"(9) The rules of the exchange prohibit the listing of any security issued in a limited partnership rollup transaction (as such term is defined in paragraphs (4) and (5) of section 14(h)), unless such transaction was conducted in accordance with procedures designed to protect the rights of limited partners, including—

"(A) the right of dissenting limited partners to an appraisal and compensation or other rights designed to protect dissenting limited partners;

"(B) the right not to have their voting power unfairly reduced or abridged;

"(C) the right not to bear an unfair portion of the costs of a proposed rollup transaction that is rejected; and

"(D) restrictions on the conversion of contingent interests or fees into non-contingent interests or fees and restrictions on the receipt of a non-contingent equity interest in exchange for fees for services which have not yet been provided.

As used in this paragraph, the term 'dissenting limited partner' means a holder of a beneficial interest in a limited partnership that is the subject of a limited partnership transaction who casts a vote against the transaction and complies with procedures established by the exchange, except that for purposes of an exchange or tender offer, such term means any person who files an objection in writing under the rules of the exchange during the period in which the offer is outstanding.".

(c) STANDARDS FOR AUTOMATED QUOTATION SYSTEMS.—Section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(b)) is amended by adding at the end the following new paragraph:

"(13) The rules of the association prohibit the authorization for quotation on an automated interdealer quotation system sponsored by the association of any security designated by the Commission as a national market system security resulting from a limited partnership rollup transaction (as such term is defined in paragraphs (4) and (5) of section 14(h)), unless such transaction was conducted in accordance with procedures designed to protect the rights of limited partners, including—

"(A) the right of dissenting limited partners to an appraisal and compensation or other rights designed to protect dissenting limited partners;

"(B) the right not to have their voting power unfairly reduced or abridged;

"(C) the right not to bear an unfair portion of the costs of a proposed rollup transaction that is rejected; and

"(D) restrictions on the conversion of contingent interests or fees into non-contingent interests or fees and restrictions on the receipt of a non-contingent equity interest in exchange for fees for services which have not yet been provided.

As used in this paragraph, the term 'dissenting limited partner' means a holder of a beneficial interest in a limited partnership that is the subject of a limited partnership transaction who casts a vote against the transaction and complies with procedures established by the association, except that for purposes of an exchange or tender offer such term means any person who files an objection in writing under the rules of the association during the period during which the offer is outstanding.".

(d) EFFECT ON EXISTING AUTHORITY.—The amendments made by this section shall not limit the authority of the Securities and Exchange Commission, a registered securities association, or a national securities exchange under any provision of the Securities Exchange Act of 1934, or preclude the Commission or such association or exchange from imposing, under any other such provision, a remedy or procedure required to be imposed under such amendments.

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective 18 months after the date of enactment of this Act.

LIMITED PARTNERSHIP ROLLUP REFORM ACT OF 1993

Closes gaps in current law and codifies certain SEC rules with respect to limited partnership rollups as follows:

1. Communication among shareholders—ensures that limited partners have the right to communicate with each other about whether to oppose the roll-up (encourages information sharing among investors).

2. Securityholder lists—ensures that limited partners have the right to obtain a list of the other limited partners involved in a proposed rollup (facilitates communication among the securityholders).

3. Differential compensation—prohibits compensating persons soliciting proxies on a rollup based only on "yes votes" or on the contingency that the rollup transaction be completed (avoids conflict of interest).

4. Full and fair disclosure—requires clear, concise disclosure in solicitations sent to investors regarding:

Changes in business plan, voting rights, form of ownership interests, general partner's compensation.

Conflicts of interest.

Difference in exchange value and trading price of securities.

Valuation of limited partnership interests.

Risks and effects of transaction.

General partner statement of fairness of a transaction.

Disclosure of opinion or appraisal.

Also requires a risk disclosure statement and a summary of the risks in the front of the disclosure document.

5. Minimum offering period—requires that securityholders be given at least 60 days to review a rollup, unless state law provides a shorter period.

6. Rules of fair practice and listing standards for rollups—prohibits exchanges and national securities associations (i.e. NASD) and their members from participating in or listing securities resulting from a rollup transaction that do not include the following protections:

Right of dissenters to an appraisal and compensation or other rights to protect dissenters.

Right not to have their voting power unfairly reduced.

Right not to bear unfair costs of a rejected rollup.

Restrictions on abusive changes in management fees.●

● Mr. RIEGLE. Mr. President, I am pleased to join Senator CHRISTOPHER DODD, chairman of the Senate Banking Committee's Subcommittee on Securities, in introducing three important pieces of securities legislation. Each bill makes a significant contribution toward protecting individual investors and preserving the integrity of our financial markets. The Senate passed all three bills during the 102d Congress with broad support. However, they were not enacted into law. The bills introduced today are identical to those that passed the Senate during the last Congress.

The first bill, the Government Securities Act Amendments of 1993, strengthens regulation of the market for U.S. Government securities. This $2.3 trillion market may be the most important in the world: The ability of the U.S. Government to fund its activities depends on an orderly and liquid

market for Treasury securities. The Salomon Bros. fraudulent bidding scandal shook public confidence in this market. The bill ensures that the auction system and secondary market for Treasury securities continue to function smoothly.

The bill contains the texts of S. 1247, the Government Securities Act Amendments of 1991, and S. 1699, the Government Securities Offering Enforcement Act, both of which passed the Senate by voice vote in 1991.

First, the bill permanently reauthorizes the Treasury's authority under the Government Securities Act of 1986 to write rules regarding capital standards, recordkeeping, customer protection, and so on. This authority expired on October 1, 1991.

Next, the bill for the first time authorizes rules to prevent fraudulent and manipulative acts by Government securities brokers and dealers. The Government Securities Act did not authorize sales practice rules for Government securities similar to those applicable to trading of other securities.

The bill further requires the Treasury, the SEC, and the Federal Reserve to determine whether private sector efforts to disseminate pricing and volume information for Government securities in the secondary market assure prompt and reliable reporting of information to investors on fair and reasonable terms.

Finally, in response to Salomon's violations, the bill explicitly prohibits a Government securities broker or dealer from making a false or misleading statement in connection with a bid or purchase of Government securities.

While the Senate passed this legislation by voice vote in 1991, the House of Representatives was unable to pass a comparable bill, largely due to jurisdictional conflicts between House committees.

The next bill, the Investment Adviser Oversight Act of 1993, strengthens oversight of registered investment advisers. Between 1981 and 1991, the number of investment advisers registered with the SEC increased from 4,580 to 17,500. Assets under management increased from $440 billion to $5.3 trillion—an increase of more than 1,200 percent. This trend can be expected to continue, given the relatively low interest rates currently being paid on FDIC-insured deposits.

During this same period, the SEC's investment adviser examination staff grew by just 10 examiners, from 36 to 46. While the SEC inspects the 500 largest investment advisers once every 3 years, inspections overall average once every 30 years. SEC Chairman Richard Breeden testified that the SEC's current investment adviser inspection program is inadequate and recommended that the current $150 one-time registration fee be changed to an annual fee, based upon assets under management.

The bill increases fees on investment advisers to pay for enhanced oversight. Registration fees will be increased from the current $150 to at least $300. Fees will be determined on a sliding scale based on assets under management, to a maximum of $7,000 for advisers with $500 million or more under management.

Registered investment advisers will also pay an annual fee, determined on the same sliding scale based on assets under management, from $300 to $7,000. With the money raised, the SEC will be able to inspect advisers on average once every 5 years.

The bill further protects investors by providing the SEC with authority to require investment advisers that exercise investment discretion, have access to client securities or funds, or advise investment companies, to post fidelity bonds. The bond would protect clients defrauded through larceny or embezzlement.

The bill also includes a provision originally introduced by Senator KERRY, amending section 11(a) of the Securities Exchange Act to reduce a regulatory burden. Section 11(a) requires a stock exchange member to use an independent floor broker to execute trades for accounts managed by an affiliate. The SEC has concluded section 11(a) increases costs needlessly, as other provisions protect customers.

While both the Senate and the House passed versions of this legislation last year, it was not possible to reconcile them before the end of the 102d Congress.

Finally, the Limited Partnership Rollup Reform Act will bring an end to abusive transactions that have harmed individual investors across the country. Limited partnerships were an important investment vehicle in the 1980's; roughly $150 billion of interests were sold, in average investments of $10,000. Most partnerships invested in oil and gas properties and commercial real estate.

Many general partners have rolled up partnerships into new, publicly traded entities. Typically, limited partners no longer receive their investment back at a fixed time; the general partner's compensation is increased; and it is often more difficult to remove the general partner.

In return, the limited partners receive a publicly traded security, instead of an illiquid partnership interest. Unfortunately for them, the market values the securities based on cash flow, rather than asset value. The limited partners lose a great deal of their equity.

The bill will provide limited partners with a number of important protections:

The bill improves disclosure to limited partners.

The bill requires that limited partners be provided a list of other limited partners, and permits them to engage in preliminary communications without filing with the SEC.

The bill also prohibits any person soliciting proxies in a rollup to be paid only for yes votes or only if the transaction is completed.

It further protects investors by prohibiting broker-dealers from participating in a rollup, and the stock exchanges from listing a security issued in a rollup, unless the transaction meets certain requirements of fairness. These include the right of dissenting limited partners to an appraisal and compensation, or other rights designed to protect them.

The rollup legislation enjoys wide support; last year the bill had 79 Senate cosponsors. While the rollup legislation was attached on the Senate floor to the Federal Housing Enterprises Regulatory Reform Act of 1992, the provision was not included in the conference report on that bill.

The United States has the most vibrant capital markets in the world, due in large part to our commitment to investor protection. The legislation introduced today underscores that commitment, by strengthening oversight where necessary, by ending abusive practices, and by ensuring that markets function fairly. I hope the Congress will be able to take up and pass these bills promptly.●

● Mr. D'AMATO. Mr. President, today I join with my esteemed colleague and chairman of the Securities Subcommittee in introducing three pieces of legislation that are important to protecting the integrity of the securities marketplace. The Government Securities Act of 1993, the Investment Adviser Oversight Act of 1993, and the Limited Partnership Rollup Reform Act of 1993, were widely supported bills that passed the Senate late last Congress.

Treasury finances the national debt of approximately $3.61 trillion dollars with Government securities and Government securities are auctioned about 157 times each year. The Government Securities Act of 1993 extends Treasury rulemaking authority, which lapsed in October 1991, and takes steps to safeguard the Government securities market which is the most important securities market in the world.

Abuses by one of the primary dealers of Government securities uncovered in 1991 raised concerns about the adequacy of regulation of this market. As a result of a joint study conducted by the SEC, Treasury, and the Federal Reserve in 1991, Treasury implemented several changes to the Government securities auction process.

The Government Securities Act of 1993 addresses some of the other concerns raised in the joint study. The bill authorizes the NASD to promulgate sales practice rules, requires disclosure to customers regarding SIPC coverage, and directs Treasury, the Federal Re-

serve, and the SEC to study private sector attempts to disseminate price and volume information.

Many individuals rely on advisers to make their investment decisions. As a result, regulation of investment advisers must be sufficient to protect investors from unscrupulous operators entrusted with investor funds. The Investment Adviser Oversight Act of 1993 improves supervision of registered investment advisers and provides two additional safeguards to further protect customers of registered investment advisers.

The Investment Adviser Oversight Act of 1993 requires registered investment advisers to pay annual fees based on the dollar amount of the assets they manage. These fees will be used by the SEC to increase its examination staff so that advisers will be inspected on a regular basis.

Since 1980, individuals have invested approximately $130 billion in limited partnerships engaged in real estate and oil and gas. Many of these investors have been harmed when their limited partnership interest was pooled with other limited partnerships or rolled up into new, publicly traded securities. The Limited Partnership Rollup Reform Act of 1993 addresses abuses in the rollup market.

The Limited Partnership Rollup Reform Act of 1993 facilitates communication among investors about the proposed rollup and requires that disclosure documents be clear, concise, and comprehensible so that investors may understand the proposed transaction. The bill also provides that there be sufficient time for limited partners to consider the rollup and requires national securities exchanges to adopt listing standards to protect these limited partners in the resulting rollup.

Mr. President, these bills passed the Senate last Congress but unfortunately did not become law. I urge Congress to act early and act responsibly now to enact this package of legislation that is so important to maintaining investor protection.●

● Mr. PRYOR. Mr. President, I am pleased to join Senator DODD and a number of our other distinguished Senate colleagues in introducing the Limited Partnership Rollup Reform Act of 1993, a bill which will prevent general partners in publicly held limited partnerships from taking advantage of small investors. I was disappointed that this legislation did not become law in the last Congress, and I believe it is vitally important that we push it through this year.

According to the American Association of Limited Partners, there are 8 million small investors in this Nation who have put their money in limited partnerships. They are young couples trying to provide for their children's education. They are middle-aged Americans trying to develop a nest egg for their retirement. They are elderly people who depend on and live off of the money earned from these investments. And they have seen the value of their investment drop by as much as 75 percent.

These limited partners are losing out when what they thought were moderately safe investments are rolled up with other limited partnerships into new entities. These new entities combine safer partnerships with riskier ones and are then traded on a stock exchange. Since the new entity usually has few cash assets left after the rollup, and since riskier ventures are included, the price for the stock plummets during the first days of trading. So do the investor's hopes for the future.

In formulating these rollups, representatives from brokerage firms often solicit proxies for the general partners under an agreement that they only get paid for yes votes. This practice pressures the broker to convince partners to vote for rollups that are not in their best interests. Basically, these hired guns convince limited partners to trade in their investment for empty promises.

The new entities formed by these rollups are restructured so that the rights the limited partners had in the original deals are stripped away. This can include having their voting rights reduced, dividend payments ceased, and the proportion of the costs they must bear increased. This occurs as the general partners charge exorbitant fees—up to millions of dollars—to manage the rollup transaction. Once again the big guys are getting rich off the little guys, and that is just not fair.

It is time to stop this abuse. The reforms proposed in the Limited Partnership Rollup Reform Act of 1991 will give limited partners more resources to stop harmful rollups from occurring and more options if they do occur.

The bill would require clear and concise disclosure of the risks involved in the rollup. Too often, investors are confused by a 200- or 300-page prospectus that has changes to the original rules of the investment buried within the text. This is just one of the clever tricks general partners use to deceive small investors without actually breaking any laws. The prospectus, under this bill, must clearly inform partners of any changes to voting rights, cash distribution policies, management compensation, and projected price performance under the new entity.

Also, a complete appraisal of the rollup transaction, made by someone unaffiliated with the general partners, is to be made available to the limited partners with the prospectus. This will prevent the general partners from hiring people to say a bad deal is a good one. Both of these provisions are designed to help investors make informed decisions about the rollup transaction.

Because the complicated nature of rollup transactions has led to lengthy prospectuses, limited partners would receive at least 60 days to review the material. Investors need time to analyze the prospectus and organize viable alternatives to the rollup.

The bill would also loosen Securities and Exchange Commission [SEC] rules regarding proxy solicitation. Limited partners need to be able to communicate with each other and assist in distributing clear information about the pending transaction. The current rules prohibit partners from talking to more than 10 other partners without having to file papers with the SEC. This rule puts all the cards in the general partner's hands.

The bill would also require that a list of limited and general partners involved in the proposed transaction be made available. All names, except ones the SEC deletes to protect confidentiality, would be on this list so limited partners may contact others and express their concerns about the deal. This way they will not be blindsided by the general partners.

The conflict of interest that occurs when hired guns are paid only for yes votes on the rollup would be alleviated by this bill. The new rules would not allow people soliciting proxies to be compensated based on the outcome of the transaction.

Now, Mr. President, I do not mean to say that all rollups are bad or that they should be banned altogether. A legitimate rollup transaction can benefit all parties involved. This bill simply reforms the process so general partners, still caught up in the greed and desire to get-rich-quick that was so prevalent in the 1980's, are prevented from running over the small investor saving for the future.

Mr. President, I support this bill and urge my colleagues to do so as well. It will help protect the small investors who are the lifeblood of our Nation. They provide the necessary capital that spurs economic growth and maintains our Nation's strength. Mr. President, let us not bite the hand that feeds us. Let us protect these investors and protect America's future.●

By Ms. MIKULSKI:

S. 425. A bill to establish the National Environmental Technologies Agency; to the Committee on Governmental Affairs.

NATIONAL ENVIRONMENTAL TECHNOLOGIES AGENCY ACT

● Ms. MIKULSKI. Mr. President, last year I made a pledge to Maryland residents. My pledge was to continue the fight for jobs today and jobs tomorrow. Today I take another step to creating the jobs for tomorrow.

I rise today to reintroduce legislation to create a new independent agency

that will act as the catalyst for public-private partnerships to develop environmental technologies.

These technologies will produce products. Products that will mean jobs today and jobs tomorrow.

I call this new agency the National Environmental Technologies Agency or NETA. NETA will not spend additional money. NET's seed money will come from shifting some existing funds that are now being spent on defense research.

The goal of NETA is to assist private industry, universities and nonprofit research centers in developing environmentally safe and energy efficient technologies to help secure America's environmental security and competitiveness.

Let me tell you how this agency will work.

NETA will coordinate the efforts of other agencies and streamline support for research and development.

Once formed, the agency will identify areas that need technical solutions and that are not receiving product oriented research.

NETA will provide support for these efforts by offering loans and grants, or by entering into cooperative agreements with the private sector or the university community.

NETA will then assist in deployment of these technologies by coordinating exchange of information and provide the needed technical assistance to transfer these ideas into consumer and industrial products and equipment.

The agency will closely monitor its investments and will work to disseminate information to the private sector on the progress of these projects.

This will be a small independent agency that will have a big impact on research into environmentally sound or energy efficient technology.

The potential is endless. New technologies to clean up Superfund sites. Products developed without the use of lead. More efficient engines. New products made from recyclable goods.

And as we continue to find out, the clean up of Federal sites will make the Government one of the biggest customers for the technology developed from this agency.

I said when I introduced this bill last April the time is right for NETA. If the time was right then, it's even more on target right now.

We have won the war abroad, and now it's time to win the war for America's future. We need to change the way we think and the way we operate. What we are doing here is retooling Government and getting it ready to do business in the new world.

Right now, the Federal Government spends more than $76 billion on research and development. Almost 60 percent of that amount still goes to defense research. The amount being spent on environmental technology is just a half percent. That is at the bottom of the list of our major competitors.

Mr. President, we have a chance here to become the Green Giant of the 21st century. I don't want to see another country steal that chance.

And you know that's what they are trying to do. The European Community has already set up agencies to study the technological future. Germany spends 23 percent of its R&D budget environmentally. And Japan is spending over $4 billion to develop its environmental research.

We are getting behind again. Other countries are becoming the leaders in developing air pollution control equipment and waste water treatment technologies.

Mr. President, we know the NETA approach works. The essence of NETA can be found in the very successful Defense Advanced Research Projects Agency or DARPA. DARPA was created when the Russian sputnik threatened to overtake American technology.

We knew we were behind. We knew we had to think like entrepreneurs. To make Government flexible and responsive. And to break down the walls between the Federal Government and the private sector. DARPA worked closely with the private sector and provided grants to develop military technologies. It was a partnership that produced the M-16 rifle. And the Stealth technology. We know it works. We've seen it's success.

NETA will take the same spirit of DARPA and aim it at protecting our environment.

Almost every report in the environmental technology area says this market is ready to explode with growth. Right now it's estimated at $200 billion. It's expected that market will be over $300 million by the year 2000.

It's estimated there are 1.7 million jobs worldwide in the environmental industry right now. Imagine what that will mean for future jobs if the industry grows by $100 billion.

It's time for the United States to take a leadership position. Let's get out in front. I don't want this country to import ideas from abroad. I want it to export American ideas, American technologies, and American products. We can't afford to wait.

Mr. President, I ask for the text of the bill to be included after my remarks.

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

S. 425

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Environmental Technologies Agency Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) environmental problems facing the world pose a threat to the environmental security of the United States and other nations;

(2) the causes of many environmental problems lie in the use of environmentally damaging technologies in areas such as transportation, energy production, industrial manufacturing, and product use;

(3) the development and deployment of environmentally safe technologies will both enhance the nations environmental security and the economic standing of the Nation in the world's market place; and

(4) the Federal Government should play a significant role in enhancing the Nation's environmental security by—

(A) facilitating the development and deployment of environmentally safe technologies that provide solutions to environmental problems; and

(B) assisting in the diffusion of knowledge of environmentally safe technologies throughout the Nation.

(b) PURPOSE.—It is the purpose of this Act to assist the efforts of private industry, universities, nonprofit research centers, and government laboratories to provide environmentally safe technical solutions to problems threatening the Nation's environmental security and, in the process, to help the Nation's competitiveness.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Environmental Technologies Agency;

(2) the term "Advisory Council" means the Industry and Academia Advisory Council established by section 5;

(3) the term "Agency" means the National Environmental Technologies Agency established by section 4; and

(4) the term "Fund" means the Critical Technologies Revolving Fund established by section 9.

SEC. 4. ESTABLISHMENT OF AGENCY.

(a) ESTABLISHMENT.—There is established as an independent establishment of the United States the National Environmental Technologies Agency.

(b) ADMINISTRATOR.—(1) The Agency shall be headed by the Administrator of the National Environmental Technologies Agency, who shall be appointed by the President, with the advice and consent of the Senate.

(2) Section 5313 of title 5, United States Code, is amended by adding at the end the following new item:

"Administrator, National Environmental Technologies Agency.".

(c) STAFF.—The Administrator may appoint a staff of professionals with skills in the area of program definition and management and such support staff as the Administrator determines to be necessary, of which no more than 3 may be in positions of confidential or policy-making character.

(d) FUNCTIONS.—It shall be the function of the Agency to—

(1) coordinate planning by the departments, agencies, and independent establishments of the United States relating to restoration and protection of the environment;

(2) identify areas that—

(A) need technical solutions to maintain the environmental security of the Nation;

(B) are not receiving the long-term product-oriented research that is necessary to meet those needs; and

(C) exhibit the greatest promise for the successful development of solutions;

(3) support and assist the development of technology having potential future application in the restoration and protection of the environment;

(4) coordinate among the departments, agencies, independent establishments of the United States and the private sector the exchange of technological information relating to restoration and protection of the environment;

(5) support continuing research and development of advanced technologies by industrial, academic, and governmental and nongovernmental entities;

(6) monitor on a continuing basis the research and development being conducted on advanced technologies by private industry in the United States; and

(7) promote continuing development of a technological industrial base in the United States.

(e) INTERAGENCY ADVISORY COMMITTEE.—(1) There is established an interagency advisory committee composed of—

(A) the Administrator of the Environmental Protection Agency, who shall be chair of the committee;

(B) the Director of the Office of Science and Technology Policy, or the Director's designee;

(C) the Secretary of Energy, or the Secretary's designee;

(D) the Secretary of Commerce, or the Secretary's designee;

(E) the Secretary of State, or the Secretary's designee;

(F) the Secretary of Defense, or the Secretary's designee; and

(G) the Administrator of the National Aeronautics and Space Administration, or the Administrator's designee.

(2) The interagency advisory committee shall advise and provide information to the Agency with respect to the needs and concerns of their agencies in the field of environmental technologies.

SEC. 5. INDUSTRY AND ACADEMIA ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is established the Industry and Academia Advisory Council.

(b) MEMBERSHIP.—(1) The Advisory Council shall consist of 9 members appointed by the Administrator, at least 5 of whom shall be from United States industry.

(2) The persons appointed as members of the Advisory Council—

(A) shall be eminent in fields such as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations;

(B) shall be selected solely on the basis of established records of distinguished service; and

(C) shall not be employees of the Federal Government.

(3) In making appointments of persons as members of the Advisory Council, the Administrator shall give due consideration to any recommendations that may be submitted to the Director by the National Academies, professional societies, business associations, labor associations, and other appropriate organizations.

(c) TERMS.—(1)(A) Subject to paragraph (2), the term of office of a member of the Advisory Council shall be 3 years.

(B) A member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

(C) A member who has completed 2 consecutive full terms on the Advisory Council shall not be eligible for reappointment until 1 year after the expiration of the second such term.

(2) The initial members of the Advisory Council shall be appointed to 3 classes of 3 members each, one class having a term of 1 year, one a term of 2 years, and one a term of 3 years.

(3)(A) The Advisory Council shall meet at least quarterly at the call of the chair or whenever one-third of the members so request in writing.

(B) A majority of the members of the council not having a conflict of interest in a matter under consideration by the Advisory Council shall constitute a quorum.

(C) Each member shall be given appropriate notice of a meeting of the Advisory Council, not less than 15 days prior to any meeting, if possible.

(4)(A) The Advisory Council shall appoint from among its members a person to serve as chair and a person to serve as vice chair.

(B) The vice chair of the Advisory Council shall perform the duties of the chair in the absence of the chair.

(5) The Advisory Council shall review and make recommendations regarding general policy for the Agency, its organization, its budget, and its programs within the framework of national policies set forth by the President and the Congress.

SEC. 6. GENERAL AUTHORITY OF THE ADMINISTRATOR.

(a) AUTHORITY.—In carrying out the functions of the Agency, the Administrator may—

(1) enter into, perform, and guarantee contracts, leases, grants, and cooperative agreements with any department, agency, or independent establishment of the United States or with any person;

(2) use the services, equipment, personnel, or facilities of any other department, agency, or independent establishment of the United States, with the consent of the head of the department, agency, or independent establishment and with or without reimbursement, and cooperate with public and private entities in the use of such services, equipment, and facilities;

(3) supervise, administer, and control the activities within the departments, agencies, and independent establishments of the United States relating to patents, inventions, trademarks, copyrights, royalty payments, and matters connected therewith that pertain to technologies relating to restoration and protection of the environment; and

(4) appoint 1 or more advisory committees or councils, in addition to those established by sections 4(e) and 5, to consult with and advise the Administrator.

(b) TRANSFER OF TECHNOLOGY.—The Administrator may transfer to the domestic private sector technology developed by or with the support of the Agency if the Administrator determines that the technology may have potential application in private activities relating to restoration and protection of the environment.

SEC. 7. COOPERATIVE AGREEMENTS AND OTHER ARRANGEMENTS.

(a) IN GENERAL.—In carrying out the functions of the Agency, the Administrator may enter into a cooperative agreement or other arrangement with any department, agency, or independent establishment of the United States, any unit of State or local government, any educational institution, or any other public or private person or entity.

(b) AUTHORITY TO REQUIRE PAYMENT.—(1) A cooperative agreement or other arrangement entered into under subsection (a) may include a provision that requires a person or other entity to make payments to the Agency (or any other department, agency, or independent establishment of the United States) as a condition to receiving assistance from the Agency under the agreement or other arrangement.

(2) The amount of any payment received by a department, agency, or independent establishment of the United States pursuant to a provision required under paragraph (1) shall be credited to the Fund in such amount as the Administrator may specify.

(c) NONDUPLICATION AND OTHER CONDITIONS.—The Administrator shall ensure that—

(1) the authority under this section is used only when the use of standard contracts or grants is not feasible or appropriate; and

(2) to the maximum extent practicable, a cooperative agreement or other arrangement entered into under this section—

(A) does not provide for research that duplicates research being conducted under other programs carried out by a department, agency, or independent establishment of the United States; and

(B) requires the other party to the agreement or arrangement to share the cost of the project or activity concerned.

SEC. 8. PROGRAM REQUIREMENTS.

(a) SELECTION CRITERIA.—Not later than 90 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register proposed criteria, and not later than 180 days after the date of enactment of this Act, following a public comment period, final criteria, for the selection of recipients of contracts, leases, grants, and cooperative agreements under this Act.

(b) FINANCIAL REPORTING AND AUDITING.—The Administrator shall establish procedures regarding financial reporting and auditing to ensure that contracts and awards are used for the purposes specified in this section, are in accordance with sound accounting practices, and are not funding existing or planned research programs that would be conducted in the same time period in the absence of financial assistance under this Act.

(c) ADVICE OF THE ADVISORY COUNCIL.—The Administrator shall ensure that the advice of the Advisory Council is considered routinely in carrying out the responsibilities of the Agency.

(d) DISSEMINATION OF RESEARCH RESULTS.—The Administrator shall provide for appropriate dissemination of research results of the Agency's program.

(e) CONTRACTS OR AWARDS; CRITERIA; RESTRICTIONS.—(1) No contract or award may be made under this Act until the research project in question has been subject to a merit review, and has, in the opinion of the reviewers appointed by the Administrator, been shown to have scientific and technical merit.

(2) Federal funds made available under this Act shall be used only for direct costs and not for indirect costs, profits, or management fees of the contractor.

(3) In determining whether to make an award to a joint venture, the Administrator shall consider whether the members of the joint venture have provided for the appropriate participation of small United States businesses in the joint venture.

(4) Section 552 of title 5, United States Code, shall not apply to the following information obtained by the Federal Government on a confidential basis in connection with the activities of any business or any joint venture that receives funding under this Act:

(A) Information on the business operation of a member of the business or joint venture.

(B) Trade secrets possessed by any business or by a member of the joint venture.

(5) Intellectual property owned and developed by a business or joint venture that receives funding under this Act or by any member of such a joint venture may not be disclosed by any officer or employee of the United States except in accordance with a written agreement between the owner or developer and the Administrator.

(6) The United States shall be entitled to a share of the licensing fees and royalty payments made to and retained by a business or joint venture to which it contributes under this section in an amount proportionate to the Federal share of the costs incurred by the business or joint venture, as determined by independent audit.

(7) A contract or award under this Act shall contain appropriate provisions for discontinuance of the project and return of the unspent Federal funds to the Agency (after payment of all allowable costs and an audit) if—

(A) due to technical difficulties, financial difficulty on the part of the recipient, or for any other reason, the recipient is not making satisfactory progress toward successful completion of the project; or

(B) despite satisfactory progress on the progress, it appears that the project will not achieve satisfactorily the goals of the project.

(8) Upon dissolution of a joint venture that receives funding under this Act or at a time otherwise agreed upon, the United States shall be entitled to a share of the residual assets of a joint venture that is proportionate to the Federal share of the costs of the joint venture, as determined by independent audit.

SEC. 9. REVOLVING FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the "Environmental Advanced Research Projects Revolving Fund", which shall consist of such amounts as are appropriated or credited to it from time to time.

(b) EXPENDITURES FROM THE FUND.—Amounts in the Fund shall be available, as provided in appropriations Acts, to carry out the purposes of this Act.

(c) LOANS, GRANTS, AND OTHER FINANCIAL ASSISTANCE.—(1) The Administrator may use the Fund for the purpose of making loans, grants, and other financial assistance to industrial and nonprofit research centers, universities, and other entities that serve the long-term environmental security needs of the United States, to carry out the purposes of this Act.

(2) A loan made under this section shall bear interest at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the loan is made) to be 3 percent less than the current market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the period for which the loan is made.

(3) Repayments on a loan made under this section and the proceeds from any other agreement entered into by the Administrator under this Act shall be credited to the Fund.

(d) MANAGEMENT OF FUND.—(1) The Secretary of the Treasury shall manage the Fund and, after consultation with the Administrator, report to Congress each year on the financial condition and the results of the operation of the Fund during the preceding fiscal year and on the expected condition and operations of the Fund during the next 5 fiscal years.

(2)(A) The Secretary of the Treasury shall invest the portion of the Fund that is not, in the judgment of the Secretary, required to meet current withdrawals.

(B) Investments of monies in the Fund may be made only in interest-bearing obligations of the United States.

SEC. 10. ANNUAL REPORT.

The Administrator shall submit a report to Congress annually describing—

(1) the activities of the Agency;

(2) the Agency's plans for future activities;

(3) the manner and extent to which technologies developed with assistance from the Agency have been used; and

(4) the extent to which those technologies have been transferred overseas.

SEC. 11. APPROPRIATIONS.

(a) AMOUNTS.—There are authorized to be appropriated to the Agency to carry out this Act $75,000,000 for fiscal year 1993, $140,000,000 for fiscal year 1994, and $200,000,000 for fiscal year 1995.

(b) LIMITATION ON USE.—Of amounts appropriated to the Agency, no more than 5 percent may be used to pay for administrative expenses of the Agency.•

By Mr. SHELBY:

S. 426. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States; to the Committee on Governmental Affairs.

LANGUAGE OF GOVERNMENT ACT OF 1993

• Mr. SHELBY. Mr. President: I rise today to introduce legislation designating English as the official language of the U.S. Government. The time has come to formulate a rational, fair, and coherent language policy for the U.S. Government. This legislation, the Language in Government Act of 1993, does that.

We are a nation of immigrants, comprised of individuals from varied cultural, ethnic, and linguistic backgrounds, each of whom has made his or her unique contribution to the brilliant mosaic of America. Immigrants have come to the United States from every corner of the globe. They have forged a nation that continues to be envied for its economic strength, political stability, and democratic ideals.

How did the individuals from such diverse backgrounds and cultures establish a nation? Vitally important was the evolution of a common language. From various circumstances, English came to be the common tongue of the Germans, Dutch, Swedes, Africans, and other groups who lived along America's east coast in the 17th century. A common language allowed them to engage in commerce and, later, to enter into political discussions.

As French-speaking Louisiana purchase territories and the Spanish-speaking areas of the Southwest and California joined the Union in the 19th century, those new citizens also adopted English as their common language. English eventually became the only language that crossed all racial, national, and religious lines—the language without ethnicity.

Today, our common language, English, allows us in the Senate to debate differences and forge compromises. It continues to allow all Americans to participate fully in our democracy, share ideals, and influence views. A common language allows all of our diverse people to be included. No side is left out.

We are now faced with the reality that now more than 150 languages are spoken in the United States. Each of these languages contributes to the rich fabric of America. Yet without a common language, our coexistence will become chaotic, particularly our democratic form of Government. Democracy cannot exist without common communication. More than any other form of government, a democracy requires interaction between the people and those who govern.

As a nation, we can learn a great deal from our diversity—if we can communicate with each other. Only through communication can we discover our similarities and understand our differences. Just as we recognize our diversity, we must acknowledge the importance of fostering unity within it.

Will we enjoy a nation of diverse peoples sharing the riches of their varied cultures with one another, or will we be a Nation of segregated language groups?

There is increasing division between ethnic and linguistic groups. This will become permanent if we continue to focus on separate but equal communication rather than empowering and including people by providing opportunities for them to learn the common language. Separate but equal governing has never been equal.

A common language is not only entirely consistent with the appreciation of diversity, it is a requisite for multiculturalism. Multiculturalism through a common language fosters tolerance by enabling us to share ideas and communicate with one another.

Should we have a Nation of multilingual individuals who share a common public life, or a government which attempts to operate in every language? Efforts to create pockets of other language usage result in language enclaves and discrimination. Individuals living within the realm of particular subcultures are left out of the common fold.

We must show all native languages and cultures tolerance and acceptance. However, we should not tear at the cohesion of the Nation in the process by attempting to create a government for each language group in the United States.

Multilingual individuals are clearly an asset to any nation. Indeed, our rich diversity is one of our most significant national strengths. But a multilingual government is a formula for disaster. Only through a common language can multilingual people with diverse cultural backgrounds share the common goals necessary for a great nation to

survive and thrive in the future as it has in the past.

To maintain unity amid such diversity as we have in the United States, we must have a coherent national language policy for Government. I urge my colleagues to study this bill. They will find that it does not prohibit the Government from providing essential services to the limited-English population. In fact, I have written into the legislation an exemption clause which specifically states that this bill will not affect the following: Actions, documents, or policies necessary for international relations, trade or commerce, actions or documents that protect the public health or safety, actions that protect the rights of victims of crimes or criminal defendants, and documents that utilize terms of art or phrases from languages other than English.

Likewise, the bill does not affect education, the voting process, or immigration.

Clearly, this bill is not an attempt to deny—or even discourage—individuals their right to use native languages in their private lives or to deny them critical services. This bill is an honest and earnest attempt to write into law a fair and flexible language policy. With more than 150 languages spoken in the United States, we are not going to be able to maintain all government functions in each language equally. This bill will establish flexible commonsense parameters that foster fairness, inclusion, and empowerment.

This bill only affects the official functions of the Government. It establishes clear and fair parameters on when and how other languages are to be used within our governmental system. It makes a very significant legislative statement regarding the importance of knowing English—to fully take advantage of all the social, political, and economic opportunities that exist in the United States. And most important, it provides that the Government shall have an obligation to promote opportunities for individuals to learn English.

Finally, I believe that this legislation will ensure that our Nation will never evolve into being officially multilingual at every level of Government; forced to experience the tremendous problems currently facing Canada, Sri Lanka, or Yugoslavia.

I strongly urge my colleagues to join in this effort to establish a national language policy for the U.S. Government by cosponsoring the Language of Government Act of 1993.●

By Mr. MITCHELL:

S. 427. A bill to amend the Internal Revenue Code of 1986 to permit private foundations to use common investment funds; to the Committee on Finance.

PRIVATE FOUNDATIONS COMMON FUND ACT OF 1993

Mr. MITCHELL. Mr. President, I am reintroducing legislation today which would amend the Internal Revenue Code to permit private foundations and community foundations to establish common funds for investment purposes. This bill is identical to legislation which was included in H.R. 11, the tax bill that passed Congress last fall but was vetoed by the President.

Under the current law, section 501(f), educational institutions are permitted to organize a tax-exempt fund for purposes of pooling their investment assets. This enables educational institutions, without the resources to hire money managers, to obtain more sophisticated investment advice that improves their investment performance.

In response to this legislation, which was enacted in 1974, colleges and universities banded together to form the Common Fund to invest their endowment assets. Today, over 900 educational institutions invest more than $10 billion in assets through the Common Fund.

This pooling arrangement is not available to other nonprofit organizations, such as private foundations and community foundations. Instead, they must invest their assets individually. Smaller foundations, without the substantial assets that justify sophisticated investment advice, have had difficulty earning competitive rates of return on their assets.

Legislation enacted in 1969 requires foundations to distribute each year either all of their asset earnings or a certain portion of investment assets. This creates a tension between the payout rules and the long-term operations of foundations that make specialized investing necessary.

The legislation I am introducing today would permit foundations to accumulate their assets for investment purposes so that their specialized investment needs can be more professionally managed. This is particularly important for smaller foundations because their total investment returns lag substantially behind those of many larger foundations. By pooling their resources, as permitted by this bill, smaller foundations would have the same investment abilities of educational institutions. The bill will require that a common fund have at least 20 participating foundations, with no private foundation having an interest in excess of 10 percent. These, and other provisions, will ensure that such a common investment fund will not be used to avoid the special restrictions on private foundations.

I invite Senators to cosponsor this bill. The cost is quite modest—less than $25 million over 5 years—and I hope we can get these changes enacted into law this year.

I ask unanimous consent that a copy of the bill be printed in the CONGRESSIONAL RECORD.

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

S. 427

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

SECTION 1. PRIVATE FOUNDATIONS PERMITTED TO USE COMMON INVESTMENT FUNDS.

(a) IN GENERAL.—Section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax on corporations, certain trusts, etc.), is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) COOPERATIVE SERVICE ORGANIZATIONS FOR CERTAIN FOUNDATIONS.—

"(1) IN GENERAL.—For purposes of this title, if an organization—

"(A) is organized and operated solely for purposes referred to in subsection (f)(1),

"(B) is composed solely of members which are exempt from taxation under subsection (a) and are—

"(i) private foundations, or

"(ii) community foundations as to which section 170(b)(1)(A)(vi) applies,

"(C) has at least 20 members,

"(D) does not at any time after the second taxable year beginning after the date of its organization, or, if later, beginning after the date of the enactment of this subsection, have a member which holds more than 10 percent (by value) of the interests in the organization,

"(E) is organized and controlled by its members but is not controlled by any one member and does not have a member which controls another member of the organization, and

"(F) permits members of the organization to require the dismissal of any of the organization's investment advisors, following reasonable notice, if members holding a majority of interest in the account managed by such advisor vote to remove such advisor,

then such organization shall be treated as an organization organized and operated exclusively for charitable purposes.

"(2) TREATMENT OF INCOME OF MEMBERS.—If any member of an organization described in paragraph (1) is a private foundation (other than an exempt operating foundation, as defined in section 4940(d)), such private foundation's allocable share of the capital gain net income and gross investment income of the organization for any taxable year of the organization shall be treated, for purposes of section 4940, as capital gain net income and gross investment income of such private foundation (whether or not distributed to such foundation) for the taxable year of such private foundation with or within which the taxable year of the organization described in paragraph (1) ends (and such private foundation shall take into account its allocable share of the deductions referred to in section 4940(c)(3) of the organization).

"(3) APPLICABLE EXCISE TAXES.—Subchapter A of chapter 42 (other than sections 4940 and 4942) shall apply to any organization described in paragraph (1)."

(b) CONFORMING AMENDMENTS.—

(1) Section 4945(d) of such Code is amended by adding at the end the following new flush sentence: "Paragraph (4)(B) shall not apply to a grant to an organization described in section 501(n)."

(2) Section 4942(g)(1)(A) of such Code is amended by inserting "or an organization described in section 501(n)" after "subsection (j)(3))".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years ending on or after December 31, 1992.

By Mr. BREAUX:

S. 428. A bill to make permanent the temporary exemption from duty of the cost of certain foreign repairs made to U.S. vessels; to the Committee on Finance.

VESSEL FOREIGN REPAIRS ACT OF 1993

Mr. BREAUX. Mr. President, in 1990, the 101st Congress enacted section 466(h) of the Tariff Act of 1930, as amended, (19 U.S.C. 1466(h)) relating to the foreign repair of vessels. This legislation, which I introduced then and now, seek to renew with minor modification, exempted from the 50-percent ad valorem duty rate otherwise imposed by section 466, foreign repairs to U.S. flag lash, lighter-aboard ship, barges as well as vessel spare parts and equipment necessarily purchased by U.S. flag vessel operators in foreign countries.

Section 466(h) was adopted to eliminate unfair, onerous, and costly tariff and regulatory discrimination, which over the years had developed under section 466 among competing U.S. flag cargo vessel operators. Lash barges are basically cargo carrying box containers which float. Both lash barges and box containers are originally transported by a mother ship; both lash barges and box containers after leaving the mother ship continue onward to a final destination. Not only does the old section 466 discriminate against lash barges vis a vis box containers with respect to the 50-percent ad valorem duty, but it also imposes separate and individual inspection and reporting requirements for each lash barge, where none exist for equivalent individual containers.

Unfortunately, because section 466(h) was enacted as part of an omnibus tariff bill which placed a 2-year time limitation on most of its tariff exemptions and suspensions, section 466(h) automatically expired on December 31, 1992. Accordingly, last year, the House passed another omnibus tariff bill which would have renewed section 466(h) for another 2 years. I likewise introduced a similar bill in the Senate and to the best of my knowledge, there was no opposition to the renewal. In spite of the noncontroversial nature of this legislation, the bill died in the 102d Congress because of the absence of an acceptable vehicle.

At this time, I reintroduce my bill from last year, but with one change. Instead of requesting a 2-year exemption from the duty, I am now requesting a permanent exemption. I believe that the situation merits this change. I urge the Senate to act on this bill as soon as possible so that these adverse impacts on the U.S. merchant marine can be eliminated.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following this statement.

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

S. 428

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

SECTION 1. PERMANENT EXEMPTION.

(a) AMENDMENT.—Subsection (b)(2) of section 484E of the Customs and Trade Act of 1990 (19 U.S.C. 1466 note) is amended to read as follows:

"(2) any entry made on or after the date upon which the Act becomes effective."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1993.

By Mr. DURENBERGER (for himself, Mr. LIEBERMAN, Mr. KERREY, and Mr. GORTON):

S. 429. A bill to establish a demonstration program that encourages State educational agencies to assist teachers, parents, and communities in establishing new public schools, and for other purposes; to the Committee on Labor and Human Resources.

PUBLIC SCHOOL REDEFINITION ACT OF 1993

Mr. DURENBERGER. Mr. President, I rise today to join with my distinguished colleagues from Connecticut, Nebraska, and Washington to introduce the Public School Redefinition Act of 1993. An identical bill is also being introduced in the House under bipartisan sponsorship led by Representatives DAVE MCCURDY and TOM PETRI.

My colleagues and I all share the goal of producing a 21st century word force that can compete, a work force that can assure long-term national, family, and individual economic security.

Unfortunately, we can't reach that goal with a 19th century system of elementary and secondary education.

I want to emphasize the word system here because that's what we have to reform. We need to stop blaming the teachers and the students and the parents.

But, we must understand that, today, the system is in a serious state of distress.

The symptoms are everywhere: Low test scores compared to our international competitors; rising levels of violence that threaten both students and teachers; high rates of turnover in top administrative positions, especially in our Nation's largest urban school systems; and, budget cuts that are closing schools, forcing layoffs, increasing class sizes, cutting valuable programs.

Every local school system is different, of course. And, most of the responsibility for organizing and funding schools lies at the State and local level.

That means uniform national solutions won't solve these problems. As much as those of us here in Washington might want to help, we do have to remember that reality.

I'm also not convinced that more money will do the job—at least not within the current system.

We're already spending something like $200,000 per classroom in the average New York public school.

That should be enough, but too much of it is going to central administration bureaucrats, to one of our Nation's largest police departments, to one of our largest food service companies, to deputy assistant superintendents and assistant deputy curriculum directors, and all the rest.

The same is true here in Washington where a study headed by Alice Rivlin a few years ago found that a third of the employees of the District of Columbia school system work—not in neighborhood schools—but in the administrative bureaucracy downtown.

Every school system in this country isn't like New York or Washington. But, too many are.

And, that's why a growing number of parents and teachers and community people all around the country are insisting on real reform, not just patching up the current system, not just putting more money into existing programs, but creating innovative new public schools.

Not schools run by central administration bureaucrats, but schools run by teachers and parents and local communities.

And, not schools governed by hundreds of input-oriented rules and regulations, but schools that are held accountable for outcomes, schools that are held accountable by free choices made by parents.

What I'm talking about, Mr. President, are charter public schools. And, helping to stimulate the option of charter public schools in more States and communities all around the country is the purpose of the bill that my colleagues and I are introducing here today.

Mr. President, my colleagues and I are hoping this legislation will help get the Congress and administration—Republicans and Democrats—all on the same education reform track this year, all supporting the same goal of improving quality and outcomes in our Nation's public schools.

Last year, a lot of our creative energies and political will were spent debating the merits of offering public taxpayer support for privately organized and funded schools. And, there will always be strong feelings on both sides of that issue.

But, my colleagues and I believe that debate must now be refocused where there's the greatest opportunity for consensus and the greatest opportunity for a constructive Federal role in support of State-based education reform.

My colleagues and I believe we have a growing consensus in this country that parents have a right to choose which public school their children will attend—not just within school districts, but across traditional district lines, as well.

That's a position shared by a growing number of States, and by the new President and new Secretary of Education.

At the same time, there's a growing consensus that school choice is not a silver bullet which will, by itself, address all the problems and opportunities facing American public education.

And, there is a growing consensus that, with a more open marketplace must come greater emphasis on outcomes, new forms of accountability, good consumer information, and new opportunities to tailor teaching and learning to meet the differing needs of today's kids.

As more and more States offer parents the right to choose schools, there's also a growing realization that the full potential of school choice cannot be realized without more choices.

And, it is also clear that more diverse choices won't emerge as long as local school boards and centralized school administrators have an exclusive franchise on starting and running new public schools.

One response to these realities is the charter school.

Minnesota was the first State to adopt a charter schools law 2 years ago, with six schools approved for startup this year. The first charter school now in operation is in St. Paul.

California became the second State to offer the charter schools option to parents, teachers, and students in legislation signed by Gov. Pete Wilson last summer. Already, nine charters have been approved and there is strong interest in a number of other communities around the State.

And, finally, a dozen or more States are now considering charter schools legislation, States that include Connecticut, Wisconsin, Massachusetts, Tennessee, Michigan, Colorado, Florida, and New Jersey.

To help us refocus our debate on education reform this year, Mr. President, my colleagues and I are today introducing the Public School Redefinition Act of 1993.

This is not a long or complicated piece of legislation. It does just four basic things:

First, it encourages States to pass laws that allow teachers, parents, and community groups to start and run new schools on their own, as long as they're under contract with a State or local public education agency.

Second, this legislation authorizes grants to these new schools for startup expenses, including advance planning, purchase of equipment and supplies, and minor renovation of facilities needed to meet State and local codes.

Third, this legislation establishes criteria for schools receiving grants.

The schools could not discriminate on the basis of race, religion, disability, and other factors.

They must accept all applicants they had room for.

They may not charge tuition, but are funded on the same basis as other public schools in each State.

And, they may not teach religion or be affiliated with a religious institution.

Finally, Mr. President, the Public School Redefinition Act requires that schools receiving grants have an outcome-based performance contract with their public agency sponsors.

These schools would then be exempt from State and Federal rules and regulations, except antidiscrimination statutes and laws or rules governing the health and safety of students.

I would ask that a text and summary of the Public Schools Redefinition Act, along with a series of questions and answers on this proposal and other background information on charter schools, be included at the conclusion of these remarks.

Mr. President, this is the year, and this is the time, for a fresh start and for new beginnings.

Clearly, there will be no silver bullets in meeting the goal of improving quality and outcomes in our Nation's public schools.

But, if properly defined and put in proper perspective, public school choice, and more diverse school choices, can be an important part of meeting that important goal.

I look forward to working closely with the new President, with Secretary Riley, and with my colleagues on both sides of the aisle as we pursue this and other opportunities for change during this year's reauthorization of the Elementary and Secondary Education Act, and as we consider other education improvement proposals the new administration has now promised to bring before us.

As we do that, our goal must be to work together to improve American education, not just for today's students, but for all those who will help shape the future.●

● Mr. LIEBERMAN. Mr. President, there is growing frustration around the country that our public schools are not getting better quickly enough. As we continue to debate education reform in Washington and across the country, millions of students continue to graduate without the skills needed to get a job or to fully participate in our society. Today Senator DURENBERGER and I are introducing legislation to provide Federal funds for planning and startup costs to new public schools called charter schools. The Public School Redefinition Act will allow States and some localities to apply for funds to develop new and creative schools that must show every year that they can educate our kids. This bill will end the delay in school reform efforts by providing Federal support for State and local-based education reform.

We have in the past concentrated too much on the ways in which our public schools should all be the same. Good schools should vary substantially from place to place because they must be responsive to their particular community and student body. As Theodore Sizer, chairman of the Coalition for Essential Schools, has noted if you compare several excellent schools you will find that, "[t]he kids are different and the teachers are different and it is in these differences that excellence emerges. What we need is not more models to copy, but more examples to provoke us." Charter schools will provide a range of examples of different schools meeting the needs of different students in different communities.

Charter schools will introduce an important aspect of choice and creativity into our national vision of public schools. These new and innovative public schools will be developed by teachers in conjunction with community groups and parents. Individual communities will be able to focus on the needs of their particular student population and design schools which meet those needs and provide quality education. Charter schools will enter into outcome-based contracts with local school boards or the State education agency. The contracts will require that the schools meet agreed on student performance goals.

These schools will be public schools bound by the hallmarks of our public schools system. They cannot discriminate on the basis of race, religion, disability or any other factor. They must be open to all students interested in attending, with a lottery if they are overenrolled. They must be nonsectarian in their programs, employment practices, and all other operations and cannot be affiliated with a nonpublic sectarian school or religious institution. In contrast to many existing public school programs, however, these schools will add a significant measure of choice, quality, and diversity to the options offered to students.

Charter schools will be directly accountable for the performance of their students in a way that our current public schools are not. Federal funds to assist in the establishment of charter schools would provide parents and teachers with a chance to choose how to structure their schools and the flexibility to determine how best to educate their students. Federal funds for starting up charter schools will provide an additional incentive for States to support charter schools and increased willingness to try it.

The system in its current form is failing millions of children every day. While I do not believe we should at this time completely replace the existing public education system, I do believe that we must look at alternative approaches. We must study and explore different models of public education so that we find schools that work for each and every one of our children.

There has been much debate in this body about private school choice. Charter schools, however, should appeal to those concerned about education regardless of their views on private school choice. It is a public school program, yet it introduces the elements of choice, accountability, and flexibility that are present in private schools. It allows all children no matter what their family's income to speak with their feet and attend the school that best meets their needs, one where the school is explicitly accountable for the success of its students. I was pleased that charter schools language was contained in S. 2, the Neighborhood Schools Improvement Act, as it passed the Senate. I am delighted that both Minnesota and California have now enacted charter schools bills. A number of additional States, including Connecticut, are looking at charter schools proposals and parents in New York City are now working to develop their own charter schools in conjunction with the school board. I look forward to working with Senator DURENBERGER to enact this legislation this year and really make a difference in the educational structure in this country.

Mr. President, I ask unanimous consent that the text and a summary of the bill be printed in the CONGRESSIONAL RECORD.●

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

S. 429

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 "Public School Redefinition Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the ability of the United States to deliver more effective educational services to citizens, especially disadvantaged citizens, is of primary importance to the national and economic security of the United States;

(2) fundamental reform is needed in our Nation's educational system in order to release the creative energies of teachers, students, parents, and communities;

(3) market forces of competition and choice can have a positive influence in promoting fundamental reform; however, choice is incomplete without the availability of more diverse educational choices for all students, including disadvantaged students and historically underserved students;

(4) the exclusive franchise that local educational agencies have traditionally had on the creation of new public schools has served to limit the number and variety of school choices available to parents and students; and

(5) public education should be defined by outcomes and requirements that protect and promote the public interest, not solely by input-oriented rules and regulations, or by the ownership or control of facilities and programs by a local educational agency.

SEC. 3. PURPOSE.

It is the purpose of this Act to—

(1) encourage States to offer teachers, parents, and local communities the opportunity to establish new and more effective public schools;

(2) provide Federal assistance and flexibility to encourage States to assist teachers, parents, and communities to develop such schools; and

(3) provide criteria for States, teachers, parents, and communities to use in establishing new and more effective public schools.

SEC. 4. DEFINITIONS.

For the purpose of this Act—

(1) the term "eligible partnership" means a partnership between—

(A) a sponsor; and

(B) a charter public school;

(2) the term "local educational agency" has the meaning given such term by section 1471(12) of the Elementary and Secondary Education Act of 1965;

(3) the term "charter public school" means a school that—

(A) is nonsectarian in its programs, admissions policies, employment practices, and all other operations and is not affiliated with a nonpublic sectarian school or religious institution;

(B) has a primary focus of providing a comprehensive program of instruction for at least one grade from kindergarten to twelfth grade or one age group from 5 to 18 years of age;

(C) does not charge tuition;

(D) complies with title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and the procedural safeguards under the Individuals with Disabilities Education Act;

(E) in the event that more students apply for admission than may be accommodated, admits students on the basis of a lottery;

(F) is subject to the same Federal and State financial audits and audit procedures and requirements as any other school located in the State in which such school is located;

(G) meets all State and local health and safety requirements; and

(H) participates in an eligible partnership;

(4) the term "Secretary" means the Secretary of Education;

(5) the term "sponsor" means a—

(A) school board;

(B) local educational agency; or

(C) State educational agency; and

(6) the term "State educational agency" has the meaning given such term by section 1471(23) of the Elementary and Secondary Education Act of 1965.

SEC. 5. PROGRAM AUTHORITY.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants to State educational agencies having applications approved pursuant to section 6 to enable such agencies to conduct a charter public school program in accordance with this Act.

(2) SPECIAL RULE.—If a State elects not to participate in the program assisted under this Act, the Secretary is authorized to award a grant to a charter public school that serves such State and has an application approved pursuant to section 6, as permitted by applicable State laws and regulations in the State in which the school shall operate.

(b) USE OF GRANTS.—

(1) STATE.—Each State educational agency receiving a grant under this Act shall use such grant funds to award grants to one or more charter public schools in the State to enable such schools to plan and implement a charter public school in accordance with this Act.

(2) CHARTER PUBLIC SCHOOL.—Each charter public school receiving a grant from the Secretary pursuant to subsection (a)(2) shall use such grant funds to plan and implement a charter public school in accordance with this Act.

(3) ADMINISTRATIVE EXPENSES.—Each State educational agency receiving a grant pursuant to subsection (a)(1) may reserve not more than 5 percent of such grant funds for administrative expenses associated with the program assisted under this Act.

(c) DURATION.—A charter public school shall receive a grant under this Act for a period of not more than 3 years.

(d) MATCHING REQUIREMENT.—In order for a charter public school to receive a grant pursuant to subsection (a), such school shall provide matching funds in the amount of—

(1) 10 percent of the grant payment received in the first year such school receives a grant under this Act; and

(2) 25 percent of the grant payment received in the second and third such years.

(e) GEOGRAPHIC DISPERSION.—The Secretary shall ensure that grants awarded pursuant to subsection (a) benefit students in urban and rural areas.

(f) CONSTRUCTION, RENOVATION, AND REPAIR.—

(1) PROHIBITION.—Grant funds awarded under this Act shall not be used for the construction or major renovation or repair of facilities.

(2) STARTUP COSTS.—Grant funds awarded under this Act may be used for planning, equipment purchases, and other startup costs, including minor renovation of facilities necessary to meet applicable State and local health and safety requirements.

SEC. 6. APPLICATION.

(a) STATE APPLICATION.—

(1) IN GENERAL.—Each State educational agency desiring a grant under this Act shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the objectives of the State educational agency's charter public school program and a description of how such objectives shall be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency's charter public school program and the availability of grants for the establishment of such schools;

(B) contain assurances that the State educational agency shall obtain a waiver of all State and Federal statutes and regulations applicable to a school board, local educational agency or school district that are relevant to and hindering the establishment of a charter public school in such State;

(C) provide a written description of outcomes and other requirements to be included in each eligible partnership agreement between a sponsor and a charter public school;

(D) provide a description of how charter public schools within the State shall be required to meet the definition of a charter public school contained in section 4(3);

(E) contain specific outcomes to be achieved by the students attending a charter public school in accordance with the outcomes agreement described in section 7;

(F) provide an explanation of how progress in meeting the outcomes described in section 7 shall be measured; and

(G) contain a description of how teachers, parents, and community members have been, or shall be, involved in the planning, devel-

opment and implementation of each charter public school.

(b) ELIGIBLE PARTNERSHIP APPLICATION.—

(1) IN GENERAL.—Each charter public school desiring a grant pursuant to section 5(a)(2) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall contain the same information and assurances as the information and assurances described in subparagraphs (B) through (G) of subsection (a)(2).

SEC. 7. OUTCOMES AGREEMENT.

(a) AGREEMENT.—In order to receive a grant under this Act a charter public school shall enter into an outcomes agreement with the sponsor participating in the eligible partnership.

(b) CONTENTS.—Each agreement referred to in subsection (a) shall—

(1) be in the form of a written contract between the sponsor and the board of directors of the charter public school participating in the eligible partnership;

(2) set forth outcomes that such school shall achieve; and

(3) include information and assurances described in subparagraphs (B) through (G) of section 6(a)(2).

SEC. 8. CONTINUATION OF FUNDING.

Each charter public school receiving a grant under this Act shall be eligible to receive Federal, State, and local education revenue, grants and other aids as though such school were a local educational agency.

SEC. 9. TERMINATION.

The Secretary or a State educational agency receiving a grant under this part shall terminate grant payments to a charter public school under this Act if the Secretary or such State educational agency, at any time, determines that the charter public school is not making acceptable progress toward meeting the outcomes described in section 7.

SEC. 10. REPORTS.

(a) STATE REPORT.—

(1) REPORTS.—Each charter public school receiving a grant pursuant to section 5(a)(1) shall report at least annually to the State educational agency or other agency designated by the Governor on such school's progress in meeting the outcomes described in section 7.

(2) REPORT TO THE SECRETARY.—Each State educational agency receiving a report under subsection (a) shall annually report to the Secretary on the program assisted under this Act.

(b) SCHOOL REPORTS.—Each charter public school receiving a grant pursuant to section 5(a)(2) shall at least annually report to the Secretary the charter public school's progress in meeting the outcomes described in section 7.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $50,000,000 for fiscal year 1994, $75,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 3 succeeding fiscal years, to carry out the provisions of this Act.

SUMMARY OF THE PUBLIC SCHOOL REDEFINITION ACT OF 1993

GENERAL PURPOSES

The "Public School Redefinition Act" has three main purposes:

To encourage states to offer teachers, parents and local communities the opportunity to establish new and more effective public schools.

To provide federal assistance and flexibility to encourage states to assist teachers, parents and communities to design and start new public schools.

To provide criteria for states, teachers, parents and communities to use in establishing new and more effective public schools.

CHARTER PUBLIC SCHOOLS

The "Public School Redefinition Act" defines charter public schools as schools that:

Have an outcome-based performance contract with a public sponsor which could be a local school board, local educational agency, or state board of education.

Are non-sectarian in their programs, admissions policies, employment practices, and all other operations and are not affiliated with a non-public sectarian school or religious institution.

Provide a comprehensive program of instruction for at least one grade from kindergarten to grade twelve or one age group from five to 18 years of age.

Don't charge tuition.

Don't discriminate on the basis of race, religion, color, national origin, sex, disability, or economic or educational disadvantage.

Admit students on the basis of a lottery if more students apply for admission than can be accommodated.

Comply with all protections available under the Individuals with Disabilities Education Act.

Are subject to the same federal and state financial audits and audit procedures and requirements as any other school located in its state.

Meet all state and local health and safety requirements.

GRANT PROGRAM

The "Public School Redefinition Act" authorizes the Secretary of Education to award grants to states that have programs allowing charter public schools to be established. The state may keep up to five percent of the grant to administer and promote the program, with the other 95 percent distributed in competitive grants to individual qualifying schools. In states which do not seek grants, qualifying schools may apply directly to the Secretary for grants. Grants must benefit students in both urban and rural areas.

The grants may be used by schools for planning and for equipment purchases and other start-up costs, including minor renovation of facilities to meet state and local health and safety requirements. The grants, which may be for up to three years, may not be used for construction and major renovation or repair of facilities. Schools must provide a ten percent match to the grant in the first year and a 25 percent match in the second and third years.

STATE GOVERNMENT ROLE

States seeking grants are required to submit applications which:

Describe the objectives of its program authorizing charter public schools and how those objectives will be fulfilled, including steps taken by the state to inform teachers, parents and local communities of the option of establishing charter schools and the availability of grants for their start-up.

Contain assurances that the state education agency will obtain a waiver of all state and federal statutes and regulations applicable to a school board, local education agency or school district which are relevant to establishment of a charter public school.

Provide a written description of what is to be included in a performance-based contract between sponsors and charter schools.

Provide a description of how charter schools must meet the law's criteria defining such schools.

Contain specific outcomes to be achieved by the students attending a charter school.

Explain how progress in meeting those outcomes will be measured.

Contain a description of how school officials, including teachers and parents, have been or will be involved in planning, developing and implementing each charter school.

ONGOING CHARTER SCHOOL FUNDING

The "Public School Redefinition Act" requires that outcome-based public schools receiving grants be eligible to receive federal, state and local education revenues, grants and other aids as though they were a local public school district.

Outcome-based performance contract

The "Public School Redefinition Act" requires that each school receiving a grant have an outcomes-based performance agreement with its sponsor. The agreement must:

Be in the form of a contract between the sponsor and the board of directors of the school.

Set forth outcomes that the school will achieve and document how they will be achieved and how achievement of outcomes will be monitored.

ACCOUNTABILITY

The "Public School Redefinition Act" requires the Secretary of Education or states receiving grants to terminate grant payments to schools if they find the school is not making acceptable progress toward meeting the outcomes agreed to in its performance contract.

Each charter school is also required to report at least annually to the Secretary or state education agency on its progress in meeting agreed-upon outcomes. And, each state receiving a grant must also report annually to the Secretary on its use of the grant funds.

AUTHORIZED FUNDING LEVELS

The "Public School Redefinition Act" authorizes $50.0 million in funding for grants to states and schools for fiscal year 1994, $75.0 million for FY 1995, and "such sums as may be necessary" in succeeding year.

QUESTIONS AND ANSWERS ON THE PUBLIC SCHOOL REDEFINITION ACT OF 1993

1. What's the origin of this proposal? And, what's its most important purpose?

The "Public School Redefinition Act" is based on legislation introduced—and then adopted in a modified form—in the 1991 session of the Minnesota State Legislature.

Its supporters included both Democratic and Republican legislators and then Governor Rudy Perpich. The Minnesota law authorizes creation of charter public schools and sets up the rules under which they may be established and are then run. A similar law authorizing charger schools was adopted by the California Legislature in 1992 and charter schools bills are being actively considered in a number of other states including Connecticut, Tennessee, New Jersey, Michigan, Arizona, Massachusetts, Colorado, Wisconsin, and Florida.

The Minnesota legislation was originally recommended in a report of the Citizens League, a Twin Cities public policy research organization. Legislative authors of the Minnesota proposal also credit Al Shanker, president of the American Federation of Teachers, and Minnesota educators, parents, community activists and others for important contributions to the original proposal.

Like the "Public School Redefinition Act," the original Minnesota proposal au-

thorizes several public bodies to charter new public schools. Once they meet criteria contained in the law, the schools would be exempt from state and federal mandates, yet receive state, local and federal funding as if they were public school districts.

As ultimately approved by the 1991 Legislature, the Minnesota law sets up a demonstration program under which a maximum of eight new charter schools may be sponsored by local school boards. No more than two such schools may be chartered by any one board. Charters must also be approved by the State Board of Education.

Although it has the same general objectives, the new California law differs in several respects from the Minnesota law. For example, the California law allows up to 100 charter schools (up to 10 per district) and has an appeal process for charters turned down by the local school district. Unlike the Minnesota law, California does not require charter schools to employee certified teachers. On the other hand, the California law contains more job protection and benefit continuity features for charter school teachers who are currently employed in California public schools.

2. Why would states want to seek grants to start new schools?

As more and more states offer parents and students the right to choose schools, it's become clear that school choice cannot realize its full potential without more choices. That means starting new schools. And, hopefully it will include opening new channels through which schools can get started, since the exclusive franchise that school boards now have makes it less likely that new schools will be started in competition with existing schools.

States have the primary role in defining how new schools can be authorized, so it's logical for states that have choice programs to now begin considering new channels through which parents, teachers, and local communities can start schools.

More tangibly, this legislation offers financial assistance to states in setting up new ways of starting new schools, waivers from federal regulations, and start-up assistance to groups that are establishing new schools.

3. Isn't this just one more ploy to divert attention from the need to put more money into existing schools?

Like many other choice and school reform proposals, this legislation does not offer a large-scale or immediate transfusion of new financial resources into education.

What it does do, however, is offer consumers of education a much greater stake and sense of ownership in schools. And, it places a much greater set of incentives on schools to improve performance outcomes.

Both these factors should help build public support and confidence in education. And, it should improve school performance.

In the end, a higher level of support and confidence—and clear evidence of improved performance—should translate into a greater taxpayer willingness to support higher funding levels as they are needed. And, the same dynamics offer the potential for individual school and teachers who perform well to be financially rewarded.

4. Won't this proposal adversely affect students who don't exercise choice, as highly motivated students—and funding for them—migrate to other schools?

This is a common argument, traditionally raised in objection to all school choice programs. But, it's a dated and largely theoretical argument that isn't borne out by real experiences in states like Minnesota.

Minnesota's experience with school choice has found a growing number of parents responding favorably to the opportunity to choose schools outside their own districts. Minnesota now has a half-dozen different choice programs which have all experienced slow but steady growth over the eight years since the state's first choice program was established.

But, it's also now evident that there has been no great surge of school transfers, even in a state that has actively promoted choice and where it is now widely supported. It's significant that well over 95 percent of Minnesota's elementary and secondary students have chosen not to change schools.

One reason for this relative stability is what has happened in schools and to students who are "left behind."

Over the last several years, competitive forces unleashed by choice have helped stimulate dozens of new programs designed as much to hold existing students as to attract new ones.

Minnesota high schools have been particularly diligent in expanding college level courses in response to the state's highly touted program allowing juniors and seniors to take courses at public expense at public and private colleges.

And, many school administrators have become more attentive and responsive to parent and student concerns, some interviewing every family that comes and goes under an open enrollment program.

These "secondary effects" of the marketplace are also becoming evident under Minnesota's charter schools law.

One example occurred in the Forest Lake School District where a group of parents had been trying for several years to get a Montessori program in the district. Last year, they proposed a Montessori charter school. They were turned down by the Forest Lake school board, but the district then decided to create its own Montessori elementary program.

So, contrary to the worries of its critics—if school choice is combined with more choices—and with consumers who are more satisfied that they are being responded to—those who choose not to change schools should benefit as much as those who do.

Finally, statements like "the best and brightest students will move on" reflect a degree of paternalism (even racism) that's not justified. Surveys and polls have shown that low income parents and parents in communities of color are among the strongest supporters of school choice.

Those parents care just as much about their kids as parents who can now exercise choice by moving or by paying private school tuition. Many low income parents are among those most frustrated by what can be unresponsiveness in existing schools. And, many of those same parents are willing and able to "take charge" through the marketplace if only given the opportunity and financial resources to do so.

5. Isn't this proposal just a thinly disguised effort to channel public funds to private schools like the voucher proposal made last year by President Bush?

The "Public School Redefinition Act" adds new value to the historic debate between public and private school choice by advancing to the national level the experience states like Minnesota have had over the past several years in redefining public education.

In that sense, the schools receiving grants under this legislation do not fit neatly into conventional definitions of either public or private schools.

On one hand, schools funded under this legislation must satisfy all the essential elements of public education: accepting "all comers," unable to discriminate because of race, religion, disability, and other factors, not charging tuition, and not teach religion or be affiliated with a religious institution.

On the other hand, schools receiving grants under this proposal would not be owned and run by local school districts. They would not be subject to state and federal rules and regulations (other than health and safety regulations). They would be organized and run by teachers or by parents and community members. Many of these schools are likely to be quite small. And, they could be organized under an infinite set of models—year-around, specialized curricula, high-tech or low-tech, one or two grades or age groupings, or a full K–12 curriculum.

Taken together, all this adds up to the kind of "break the mold schools" that President Bush envisioned in his "America 2000" initiative. But, these are also intended to be schools that retain the essential values and ingredients of American public education.

6. What about accountability to an elected school board?

Charter schools are held accountable both through the marketplace and through their outcome based contract with a school board or state or local education agency. That contract has to be periodically renewed. And, if they fail to meet their contractual obligations, they may be closed.

In that sense, charter schools are even more accountable to a public education agency than are other public schools.

7. Why not go the whole way and support vouchers for all schools—public and private?

Partly because it's not going to happen politically and insistence on making that leap all at once could hold up other aspects of education reform that need to go forward—particularly the emergence of more and more diverse school choices, less regulation, a greater focus on outcomes, and the empowerment of teachers, parents and community groups who want to start and run their own public schools.

On the merits, even many supporters of school vouchers are realizing that some protections against discrimination and some form of accountability must be accepted as a trade-off for public funding. Charter schools represent a framework for those applying those protections and accountability mechanisms uniformly and in ways that allow maximum control for parents, teachers, and others who operate the school.

8. What is likely to happen if charter schools and other choice options within public education are not allowed to emerge?

The political reality is that resistance to charter schools—and other deregulation/empowerment mechanisms—will only build support for more open-ended voucher plans.

In other words, if parents can't get more and more diverse choices within public education, they will have no choice but to opt for more radical ways of getting and facilitating the purchase of more diverse choices.

The time clock on that reality is ticking and helps explain support for the new charter schools law in California, where a more open-ended voucher initiative is likely to be on the 1994 ballot. Clearly, retaining the exclusive franchise that local school boards now have on owning and running public schools cannot continue indefinitely.

9. Where are proposals to start charter schools coming from?

Largely from bright, but frustrated teachers, but also from parents and community

groups that sense a need for a different focus to teaching and learning in their communities that they don't seem to be able to get out of traditional public schools.

So, partly, this is an empowerment mechanism—for teachers, parents and community groups. And, partly, this is a way to better meet the varying needs within communities for learning sites tailored to different kinds of students.

10. How are charter schools different and what types of students do they serve?

Schools receiving grants under the "Public School Redefinition Act" are intended to be tailored to meet the specific needs of individual communities or groups of students. So, it's not possible to make generalizations about what these schools will look like.

The initial experience with Minnesota's charter schools law does offer some hints, however, on what these new schools will look like.

For example, the first charter school—which began operating last fall—is the City Academy, a St. Paul school that focuses on drop-outs and other hard to reach learners between the ages of 13 and 21.

City Academy is a year-round school run from a community center in a low income neighborhood in St. Paul. Students participated in the development of the proposal, which received substantial start-up funding from the Northern States Power Company, the Twin Cities principal privately-owned electrical utility. Initial enrollment is being limited to about 30 students.

Five other Minnesota charter schools have also been approved by local school boards, and by the state board of education, but won't begin operations until next fall.

They include a Montessori elementary school in Winona, an environmentally oriented K-12 school in the northeastern Minnesota communities of Toivola-Meadowlands, a specialized middle school for deaf and hearing impaired students in the Twin Cities, a K-12, year-around school in Stillwater that stresses a strong role for parents as teachers, and a K-12 school—also in the Twin Cities—which is backed by the Teamsters Education Center and that will emphasize job-related "hands-on" learning experiences in the community.

At least a dozen other charter proposals are at various stages of consideration in Minnesota, including several that have been denied approval by the local school boards or the state board of education.

Minnesota's charter school movement could also get a major boost under a New American Schools Development Corporation grant which will help start as many as 10 new schools in the next year, with at least some of those schools likely to use Minnesota's charter schools law.

Meanwhile, in California, there has been strong interest in seeking the 100 charters authorized by the state's new charter schools law that took effect January 1, 1993. Ten charters have already been approved by local or county school boards and many more are expected to be considered in the next two months.

As is true in Minnesota, the charter schools emerging in California are all different. Consistent with California's charter law, most are existing public schools that are seeking relief from what they regard as stifling rules and regulations. They generally are placing a strong premium on parent involvement and empowerment of teachers. Several are geared toward dropouts and students at risk of dropping out. Others place a strong emphasis on using emerging computer and telecommunications technologies. At least one is centered on work experiences in the community through apprenticeships.

11. What seem to the main barriers to getting charter schools going?

In some cases, administrators and school boards are reluctant to give up traditional mechanisms for control or are unwilling to admit they haven't been responsive to educational needs in their districts. In other cases, teachers unions fear a loss of employee protection assurances in state law and may see charter schools as a competing way for teachers' interests to be served.

In a very real sense the lack of start-up funding and expertise has also been a barrier. Starting a new school is no easy undertaking. It takes time, expertise and financial resources that individual teachers and small groups of parents or community groups often don't have. Meeting that need is one of the main objectives of the "Public School Redefinition Act."

By Mr. MACK (for himself and Mr. MCCAIN):

S. 430. A bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes; to the Committee on Rules and Administration.

TAX FAIRNESS AND ACCOUNTABILITY ACT

• Mr. MACK. Mr. President, when President Clinton delivered his economic plan to Congress last week, he talked about change. He then outlined a plan with the same tired rhetoric of failed policies that punish success.

We agree with the President that there should be change—away from the status quo of raising taxes to fund more spending and more government.

The budget process is biased in favor of higher taxes and bigger government. That bias must be reversed. Accordingly, the bill I bring to the floor today, along with my good friend, Senator MCCAIN, the Tax Fairness and Accountability Act of 1993, requires 60 votes for a tax increase and a simple majority for a tax decrease. This is the same bill that my colleague from Arizona and I had championed during the 102d Congress.

The bottom line is simple: We want to protect the American taxpayer from their worst enemy—a tax-happy Congress.

My Florida constituents have greeted the President's tax plan with a great deal of skepticism, and they should.

When taxes are raised, everyone loses. Companies lose business. Workers lose jobs and families are hurt. State and local governments lose revenues. The Social Security Trust Fund loses contributions and the Federal Government's Treasury is worse off.

At a time when many countries throughout the world are turning toward free markets—rejecting the failures of government-run economies—the United States is headed in the opposite direction.

A supermajority vote on new taxes would make Congress take a hard look at the way it does business.•

By Mr. EXON:

S. 431. A bill to amend the Motor Vehicle Information and Cost Savings Act; to the Committee on Commerce, Science, and Transportation.

THE VEHICLE DAMAGE DISCLOSURE ACT

• Mr. EXON. Mr. President, I rise to introduce the Vehicle Damage Disclosure Act. Companion legislation has been introduced in the House of Representatives by Congressmen CLEMENT and COOPER, both from Tennessee. I am pleased to lead the Senate in this effort to stamp out a most serious and dangerous form of consumer auto fraud.

In 1986, I authored legislation to clamp down on odometer fraud. That law requires that odometer readings be carried on auto titles. The legislation has proved to be an overwhelming success. A recent study released by the U.S. Department of Justice proved dramatic reductions in odometer fraud. Very few cars are now sold with odometers which were spun backward to erase road miles.

The Vehicle Damage Disclosure Act builds on the success of the odometer legislation to tackle another serious form of fraud, known as salvage fraud.

When a car is destroyed in a crash, it is generally sent to a junkyard where it is stripped for parts or in some cases rebuilt. Most States require that salvaged cars carry a designation on their title so that consumers are alerted to the condition of the auto they are purchasing.

Unfortunately, several States do not require such a designation. Fraud artists use these States to wash titles of salvaged cars clean of any salvage designation. Once a clean title is obtained, rebuilt wrecks are put on used car lots and sold to unsuspecting consumers.

I am proud to report that the State of Nebraska has one of the best consumer protection title laws. Unfortunately, our State is surrounded by States with less restrictive laws, limiting the protection Nebraska can provide to consumers.

Experts have estimated that car buyers lose as much as $4 billion a year to salvage fraud and unknowingly face increased risk of injury and accident.

Mr. President, there are many legitimate rebuilders who provide good service and value and honest auto dealers who care for their customers. These individuals are especially disadvantaged by the fast-buck operators who play the current system to wash titles of their salvage designations.

In addition, salvage fraud is used by the underworld to clean titles of stolen cars.

Last Sunday's CBS broadcast of "60 Minutes" exposed the severe danger and fraud involved in the sale of salvaged cars. Often salvaged autos have dangerous defects and are prone to malfunction. CBS caught auto dealers in the act of misleading customers as to the history of known salvaged autos. I salute Mike Wallace for his ex-

cellent reporting of this shocking practice.

It is time to clamp down on this fraud which cheats consumers out of their hard earned money and puts dangerous vehicles on the road.

The Vehicle Damage Disclosure Act would require States to carry forward any salvage designation from another State and check records which are readily available to State officials. In addition, the U.S. Department of Transportation would be required to implement a nationwide uniform title branding procedure.

Passage of this legislation will prevent States from facilitating the laundering of titles, discourage criminal activity, and help keep unsafe vehicles off the road.

Mr. President, this legislation is straightforward and I would hope noncontroversial. I ask my colleagues to join me in this effort to protect American consumers from salvage fraud.

I ask unanimous consent that the text of the Vehicle Damage Disclosure Act and an article from the February 8, 1993 Automotive News be printed as if read at the conclusion of my remarks.

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

S. 431

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

SECTION 1. SHORT TITLE AND REFERENCE.

(A) SHORT TITLE.—This Act may be cited as the "Vehicle Damage Disclosure Act of 1993".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Motor Vehicle Information and Cost Savings Act.

SEC. 2. PURPOSE.

Section 401 (49 U.S.C. 1981) is amended—

(1) by inserting after "reliability;" the following: "that a designation by a State on the title that such vehicle has previously sustained major damage or has been rebuilt after being declared 'junk' or 'salvage' is an important factor in evaluating the value and safety of such automobile;", and

(2) by inserting before the period the following: "or vehicles for which States have previously issued a title brand indicating prior severe damage".

SEC. 3. DISCLOSURE REQUIREMENTS UPON TRANSFER OF OWNERSHIP OF A MOTOR VEHICLE.

Section 408 (49 U.S.C. 1988) is amended—

(1) in subsection (a) by inserting "on the title" after "disclosure", and

(2) by adding at the end the following:

"(h)(1) Any motor vehicle the ownership of which is transferred may not be licensed for use in any State unless the State discloses on the title whether records readily accessible to it indicate—

"(A) whether the vehicle was previously issued a title that bore any word or symbol signifying that the vehicle was 'salvage', 'junk', 'reconstructed', or 'rebuilt' or that it has been damaged by flood, and

"(B) if it was issued such a title, which State first issued such a title.

"(2) The Secretary shall—

"(A) not later than 90 days after the date of the enactment of the Vehicle Damage Disclosure Act of 1993, prescribe by rule the manner in which a State shall disclose the information described in paragraph (1)(A) and the manner in which such information shall be retained, and

"(B) not later than 12 months after the date of the enactment of such Act, in consultation with the task force established under section 140(a) of the Anti Car Theft Act of 1992 (15 U.S.C. 2401 note), prescribe the manner in which and the circumstances under which States shall signify that a vehicle has previously sustained major damage.".

NHTSA ISSUES SALVAGE SCAM WARNING

WASHINGTON.—The federal government last month told consumers to watch out for used cars reconstructed from salvaged parts or rebuilt after being "totaled."

The National Highway Traffic Safety Administration advised motorists to guard against buying used cars with hidden damages. The agency said a reliable mechanic should perform an independent inspection.

All but seven states require the word "salvaged" on title documents, NHTSA says.

That is supposed to make the vehicles eligible for sale only to junkyards or rebuilders.

But there is little uniformity among those states on inspections, reporting and keeping records.

The National Auto Auction Association says selling rebuilt cars as undamaged used ones costs consumers and the auto industry as much as $4 billion a year. The association estimates that in Michigan and Pennsylvania alone, 70 percent of "totaled" cars may be returning to the highways.

The Department of Transportation is setting up a task force to investigate state title, registration and salvage procedures. A 1992 law requires a National Motor Vehicle Information System by 1996. That could be used by consumers as an instant check on whether a car has been rebuilt.●

By Mr. LIEBERMAN (for himself and Mr. KERREY):

S. 432. A bill to establish a commission to make the Federal Government more effective by promoting economy, efficiency, and consistency in Government programs and services; to the Committee on Governmental Affairs.

FEDERAL GOVERNMENT STREAMLINING AND EFFICIENCY ACT OF 1993

Mr. KERREY. Mr. President, I rise today to discuss a proposal for which there is little constituency: restructuring and streamlining the Federal Government. Along with my distinguished colleague from Connecticut, Senator LIEBERMAN, we are here today to introduce the Federal Government Streamlining and Efficiency Act of 1993.

The goal of this legislation is the same that was declared by President Clinton yesterday to the U.S. Chamber of Commerce and that is to make our Government more responsive to its customers, the American taxpayer. Today's Government does not consider the taxpayer to be a primary customer, Mr. President. The taxpayers do not generate the kind of fear of reprisal in Government circles caused by Senators and Representatives who mix meddling with oversight, by Government agencies who can provide opportunities for meetings to plan acts of cooperation, or by large private sector companies that have an interest in selling goods and services.

These customers, when asked about Government restructuring proposals, will roll their eyes and tell you that it is either not necessary or it is not possible. Mr. President, I am here, along with Senator LIEBERMAN, this morning because I believe restructuring is necessary, it is possible and it is urgently needed.

Thanks to President Clinton's brilliant State of the Union Address, Americans are now much more familiar with the numbers that tell the story of our current fiscal problem. Unless we change course, the Federal budget deficit in this year will be $310 billion and will grow to over $600 billion by the end of the decade.

Mr. President, last week President Clinton unveiled an economic plan that seeks to restructure Federal spending priorities and, more importantly, to take serious action to reduce the Federal budget deficit. The plan includes much that is controversial. The spending cuts are not going to be without pain and tax increases are never popular. The plan calls on us to put our political reputations where our mouths are. We have all been talking about tough choices. Now it is time to make them. I believe it is our responsibility in Congress, Mr. President, to respond to the President's challenge and to finally break the gridlock and put this Nation on a sound fiscal course.

Over the next few months, I will be working in the Senate and with the administration to make what I believe are significant and welcome departures from the ways we have conducted business before. Although the President's plan is a dramatic step, from my perspective it is just a beginning.

Mr. President, we can make substantial additional progress toward reducing the deficit through action on three fronts. First, controlling the growth of entitlements and transfer payments, those nearly 900 billion dollars' worth of checks to individuals and institutions. Second, improving oversight of Federal contracts. And third, reducing the size and structure of the Federal Government.

Category No. 1, Mr. President, is the most difficult politically. The tremendous stream of revenue flowing out in the form of transfer payments is not growing by accident. It has the largest and most active group of advocates. Within this torrent of money, health care is the most troublesome component. I have been on the floor several times in the past to discuss the crucial importance of health care reform to reducing the Federal budget deficit.

Quite simply, all our efforts to control the deficit will fail unless we stop

the runaway cost of health care. Very soon the President will come to this Congress and make his proposal for health care reform and at that time I believe we are going to see a difficult struggle over the issue of entitlements.

Category No. 2, Mr. President, the oversight of Federal contracts, gets far too little attention. Last fall, Comptroller General Charles Bowsher, the head of the General Accounting Office, sent President Clinton a series of transition reports. In these transition reports was shocking language about the lack of basic bookkeeping oversight. Mr. Bowsher indicates that we are wasting tens of billions of dollars as a result.

Mr. President, some have suggested that we deal with these contracts with a line-item veto. I believe Congress would make a terrible mistake to give the executive branch and the President this power. However, I believe we do need some mechanism to end contracts when it is determined they are wasteful or fraudulent. I will return to the floor at a later date to discuss this idea further.

Today, Mr. President, I am here to discuss the third category where taxpayers could save some money, the structure and size of the Federal Government.

Mr. President, I support President Clinton's efforts to cut Government spending. I am pleased to learn this morning of his intent to postpone consideration of the stimulus package until after we have acted on spending cuts. Americans are ready for a smaller Federal budget. It is our job to give it to them.

The central message of the Government Streamlining and Efficiency Act of 1993 is that cutting spending alone is not the answer. We do not want to send the message to the Government or to the people to simply make do with less. We want to send the message that they should do more with less. And the only way to accomplish that goal is to make Government more efficient; to cut wasteful spending and restructure and rethink the way in which Government relates to the people it is supposed to serve.

The Government Streamlining and Efficiency Act of 1993 would send a signal to the American people that we are serious about making the long-term structural changes needed to put our Government on the right track. It establishes a 2-year bipartisan commission tasked with the responsibility of examining Federal agencies and programs.

The scope of the commission will be broad, Mr. President, and broad changes are needed. The commission will have real power to make recommendations in three main areas. First, they would include proposals to consolidate, eliminate or reorganize agencies. There are too many examples for me to cite this morning of where consolidation is needed.

Second, the commission would propose ways to improve the delivery of Government services, including ways to consolidate the delivery of services, integrate the use of information technologies and incorporate marketplace principles of accountability and competition.

Third, the commission will propose ways to streamline the regulatory process and coordinate the regulatory function of Federal agencies. Regulation is not the Government's strong suit. We have often made matters worse by dividing regulatory authority. Unfortunately this competition does not add value to the American economy or to the quality of our lives. It only adds cost and frustration while subtracting citizen confidence.

What makes this commission different is not only the broad scope of its examination. What makes it different is the commission will be required to submit along with its recommendations statutory language necessary to implement those recommendations. This would not be one of those cases where we spend money, recommendations are made, then nothing happens. After a period of hearings and consultation with the President and Congress this implementing legislation will be presented to Congress for consideration on a fast-track basis. We will be giving ourselves an opportunity to consider a proposal that could significantly change the way the Federal Government does business, rolled together into a single package.

Some are going to argue that we are giving too much power to this commission. However, unless we move to recommendations for legislation, we will miss an opportunity to save hundreds of millions of dollars and give the American people a government that works.

Mr. President, in the end there is a 6-word description of what Senator LIEBERMAN and I propose to do. That is give Americans a government that works. They deserve nothing less.

Mr. LIEBERMAN. I thank the distinguished chair, and I rise to join with my friend and colleague from Nebraska, Senator KERREY, in introducing this legislation.

Mr. President, it seems to me that this is the right moment for this legislation. It responds in a very real way to the message that I, and I suspect all Members of this Chamber, have heard from our constituents in the last several months, and particularly since the President made his address to Congress last Wednesday evening. They are saying to us we are ready to bite the bullet, if everyone is ready to bite the bullet, and if we get something in return.

Part of what the folks that are speaking to me want in return is a government that is less costly, more efficient, and more responsive to their needs. That is exactly what this commission Senator KERREY and I will create with this bill will do.

I add this too, procedurally. The news today indicates that President Clinton has asked that the stimulus package spending increases to address the recession that continues in many parts of our country, certainly in my part of the country, be held until we adopt the overall budget resolution. This springs from the concern that we not appear to be going out to spend before we put some restraints on Government.

Mr. President, I cannot think of a better way in the short run to convince the American people that we are serious not only about responding to their needs and stimulating the economy, but about restraining Government and making it more efficient, than by creating a commission like this up front before we do the stimulus package, to prove as Senator KERREY has said that we want a government that works.

This commission would root out outdated programs and eliminate them. It would consolidate redundant and overlapping bureaucracies. It would incorporate marketplace incentives into Government management and budgeting processes to give our civil servants the freedom that they need to make commonsense choices.

We aim to streamline the regulatory process, and untangle the regulations that impose unintended and sometimes contradictory burdens.

The bill establishes the bipartisan commission, as Senator KERREY has described, and will follow the procedure that he spelled out.

Mr. President, our aim with this bill is not simply to make Government smaller, but to make it better. The commission is directed to examine the underlying assumptions behind Government programs and agencies, and to evaluate past results, not simply past promises. Too often, as David Osborne has written, bureaucratic governments evaluate how its programs are performing by measuring what has gone into the program, not what comes out. For example, lending programs are too often evaluated by the number of loans made rather than what happens to the businesses that receive those loans.

Programs for the poor are too often measured by the number of participants rather than on whether the participants are finding the jobs and help that they need to become independent.

This commission will be charged with reorganizing and reorienting Government agencies and programs so that they incorporate some of the principles of the marketplace—accountability, consumer choice, and competition—into the delivery of Government services.

Adopting those principles obviously does not mean wholesale deregulation

or indiscriminate privatization, for the work of Government is far different than the work of business. But we have something to learn from the private sector. We need to encourage Government to borrow from what works in the private sector, and in many State governments where these entrepreneurial innovations have been successful.

Again, Mr. President, as David Osborne has described better than anyone else I know, the hierarchial centralized Federal bureaucracy that has been growing and growing since the 1930's finds it difficult to function as well as it used to in the complex information age in which we are now living.

So we cannot continue to layer one well-intentioned program on top of the other. We need to take advantage of new technologies and use them to improve management, to reduce administrative costs and to make Government more accessible to the people for whom it is supposed to be working.

Mr. President, in the private sector, all is not perfect, but nonetheless in the private sector, competition exists to induce companies to be more efficient. And when companies lose their effective purpose, sadly, it forces some of them to go out of business.

In Government, there is not that competition. And therefore, the efficiency of Government depends on our skills in the legislative branch in performing effective oversight of Government; in weeding out agencies that no longer have an appropriate purpose; in cutting out fat in the agencies that do have an appropriate purpose but are performing it ineffectively.

That is the aim of this bill. There are examples galore of different branches of the Government all working on the same problem without coordination and sometimes indeed at cross purposes. Sixteen different Government offices for example claim responsibility for one or another aspect of trade promotion.

Forty different Federal programs are in the business of selling houses where the Government has become the owner through foreclosure or other guaranteed programs. Twenty different agencies exercise responsibility over children's issues.

Is it any wonder that sometimes our Government as well-intentioned as it is trips over itself and that the citizens for whom the Government is supposed to be working are frustrated?

It is not reasonable that citizens have to spend as much time as they do contacting us in Congress just to negotiate their way through the often bewildering maze of Federal offices that confront them when they need help or have a simple question.

In Hartford, a city of 140,000, the phone directory lists 30 separate Federal offices. I wonder whether those Federal offices communicate or even know that the others exist?

Mr. President, I view this legislation as the first volley in our efforts, in our plans, to make some hard choices in this session. I am convinced that we need to deal with these choices in a single comprehensive package.

I recognize as my colleague from Nebraska does that there is certainly room for improvement and compromise in this proposal. I look forward to working with other Members who are working on similar proposals, and of course, eagerly welcome the administration's contributions and support. But if there was ever a moment to move forward in a strong concerted way to make our Government serve the purposes we and our constituents want it to serve, but in the leaner more efficient fashion, this is that moment.

Mr. President, I ask unanimous consent that an explanation of this legislation as well as a copy of the bill be printed in the RECORD. I send forward the bill entitled the Federal Government Streamlining and Efficiency Act of 1993.

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

S. 432

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

SECTION 1. SHORT TITLE AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Federal Government Streamlining and Efficiency Act of 1993".

(b) PURPOSE.—The purpose of this Act is to make the Federal Government more effective by consolidating or eliminating redundant or obsolete programs or agencies, and promoting economy, efficiency, and consistency in Government programs and services.

SEC. 2. THE COMMISSION.

(a) ESTABLISHMENT.—There is established an independent commission to be known as the Commission for a Government That Works (hereafter in this Act referred to as the "Commission").

(b) DUTIES.—The Commission shall carry out the duties specified for it in this Act.

(c) APPOINTMENT.—

(1) IN GENERAL.—(A) The Commission shall be composed of 14 members.

(B) Appointments to the Commission shall be made by no later than 30 days after the date of the enactment of this Act.

(2) MEMBERSHIP.—(A) The President shall appoint 4 members to the Commission, of whom 2 shall not be employed by the Federal Government or elected to Federal office at the time of appointment (hereafter in this Act referred to as "citizen members").

(B) The Speaker of the House of Representatives shall appoint 3 members, of whom—

(i) 2 shall be citizen members; and

(ii) 1 shall be a Member of the House of Representatives.

(C) The Majority Leader of the Senate shall appoint 3 members, of whom—

(i) 2 shall be citizen members; and

(ii) 1 shall be a Senator.

(D) The Minority Leader of the House of Representatives shall appoint 2 members, of whom—

(i) 1 shall be a citizen member; and

(ii) 1 shall be a Member of the House of Representatives.

(E) The Minority Leader of the Senate shall appoint 2 members, of whom—

(i) 1 shall be a citizen member; and

(ii) 1 shall be a Senator.

(3) CHAIRMAN.—The President, after consultation with the Senate Majority Leader and the Speaker of the House of Representatives, shall designate 1 member of the Commission who shall serve as Chairman of the Commission.

(d) TERMS.—

(1) IN GENERAL.—The terms of the first members of the Commission shall begin on October 1, 1993. The term of each appointment shall be 2 years. An individual may be appointed to serve any number of terms on the Commission.

(2) SUCCESSIVE APPOINTMENTS.—Subject to the provisions of section 5, appointments shall be made to the Commission in accordance with subsection (c) at the expiration of the terms of the Commission.

(e) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet as necessary to carry out its responsibilities. The Commission may conduct meetings outside the District of Columbia when necessary.

(2) PUBLIC ACCESS.—The provisions of section 552b of title 5, United States Code, shall apply to meetings held by the Commission.

(f) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment. The individual appointed to fill the vacancy shall serve for the unexpired portion of the term for which the individual's predecessor was appointed.

(g) PAY AND TRAVEL EXPENSES.—

(1) PAY.—(A) Each member, other than the Chairman and Members of Congress, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties of the Commission.

(B) The Chairman shall be paid for each day referred to in subparagraph (A) at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(2) TRAVEL EXPENSES.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) DIRECTOR OF STAFF.—

(1) IN GENERAL.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, appoint a Staff Director.

(2) PAY.—The Director shall be paid at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(i) STAFF.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Director, with the approval of the Commission, may appoint and fix the pay of additional personnel.

(2) APPOINTMENTS WITHOUT REGARD TO COMPETITIVE SERVICE LIMITS.—The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule.

(3) DETAILEES.—Upon request of the Director, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Commission to assist the Commission in carrying out its duties under this Act.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission with or without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(j) OTHER AUTHORITY.—

(1) INTERMITTENT SERVICES.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(2) LEASING AND PERSONAL PROPERTY.—The Commission may lease space and acquire personal property to the extent funds are available.

(k) DEPARTMENT AND AGENCY COOPERATION.—All Federal departments and agencies shall cooperate fully with all requests for information from the Commission and shall respond to requests for information by the Commission within 30 days after a request or such other time as determined by the Commission.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for each of the fiscal years 1994 through 2000 to the Commission to carry out its duties under this Act, which shall remain available until expended.

SEC. 3. PROCEDURES FOR MAKING RECOMMENDATIONS.

(a) IN GENERAL.—The Commission shall undertake an examination of Federal agencies and programs, including entitlement programs, and submit to the President and Congress findings and recommendations regarding reforms of the organization and operations of the executive branch of the Federal Government to make Government more effective by promoting economy, efficiency, and consistency in Government programs and services. Such recommendations shall include proposals to—

(1) consolidate, eliminate, or reorganize agencies or programs that—

(A) are outdated and no longer meet their statutory objectives;

(B) are duplicated by, or are similar to other programs or agencies in the same or different departments; and

(C) provide services or benefits which are not consistent with or counter initiatives in other agencies or programs;

(2) improve the delivery of Government services to regions, States, localities, and individuals, including recommendations to—

(A) consolidate the delivery of services through coordination of service providers or similar means;

(B) integrate the use of information technologies to improve management and reduce administrative costs; and

(C) incorporate marketplace principles of accountability and competition; and

(3) streamline and coordinate the regulatory process and regulatory functions of Government agencies and programs.

(b) REPORT.—No later than January 1, 1995, the Commission shall prepare and submit a report to the President and Congress which shall include—

(1) a description of the Commission's recommendations under subsection (a);

(2) reasons for such recommendations; and

(3) proposed legislation (containing specific language proposed to be enacted) necessary to implement the Commission's recommendations to—

(A) consolidate, eliminate, or reorganize programs or agencies;

(B) improve the delivery of Government services; and

(C) streamline and coordinate the regulatory process and regulatory functions of Government agencies and programs.

SEC. 4. PROCEDURE FOR IMPLEMENTATION OF REPORT.

(a) INITIAL REPORT AND REVIEW PROCEDURE.—The report required by section 3(b) shall be submitted to the President and Congress and made available to the public for 60 days after the date the initial report is submitted. During the 60-day period, the Commission shall announce and hold public hearings for the purpose of receiving comments on the report and any amendments to the report.

(b) FINAL REPORT.—No later than 45 days after the conclusion of the period for public hearings under subsection (a), the Commission shall prepare and submit a final report to the President.

(c) REVIEW BY THE PRESIDENT.—

(1) IN GENERAL.—No later than 15 days after receipt of the final report under subsection (b), the President shall approve or disapprove the report.

(2) APPROVAL.—If the report is approved the President shall submit the report to the Congress for legislative action under section 6.

(3) DISAPPROVAL.—If the President disapproves the final report, the President shall report specific issues and objections, including the reasons for any changes recommended in the report, to the Commission and the Congress.

(4) FINAL REPORT AFTER DISAPPROVAL.—The Commission shall consider any issues or objections raised by the President and may modify the report based on such issues and objections. No later than 30 days after receipt of the President's disapproval under paragraph (3), the Commission shall submit the final report (as modified if modified) to the Congress for legislative action under section 6.

SEC. 5. RENEWAL OF THE COMMISSION.

(a) IN GENERAL.—(1) If, after completion of congressional consideration of the Commission report, the President finds that a renewal of the Commission would make a constructive and beneficial contribution to improving the organization and operations of the executive branch of the Government, the Commission shall be renewed for a 2-year period. The terms of the members of the renewed Commission shall begin at the conclusion of the terms of the members of the previous Commission under section 2(d).

(2) If the Commission is not renewed under paragraph (1), the Commission shall terminate at the conclusion of the terms of the members under section 2(d).

(b) SUBSEQUENT REPORTS.—A renewed Commission shall submit a report, in accordance with the provisions of this Act, on January 1 of the first odd-numbered year following its renewal.

(c) TERMINATION.—The Commission shall terminate on October 1, 1999, and shall not be renewed after such date.

SEC. 6. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "implementation bill" means only a bill which is introduced as provided under subsection (b), and contains the proposed legislation contained in the final report submitted to the Congress under section 4(c) (2) or (4) without modification; and

(2) the term "session day" means a day that both the Senate and the House of Representatives are in session.

(b) INTRODUCTION AND REFERRAL.—

(1) INTRODUCTION.—On the first session day on or immediately following the date on which a final report is submitted to the Congress under section 4(c) (2) or (4), an implementation bill shall be introduced—

(A) in the Senate by the Majority Leader of the Senate, for himself, the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate; and

(B) in the House of Representatives by the Majority Leader of the House of Representatives, for himself and the Minority Leader of the House of Representatives, or by Members of the House of Representatives designated by the Majority Leader and Minority Leader of the House of Representatives.

(2) REFERRAL.—The implementation bill introduced in the Senate shall be referred concurrently to the Committee on Governmental Affairs of the Senate, and other committees with jurisdiction. The implementation bill introduced in the House of Representatives shall be referred concurrently to the Committee on Government Operations of the House of Representatives, and other committees with jurisdiction.

(c) DISCHARGE.—If the committee to which an implementation bill is referred has not reported such bill by the end of the 15 calendar day period beginning on the date of introduction of such bill, such committee shall be, at the end of such period, discharged from further consideration of such bill, and such bill shall be placed on the appropriate calendar of the House involved.

(d) CONSIDERATION.—

(1) IN GENERAL.—On or after the fifth session day after the date on which the committee to which such a bill is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a bill, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the implementation bill (but only on the day after the calendar day on which such Member announces to the House concerned the Member's intention to do so). All points of order against the implementation bill (and against consideration of the implementation bill) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the implementation bill is agreed to, the respective House shall immediately proceed to consideration of the implementation bill without intervening motion, order, or other business, and the implementation bill shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the implementation bill, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the Majority Leader and the Minority Leader or their designees. An amendment to the implementation bill is not in order. A motion further to limit debate is in order and not debatable.

A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the implementation bill is not in order. A motion to reconsider the vote by which the implementation bill is agreed to or disagreed to is not in order.

(3) FINAL PASSAGE.—Immediately following the conclusion of the debate on an implementation bill and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the implementation bill shall occur.

(4) APPEALS FROM CHAIR.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to an implementation bill shall be decided without debate.

(e) CONSIDERATION BY OTHER HOUSE.—

(1) IN GENERAL.—If, before the passage by one House of an implementation bill of that House described in subsection (a), that House receives from the other House an implementation bill described in subsection (a), then the following procedures shall apply:

(A) The implementation bill of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to an implementation bill described in subsection (a) of the House receiving such bill—

(i) the procedure in that House shall be the same as if no implementation bill had been received from the other House; but

(ii) the vote on final passage shall be on the implementation bill of the other House, except that if the implementation bill is a bill for the raising of revenue, the vote of final passage shall be upon the implementation bill which originates in the House of Representatives.

(2) FINAL DISPOSITION.—Upon disposition of the implementation bill received from the other House, it shall no longer be in order to consider the implementation bill that originated in the receiving House.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of an implementation bill described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 7. IMPLEMENTATION.

(a) RESPONSIBILITY FOR IMPLEMENTATION.—The Director of the Office of Management and Budget shall have primary responsibility for implementation of the Commission's report and the Act enacted under section 6 (unless such Act provides otherwise). The Director of the Office of Management and Budget shall notify and provide direction to heads of affected departments, agencies, and programs. The head of an affected department, agency, or program shall be responsible for implementation and shall proceed with the recommendations contained in the report as provided under subsection (b).

(b) DEPARTMENTS AND AGENCIES.—After the enactment of an Act under section 6, each affected Federal department and agency as a part of its annual budget request shall transmit to the appropriate committees of Congress its schedule for implementation of the provisions of the Act for each fiscal year. In addition, the Secretary's report shall contain an estimate of the total expenditures required and the cost savings to be achieved by each action, along with the Secretary's assessment of the effect of the action. The report shall also include a report of the programs and agencies that have been eliminated and programs and agencies that have been consolidated or transferred to other departments.

(c) GAO OVERSIGHT.—The Comptroller General shall have oversight responsibility over the implementation of the Commission's report and the Act enacted under section 6. The Comptroller General shall periodically report to the Congress and the President regarding the accomplishment, the costs, the timetable, and the effectiveness of the implementation process.

SEC. 8. DISTRIBUTION OF ASSETS.

Any proceeds from the sale of assets of any department or agency resulting from the enactment of an Act under section 6 shall be—

(1) applied to reduce the Federal deficit; and

(2) deposited in the Treasury and treated as general receipts.

SUMMARY OF THE FEDERAL GOVERNMENT STREAMLINING AND EFFICIENCY ACT OF 1993

The Federal Government Streamlining and Efficiency Act of 1993 establishes a bipartisan, fourteen-member, two-year commission to make recommendations to improve the effectiveness of the Federal Government. The Commission will submit a report to the President and Congress containing recommendations to eliminate, consolidate, or reorganize Federal agencies and programs that are obsolete or redundant, and to promote economy, efficiency, and consistency in the delivery of Government programs and services. To ensure that the recommendations are acted upon, the commission's report will include proposed statutory language necessary to implement its recommendations. This legislation will be subject to fast-track consideration and a single up-or-down vote by the Senate and the House of Representatives. The Commission, known as the Commission For A Government That Works, may be renewed for two additional terms at the option of the President, but will terminate no later than October 1, 1999.

SEC. 1. SHORT TITLE AND PURPOSE

The purpose of the "Federal Government Streamlining and Efficiency Act of 1993" is to make the Federal Government more effective by consolidating or eliminating redundant or obsolete programs or agencies, and promoting economy, efficiency, and consistency in Government programs and services.

SEC. 2. THE COMMISSION

The Commission has 14 members, appointed within 30 days of enactment of the Act. The President appoints 4 members, two of whom are private citizens not employed by the Federal Government or elected to Federal office. The Speaker of the House and the Majority Leader of the Senate each appoint 3 members, of whom two are citizen members and one is a Member of Congress. The Minority leaders of the House and Senate each appoint two members, of whom one is a citizen member and one is a Member of Congress.

The President designates a chairman among the members. The Commission appoints a director and staff, and many have agency detailees. The two-year term of the commission will begin on October 1, 1993. At the option of the President, the commission may be renewed for up to two additional terms.

SEC. 3. PROCEDURES FOR MAKING RECOMMENDATIONS

The Commission will examine Federal agencies and programs, including entitlement programs, and submit to the President and Congress on January 1, 1995 a report including recommendations and accompanying implementing legislation to

1. Eliminate, consolidate, or reorganize programs or agencies;

2. Improve the delivery of government services to regions, States, localities, and individuals by, among other things, integrating the use of information technologies to improve management and reduce administrative costs and incorporating marketplace principles of accountability and competition, and

3. Streamline and coordinate the regulatory process and regulatory functions of Government agencies and programs.

SEC. 4. PROCEDURE FOR IMPLEMENTATION OF REPORT

An initial version of the report, which includes recommendations and proposed implementing legislation, is submitted to the President and Congress. The Commission holds public hearings for 60 days after the report is initially submitted. No more than 45 days after the conclusion of the hearing period, the Commission submits a final report, reflecting any modifications resulting from the hearings, to the President. The President approves or disapproves the report within 15 days. If the President disapproves, the Commission has 30 days to modify the report. The final report, as modified, is then submitted to Congress.

SEC. 5. RENEWAL OF COMMISSION

After the Commission completes its two-year term and submits its report to the President and Congress, the President has the option of renewing the Commission for another two-year term if the President finds that renewal would make a constructive and beneficial contribution to improving the operations of the Federal government. If the President decides to do so, the renewed Commission will submit a report on January 1, 1997 pursuant to the same procedures as the initial report. Upon submission of that report, the President may opt to renew the Commission for another two-year term. The Commission terminates on October 1, 1999, and cannot be renewed again.

SEC. 6. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT

When the Commission submits its report to Congress, the Majority Leader in the Senate and the Majority Leader of the House (or designated Members) shall introduce the implementing legislation bill contained in the report on the first session day in which both Houses are in session. The bill shall be referred concurrently to the Committee on Governmental Affairs in the Senate, the Committee on Government Operations in the House, and other committees with jurisdiction. The Committees shall have 15 calendar days to report or discharge the bill. Five session days after the bill has been reported or discharged by the committees, the bill will be in order for consideration on an expedited basis. Amendments to the implementation bill are not in order.

SEC. 7. IMPLEMENTATION

OMB has primary responsibility for implementing the Commission's report. GAO has

oversight responsibility and periodically reports to the President and Congress regarding the process.

SEC. 8. DISTRIBUTION OF ASSETS

Proceeds from the sale of any executive branch assets resulting from implementation of the report will be used to reduce the Federal deficit and be deposited in the Treasury as general receipts.

Mr. KERREY. Mr. President, I say that I hope the introduction of this legislation on Senator LIEBERMAN's birthday is an indication of our great success. One of the things that I did not mention in my remarks that I believe all of us have heard from our people at home is that the amount of paperwork and regulation very often there from government agencies has become more and more difficult. It is not just business interests. Anybody who has talked to people involved in special education, or chapter 1, or school lunch programs, knows that the top of the agenda, even before they get to the desire for more money, is very often the fact that the paperwork has become very onerous.

I believe that the divided nature of authority at the Federal level produces an awful lot of that paperwork. Very often, Federal agencies operate under the assumption that the people they are trying to help are not to be trusted, and as a consequence, they put all kinds of paperwork out for them to complete prior to being given resources and prior to allowing their resources to continue. One of the things that I think will come from restructuring Government and making it operate in a much more simple fashion is that the paperwork burden we are hearing about from schools and teachers—and that we are hearing about from throughout our communities—would be substantially reduced.

Again, it is an honor for me to be introducing this legislation with my colleague from Connecticut, whose birthday is today, Senator LIEBERMAN. I look forward to working with the leadership and with Republicans, as well as Democrats, to improve this legislation. It is of urgent necessity that we seize this moment land enact it this year.

Mr. DASCHLE. Mr. President, let me commend my colleagues for what appears to be a very interesting and intriguing approach to addressing the problem. I look forward to learning more about the bill in the coming days.

By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. 433. A bill to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, LA, and for other purposes; to the Committee on Energy and Natural Resources.

CAMERON PARISH LAND CONVEYANCE ACT

• Mr. JOHNSTON. Mr. President, I rise today to introduce legislation to convey approximately 141 acres of land in Cameron Parish, LA, to the West Cameron Port Commission to allow the commission to develop a public port facility. This area, known as Monkey Island, is situated just over a mile north of the Gulf of Mexico.

Monkey Island is bordered by both the Calcasieu ship channel and Calcasieu Pass, which provide both deep draft and shallow draft capabilities, with close access to the gulf. Development of a public port facility will allow Cameron Parish to provide increased recreational opportunities through boat-launching facilities, a marina, fishing piers, and park areas. In addition, the port will provide an economic stimulus for the area through the development of a commercial docking facility, Port Commission offices, port-related cargo warehouse facilities, and a community industrial park.

The area was originally withdrawn for use by the Coast Guard in 1875. The Coast Guard now uses only a few acres, and relinquished the remainder of the property to the Bureau of Land Management in 1984. Other than a few unoccupied structures, the property is vacant, and has not been utilized by the BLM.

Mr. President, this bill is very similar to legislation I introduced last Congress, S. 3100. I would like to thank my colleague, Senator BREAUX, for cosponsoring this bill again this year. The Committee on Energy and Natural Resources ordered S. 3100 favorably reported by a vote of 20–0, and the bill later passed the Senate by a voice vote. The House passed the bill at the end of the 102d Congress, but because of amendments unrelated to the land conveyance, we were unable to complete passage of the bill before adjournment. However, I am not aware of any controversy surrounding this legislation, and I am hopeful that this bill will be enacted early this year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following this statement.

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

S. 433

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

SECTION 1. CONVEYANCE OF LANDS.

(a) IN GENERAL.—Subject to the limitations set forth in this section, the Secretary of the Interior (hereinafter in this Act referred to as the 'Secretary') is directed to convey by quitclaim deed and without monetary consideration, all right, title, and interest of the United States in and to certain lands located in Cameron Parish Louisiana, as described in section 2, to the West Cameron Port Commission for use as a public port facility or for other public purposes.

(b) RESERVATION OF MINERALS.—The United States hereby excepts and reserves from the provisions of subsection (a) all minerals underlying the lands referred to in section 2.

(c) REVERSION TO THE UNITED STATES.—If the lands conveyed by the United States pursuant to this Act cease to be operated by the West Cameron Port Authority for use as a public port facility or for other public purposes, such lands shall revert to the United States: *Provided*, That the Secretary shall not acquire any lands under this subsection if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).

(d) RETENTION OF PROPERTY FOR COAST GUARD.—The Secretary, after consultation with the Coast Guard and the West Cameron Port Authority, shall except and reserve from such conveyance all right, title, an interest to approximately 3.0 acres of lands previously used by the Coast Guard, along with any improvements thereon, for the continued use and benefit of the Coast Guard.

(e) RETENTION OF OTHER ENCUMBRANCES.—(1) The Secretary shall not convey any right, title, or interest held by the United States on the date of enactment of this Act in or to the following encumbrances, as identified on the map referred to in section 2—

(A) a permit granted to the United States Army to install and maintain an automatic tide gauge for recording storm and hurricane tides; and

(B) height restrictions in relation to the radio beacon tower.

(2) The Secretary, after consultation with the Coast Guard, may include in the deed of conveyance any other restrictions the Secretary determines necessary for the benefit of the Coast Guard, including, but not limited to restrictions on height of structures, and requirements to shield seaward facing lights.

SEC. 2. LAND DESCRIPTION.

The lands to be conveyed pursuant to this Act comprise approximately 141.4 acres of Federal lands located within the irregular section 32, township 15 south, range 10 west, Louisiana Meridian, as generally depicted on the map entitled 'Cameron Parish land Conveyance' and dated February, 1993.•

By Mr. BUMPERS (for himself, Mr. DURENBERGER, Mr. LIEBERMAN, Mrs. KASSEBAUM, Mr. HARKIN, Mr. DOMENICI, Mr. KERRY, Mr. GRASSLEY, Mr. DECONCINI, Mr. LEVIN, Mr. GLENN, Mr. SHELBY, Mr. INOUYE, Mr. REID, Mr. SIMON, Mr. CONRAD, Mr. JOHNSTON, and Mr. ROBB):

S. 434. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers a bad debt deduction for certain partially unpaid child support payments and to require the inclusion in income of child support payments which a taxpayer does not pay, and for other purposes; to the Committee on Finance.

CHILD SUPPORT TAX EQUITY ACT OF 1993

• Mr. BUMPERS. Mr. President, today Senator DURENBERGER and I are reintroducing legislation to provide equity in the tax laws between the taxpayers, principally mothers, who are unable to collect the child support that is due to them and the taxpayers, principally fathers, who fail to pay the child support that they owe.

This legislation is called the Child Support Tax Equity Act because it

gives like-situated taxpayers and citizens the same rights and the same access to government services.

HISTORY OF THE LEGISLATION

Senator DURENBERGER and I introduced the bill in April of last year. By the end of the Congress we had 22 Senate cosponsors for the proposal.

The Senate Finance Committee unanimously adopted this proposal as an amendment to H.R. 11, the October tax bill. The conference committee did not include the proposal in the legislation sent to President Bush. Frankly, we had never expected to move so quickly on the legislation, it had only been introduced a few months before and hearings had never been held on it, and we had not had time to do our homework with the Ways and Means Committee.

We are convinced that this is a sound proposal and that it will find strong support this year in the House, as it has in the Senate.

OUTLINE OF LEGISLATION

The legislation permits taxpayers, principally mothers, to take a nonbusiness bad debt deduction for the amount of child support that is due to them but which they are unable to collect. This amendment is consistent with the tax policy for nonbusiness bad debt deductions.

In terms of the bad debt deduction for unpaid child support payments, this legislation simply puts mothers who are unable to collect child support on a par with businesses and other taxpayers who can't collect their debts. Mothers and businessmen both have debts that they cannot collect. They both suffer an economic loss. And they both deserve a bad debt deduction. This is a matter of simple equity.

The legislation then includes the amount of child support that is not paid as taxable income to the taxpayers, principally fathers, who fail to pay the child support that they owe. This amendment is also consistent with the tax policy for discharge of indebtedness.

When a taxpayer is discharged from a debt that taxpayer is deemed to have received income in the amount of the debt that was discharged. If we did not have this provision in the Tax Code, everyone would be giving gifts to everyone else and it would all be tax exempt. The discharge of indebtedness provision ensures that taxpayers who receive an economic gain in the form of a discharged debt are treated the same as taxpayers who receive an economic gain in the form of a salary or wage.

In terms of the discharge of indebtedness provision, the legislation simply puts the fathers who aren't paying child support on a par with businesses and other taxpayers who don't repay their debts. Fathers and other debtors both have obligations that they do not honor. They both reap an economic windfall when they do not repay their debts. And they both deserve to recognize taxable income on the amount of the debt that they do not pay. This is also a matter of simple equity.

This pairing of the bad debt deduction with the discharge of indebtedness provision is perfectly appropriate. When the mother takes the bad debt deduction for a debt she cannot collect, it follows that the father has been discharged from his child support indebtedness for the debt he is not paying.

The bad debt deduction for the mother and the discharge of indebtedness for the father are logical corollaries, bookends of the same transaction, and perfectly just. When a debt is written off, that debt is, in effect, discharged. If one taxpayer realizes a loss, she can't collect the debt that is due to her and her children, and is permitted a deduction for that loss, the other taxpayer realizes a gain, he no longer has to pay the debt, and he is taxed on the value of that gain.

This is symmetrical and it is equitable in terms of tax policy and it is clearly just in terms of social policy. We have every reason to assist mothers who cannot collect child support and we have every reason to penalize fathers who refuse to pay the support they owe to their children.

REVENUE IMPLICATIONS OF TAX PROVISIONS

In the current budget climate the key issue for any new proposal is its cost. On this issue this legislation stands on very strong grounds.

The nonbusiness bad debt deduction for unpaid child support will lose revenue and this revenue loss must be financed under the pay-as-you-go requirements of last year's deficit agreement. Fortunately, according to the Joint Committee on Taxation the discharge of indebtedness provision will raise more than enough revenue to pay for the new bad debt deduction.

In fact, the joint committee finds that the discharge of indebtedness provision raises $47 million more in revenue over the first 6 years than the bad debt deduction provision loses. This finding is based on the fact that the fathers who fail to pay child support tend to be in a higher tax bracket than the mothers who are not paid child support. So, when the fathers pay tax on the discharge of their child support debts it raises more revenue than when the mothers take a bad debt deduction for the amount of the child support payments that they cannot collect.

This revenue estimate also takes into account the likelihood that the IRS will not be able to collect taxes for the discharge of indebtedness in each case where a taxpayer has claimed a bad debt deduction. The fact that the fathers are in higher tax brackets more than offsets this factor.

The revenue estimate year-by-year finds that there is no revenue impact in the first year, the year waiting period required for all claimants for the bad debt deduction. Then in the first year in which these deductions can be claimed, 1993, the joint committee finds that the legislation loses $38 million in revenue. The third year the bill loses $377 million. This is the year in which more bad debt deductions will probably be claimed but the year in which discharge of indebtedness taxes will be paid. In the fourth year, the first year when the bill is fully implemented, the bill raises $141 million. In the fifth year the bill raises $142 million and in the sixth year it raises $179 million. The net revenue impact is to raise $47 million over the 6-year period. One key point is that the revenue in the fourth, fifth, and sixth year increase year-to-year, so we have a positive revenue trend in the sixth year. I have obtained nine additional revenue estimates for other versions of the bill. The key point is that every one of these versions of the bill raises revenue. Every one of them finds that the father's payments for the discharge of indebtedness will exceed the mother's claims for the bad debt deduction.

STRENGTHENING EXISTING CHILD SUPPORT PROGRAMS

The bill could be drafted simply to provide for the bad debt deduction and the discharge of indebtedness and we could use the $47 million net gain in revenue to reduce the deficit. I had hoped that the bill would raise more than $47 million in revenue and that we could use the revenue that is raised to increase the availability and effectiveness of some of the other Federal child support enforcement programs. I have determined not to do this, but let me outline some of the options that are available here.

We need to find a way to waive some of the fees that currently restrict the utilization of the IRS tax refund intercept program and full enforcement program. The fees and payments that we should eliminate are: the payment to the IRS from all families receiving Federal tax offset services to cover administrative costs; an application fee charged to new non-AFDC families receiving child support enforcement services; an additional fee for the use of Federal tax offset services by non-AFDC families; and a cost recovery fee for genetic tests applies to non-AFDC absent parents.

These latter three fees are only assessed for non-AFDC mothers who are seeking IRS assistance in collecting child support. By waiving these fees we could make this IRS assistance available to welfare and nonwelfare mothers on an equal basis.

The Congressional Budget Office finds that these provisions cost nothing in the first 2 years, cost $55 million in the third year, $65 million in the fourth year, and $75 million in the fifth year.

Taken together, these expenditures cost $140 million in the fourth and fifth

years when the tax provisions raise $47 million in those same years. This means that had I waived these fees I could not claim that the bill is revenue neutral. The bill would have hurt our deficit situation, so, reluctantly, I decided not to propose waiving the fees in this bill. Had we raised more revenue, that is how I would have used the funds. I will continue to look for ways to waive these fees.

UNPAID CHILD SUPPORT

Let me share with you some revealing and shocking facts about the problem of unpaid child support. These facts indicate that we must do everything we can to help mothers who are unable to collect the child support to which they are entitled.

In 1987, there were a total of 9.4 million mothers who have children under the age of 21 and are head of a household without a father present. Of that number, 4.8 million families were expecting child support payments in 1987. However, 24 percent of those families received nothing at all. The actual number involved is 1,153,000 families receiving nothing at all. In 1985, 4.4 million families were expecting to receive payments, however 26 percent again received nothing at all. This number represents 1,138,000 families. As one can tell from the facts, this increase of 15,000 families in a 2-year period is quite alarming. This number has steadily increased since 1983.

In fiscal year 1989, $8.2 billion were owed to families, yet only $3.9 billion were paid. This leaves a gap of $4.3 billion that was not paid. Payments due prior to 1989 equaled the sum of $15.7 billion. Only $1.1 billion were paid, however, leaving a gap unpaid of $14.6 billion. Even more stunning than this, if one combines these totals and figures, the current and prior payments due in and before 1989 equaled $23.9 billion. Yet only $5 billion were paid. This figure represents only 21 percent of the total amount due, and leaves a gap of over $18 billion.

This loss of child support is critical to the families to which it is owed in due child support payments. The average income of those families was only $11,793. This income is countered by the average income of those who do receive payments, which is $14,245. In those families who receive nothing, the breakdown as to the number of children in the family is as such: there were a total of 622,000 families with 1 child, 396,000 families with two children involved, 99,000 families with 3 children involved, and 37,000 families where there was four or more children involved.

Of the families receiving no child support payments, 346,000 have incomes below the poverty level. In those cases, the number of families with: there was a total of 162,000 families where there was one child involved. In 112,000 cases, there were 2 children involved, in 48,000 cases, 3 children were involved, and in 24,000 cases, there were 4 or more children involved.

Furthermore, of the cases where no payment was made, 913,000 were court ordered payments, and 195,000 were voluntary written payments.

Since I have been focusing solely on the families to this point, let me shift my emphasis to those who are paying, or in this case are supposed to pay child support. In a recent study done of 649 absent parents, 63 percent of those reported some type of income. Of those who reported some type of income, 122 or 20 percent had earned over $10,000. This suggests some permanence in their employment. In eight cases, the parent earned over $30,000 and one father paying no child support earned $83,900. The data concludes from this survey, that absent parents can and should be paying more or can afford to pay more in child support. This survey represents the larger problem that has been encountered by custodial parents, namely that support is not occurring in all cases.

The facts tell the story. We are encountering a grave problem in enforcing our child support payments and this legislation will help the mothers who are not receiving the support they need to raise their children. It is only just that those who fail to pay the support that is owed should pay the cost of the assistance this bill provides.

INCENTIVES UNDER PROPOSED LEGISLATION

All tax laws provide incentives to taxpayers. In drafting this bill I have been very concerned about any possible incentives for mothers not to attempt to collect the child support payments to which they are entitled or for fathers not to pay the amounts of child support that they owe.

I am convinced that neither of these incentives is created by this legislation and other incentives are created that will increase the collection efforts and payments that are made. In short, this bill will help the situation.

A mother only qualifies for the deduction if she has first obtained a divorce or separation instrument that obligates the father to make child support payments. As I have said, a divorce or separation instrument is a decree of divorce or separate maintenance or a written instrument incident to such a decree or a written separation agreement. This requirement for the deduction gives mothers an incentive to formalize the child support payment obligation. Mothers who obtain these legal documents are much more likely to be able to collect child support payments than those who don't. So, in creating an incentive for mothers to formalize the child support payment obligation this legislation will help them to collect the payments to which they are due.

Mothers who take the deduction in most cases will be in the 15 percent tax bracket. The deduction is worth only 15 percent of the face value of the child support that is owed. She can only collect the other 85 percent of the claim by continuing her efforts to enforce the payment obligation. The legislation permits her to do this and, if she is later successful in securing payment, she will simply declare that payment as income in the year in which it is received.

When a father has been given notice by the mother or the IRS, he is likely to be shocked. He will be facing a situation where he must either pay the mother or pay the IRS. He would only have to pay the IRS the amount of tax that is due and this amount will vary with the tax bracket in which he finds himself. But, paying 15 percent, 28 percent or more of the amount that is due may well encourage him to make the payments to the mother. Given a choice of paying the IRS or paying the child support for his children, many fathers would prefer the latter.

When the father is found by the IRS, the IRS will not be giving the mother information on his location. This would violate his confidentiality as a taxpayer. But, he will have been found and that may have a major psychological impact on his inclination to pay. He will no longer be immune to the mother's attempts to collect the child support. He will be paying a penalty for his failure to make the payments that are due.

CONCLUSION

The legislation I am reintroducing today uses a new tool to work on the national crisis on unpaid child support. This is a multifaceted crisis and we need as many tools as we can assemble to ensure that our Nation's children receive the financial support that is essential for them to grow to be responsible, productive adults.

The fact that this important legislation raises revenue is a bonus. I would be proposing this bill even if it carried a cost to the Government. But, it is drafted so that it does not impose any cost and this makes it not just attractive, but it makes it irresistible.

I look forward to working with the chairman and members of the Finance Committee on this bill. I am delighted to have the support of a broad-base of respected children and child support enforcement organizations.

I ask unanimous consent that an outline of the bill, a case study of how the bill works, an outline of the anti-abuse provisions be printed at this point in the RECORD. A detailed technical explanation of the bill is available upon request.●

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

S. 434

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 "Child Support Tax Equity Act of 1993".

SEC. 2. NO EFFECT ON RIGHTS AND LIABILITIES.

Nothing in this Act shall be construed to affect—

(1) the right of an individual or State to receive any child support payment; or

(2) the obligation of an individual to pay child support.

SEC. 3. ALLOWANCE OF BAD DEBT DEDUCTION FOR PARTIALLY UNPAID CHILD SUPPORT PAYMENTS.

(a) IN GENERAL.—Section 166 of the Internal Revenue Code of 1986 (relating to deduction for bad debts) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) CERTAIN UNPAID CHILD SUPPORT PAYMENTS.—

"(1) IN GENERAL.—In the case of any eligible taxpayer who has any applicable child support payments remaining unpaid as of the close of the taxable year—

"(A) subsections (a) and (d) shall not apply to such payments, and

"(B) there shall be allowed as a deduction for such taxable year an amount equal to the amount of such payments.

"(2) PER CHILD LIMITATION ON DEDUCTION.—The aggregate amount allowable as a deduction for any taxable year under paragraph (1) with respect to any child for whom applicable child support payments are required to be paid shall not exceed $50,000.

"(3) ELIGIBLE TAXPAYER.—For purposes of this subsection, the term 'eligible taxpayer' means an individual—

"(A) whose adjusted gross income for the taxable year does not exceed $50,000,

"(B) with respect to whom the amount of applicable child support payments remaining unpaid as of the close of the taxable year is equal to or greater than $500, and

"(C) who meets the identification requirements of paragraph (5).

"(4) APPLICABLE CHILD SUPPORT PAYMENT.—

"(A) IN GENERAL.—The term 'applicable child support payment' means, with respect to any taxable year of the eligible taxpayer—

"(i) any periodic payment of a fixed amount, or

"(ii) any payment of a medical or educational expense, insurance premium, or other similar item,

which is required to be paid to such taxpayer during such taxable year by an individual under a support instrument meeting the requirements of paragraph (8) for the support of any qualifying child of such individual.

"(B) QUALIFYING CHILD.—For purposes of this paragraph, the term 'qualifying child' means a child of an eligible individual with respect to whom a deduction is allowable under section 151 for the taxable year (or would be so allowable but for paragraph (2) or (4) of section 152(e)) or, while eligible for such deduction, was determined to be disabled under subtitles 2 or 16 of chapter 42.

"(C) PAYMENTS MUST BE DELINQUENT FOR AT LEAST ENTIRE YEAR.—Any payment described in subparagraph (A) which is required to be made by an individual to an eligible taxpayer shall not be treated as an applicable unpaid child support payment if at least half of the payments which are required to be paid to the eligible taxpayer during the 12-month period ending on the last day of the taxable year are paid. In the case of the 1st taxable year to which this subsection applies to payments from any individual, the preceding sentence shall be applied by substituting '24-month' for '12-month'.

"(D) COORDINATION WITH AFDC.—The term 'applicable child support payment' shall not include any payment the right to which has been assigned to a State under section 402(a)(26) of the Social Security Act (42 U.S.C. 602(a)(26)).

"(5) IDENTIFICATION REQUIREMENTS.—The requirements of this paragraph are met if the eligible taxpayer includes on the return claiming the deduction under this subsection the name, address, and taxpayer identification number of—

"(A) each child with respect to whom child support payments to which this subsection applies are required to be paid, and

"(B) the individual who was required to make such child support payments.

In the case of a failure to provide the information under subparagraph (B), the preceding sentence shall not apply if the eligible taxpayer certifies that any such information is not known.

"(6) COST-OF-LIVING ADJUSTMENTS.—In the case of any taxable year beginning after 1992, the $50,000 amount under paragraph (2)(A), the $50,000 amount under paragraph (3)(A), and the $500 amount under paragraph (3)(B) shall each be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, except that section 1(f)(3)(B) shall be applied by substituting '1991' for '1989'.

"(7) SUBSEQUENT PAYMENTS.—If any payment with respect to which a deduction was allowed under paragraph (1) is subsequently made, such payment shall be included in gross income of the eligible taxpayer for the taxable year in which paid. This paragraph shall not apply to any amount if an individual has assigned the right to receive such amount to a State (and the State does not pay such amount to such individual).

"(8) SUPPORT INSTRUMENT.—For purposes of this subsection, a support instrument meets the requirements of this paragraph if it is—

"(A) a decree of divorce or separate maintenance or a written instrument incident to such a decree,

"(B) a written separation agreement, or

"(C) a decree (not described in subparagraph (A)) of a court or administrative agency requiring a parent to make payments for the support or maintenance of 1 or more children of such parent."

(b) DEDUCTION FOR NONITEMIZERS.—Section 62(a) of such Code is amended by adding at the end thereof the following new paragraph:

"(14) UNPAID CHILD SUPPORT PAYMENTS.—The deduction allowed by section 166(f)."

(c) CONFORMING AMENDMENT.—Section 166(d)(2) of such Code is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or" and by adding at the end thereof the following new subparagraph:

"(C) a debt which is an applicable child support payment under subsection (f)."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 4. INCLUSION IN INCOME OF AMOUNT OF UNPAID CHILD SUPPORT PAYMENTS.

(a) IN GENERAL.—Section 108 of the Internal Revenue Code of 1986 (relating to discharge of indebtedness income) is amended by adding at the end thereof the following new subsection:

"(h) UNPAID CHILD SUPPORT PAYMENTS.—

"(1) IN GENERAL.—For purposes of this chapter, any taxable unpaid child support payments of a taxpayer for any taxable year shall be treated as amounts includible in gross income of the taxpayer for the taxable year by reason of the discharge of indebtedness of the taxpayer.

"(2) TAXABLE UNPAID CHILD SUPPORT PAYMENTS.—For purposes of this subsection, the term 'taxable unpaid child support payments' means payments—

"(A) which were applicable child support payments which the taxpayer was required to pay under a support instrument for the support of a child of the taxpayer, and

"(B) with respect to which the notice requirements of paragraph (3) are met.

"(3) NOTICE REQUIREMENTS.—

"(A) IN GENERAL.—During January of the second calendar year following a calendar year in which there begins a taxable year for which a deduction allowed under section 166(f) was claimed, the eligible taxpayer shall send a notice (in such form as the Secretary may prescribe) to the individual who failed to make payments which contains—

"(i) the amount of the applicable child support payments for such taxable year, and

"(ii) notice that the individual is required to include such amount in gross income for the taxable year beginning in the preceding calendar year.

"(B) NOTICE BY SECRETARY.—If notice cannot be provided under subparagraph (A) because the address is not known to the eligible taxpayer, the Secretary shall send such notice if the address is available to the Secretary.

"(C) ADDRESS UNKNOWN.—If notice cannot be provided under subparagraph (A) or (B) because there is no known address, no income shall be included in gross income for any taxable year beginning before the calendar year preceding the calendar year in which such notice may be sent.

"(4) SUBSEQUENT PAYMENTS.—If any payment required to be included in gross income under paragraph (1) is subsequently made, the amount of such payment shall be allowed as a deduction for the taxable year in which such payment is made.

"(5) DEFINITIONS.—For purposes of this subsection, the terms 'applicable child support payments' and 'eligible taxpayer' have the meanings given such terms by section 166(f).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

OUTLINE: CHILD SUPPORT TAX INCENTIVES

Bill uses tax law regarding bad debt deductions and discharge of indebtedness to help parents who cannot collect child support and to prevent windfall for parents who do not pay child support.

BAD DEBT DEDUCTION

Clarifies that taxpayers, principally mothers, who are not paid child support owed to them to take a bad debt deduction for the amount of the child support that is not paid.

Deduction is allowed for taxpayers who do not itemize their deductions. Above the line deduction.

Bad debt deduction is allowable up to $5,000 in unpaid child support per child per year. Threshold is indexed for inflation.

Deduction is allowable only if taxpayer's adjusted gross income does not exceed $50,000 per year. Threshold is indexed.

Deduction is allowable for any periodic payment of a fixed amount that is required to be paid.

Requirement for payment to be made must be found in a legally enforceable agreement, decree or order. Encourages taxpayer to obtain enforceable child support right.

No deduction is allowed for first year in which payments are not made. Encourages taxpayers who owe or are owed child support to work out initial problems with payments.

In subsequent years, the deduction is allowable only if at least $500 in child support payments have not been paid. Once threshold is exceeded, full amount of non-payment is deductible.

The taxpayer claiming the deduction must identify the children with respect to whom child support payments are required to be made and, to the extent possible, the taxpayer who is required to make these payments. Same standard as in welfare reform law.

The deduction is allowed for child support payments to any child for whom an exemption for a dependent is allowable.

If the child support payments for which a deduction has been taken subsequently are paid the mother must include payments as taxable income in the year in which they are paid.

Mother is not barred from seeking to collect the child support that is owed by father. Value of deduction is only 15 percent or 28 percent of value of payments, so mother has incentive to seek collection of full amount rather than simply taking deduction.

DISCHARGE OF INDEBTEDNESS

Requires taxpayers, principally fathers, to pay tax on the amount of any child support payments they do not make as a discharge of such indebtedness. Prevents windfall for fathers who fail to pay child support.

When mother claims bad debt deduction, father is notified by the mother or the I.R.S. of the amount of the unpaid child support payments and that he must include this amount in his gross income on his next tax return.

If the father subsequently pays the child support that is due, he may claim a deduction for such payments in the year in which they are paid.

Minimal I.R.S. burden involved. Taxpayer claiming deduction must have legally enforceable order and record of non-payment. Taxpayer who allegedly has failed to make payments may dispute obligation to pay or provide records of payments. A simple and objective process. Current penalties for fraudulent tax claims prevents abuse.

BUDGET IMPACT OF LEGISLATION

Joint Tax Committee finds that tax provisions of the bill raise $30 million in revenue over a five year period. This is true because fathers, who pay tax, are in higher tax brackets than mothers, who claim deduction.

POLICY ISSUES WITH LEGISLATION

A mother who cannot collect a child support debt should be treated the same for tax purposes as a businessman who cannot collect a debt. This is simple equity.

A father who refuses to pay child support payment debt should be treated the same for tax purposes as a borrower who is discharged from a debt by the lender. This is simple equity.

Legislation gives mothers incentive to obtain legal order requiring payments to be made and gives fathers incentive to make payment to mother rather than to I.R.S.

Legislation helps children of families where no child support payments are made. It penalizes fathers who fail to make required child support payments.

Discharge of indebtedness for fathers pays for bad debt deduction for mothers.

CHILD SUPPORT TAX EQUITY ACT OF 1991: MULTIPLE ANTI-ABUSE PROVISIONS

The Child Support Tax Equity Act of 1992 contains multiple anti-abuse provisions.

1. Legal Obligation: Child support obligation must be a payment that is "required to be paid to such taxpayer during such taxable year by an individual under a support instrument. . ." (Page 4, line 4–6). The "support instrument" must be "a decree of divorce or separate maintenance or a written instrument incident to such a decree," "a written separation agreement," or another decree "of a court or administrative agency requiring a parent to make payments for the support or maintenance of one or more children of such parent."

2. Type of Payment: The payment must be a "periodic payment of a fixed amount" or "payment of a medical or education expense, insurance premium, or other similar item."

3. Cooling Off Period: No deduction is allowed for the first year in which child support payments are not made.

4. De Minimus Non Payment: No deduction is allowed unless at least $500 in child support have not been made.

5. Identification Requirements: The taxpayer claiming the deduction must give the I.R.S. "the name, address, and taxpayer identification number" of each child with respect to whom child support is owed. The taxpayer claiming the deduction must give the I.R.S. the "name, address, and taxpayer identification number" of the person who owes the child support if this information is "known" to the taxpayer.

6. Dependents: The taxpayer may only claim the deduction for a child which that taxpayer may claim as a dependent (not older than 19 unless is a student, in which case can be 24 years old).

7. Automatic Audit: When the taxpayer claims the bad debt deduction taxpayer who has allegedly failed to make payment is notified of obligation to pay tax on discharge of indebtedness. Taxpayer who has allegedly failed to make payment is given chance to show that no obligation exists or that payment has been made.

CHILD SUPPORT TAX EQUITY ACT OF 1991: CASE STUDY OF HOW DEDUCTION AND DEBT DISCHARGE WORKS

Following is a case study of how the bad debt deduction and discharge of indebtedness would work.

1. In early 1992 a mother obtains child support order for one child.

2. Father fails to pay $5,000 in child support in 1992.

3. No deduction for mother allowed on her 1992 tax return because occurs during first year. This first year is a cooling off period when mother and father can attempt to work out satisfactory and reliable payment of obligations.

4. But, father fails to pay child support in 1993 and at end of the year he owes $5,000 to mother.

5. Mother may claim deduction for $5,000 on her 1993 tax return for payments not made by father in 1993. Her tax return claiming the deduction if filed with I.R.S. on April 15, 1994.

6. I.R.S. gives notice to father in May of 1994 that he must pay tax on $5,000 discharge of indebtedness on his 1994 tax return. Father is now obligated to pay tax on $5,000 discharge of indebtedness on his 1994 tax return (to be filed by April 15, 1995).

7. Despite this I.R.S. notice with regard to the discharge of indebtedness for his failure to make child support payments in 1993, the father fails to pay child support in 1994 and at end of year he owes another $5,000 to the mother.

8. Father pays tax on $5,000 discharge of indebtedness on his 1994 tax return (filed by April 15, 1995) or is subject to enforcement penalties for failing to pay tax that is due.

9. Mother claims deduction for $5,000 on her 1994 tax return for child support payments not made in 1994. Her tax return claiming the deduction is filed with the I.R.S. on April 15, 1995.

10. I.R.S. gives notice to father in May of 1995 that he must pay tax on $5,000 on discharge of indebtedness on his 1995 tax return. Father is now obligated to pay tax on $5,000 discharge of indebtedness on his 1995 tax return (to be filed by April 15, 1996).

11. In June of 1995 the father decides to pay the $5,000 in child support owned for 1993 and the $5,000 child support owed in 1994. He makes all payments on time thereafter.

12. On her 1995 tax return (filed on April 15, 1996) the mother pays income tax on the $10,000 she has received from the father (offsetting the value of the deductions she had taken on her 1993 and 1994 tax returns.

13. On his 1995 tax return (filed on April 15, 1996) father takes $5,000 deduction for child support payment made to the mother (cancelling out the $5,000 tax on the discharge of indebtedness for 1993).

14. Also on his 1995 tax return (filed on April 15, 1996) father pays $5,000 tax on discharge of indebtedness for child support payments not made in 1994 and takes $5,000 deduction for payment of same in 1995 (the deduction offsets the tax due).

15. Mother gets no bad debt deduction on 1995 or subsequent tax returns. She is paid child support on time and in full.

16. Father is not taxed on discharge of indebtedness on 1996 or subsequent tax returns because he now pays all child support payments on time and in full.

CHART OUTLINING ABOVE CASE STUDY

	Mother	Father
1992	No deduction	No pay $5,000 in child support.
1993	Takes $5,000 deduction on 1993 tax return.	No pay $5,000 in child support. Given notice by I.R.S. to pay tax on discharge of indebtedness on his 1994 tax return.
1994	Takes $5,000 deduction on 1994 tax return.	No pay $5,000 in child support. Given notice by I.R.S. to pay tax on discharge of indebtedness on his 1995 tax return.
		Pays tax on $5,000 discharge of indebtedness for 1993 or faces penalties.
1995	No deduction	Pays $10,000 in child support due for 1993 and 1994 and makes payments on time and in full for 1995.
1996	No deduction	Takes deduction for $5,000 payment for 1993.
	Pays tax on $10,000 in child support payments made for 1993 and 1994.	Pays tax on $5,000 discharge of indebtedness for 1994 but takes deduction for payment of $5,000 for 1994 (offsetting transactions)
1997	No deduction	No tax on discharge of indebtedness.

• Mr. DURENBERGER. Mr. President, I am pleased to join with my colleague, the senior Senator from Arkansas, in the introduction of the Child Support Tax Equity Act of 1993. I commend him, not only for his initiative in addressing the issue of delinquency in child support payments, but also for his innovative approach to ameliorating this widespread problem.

The Child Support Tax Equity Act makes two important changes in the Tax Code which will work to directly address child support delinquency. First, the proposal would provide those taxpayers owed child support funds with the opportunity to take an above-the-line tax deduction for the delin-

quent debt. Within certain parameters, this is the same treatment which is available to businesses which are unable to collect moneys owed to them. While it is not as valuable as the delinquent payment itself, the deduction can be a significant aid to the expense of raising children.

The rationale for permitting a deduction for delinquencies is that those owed child support, typically mothers, have been promised by the legal system that they will receive support. When they are unable to collect on this legally enforceable debt, they ought to be entitled to at least the same treatment as businesses so that they can more easily provide for their children.

The second change that would be made by the Child Support Tax Equity Act is that delinquent payers of child support, in most cases it is the fathers, would be treated in the same way as those whose business debts are forgiven. Under current law, someone who benefits from the discharge of indebtedness is liable for taxes on the value of this de facto income. Abusers of their child support obligations will now have a tax liability against the value of their delinquency.

Of course, Mr. President, this proposal will not solve all of the problems facing mothers who rely on child support for raising their children, but it can surely help. In examining this proposal, I was pleased to discover that it can also help to reduce the deficit. Because fathers owing child support are usually in a higher tax bracket than the mothers who can claim the deduction, the Child Support Tax Equity Act is expected to raise over $30 million during the next 6 years, which can be used for deficit reduction. The potential tax revenues from this proposal will, of course, be reduced if outstanding child support payments are brought up to date. This possibility would delight me, Mr. President, because it would mean that the bill is achieving its goal of reducing the problem of child support delinquencies.

This money is not owed just to mothers, it is owed to children. It is a disgrace, Mr. President, that this delinquency is so widespread. While the Child Support Tax Equity Act is not a guaranteed solution to the problem, it is a major step forward on behalf of the children of this Nation. I urge my colleagues to join Senator BUMPERS and me in supporting this effort.●

● Mr. REID. Mr. President, I rise today to join Senator BUMPERS, Senator DURENBERGER, and several of my colleagues in the introduction of the Child Support Tax Equity Act of 1993. This legislation will provide real incentives for the payment of child support that continues to go unpaid.

The statistics relating to nonpayment of child support show an ever increasing problem. In fact, the President has spoken on numerous occasions of this national dilemma. He has spoken about the many single parents, mostly single mothers, that have been awarded child support payments but never collect a dime.

According to 1989 Bureau of Census data there are approximately 10 million mothers who live with children under 21 years old where the father is not present. Of these mothers about 58 percent have been awarded child support payments, and only one-half of these mothers receive the child support that is due them. The other half are equally divided between mothers who receive some form of payment and mothers that receive no payment at all.

The State of Nevada is not an exception to this problem. The Office of Child Support Enforcement within the Department of Health and Human Services keeps tabs for each State on child support paid to mothers who have registered for some form of Federal assistance. It is my understanding that the Office of Child Support's data represents about 75 percent of the total number of mothers that are due some form of child support. According to the records kept through 1989, less than 16 percent of the child support due to Nevada mothers is ever collected.

These statistics are also troubling because divorced or separated mothers earn less than the father after the separation. The courts determine the amount of child support based on this fact. It would be a safe guess that many of these mothers are forced to work two jobs just to pay the bills because they do not receive the child care payments the courts have ordered to be paid.

The Child Support Tax Equity Act will not only create some tax fairness regarding this situation, it will also create an incentive for the payment of court-ordered child support. Here is how it works:

The bill provides the same tax status to single parents that exists for business when they are owed money but cannot collect it. If a business cannot collect money that is owed, the business is allowed to write that debt off of its taxes as a bad debt. In addition, when the business writes off this bad debt, the borrower who has defaulted must pay taxes on the amount that is written off.

It is only fair that single parents in the same situation be allowed the same tax advantage or penalty. In other words, should a single parent—in most cases a single mother—who has custody of a dependent child not receive the child support that is due to her, she should be able to take a tax deduction for the uncollected portion of the amount she is owed. And, should the other single parent—in most cases the father—not pay the child support he has been ordered to pay, he should have to pay tax on the amount unpaid.

The Child Support Tax Equity Act will also raise Federal revenues. As I mentioned before, fathers generally earn more after a separation than mothers. The amount that fathers will be taxed on what they do not pay far outweighs the amount that mothers will be able to deduct. The Joint Committee on Taxation has estimated that the difference will provide an additional $30 million over 5 years.

Mr. President, our children are this country's most precious resource. Yet, conditions confronting our children are disgraceful. According to a recent report of the Children's Defense Fund, one in five children—14.3 million—lived in poverty in 1991, the highest number since 1965. It is in our best interest to reverse this trend and invest in our future. Enacting the Child Support Tax Equity Act will provide real incentives for the payment of child support that continues to go unpaid. I urge my colleagues to support this fair and meaningful proposal.●

By Mr. DECONCINI:

S. 435. A bill to reduce the rate of pay for each Member of Congress to the rate which was in effect before the cost-of-living adjustment in calendar year 1993; to the Committee on Governmental Affairs.

REDUCTION OF COST-OF-LIVING ADJUSTMENT FOR PAY OF MEMBERS OF CONGRESS

● Mr. DECONCINI. Mr. President, I am introducing legislation today to repeal the cost-of-living increase that went into effect for Members of Congress on January 1 of this year. It is unconscionable for Members of Congress to accept this increase in pay while the American taxpayer is being asked to make greater sacrifices to address our Nation's burgeoning deficit.

I have voted against every congressional pay raise before the Senate since 1977. Today, more than ever, it is important for Members of Congress to take the lead in our national belt tightening efforts. I would like to go further than this legislation by rolling back Members' pay to 1989 levels. This bill is the very least we should do.

This COLA, albeit required by law, took effect at the very moment thousands of Americans are being handled pink slips by some of our largest and most prestigious businesses and additional thousands are being handed out by small businesses from coast to coast. Worse still, while Members of Congress received a $4,000 pay hike, the number of unemployed in Arizona increased by 11,000. Clearly, when public servants are being called upon to make sacrifices for the welfare of our country, Members of Congress must contribute their fair share. In fact, they should take the lead. This bill ensures that Members of Congress join the rest of America in contributing to resolving our nation's fiscal deficit.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 435

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

SECTION 1. REDUCTION OF COST OF LIVING ADJUSTMENT FOR PAY OF MEMBERS OF CONGRESS.

(a) REDUCTION OF PAY.—The rate of pay for each annual rate which was increased under section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) (relating to Members of Congress) during calendar year 1993, shall be reduced to the rate of pay which was in effect before such increase became effective.

(b) EFFECTIVE DATE.—The provisions of this section shall be effective on the first day of the first applicable pay period beginning on or after the date of the enactment of this Act.•

By Mr. SPECTER:

S.J. Res. 50. Joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week"; to the Committee on the Judiciary.

NATIONAL REHABILITATION WEEK

• Mr. SPECTER. Mr. President, today I am introducing a joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week."

National Rehabilitation Week provides us an opportunity to celebrate the victories and determination of the more than 36 million disabled people in America. It is also a time to salute and recognize the dedicated health care professionals who provide rehabilitation care, and to call attention to the unrealized needs of our Nation's disabled citizens.

As my colleagues know, there are significant areas where the needs of individuals with disabilities have not been met. Reports indicate that strokes, amputations, brain injuries, birth defects, serious illnesses or other injuries affect one-third of our Nation's population. Experts estimate that 66 percent of those people never seek rehabilitation assistance. The widespread importance of rehabilitation is further evidenced by reported statistics that one out of every two Americans will need some form of rehabilitation therapy in his or her lifetime.

As the ranking minority member of the Appropriations Subcommittee on Labor, Health and Human Services and Education, I am particularly concerned that we continue to work toward providing sufficient resources to help the disabled. Therefore, for the benefit of all American citizens, National Rehabilitation Week would provide a forum for education and promotion of a broader awareness of the effective resources that rehabilitation facilities provide.

As my colleagues will recall, last year I introduced this resolution to designate the third week of September 1992, as National Rehabilitation Week. We were fortunate to enact that resolution last year, and I am pleased to report that the country celebrated in recognizing our disabled citizens inspiring determination to defy great odds and overcome disabilities.

I am pleased that my own State of Pennsylvania is home to the headquarters of one of the largest providers of health care services in the United States—Allied Services. Allied provides a community of resources for the physically and mentally disabled, and elderly, and the chronically ill.

Having personally toured Allied Services' facilities in Scranton, PA, I have seen firsthand the important contributions that such rehabilitation services provide. Since 1976, Allied has led the country in celebrating Rehabilitation Week. As part of this week, Allied has honored exceptional individuals for their commendable personal accomplishments and their work on behalf of the disabled. Past recipients have included Press Secretary to President Reagan, James S. Brady, pitcher of the California Angels, Jim Abbott, internationally renowned violinist, Itzak Perlman, and Rick Hansen, who traveled 25,000 miles by wheelchair throughout Europe and the United States.

This annual effort to focus attention on the courage and determination of the disabled and on the valiant and successful efforts of those professionals who are working to help them is, indeed, worthy of national attention and praise.

Mr. President, I can think of no nobler or more estimable task than endeavoring to restore disabled individuals to independent, productive, and fulfilling lives. All who are engaged in these efforts have my admiration and respect.

Accordingly, I urge my colleagues to join me in support of the disabled person and the dedicated professional, both of whom personify the philosophy that disabilities can be turned into possibilities and successes.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

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

S.J. RES. 50

Whereas the designation of a week as "National Rehabilitation Week" gives the people of this Nation an opportunity to celebrate the victories, courage, and determination of individuals with disabilities in this Nation and recognize dedicated health care professionals who work daily to help such individuals achieve independence;

Whereas there are significant areas where the needs of such individuals with disabilities have not been met, such as certain research and educational needs;

Whereas half of the people of this Nation will need some form of rehabilitation therapy;

Whereas rehabilitation agencies and facilities offer care and treatment for individuals with physical, mental, emotional, and social disabilities;

Whereas the goal of the rehabilitative services offered by such agencies and facilities is to help disabled individuals lead active lives at the greatest level of independence possible; and

Whereas the majority of the people of this Nation are not aware of the limitless possibilities of invaluable rehabilitative services in this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the week of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, is designated as "National Rehabilitation Week" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities, including educational activities to heighten public awareness of the types of rehabilitative services available in this Nation and the manner in which such services improve the quality of life of disabled individuals; and

(2) each State governor, and each chief executive of each political subdivision of each State, is urged to issue proclamation (or other appropriate official statement) calling upon the citizens of such State or political subdivision of a State to observe such week in the manner described in paragraph (1).•

By Mr. DURENBERGER (for himself and Mr. SIMON):

S.J. Res. 51. Joint resolution designating the week commencing October 3, 1993, as "National Aviation Education Week"; to the Committee on the Judiciary.

NATIONAL AVIATION EDUCATION WEEK

Mr. DURENBERGER. Mr. President, I rise today to introduce a resolution on behalf of myself and my good friend and colleague, Senator PAUL SIMON, that would designate the week beginning October 3, 1993, as National Aviation Education Week.

From the ingenuity of Orville and Wilbur Wright, to Charles Lindbergh's historic solo flight across the Atlantic, to the voyages of Amelia Earhart, aviation has captured the imagination of the American people and has played an important role in our Nation's history.

Today, the aviation industry is still charting new frontiers and inspiring young people. And significantly, aviation makes an important economic contribution to America. Aviation makes up a healthy percentage of our exports, and the FAA and the commercial and general aviation industries predict that growth will continue well into the next century.

To meet the challenges of the next century, aviation education has the potential to make math, science, history, and other studies come alive for stu-

dents at all educational levels. It is particularly important to encourage students who have often been underrepresented in the technical fields of aviation, such as women and minorities.

A number of States already recognize the importance of aviation education and encourage its study annually. I hope that my colleagues will join me in supporting National Aviation Education Week to show American students that, quite literally, the sky is the limit.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S.J. RES. 51

Whereas aviation plays a vital role in the everyday lives of Americans;

Whereas the aviation industry makes important contributions to the economic development of the United States and its rapid growth has created a need for persons trained in the areas of aviation management, operations, and maintenance;

Whereas the aviation industry has increasingly become more complex and technical and the future contributions of aviation to the United States are dependent upon an informed and educated public;

Whereas it is important that schools within the United States actively encourage students to become interested in aviation theories and principles, particularly students that have often been underrepresented in technical fields relating to aviation such as women and minorities; and

Whereas a number of States annually recognize the importance of aviation to our Nation and the value of encouraging students to study aviation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning October 3, 1993, is designated as "National Aviation Education Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. HOLLINGS, the names of the Senator from North Dakota [Mr. CONRAD], and the Senator from Montana [Mr. BURNS] were added as cosponsors 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. 5

At the request of Mr. DODD, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 5, a bill to grant family and temporary medical leave under certain circumstances.

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 5, supra.

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 5, supra.

S. 11

At the request of Mr. BIDEN, the names of the Senator from California [Mrs. FEINSTEIN], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 12

At the request of Mr. BIDEN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 12, a bill to authorize the Secretary of Commerce to make grants to States and local governments for the construction of projects in areas of high unemployment, and for other purposes.

S. 27

At the request of Mr. SARBANES, the names of the Senator from Hawaii [Mr. INOUYE], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 50

At the request of Mr. WARNER, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Hawaii [Mr. INOUYE], the Senator from Indiana [Mr. LUGAR], the Senator from Maryland [Ms. MIKULSKI], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 50, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson.

S. 55

At the request of Mr. METZENBAUM, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 55, a bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

S. 88

At the request of Mr. LUGAR, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 88, a bill to amend the National School Lunch Act to remove the requirement that schools participating in the school lunch program offer students specific types of fluid milk, and for other purposes.

S. 149

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 149, a bill to amend section 182 of the Trade Act of 1974 to permit the United States to respond to the actions of countries that do not provide adequate and effective patent protection to the United States nationals.

S. 183

At the request of Mr. REID, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 183, a bill to authorize the President to award a gold medal on behalf of the Congress to Richard "Red" Skelton, and to provide for the production of bronze duplicates of such medal for sale to the public.

S. 185

At the request of Mr. GLENN, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 185, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the nation, to protect such employees from improper political solicitations, and for other purposes.

S. 187

At the request of Mr. BURNS, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 187, a bill to protect individuals engaged in lawful hunt on Federal lands, to establish an administrative civil penalty for persons who intentionally obstruct, impede, or interfere with the conduct of a lawful hunt, and for other purposes.

S. 209

At the request of Mr. PELL, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 209, a bill to provide for full statutory wage adjustments for prevailing rate employees, and for other purposes.

S. 225

At the request of Mr. EXON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 225, a bill to amend the Congressional Budget Act of 1974 to provide that any concurrent resolution on the budget that contains reconciliation directives shall include a directive with respect to the statutory limit on the public debt, and for other purposes.

S. 228

At the request of Mr. BRYAN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 228, a bill to establish a grant program under the National Highway Traffic Safety Administration for the purpose of promoting the use of bicycle helmets by individuals under the age of 16.

S. 232

At the request of Mr. HATFIELD, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 232, a bill to provide assistance to States to enable such States to raise the quality of instruction in mathematics and science by providing equipment and materials necessary for hands-on instruction.

S. 236

At the request of Mr. MCCAIN, the names of the Senator from Indiana [Mr. COATS], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 236, a bill to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 257

At the request of Mr. BUMPERS, the names of the Senator from Tennessee [Mr. MATHEWS], the Senator from North Dakota [Mr. DORGAN], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of S. 257, a bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

S. 261

At the request of Mr. LAUTENBERG, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Indiana [Mr. LUGAR], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors 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. 262

At the request of Mr. LAUTENBERG, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Indiana [Mr. LUGAR], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 262, a bill to require the Administrator of the Environmental Protection Agency to promulgate guidelines for instituting a nonsmoking policy in buildings owned or leased by Federal agencies, and for other purposes.

S. 265

At the request of Mr. MACK, the names of the Senator from Arizona [Mr. MCCAIN], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 265, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

At the request of Mr. SHELBY, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Tennessee [Mr. MATHEWS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from South Dakota [Mr. PRESSLER], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 265, supra.

S. 289

At the request of Mr. REID, the name of the Senator from Missouri [Mr. BOND] 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. 297

At the request of Mr. STEVENS, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Mississippi [Mr. COCHRAN], the Senator from South Carolina [Mr. THURMOND], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Virginia [Mr. ROBB], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 297, a bill to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

S. 298

At the request of Mr. DECONCINI, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 298, a bill to amend title 35, United States Code, with respect to patents on certain processes.

S. 311

At the request of Mr. BUMPERS, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 311, a bill to amend section 2511 of title 18, United States Code, to make lawful the interception of an oral, wire, or electronic communication that is made with the consent of all parties to the communication.

S. 330

At the request of Mr. KOHL, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 330, a bill to amend section 101 of title 11, United States Code, relating to eligibility to serve on chapter 11 committees.

S. 349

At the request of Mr. LEVIN, the names of the Senator from Colorado [Mr. CAMPBELL], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors 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 name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor 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. 384

At the request of Mr. D'AMATO, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Mississippi [Mr. LOTT], the Senator from Colorado [Mr. BROWN], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Wyoming [Mr. WALLOP], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 384, a bill to increase the availability of credit to small businesses by eliminating impediments to securitization and facilitating the development of a secondary market in small business loans, and for other purposes.

S. 385

At the request of Mr. RIEGLE, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 385, a bill to change the tariff classification for light trucks.

S. 401

At the request of Mr. CAMPBELL, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 401, a bill to amend title 23, United States Code, to delay the effective date for penalties for States that do not have in effect safety belt and motorcycle helmet safety programs, and for other purposes.

SENATE JOINT RESOLUTION 30

At the request of Mr. D'AMATO, the names of the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of Senate Joint Resolution 30, a joint resolution to designate the weeks of April 25 through May 2, 1993, and April 10 through 17, 1994, as "Jewish Heritage Week".

SENATE JOINT RESOLUTION 32

At the request of Mr. DODD, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Joint Resolution 32, a joint resolution calling for the United States to support efforts of the United Nations to conclude an international agreement to establish an international criminal court.

SENATE JOINT RESOLUTION 36

At the request of Mr. LEAHY, the names of the Senator from West Virginia [Mr. BYRD], the Senator from Washington [Mr. GORTON], the Senator from Utah [Mr. HATCH], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 36, a joint resolution to proclaim March 20, 1993, as "National Agriculture Day."

SENATE JOINT RESOLUTION 37

At the request of Mr. HOLLINGS, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of Senate Joint Resolution 37, a joint resolution proposing an amendment to the Constitution relative to contributions and expenditures intended to affect congressional and Presidential elections.

SENATE JOINT RESOLUTION 39

At the request of Mr. D'AMATO, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Maine [Mr. COHEN], the Senator from Alaska [Mr. STEVENS], the Senator from Arkansas [Mr. BUMP-

ERS], the Senator from Illinois [Mr. SIMON], the Senator from South Dakota [Mr. PRESSLER], the Senator from Hawaii [Mr. INOUYE], the Senator from New Jersey [Mr. BRADLEY], the Senator from Hawaii [Mr. AKAKA], the Senator from Alabama [Mr. SHELBY], the Senator from Rhode Island [Mr. CHAFEE], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Ohio [Mr. GLENN], the Senator from Michigan [Mr. LEVIN], the Senator from South Carolina [Mr. THURMOND], the Senator from Mississippi [Mr. COCHRAN], the Senator from Michigan [Mr. RIEGLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Arizona [Mr. MCCAIN], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Senate Joint Resolution 39, a joint resolution designating the weeks beginning May 23, 1993, and May 15, 1994, as Emergency Medical Services Week.

SENATE JOINT RESOLUTION 40

At the request of Mr. KENNEDY, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of Senate Joint Resolution 40, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

SENATE JOINT RESOLUTION 42

At the request of Mr. BUMPERS, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Tennessee [Mr. MATHEWS], the Senator from Maine [Mr. COHEN], the Senator from Alabama [Mr. SHELBY], the Senator from Wyoming [Mr. SIMPSON], the Senator from Arizona [Mr. DECONCINI], the Senator from Mississippi [Mr. LOTT], the Senator from Montana [Mr. BURNS], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Tennessee [Mr. SASSER], and the Senator from Texas [Mr. KRUEGER] were added as cosponsors of Senate Joint Resolution 42, a joint resolution to designate the month of April 1993, as "Civil War History Month."

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. EXON, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Georgia [Mr. NUNN], the Senator from Texas [Mr. KRUEGER], and the Senator from North Dakota [Mr. DORGAN] 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 names of the Senator from California [Mrs. BOXER], and the Senator from Kansas [Mr. DOLE] were added as cosponsors 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 35

At the request of Mr. LAUTENBERG, the names of the Senator from South Dakota [Mr. DASCHLE], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Resolution 35, a resolution expressing the sense of the Senate concerning systematic rape in the conflict in the former Socialist Federal Republic of Yugoslavia.

SENATE RESOLUTION 64

At the request of Mr. LUGAR, the names of the Senator from Kentucky [Mr. MCCONNELL], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Resolution 64, a resolution expressing the sense of the Senate that increasing the effective rate of taxation by lowering the estate tax exemption would devastate homeowners, farmers, and small business owners, further hindering the creation of jobs and economic growth.

SENATE RESOLUTION 68

At the request of Mr. D'AMATO, the name of the Senator from North Dakota [Mr. CONRAD] 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 West Virginia [Mr. ROCKEFELLER], the Senator from Illinois [Mr. SIMON], the Senator from Kentucky [Mr. FORD], the Senator from California [Mrs. BOXER], and the Senator from Minnesota [Mr. WELLSTONE] 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 RESOLUTION 73—TO AMEND SENATE RESOLUTION 62, AGREED TO FEBRUARY 28, 1992 (102d CONGRESS)

Mr. MCCAIN (for himself and Mr. INOUYE) submitted the following resolution; which was considered and agreed to:

S. RES. 73

Resolved,

SECTION 1. TRAINING EXPENSES.

Section 21(c) of Senate Resolution 62, agreed to February 28, 1991 (102d Congress), is amended by deleting the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed $3,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of such Act).".

AMENDMENTS SUBMITTED

RESOLUTION AUTHORIZING FINANCIAL EXPENDITURES BY SENATE COMMITTEES

DOLE AMENDMENT NO. 50

Mr. DOLE proposed an amendment to the resolution (S. Res. 71) authorizing financial expenditures by the committees of the Senate, as follows:

It is the sense of the Senate that the rate of pay of Senators should be frozen for 11 months.

MITCHELL (AND OTHERS) AMENDMENT NO. 51

Mr. MITCHELL (for himself, Mr. DOLE, Mr. WELLSTONE, Mr. FORD, Mr. STEVENS, Mr. GRASSLEY, Mr. HELMS, Mr. COHEN, Mrs. FEINSTEIN, Mr. HARKIN, Mrs. BOXER, Mr. CHAFEE, Mr. BRYAN, Mr. ROBB, Mr. NICKLES, Mr. LAUTENBERG, Mr. KRUEGER, and Mr. PRESSLER) proposed an amendment to amendment No. 50 proposed by Mr. DOLE to the resolution, Senate Resolution 71, supra, as follows:

Is the sense of the Senate that the rate of pay of Senators should be frozen for one year.

FREEDOM OF CHOICE ACT OF 1993

SMITH AMENDMENTS NOS. 52–57

Mr. SMITH proposed six amendments to the bill (S. 25) to protect the reproductive rights of women, and for other purposes, as follows:

AMENDMENT NO. 52

At the appropriate place add the following: In any case in which—

"(1) an induced abortion was attempted with respect to an individual;

"(2) such abortion was unsuccessful; and

"(3) the mother of such individual consented to such abortion—

it shall be the duty of the mother of such individual and the health care provider performing such abortion to provide all available medical aid, together with food and water, in order to sustain the life of such individual.".

AMENDMENT NO. 53

At the appropriate place, add the following:

"Nothing in this Act shall be construed to prevent a State from regulating the performance of abortions after the fifth month of pregnancy unless the life of the mother would be endangered if the pregnancy were carried to term.".

AMENDMENT NO. 54

At the appropriate place, add the following:

"Nothing in this Act shall be construed to prevent a State from regulating the perform-

ance of abortions after the fourth month of pregnancy unless the life of the mother would be endangered if the pregnancy were carried to term.".

AMENDMENT NO. 55

At the appropriate place, add the following:

"Nothing in this Act shall be construed to prevent a State from regulating the performance of abortions after the third month of pregnancy unless the life of the mother would be endangered if the pregnancy were carried to term.".

AMENDMENT NO. 56

At the appropriate place, add the following:

"Nothing in this Act shall be construed to prevent a State from regulating the performance of abortions after the second month of pregnancy unless the life of the mother would be endangered if the pregnancy were carried to term.".

AMENDMENT NO. 57

At the appropriate place, add the following:

"Nothing in this Act shall be construed to prevent a State from regulating the performance of abortions after the first month of pregnancy unless the life of the mother would be endangered if the pregnancy were carried to term.".

RESOLUTION AUTHORIZING FINANCIAL EXPENDITURES BY SENATE COMMITTEES

REID AMENDMENT NO. 58

Mr. REID proposed an amendment to the resolution (S. Res. 71), supra, as follows:

At the appropriate place, insert the following:

SEC. . ABOLISHING THE COMMITTEE ON AGING.

(a) IN GENERAL.—

(1) The Committee on Aging of the Senate is abolished.

(2) Paragraph 3(b) of rule XXV of the Standing Rules of the Senate is amended by striking the item relating to Aging.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 1994, unless the Senate otherwise extends or reauthorizes the committee abolished by this section pursuant to recommendations of the Joint Committee on the Organization of the Congress.

COCHRAN AMENDMENT NO. 59

Mr. COCHRAN proposed an amendment to amendment No. 58 proposed by Mr. REID to the resolution (S. Res. 71), supra, as follows:

Strike all after the first word of the pending amendment and insert the following:

The language on page 30, line 11 through page 31, line 3, is null and void and of no effect.

SEC. . (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1993, through March 31, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through March 31, 1993, under this section shall not exceed $98,703.25.

(c) Effective April 1, 1993, the Special Committee on Aging is abolished.

INOUYE AMENDMENT NO. 60

Mr. INOUYE proposed an amendment to the resolution (S. Res. 71), supra; as follows:

At the end of the resolution, add the following new section:

COMMITTEE ON INDIAN AFFAIRS

SEC. . The Select Committee on Indian Affairs is hereby redesignated as the "Committee on Indian Affairs".

CHAFEE AMENDMENT NO. 61

Mr. CHAFEE proposed an amendment to the resolution (S. Res. 71), supra; as follows:

At the end of the resolution, add the following:

SEC. . (a) Notwithstanding any other provision of this resolution and except as provided in subsection (c), the funding level for each of the committees referred to in section 2(a) for the period March 1, 1993, through September 30, 1994, shall be an amount equal to the lesser of—

(1) 95 percent of the amount provided for such committee, excluding funding for nonrecurring items, for the period March 1, 1992, through February 28, 1993, under Senate Resolution 62, agreed to February 28, 1991; or

(2) 95 percent of the amount provided for the Committee on Finance for the period March 1, 1992, through February 28, 1993, under Senate Resolution 62, agreed to February 28, 1991.

(b) The funding level for each of the committees referred to in section 2(a) for the period March 1, 1994, through February 28, 1995, shall be an amount equal to the funding levels provided in subsection (a) of this Section (relating to the period March 1, 1993, through February 28, 1994) increased by 1.3 percent.

(c) Notwithstanding subsection (a), the funding level for the Committee on Appropriations for the period March 1, 1993, through September 30, 1994, shall be $4,861,162, and the funding level for the period March 1, 1994 through February 28, 1995, shall be $4,961,810.

NOTICES OF HEARINGS

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. AKAKA. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Subcommittee on Mineral Resources Development and Production.

The purpose of the hearing is to receive testimony on S. 257, the Mineral Exploration and Development Act of 1993.

The hearing will take place on Tuesday, March 16, 1993, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for inclusion in the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Lisa Vehmas.

For further information, please contact Lisa Vehmas of the subcommittee staff at 202-224-7555.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the status and future direction of the Department of Energy's fusion program, particularly the Department's activities relating to the International Thermonuclear Experimental Reactor [ITER] Program.

The hearing will take place on Tuesday, March 9 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Paul Barnett.

For further information, please contact Paul Barnett of the committee staff at 202-224-7569.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the energy needs of the People's Republic of China.

The hearing will take place on Thursday, March 11, 1993, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for inclusion in the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Don Santa.

For further information, please contact Don Santa of the committee staff at 202-224-4820.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the full Committee on Energy and Natural Resources. The purpose of the hearing is to receive testimony on the state of the oil and gas industry.

The hearing will take place on Friday, March 5, 1993, beginning at 2 p.m. at the city council chambers, 901 Bagby Street, 2d floor, Houston, TX. Witnesses will testify by invitation only.

Those wishing to submit written testimony should address it to the Committee on Energy and Natural Resources, room 304, Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Patricia Beneke (202) 224-2383 or Wanda Freeman (202) 224-7556 of the committee staff.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 24, 1993, at 10 a.m. to hold a hearing on the President's economic proposal and to consider S. 382, the Emergency Unemployment Compensation Amendments of 1993.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Wednesday, February 24, 1993, at 10 a.m. to conduct a hearing on mortgage and other lending discrimination.

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

SPECIAL COMMITTEE ON AGING

Mr. FORD. Mr. President, I ask unanimous consent that the Special Committee on Aging, be authorized to meet during the session of the Senate on Wednesday, February 24, 1993, at 9:30 a.m. to hold a hearing on "the Federal Government's Investment in New Drug R&D: Are We Getting Our Money's Worth?"

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

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 24, 1993, at 9:30 p.m. on S. 4 the National Competitiveness Act.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Wednesday, February 23, at 9:30 a.m. for a hearing on the subject "Proliferation Threats of the 90's."

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., February 24, 1993, to receive testimony concerning energy tax options.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, February 24, 1993, at 10 a.m., for a hearing entitled "Education Goals and Standards."

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

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Senate Armed Services Committee be authorized to meet on Wednesday February 24, 1993, in open session, to receive testimony on United States Government assistance to the former Soviet Union: Status report and in addition, the committee will meet in executive session to consider and act on the nominations for the 1993 Base Closure and Realignment Commission, and the committee rules.

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

ADDITIONAL STATEMENTS

THE PASSING OF PFC. DOMINGO ARROYO, JR., OF ELIZABETH, NJ

• Mr. BRADLEY. Mr. President, on January 12, 1993, Pfc. Domingo Arroyo, Jr., of Elizabeth, NJ, became the first U.S. soldier to be killed in the Somalian relief effort. Private Arroyo, who expected to be discharged shortly from the Marines after 4 years of active duty that included Operation Desert Storm, was part of a patrol that was ambushed by Somali gunmen.

Domingo was born in Puerto Rico. Living in New Jersey most of his life, he came from a close-knit family and was liked and respected by his teachers, friends, and neighbors. The reasons he gave for joining the Marines were moral and selfless. He wanted to help others, he wanted a college education in order to better himself, and he wanted to provide his mother with more desirable living conditions.

A true American, Domingo gave his life in another country, protecting its destitute, defenseless people. In his dedication to his country, to his family, and to his high ideals, he represents the best of our Nation's youth. I mourn his loss. Domingo will be remembered as a hero and honored for his selfless bravery.

At this very sad time, Mr. President, I ask my colleagues to join me in expressing our deepest sympathy to the family of Domingo Arroyo, Jr.•

• Mr. DURENBERGER. Mr. President, everyone knows that the past few decades have brought many changes to the practice of medicine in the United States. New technology has led to advances in the diagnosis and treatment of illness. Medical knowledge has developed to a point where what we once considered miracles are performed on a daily basis.

There is one man, Robert "Bob" W. Fleming, chair of administration at Mayo Foundation in Rochester, MN, who has experienced firsthand the changes in medicine in the last 40 years—at least at one institution.

Since Bob began his career at Mayo on January 3, 1950, his tenure has been seasoned by several Mayo milestones. In December 1950, a Mayo physician and a Mayo chemist, won the Nobel Prize for the discovery of cortisone. And in 1953, the Mayo Building opened and is now the primary location for patient care at Mayo.

During the 1960's and 1970's Bob led the development of the Mayo appointment system that now handles more than 300,000 patient registrations annually. He also helped develop the organization of Mayo's largest department, the department of internal medicine.

The 1980s brought about many significant changes at Mayo—the merger of Mayo Clinic with Saint Marys and Rochester Methodist hospitals, and the openings of Mayo Clinic Jackonsville and Mayo Clinic Scottsdale. Bob was instrumental in guiding the institution through these changes.

Bob's first position at Mayo was in the insurance and collections department where he worked as an administrator. His early success in that department led him to other administrative positions in several medical and surgical areas. In 1972, Bob was named chair of the Division of Administrative Services for Mayo, a position he held until 1982 when he was named chair of administration.

Bob has worked hard at whatever job he has held at Mayo. His hard work continued in his activities outside Mayo. In fact, at the time he joined Mayo, hockey was his No. 1 priority. He played right wing for the Rochester Mustang's Hockey Team. A job at Mayo was an added bonus.

Others in the Mayo organization noticed his stamina, speed and determination, the same traits he dem-

onstrated on the hockey rink. Soon his capacity for work, keen memory and penchant for organization became well-known. More than 40-years later, his colleagues still credit him with these characteristics.

His 43-year career at Mayo, marked with numerous highlights, will end in February 1993, when he retires. He plans to travel and continue to be involved in the sport that led him to Rochester—hockey. He served as chair of the U.S. Olympic Hockey Committee from 1969 to 1981, and took up the challenge again in 1990. He will continue his service for the 1994 games.

Mr. President, it is with great pride that I recognize the tremendous contributions of Bob Fleming. In the words of those who know him best, "Bob would succeed, no matter what the time or the challenge, because he is truly a leader."•

ARIZONA SPINA BIFIDA ASSOCIATION

• Mr. DECONCINI. Mr. President, I rise today to commend the work of the Arizona Spina Bifida Association. Their tireless efforts on behalf of those afflicted with spina bifida deserve our recognition and our highest praise.

Spina bifida is the most frequently occurring birth defect. In the United States alone a child is born with spina bifida every hour. Very few Americans know about this disease because, until recently, it was often fatal. Medical technology has now advanced to the point where 90 percent of those born with spina bifida go on to live happy, productive lives.

Those born with spina bifida are not without special needs. The physical limitations imposed by the disease are often formidable. To help deal with these limitations, the Arizona Spina Bifida Association has developed the Nation's first Transitional Living Center.

The Center allows people with spina bifida to adjust to living on their own by providing them with the care they need while learning to care for themselves. The center offers the emotional support those afflicted with spina bifida need for the daunting task of facing the world. It gives them a sense of self esteem, builds their confidence, and develops their independence. Most importantly, it teaches them that they are important members of our society with valuable contributions to offer.

Mr. President, I strongly support the efforts of the Arizona Spina Bifida Association. By increasing public awareness, they have helped destigmatize the disease. The Transitional Living Center has brought people with spina bifida into the work force and into the community. The center serves as a model for other areas that wish to help their citizens with this disease learn to live on their own. I ask my colleagues to join me in commending this outstanding organization.•

COMMENDING JAMES M. RIDENOUR, DIRECTOR, NATIONAL PARK SERVICE

• Mr. LUGAR. Mr. President, I rise today to pay tribute to James M. Ridenour, who recently completed his tenure as Director of the National Park Service. Jim has served our Nation well and leaves behind a strong record of conservation and stewardship of our national parks.

Jim Ridenour was sworn in as the 13th Director of the National Park Service in April of 1989. Raised in Wabash, IN, Mr. Ridenour came to the National Park Service from the Indiana Department of Natural Resources, where he was director from 1981 to 1989. In that post, he managed the State's system of parks, forests, reservoirs, and fish and wildlife areas. He was also responsible for state museums, memorials, and historic resources.

During Jim's tenure as Director of the National Park Service, the number of units of the National Park System increased by 13, to 368. The 13 new units encompass approximately 25,000 acres. While he was Director, new laws expanded existing National Park System units by over 130,000 acres. One of the parks that was expanded was Indiana Dunes National Lakeshore, which preserves sandy beaches and dunes that rise as high as 180 feet along the Indiana shoreline of Lake Michigan between Gary and Michigan City.

In 1992, Congress approved Director Ridenour's special resource study initiative, and provided funding in fiscal year 1993 for four such studies. To regain an orderly process for determining which areas should be added to the National Park System, Jim Ridenour requested that Congress fund studies of areas that the professionals of the National Park Service had identified as high priorities for new parks.

A major achievement under Director Ridenour's leadership was an improvement in the concessions program of the National Park Service. A 1990 initiative to reform the management of the private concession businesses that provide goods and services to visitors in the National Park System established five principles: First, protect the natural and historic resources above all other goals; second, provide quality visitor services at a reasonable cost; third, provide concessionaires with a reasonable opportunity for profit; fourth, provide a fair return on fees, investments, and services to the Government; fifth promote competition in concession contracting. In furtherance of this initiative, the National Park Service issued new concessions management regulations and standard concessions contract language in 1992.

Jim Ridenour had many other successes as Director of the National Park Service, including invigorating the science capabilities of the Service, strengthening the Service's commitment to education through "Parks as Classrooms," undertaking urgent repairs at the John F. Kennedy Center for the Performing Arts, and increasing funding for employee housing.

This spring, Jim and his wife, Ann, will return to Indiana where Jim will join the faculty at Indiana University's School of Health, Physical Education and Recreation as director of the Eppley Institute, a new center on the Bloomington campus that will focus on park management, outdoor recreation, and public land use policy.

Those of us who have worked with Jim Ridenour know that he is an exemplary steward of the National Park Service. He combined his deep respect for the Nation's parks with a fair-minded, practical approach to managing park resources. I wish him well in his new endeavor, and welcome the Ridenours back to Indiana.•

THE 75TH ANNIVERSARY OF FOUNDING OF THE ESTONIAN REPUBLIC

• Mr. LEVIN. Mr. President, February 24, 1993, marks the 75th anniversary of the founding of the Estonian Republic. For two decades Estonia was a proud sovereign nation—until its illegal annexation by the Soviet Union. It was the pride of the Estonian people, and the confidence that they would eventually prevail, that sustained the nation through the dark years spent under Soviet domination.

As the Estonian people built their nation, their time of independence was not easy. Membership in the community of nations at that time meant being battered by the global depression and other social problems, and the resulting instability. Still, independent Estonia had a source of strength not fully utilized in Soviet Estonia—the pride and determination of an independent and free people. During the Soviet period, Estonians in their social and political lives were not allowed to draw on the traditions and the lessons of Estonia's past to help them to deal with the problems of their present. They were not permitted to work together as a community to face these challenges, but rather were forced, as other Soviet peoples were, to spend much of their efforts simply trying to survive as individuals under an alien, dehumanizing, totalitarian system. Only in the privacy of their homes and such cultural events as their world-renowned song festivals were they able to pass on to younger generations the traditions and customs of the Estonian nation.

Now, in the past year and a half, Estonians have had a chance to work together to seek solutions to their problems. Last summer, they took a major

step by establishing the kroon as their new currency and basing it on the German mark. An immediate effect was to make anachronistic that familiar Soviet institution, the hard currency shop. More importantly, it was an encouraging sign to the many foreign companies which have been investing in Estonia. It makes it easier for Estonians to market their highly educated labor force to businesses around the world.

Estonia does face big challenges. The problems with obtaining the raw materials to run their industries, the need to modernize, and the problems with conducting trade with the other former Soviet Republics are difficult challenges. Still, there is much talent within Estonia's borders, and these talents are being unleashed. And thus Estonia is beginning to take advantage of its position—both geographic and economic—to serve and thrive as the bridge between Western Europe and Russia.

We rejoice at the fact that Estonia is able to celebrate another independence day. After years in which the energies of a significant portion of the world were stifled, we profit when new nations emerge and are able to begin contributing their creativity and ideas to the world. I hope that we are now living at a time when we will take advantage of such happy events.•

CONCERNS AND GOALS OF THE AMERICAN PEOPLE

•Mr. GORTON. Mr. President, last week President Clinton spelled out before Congress and America his vision and plan for the future. I believe he gave an effective and inspirational speech which truly spoke to the concerns and goals of the American people. Many of us listening that night were rightly impressed. Unfortunately, in my view, the methods he outlined are not going to help us reach those goals.

I had hoped to be able to report back to the people of Washington State that this President really means business. I wanted to be able to tell the small businessman in Bellevue, the single mother in Pasco, and senior citizen in Sequim that the leadership in Washington finally gets it—they finally understand that our priority should be to balance the budget, to get this economy moving and to put people back to work.

Further, I had hoped that President Clinton would offer an honest and courageous deficit cutting package that my fellow Republicans and I would be able to support. I wanted to help him keep his campaign promise of halving the deficit over 4 years to put us on the road toward true fiscal responsibility. But, unfortunately, after seeing the policies President Clinton has in store for America, I cannot see down that road.

The President has chosen a clear path in this debate over jobs—and that is what this is, a fundamental debate over how to create jobs and economic opportunities. The path the President has chosen, to tax more and spend more, simply will not work. To quote former President Ronald Reagan, "There they go again."

His plan is relatively simple. He will increase Government spending and increase taxes in an attempt to spur the economy and create jobs.

I have three objections to the President's plan. First, I believe we need to start by reducing bloated Government spending rather than increasing it. Second, we should refrain from squeezing more taxes out of over-burdened Americans when the economy is just beginning to recover from recession. Third, raising taxes does not cut the deficit, as we will see using the President's own numbers. In my view, increased taxes, more Federal spending and rising deficits are hardly a recipe for success.

As I travel around the State, listening to the views of the citizens, I am constantly told that Congress needs to show the American people that we can be trusted with the revenues that we have, that we can live within our means. The people know our track record on this issue certainly is dismal.

Instead of adding on more spending, I believe we need to set priorities and make choices. I completely support full funding for Head Start. Universal child immunization is a fantastic idea. And WIC desperately needs more resources. But this country already spends $1.5 trillion per year. We have the money. We have the resources and can devote more to these worthwhile programs if we so choose. We do not need to add on more spending, we need to make choices.

It is interesting to follow the evolution of President Clinton's plan in this regard. Recently, the Director of the Office of Management and Budget, Leon Panetta, came before the Senate Budget Committee, of which I am a member, to testify that the administration was looking at ways to cut spending $2 for every dollar of new or increased taxes. It was a good start. But we have seen that ratio in free fall in the days since. Now it is barely one to one. The administration cannot even find enough spending cuts to match their exorbitant tax increases.

We have heard a lot about these tax increases, disguised by using buzz words like sacrifices and contributions. These words sound innocuous, but the American people now know what they really mean. They mean a higher burden on almost every working family.

As far as this Senator is concerned, relying on tax increases to stimulate the economy misses the point entirely on economic growth. Why?

Higher taxes mean fewer jobs. I cannot think of an example in the history of this Nation where increasing taxes helped the economy to grow, businesses to prosper, and created new jobs.

The people of Washington are already suffering from a weakened economy due to timber industry setbacks and huge layoffs at Boeing. In addition, they now face a sweeping tax increase proposed by the new Governor. With these facts, I fail to see how additional burdens will help these people get their jobs back or create new ones for them.

The private sector is far better at producing jobs than is the Government bureaucracy. A tax increase will take money out of the hands of small businesses and the individuals in the private sector who are providing jobs in our communities. Raising taxes gives that money to bloated Federal bureaucracies inevitably reducing the numbers of new jobs created.

A perfect example of how increased taxes will impede the cause of job creation can be found in subchapter S corporations. As some of my colleagues and I tried to explain during last year's debate on the Democratic growth package, subchapter S corporations are America's small business owners. By law these small business owners must take all of the firms' profit in as personal income.

So when President Clinton talks about raising the income tax on the so-called wealthy individuals, substitute small businessman every time you hear him. For that is what he will do. He will take money out of the primary job-creating component of our economy, the small business.

Last year, I took the liberty of contacting some of the subchapter S corporations in my State. We discussed how a tax increase will affect their businesses. Overwhelmingly, they told me that tax increases would restrict investment, cut expansion and hamper job creation. The president of one company went so far as to say that new taxes would push her already struggling company over the brink into bankruptcy. How, Mr. President, will taking money out of the pocket of these small businesses create jobs?

Small businesses provide jobs and economic opportunity for over 1.5 million people and create nearly 50 percent of all new jobs in Washington State alone. We need to foster their growth and provide an environment where they can flourish. Higher taxes from the Federal Government will not do that.

Historically, tax cuts, not tax hikes, have led the way to economic growth and higher Government revenues. And while I am not advocating an across-the-board tax cut, I know that the citizens of Washington with whom I talk do not feel that they are taxed too little—they feel they are taxed too much.

My final objection to the President's plan, and maybe the most important one, is that tax hikes wood not reduce

the deficit because Congress will not use any new revenues to pay off the deficit. They will see new revenue simply as a license for new programs. These programs will be well meaning and sound great to the voters back home. And they will be funded and the deficit will continue to grow.

I have seen it firsthand. Between 1948 and 1986, for every dollar raised though increased taxes, we saw the Congress spend an additional $1.58. The latest example happened just 3 years ago. George Bush, faced with unprecedented budget deficits and out-of-control Government spending agreed to a tax hike provided that, for each dollar raised, we would cut spending by $2.75. Not surprisingly, the spending cuts never materialized. We were left in a worse situation than before.

This time, using the President's own numbers, spending will grow by an additional $129 billion over the next 5 years, while at the same time taxes will increase by $328 billion. That still leaves us in 1998 with a deficit of $240 billion. Further, it will be headed in only one direction—up. As far out as anyone is willing to project, the deficit will keep getting bigger and bigger. Even the President's own numbers project that. More taxes and more spending will not cure our deficit problem.

But, much to the sorrow of the American taxpayer, the Democrats are back at it. They still believe that we can tax our way out of a recession. They think that by taking resources away from productive uses and handing it over to Government bureaucrats, somehow, magically, all our problems will be solved.

In the end, Americans know that if they simply end up paying more taxes without real budget cuts, the deficit will continue to grow, people will still lose their jobs and people lucky enough to hold on to their job will lose the ability to support their families on their tax-shrunken paychecks.

That disaster is of great concern to the people to whom I am listening in the State of Washington, and that is the perspective from which I will have to consider the specific proposals that were outlined in President Clinton's State of the Union address.•

RECENT ACTIONS TAKEN BY THE CHINESE GOVERNMENT

• Mr. BOREN. Mr. President, I rise today to speak briefly on recent developments in China. As my colleagues know, in recent weeks the Chinese Government has made several significant gestures which have not gone unnoticed in the United States.

Since January 29, three individuals involved in the Tiananmen Square incident—Wang Dan, Guo Haifeng, and Gao Shan—have been released from prison. One dissident involved in the 1979 Democracy Wall movement, Wang Xizhe, has also been released, as has a Catholic priest named the Reverend Zhu Hongsheng. In addition, two other individuals, Li Jinjin and Zhang Weiguo, were granted passports.

I am particularly pleased because four of these individuals—Wang Dan, Gao Shan, Li Jinjin, and Zhang Weiguo—were listed in a letter which Senators PELL and LEVIN and I presented to the Chinese Foreign Minister and Public Security Minister when we visited Beijing in December 1992.

Another equally promising development, Mr. President, is the announcement on February 17 by the China National Petroleum Corporation that 12 land oil fields will now be open to foreign exploration. While United States firms have made several offshore leases with the CNPC, this invitation constitutes the first offer for onshore development, and it creates the potential for very significant economic cooperation between the United States and China.

I sincerely hope that the Chinese Government will continue to act in this spirit, Mr. President. The steps that have been taken thus far in Beijing are encouraging, and they bring China and the United States another step toward improved relations.•

COMMEMORATING THE 90TH ANNIVERSARY OF THE SALT RIVER PROJECT

• Mr. MCCAIN. Mr. President my best wishes go today to one of Arizona's oldest and best known public institutions, the Salt River Project [SRP], as it celebrates 90 years of providing critical supplies of water and power to the people and businesses of central Arizona. In addition to being the state's largest water supplier, Salt River Project has become the Nation's third largest public power utility, with more than 550,000 customers and generation and transmission links throughout the Southwest.

The impact, however, of the Salt River Project goes far beyond the scope of services that it presently provides.

Founded in 1903 by citizens who pledged their land as collateral for Federal funding to construct Theodore Roosevelt Dam, SRP brought Arizona its first reliable supplies of water. With that water and the subsequent construction of additional dams, SRP enabled the early farming settlements of the Phoenix area to flourish and ultimately become a booming metropolis on the leading edge of Sunbelt growth.

Pioneering vision, persistence, and public partnerships have from the beginning shaped SRP's services and mission. Those same qualities have put SRP at the forefront of efforts to improve air quality. As the lead operator of the 2,250-megawatt Navajo Generating Station in northern Arizona, SRP negotiated an environmentally sound and affordable solution to visibility issues at Grand Canyon National Park. The company received, and justly deserved, recognition from President George Bush in September of 1991 for their leadership on this issue.

This month, SRP announced the exact method to be used in reducing Navajo Generating Station's [NGS] sulfur dioxide emissions by more than 90 percent, an effort that will make NGS one of the cleanest coal-fired power plants in the Nation. In addition, the company was an active leader in forging Federal acid-rain standards of 1990 and has made strong commitments to energy conservation, electric vehicle development, photovoltaics, solar generation, and nonpolluting fuel cell technology.

Mr. President, much more could be said about the SRP's achievements in providing reliable water, low-cost power, high value services, economic development assistance, and community programs to the areas it serves. SRP, the infrastructure and services it has provided have contributed greatly to the phenomenal development of the Phoenix metropolitan area.

Mr. President, I salute with gratitude and admiration the Salt River Project and its 4,900 employees for 90 years of dedicated service to Arizona customers and communities.•

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS RULES

• Mr. BAUCUS. Mr. President, in accordance with paragraph 2 of rule XXVI of the Standing Rules of the Senate, I submit the rules of the Committee on Environment and Public Works to be printed in the RECORD.

The committee rules follow:

RULES OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Rule 1. Regular Meeting Days.—The regular meeting day of the committee shall be the first and third Thursday of each month at 10:00 A.M., except that if there be no business before the committee, the regular meeting shall be omitted.

Rule 2. Committee Meetings.—Subject to section 133(a) of the Legislative Reorganization Act of 1946, as amended, committee meetings for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman, after consultation with the ranking minority member. Subcommittee meetings shall be called by the chairman of the respective subcommittee, after consultation with the ranking minority member. Notice of a meeting and the agenda of business to be discussed by the committee will be provided to all members not less than twenty-four hours in advance of such meeting. Additions to the agenda after that time may be made with the concurrence of the ranking minority member. Such 24-hour notice may be waived in an emergency by the chairman, with the concurrence of the ranking minority member.

Rule 3. Open Committee Meetings and Legislative Mark-up Sessions.—Meetings of the

committee, including hearings and legislative mark-ups, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of rule XXVI of the Standing Rules of the Senate (as amended by Senate Resolution 9, 94th Congress).

Rule 4. Presiding Officer.—(a) The chairman shall preside at all meetings and hearings of the committee except that in the absence of the chairman the ranking majority member who is present at the meeting shall preside.

(b) Subcommittee chairmen shall preside at all meetings and hearings of their respective subcommittees, except that in the absence of the subcommittee chairman, the ranking majority member of the subcommittee who is present at the meeting shall preside.

(c) Notwithstanding the rule prescribed by subsections (a) and (b), any member of the committee may preside over the conduct of a hearing.

Rule 5. Quorums.—(a) Except as provided in subsections (b) and (d), five members, two of whom shall be members of the minority party, shall constitute a quorum for the conduct of business, except for the purpose of reporting any measure or matter.

(b) Quorums for the conduct of business by the subcommittees shall be a simple majority of the membership of the subcommittees with at least one minority member present.

(c) Once a quorum as prescribed in subsections (a) and (b) has been established for the conduct of business, the committee may continue to conduct business.

(d) Notwithstanding the rule prescribed in subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 6. Proxy Voting.—(a) Proxy voting shall be allowed on all measures, amendments, resolutions, or any other issue before the committee or any subcommittees. Any member who is unable to attend the meeting may submit a vote on any such issue, in writing or through personal instructions; however, proxies shall not be voted for the purpose of reporting any measure or matter except when the absent committee member has been informed of the matter on which the vote is being recorded and has affirmatively requested that such vote be so recorded. A proxy given in writing shall be valid until revoked, while a proxy given orally or by personal instructions is valid only on the day given.

(b) At the discretion of the chairman, after consultation with the ranking minority member, members who are unable to be present and whose vote has not been cast by proxy may have their positions recorded on any vote on the same business day so long as the vote will not change the outcome.

Rule 7. Public Announcement of Vote.—Whenever the committee, by rollcall vote, reports any measure or matter, or acts upon any measure or amendments thereto, the report of the committee on such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee.

Rule 8. Announcement of Hearing.—The committee, or any subcommittee thereof, shall make public announcement and provide notice to members of the date, place, time, and subject matter of any hearings to be conducted on any measure or matter, at least one week in advance of such hearing, unless the committee chairman, or subcommittee chairman, with the concurrence of the ranking minority member, determines that there is good cause to begin such hearing at an earlier date, in which event not less than twenty-four hours notice shall be given.

Rule 9. Statements of Witnesses at Hearings.—(a) Each witness who is scheduled to testify at any hearing of the committee, or any subcommittee thereof, shall file a written statement of proposed testimony not later than noon of the last business day preceding the day on which such witness is scheduled to appear. At the time of appearance, each witness shall supply for the use of the committee or subcommittee, 25 copies of any prepared testimony or such greater number as may be requested in the letter of invitation. Except for witnesses from the Federal Government, this rule may be waived with regard to field hearings.

(b) The presiding officer at a hearing may have a witness confine any oral presentation to a summary of a written statement.

Rule 10. Regularly Established Subcommittees.—The committee shall have five regularly established Subcommittees as follows:

Subcommittee on Water Resources, Transportation, Public Buildings, and Economic Development

Subcommittee on Superfund, Recycling, and Solid Waste Management

Subcommittee on Toxic Substances, Research and Development

Subcommittee on Clean Water, Fisheries and Wildlife

Subcommittee on Clean Air and Nuclear Regulation

Rule 11. Subcommittee Membership.—Following consultation with the Majority Members and the Ranking Minority Member of the Committee, the chairman shall announce selections for membership of the subcommittees referred to in Rule 10.

Rule 12. Environmental Impact Statements.—No project or legislation proposed by the Administration shall be approved or other action taken on such project or legislation unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1970, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

Rule 13. Project Approvals.—(a) Whenever the committee authorizes a project, under Public Law 89-298, Rivers and Harbors Act of 1965, Public Law 83-566, Watershed Protection and Flood Prevention Act, or Public Law 86-249, Public Buildings Act of 1959, as amended, the chairman shall submit for printing in the Congressional Record, and the Committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(b) Proponents of committee resolutions shall submit appropriate evidence showing need for review or reports on river and harbor and flood control projects.

Rule 14. Naming of Public Facilities.—No building, structure or facility authorized by the committee, shall be named for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, or former Justices of the United States Supreme Court over 70 years of age.

Rule 15. Building Prospectuses.—(a) The committee shall act on all prospectuses for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition submitted by the General Services Administration in accordance with section 7(a) of the Public Buildings Act of 1959, as amended, and such action shall be completed by the date of May 15 during the same session in which such prospectuses are submitted to Congress. The committee may consider prospectuses submitted for alterations or repairs necessitated by emergency building conditions at any time during the same session of the Congress in which they are submitted. Prospectuses rejected by majority vote of the committee or not contained in any bill reported to the Senate shall be returned to the GSA and must then be resubmitted in order to be considered for action by the committee during the next session of the Congress.

(b) Reports of building project surveys submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, shall not be considered by the committee as being prospectuses subject to approval by committee resolution in accordance with section 7(a) of that Act. Projects described in such survey reports shall be considered for committee action only if they are submitted as prospectuses in accordance with section 7(a) and they shall be subject to the provisions of subsection (a) of this rule.

Rule 16. Broadcasting of Hearings.—Public hearings of the committee, or any subcommittee thereof, may be televised or broadcast, or recorded for television or broadcast, upon notification in advance to the chairman through the chief clerk. During public hearings, photographers and other reporters using mechanical recording or filming devices shall position and use their equipment in such fashion as will not interfere with the seating, vision, or hearing of Committee Members or staff on the dais, nor with the orderly process of the hearing.

Rule 17. Amendment of Rules.—The rules may be added to, modified, amended, or suspended by a majority of the Committee Membership.•

RULES OF THE COMMITTEE ON APPROPRIATIONS

• Mr. BYRD. Mr. President, in accordance with paragraph 2 of rule XXVI of the Standing Rules of the Senate, I submit the rules of the Committee on Appropriations to be printed in the RECORD.

The rules follows:

COMMITTEE ON APPROPRIATIONS—RULES[1]

I. MEETINGS

The Committee will meet at the call of the Chairman.

[1] Adopted pursuant to Rule XXVI, paragraph 2, of the "Standing Rules of the Senate."

II. QUORUMS

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. PROXIES

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. ATTENDANCE OF STAFF MEMBERS AT CLOSED SESSIONS

Attendance of Staff Members at closed sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARING

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the Full Committee for its decision.

VI. AVAILABILITY OF SUBCOMMITTEE REPORTS

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

VII. AMENDMENTS AND REPORT LANGUAGE

To the extent possible, amendments and report language intended to be proposed by Senators at Full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

VIII. POINTS OF ORDER

Any member of the Committee who is floor manager of an appropriation bill, is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriation bill.●

THE CHILD SUPPORT TAX EQUITY ACT

● Mr. LIEBERMAN. Mr. President, I am very pleased to be a cosponsor of the Child Support Tax Equity Act, introduced by Senator BUMPERS. This bill will provide critical assistance to the millions of parents, primarily mothers, and children who are owed child support and who desperately need these funds in order to survive.

Under this provision parents who are owed more than $500 in child support, and who make less than $50,000, will be able to take a tax deduction for the amount of the overdue child support. This reduces their tax liability for as long as the child support remains unpaid. In addition, the parent who has failed to pay legally required child support must list the amount overdue as income and pay taxes on that amount. If the parent fails to pay taxes, then the full weight of IRS enforcement and penalties can be brought to bear against them, a far more formidable threat than our current, often ineffectual, attempts to enforce child support orders.

This measure will accomplish two goals at once. It will provide those children and parents not receiving their court-ordered child support with some much-needed financial relief at tax time. It will also provide yet another avenue for penalizing parents who neglect their child support obligations. In addition, the bill will actually raise revenue over the next 6 years, because the fathers who are delinquent in their child support payments usually make more money than the mothers and children who are owed support. The fathers will, therefore, pay taxes on the amount due at higher rate than the mothers who are getting the deduction.

Despite significant efforts by States and the Federal Government, the child support collection rate hovers around 20 percent. Eighty percent of children for whom support has been ordered are receiving only some or none of the support owed. In many cases, that means the custodial parent cannot pay the rent, provide health insurance or medical care, and that the child does not have clothes to wear to school, or food to eat for breakfast. This provision provides an important new avenue of relief for those parents and children who have not been able to force payment of child support, and a new method of enforcement against parents who are refusing to pay support.

I look forward to working with Senator BUMPERS and Senator DURENBERGER on this important legislation. I look forward to its passage early in this Congress to ensure that this provision becomes law this year.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through February 18, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $2.1 billion in budget authority and $0.5 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount for 1993 of $420.8 billion.

There has been no action that affects the current level of budget authority, outlays, or revenues since the last report, dated February 16, 1993.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 22, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through February 18, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated February 16, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

JAMES L. BLUM,
(For Robert D. Reischauer).

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS FEB. 18, 1993

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues	.....	.....	849,425
Permanents and other spending legislation	764,283	737,413	.....
Appropriation legislation	732,061	743,943	.....
Offsetting receipts	(240,524)	(240,524)	.....
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION			
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(7,928)	962	.....
Total current level [1]	1,247,892	1,241,794	849,425
Total budget resolution [2]	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	2,098	496	.....
Over budget resolution	.....	.....	535

[1] In accordance with the Budget Enforcement Act, the total does not include $1,145,000 in budget authority and $6,988,000 in outlays in emergency funding.

[2] Includes revision under sec. 9 of the concurrent resolution on the budget.

Note.—Amounts in parentheses are negative.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG. 1ST SESS., AS OF FEB. 18, 1993

[In billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level [1]	Current level +/− resolution
On-budget:			
Budget authority	1,250.0	1,247.9	−2.1
Outlays	1,242.3	1,241.8	−.5
Revenues:			
1993	848.9	849.4	+.5
1993–97	4,818.6	4,820.0	+1.4
Maximum deficit amount	420.8	392.4	−28.4
Debt subject to limit	4,461.2	4,099.2	−362.0
Off-budget:			
Social Security outlays:			
1993	260.0	260.0	
1993–97	1,415.0	1,415.0	
Social Security revenues:			
1993	328.1	328.1	(2)
1993–97	1,865.0	1,865.0	(2)

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note.—Detail may not add due to rounding.•

TUCSON WELCOMES THE COLORADO ROCKIES

• Mr. DECONCINI. Mr. President, on Friday, March 5, 1993, my hometown of Tucson, AZ, will host a reception to welcome the newest member of the Cactus League, the Colorado Rockies. The Rockies will hold their spring training at Hi Corbett Field in Tucson.

I would like to join the great people of Tucson in welcoming the Rockies to Tucson. Although the first pitch has not yet been thrown, we are already big fans of our new spring training team. We are excited and honored to be a part of the Rockies' beginning, and I know the weather and the hospitality of Tucson will give the Rockies the boost they need for a successful season. I wish the Rockies the best of luck in the months and years ahead and look forward to a long, productive relationship.

The Rockies' players and management staff will be on hand at the March 5 community reception to enjoy food, fun, and festivities and to mingle with fellow Tucsonans and other fans. Proceeds from the reception will be used to rename the University of Arizona Foundation and Arizona Alumni Association building at my alma mater, the University of Arizona. The building is being renamed to honor a personal friend and fellow graduate of the University of Arizona, Marvin D. Swede Johnson. Swede currently serves as vice president for corporate affairs for the Coors Brewing Co.

For more than 30 years, Swede Johnson was instrumental in shaping the University of Arizona. He held various positions at the university and eventually became vice president for university relations. During his tenure, Swede's straightforward and energetic manner served the university greatly and, more recently, was instrumental in selling Tucson as the spring training home of the Colorado Rockies. Much of the growth and success of the University of Arizona can be attributed to Swede.

As someone who was once a young baseball fan in Tucson, I especially appreciate Swede's success in helping to bring the Colorado Rockies baseball team to Tucson. The Tucson community is grateful for Swede's efforts, thrilled to be part of baseball history, and excited to watch major league baseball. Tucson eagerly awaits the commencement of the coming season and the chance to support and cheer for our newest home team, the Colorado Rockies. Welcome to Tucson. Now, play ball.•

REPORT ON TRIP TO MIDDLE EAST

• Mr. LEAHY. Mr. President, from February 6 to 14, I visited Israel, Egypt, and Jordan in my capacity as chairman of the Foreign Operations Subcommittee. My purpose was to discuss the Middle East peace process, to explain the upcoming review of U.S. foreign assistance and the need for reform, and to conduct oversight of U.S. foreign assistance programs in the area. I ask to include in the RECORD at this point the report on my trip which I submitted to the distinguished chairman of the Appropriations Committee.

The report follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, February 24, 1993.

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

DEAR BOB: Enclosed is a report on my trip to the Middle East during the February recess. The trip was of great value in my work as chairman of the Foreign Operations subcommittee, particularly in light of the need to reform the foreign aid program. I believe my discussions with Secretary Christopher on my return, just prior to his departure for the Middle East, were also of importance to his preparations.

With best regards.

Sincerely,

PATRICK LEAHY,
Chairman,
Foreign Operations Subcommittee.

CODEL LEAHY VISIT TO ISRAEL, EGYPT, AND JORDAN

Senator Leahy, chairman of the Foreign Operations Subcommittee of the Committee on Appropriations, visited Israel, Egypt and Jordan between February 6–14. Senator Leahy was accompanied by Mrs. Leahy, Ellen Lovell, his Administrative Assistant, and Eric Newsom, majority clerk, Foreign Operations subcommittee. The purposes of the trip were:

To discuss with leaders of Israel, Egypt and Jordan the Middle East peace process, the problem of the deportees and Secretary Christopher's upcoming visit to the region;

To explain the upcoming review of U.S. foreign assistance and the need for reform; and

To conduct oversight of U.S. foreign assistance programs in the area, including the Israeli immigrant absorption loan guarantee program.

In preparation for the trip, Senator Leahy met with Secretary of State Warren Christopher and Deputy Secretary of State Clifton Wharton, Assistant Secretary of State for Near East Affairs Edward Djerejian, Israeli Ambassador Zalmon Shoval, Egyptian Ambassador el Sayed, and Dr. Osama el Baz, Advisor to President Mubarak of Egypt. In addition, Senator Leahy was briefed by U.S. intelligence officials on the Middle East situation.

Upon his return to the United States, Senator Leahy met Secretary of State Christopher and Assistant Secretary of State Edward Djerejian to review his discussions with Middle East leaders and to present Secretary Christopher with his assessment of the situation prior to the Secretary's own trip to the region beginning February 17. Senator Leahy also met Palestinian Spokeswoman Hanan Ashrawi in Washington immediately after his return to continue discussing the views of the Palestinians, and with Israeli Foreign Minister Shimon Peres.

ISRAEL

In Israel, on February 8 Senator Leahy met U.S. Ambassador William Harrop in two separate meetings prior to discussions with Israeli officials. Senator Leahy then meet Jewish Agency head Simcha Dinitz and subsequently Finance Minister Avram Shohat to discuss the U.S. loan guarantee program to assist Israel to absorb immigrants, primarily from the former Soviet Union. The discussions centered around Israel's plans for using the loan guarantees, and Senator Leahy's intention to monitor the program closely to ensure full compliance with U.S. conditions in providing the guarantees.

Later, Senator Leahy met with Prime Minister Yitzhak Rabin to discuss the peace process and the problem of the deportees. In order to be able to discuss sensitive matters relating to the deportees, the meeting was restricted to the Senator, Prime Minister Rabin and a notetaker from each side. The Senator then proceeded to a meeting with Foreign Minister Shimon Peres to continue discussing the Middle East peace process. Central Bank Governor Jacob Frankel participated in the discussion, and there was a detailed review of the economic and fiscal reform measures Israel needs to carry out to be able to absorb the influx of immigrants and to use the U.S. loan guarantees effectively. Senator Leahy visited the Israeli Knesset and met Likud Party leader Binyamin Netanyahu, also to discuss the peace process and the deportees. Finally, after a brief meeting with former Likud Party Defense Minister Moshe Arens, Senator Leahy met a group of Palestinian peace negotiators at a dinner hosted by Molly Williamson, U.S. Consul General in Jersusalem. This produced an intense discussion of the state of the peace talks, Palestinian concerns about the lack of progress, the problems created by the deportations, and the role the Palestinians hope the Clinton Administration will play.

Unfortunately, plans Senator Leahy had made to visit the Gaza Strip the next day to visit a major AID project there had to be canceled on the advice of Ambassador Harrop because of security concerns. Several Palestinians had been shot by Israeli security forces over the previous few days and there were daily incidents in Gaza. Instead, the Consulate General arranged for Senator Leahy to visit several AID projects in the West Bank intended to assist Palestinians. The delegation also toured Israeli settle-

ments in the territory and received briefings from Consulate staff on Israeli settlement activities. Senator Leahy also met West Bank Palestinians to hear their views on Israel's actions and role in the territories and their disillusionment with the peace talks. The delegation also visited a Palestinian refugee camp to listen to Palestinian inhabitants and to see projects AID is carrying out to alleviate conditions.

EGYPT

Wednesday, February 10, Senator Leahy met U.S. Ambassador William Pelletreau in Cairo to discuss Egypt's role in the Middle East peace process. Senator Leahy then had a lengthy meeting with President Hosni Mubarak in which the Middle East peace process was discussed, as well as a general review of the situation throughout the region. President Mubarak indicated he wished to continue the discussion later, and invited Senator Leahy to have breakfast the next morning. Subsequently, Senator Leahy met Chief of Staff of the Egyptian Armed Forces General Halaby and members of his staff and Defense Minister Tantawi to discuss US-Egyptian security relations and U.S. military assistance levels. This was followed by a long meeting with Foreign Minister Amre Moussa to continue in depth discussions of the peace talks and the problem of the deportees. After this meeting Senator Leahy sent a message to Amman, Jordan requesting meetings with King Hussein and the Prime Minister.

The morning of Thursday, February 11, Senator Leahy delayed his plans to travel to Upper Egypt to review AID projects and met with President Mubarak over breakfast to continue discussions about the peace process and other regional matters of concern. The delegation then left for Aswan to inspect and to be briefed on the $140 million AID project to replace all twelve turbines at the High Dam, one of the largest U.S. aid projects in Egypt. The project appears to be proceeding smoothly. The Delegation then traveled to Luxor where it was met by Peter Dorman, Director of the University of Chicago project financed by AID. The delegation met the American staff over dinner at Chicago House to be briefed on the US-financed programs run by the University of Chicago, and the next day was given a tour of the program by Chicago House staff. In the meantime, messages continued to be exchanged between the delegation and the U.S. embassy in Amman concerning the change in schedule that would permit Senator Leahy to fly to Jordan to meet the King.

JORDAN

February 13, the delegation traveled to Amman, where Senator Leahy first meet Ambassador Harrison to get prepared for his meetings with Jordanian leaders. Senator Leahy then met with Prime Minister Bin Shaker to discuss issues related to the peace talks, US-Jordanian relations and U.S. military and economic assistance to Jordan, as well as Jordanian enforcement on U.N. sanctions against Iraq. This was followed by a meeting with King Hussein to continue discussions on the same subjects. The talks continued over lunch hosted by King Hussein and Queen Noor.

PEACE TALKS

All parties recognize that the peace talks are temporarily stalled by the Israeli action to deport over 400 West Bank Palestinians, allegedly supporters of the terroristic Islamic extremist group Hamas. Television images of the Palestinian deportees huddled in freezing weather on a hillside in Lebanon have aroused public opinion throughout the Arab world, even among secular Arabs not given to supporting Islamic extremists. It has become politically impossible, according to all Arab parties who met with Senator Leahy, for the Palestinian negotiators to return to the talks until there is a more acceptable solution to the deportee issue.

Israel and some Arabs tend to see the problem of the deportees as primarily a difficult but solvable task for diplomacy and not as a mortal danger to the peace process. In this view, the challenge is essentially to find further steps, such as expedited review and return of deportees in an accelerated time period, and that the fortuitous occurrence of the Muslim religious holiday of Ramadan provides the necessary time for diplomacy to produce this solution. Others, especially the Palestinians, argue that the problem of the deportees presents serious risks to the continuation of the peace process. The already building anger among Palestinians over the lack of results from the Madrid talks is now becoming a rage that makes it unlikely the Palestinians can return to the talks unless the problem of the deportees is resolved in a process that will result in compliance with UN Security Council Resolution 799.

It is clear that without a resolution of the deportee issue, there is a major risk to the peace process. All sides agree that the present is a unique opportunity to achieve substantial progress in the talks, but that most of the Arabs, particularly the key parties of the Palestinians and Syria, cannot or do not dare return to the bargaining table without some resolution of the deportee issue tolerable to Arab opinion.

Israel also appears to believe major negotiating accomplishments are possible in 1993, possibly even achievement of a general peace settlement. The Israelis say they understand Israel must take risks to have peace, and they are prepared to take risks for real peace. The Israelis say they accept the land for peace formula, but not all land, and the peace must be genuine, not merely non-belligerency. The Israelis say they are ready to negotiate a self government authority in the West Bank for an interim period of coexistence before negotiations on a final settlement of the status of the territories.

The views of nearly all parties with whom Senator Leahy met in the Middle East indicate that the Arab parties as well are at last ready to make real compromises with Israel, including acceptance of peace treaties and diplomatic relations, if Israel is prepared to withdraw from territories occupied during the 1967 war and subsequently. The Palestinians seem genuinely committed to accept a self government authority that falls short of their initial demands for most of the trappings of sovereignty.

All the ingredients for progress appear to be present, assuming two critical conditions are met: 1. There is some compromise on the deportees that will make it politically (and physically) safe for the Palestinians to resume the talks; and 2. the United States plays a leadership role in bringing the parties together and assisting the process to move forward. The only way to know whether these assumptions are warranted is for the U.S. to engage in a sustained, high level effort to get the Madrid talks resumed and to lend its good offices to helping the sides find solutions. Such a major U.S. diplomatic and political effort cannot be guaranteed success in such a high risk endeavor as the Middle East peace process. But it is absolutely clear there is no chance whatsoever for peace without the leadership of the Clinton administration.

THE ABSORPTION LOAN GUARANTEES

Israel is presently raising the first $2 billion in financing using the U.S. loan guarantees. The Government plans to concentrate the assistance on building basic infrastructure, job creation and stimulation of economic growth. A central precondition to success in the immigrant absorption effort is thorough economic reform. Israel needs to liberalize its trade and investment regimes, achieve greater privatization of its economy, achieve greater discipline in government expenditures and fiscal policy, and in general reduce the direct role of government in the economy. All these actions will require politically difficult decisions. Failure to achieve reform will undermine the effect of the $10 billion loan guarantee program, and could drive the cost of the program upward.

Under the arrangement agreed between President Bush and Prime Minister Rabin last summer, the reduction in the amount of loan guarantees to be made available to offset Israeli Government expenditures on settlements will not apply to construction prior to October 1, 1992. This is regrettable because the original Leahy-Kasten Compromise would have made the offset effective as of January 1, 1992. If the Rabin Government does complete or sell the housing units presently under construction or ready for occupancy, the Israeli settler population of the territories could increase significantly, perhaps by as much as 50%.

The Foreign Operations subcommittee plans to hold hearings on the loan guarantee program as part of its oversight responsibility.

REVIEW OF FOREIGN ASSISTANCE

When the intention of the Congress and the Administration to undertake a top to bottom review of U.S. foreign aid programs was explained, all parties in Israel, Egypt and Jordan reacted with concern. All made the case for continued aid at present or even higher levels in the case of Jordan, though both Israeli and Egyptian leaders acknowledged that they could not expect the U.S. to continue its currently high levels of military and economic assistance indefinitely. Both argued strongly that U.S. assistance has major policy implications, as well as serving national security and economic needs. •

FIGHTING OBESITY

• Mr. KOHL. Mr. President, as we all know, obesity is one of the most prevalent diseases in our society, affecting 34 million American adults between the ages of 20 and 74. In addition to the physical strain of added weight, obesity has been shown to be associated with serious illnesses, including diabetes and cardiovascular diseases.

Not long ago, the citizens of a small town in northeast Wisconsin decided to tackle the problem of obesity, and have received a great deal of national attention as a result.

The town is Pound, WI. And on July 8, 1992, the people of Pound volunteered to participate in a 4-month weight loss program sponsored by the Slim-Fast Foods Co.

One hundred and sixty people signed up for the program. After 16 weeks on the plan, 131 people had lost an average of 19.8 pounds—or 1.2 pounds per person per week. The participants accom-

plished this feat by following the Ultra Slim-Fast weight loss plan; an Ultra Slim-Fast shake for breakfast and lunch, 3 low-calorie snacks throughout the day, and a well-balanced low-fat meal for dinner. In addition, participants were encouraged to start a regular exercise routine and make a commitment to change their eating habits.

Residents of Pound say that the program has made a real difference in their lives. Their weight loss has made them feel more self-confident and more energetic. And many of them have adopted a new lifestyle, including better eating habits.

I am not here to endorse the Ultra Slim-Fast weight loss plan. But I do believe we should recognize the combined efforts of the citizens of Pound, WI, and the Slim-Fast Foods Co. Working together, they made the community slimmer, healthier, and happier. Indeed, the program was so well received that the mayor of Pound, Richard Adamski, who lost 27 pounds himself, has said: "At this rate, the town of Pound will soon be called Ounces."

The people of Pound, WI, and the Slim-Fast Foods Co. are to be congratulated. Usually there is cause for concern when a small town in our State gets even smaller. In this case, the shrinking of Pound is a cause for celebration.●

CADWALADER, WICKERSHAM & TAFT BICENTENNIAL HONOR

● Mr. D'AMATO. Mr. President, I am pleased to recognize the distinguished law firm of Cadwalader, Wickersham & Taft on the occasion of its bicentennial. The firm was founded by John Wells in the city of New York in 1792, just 16 years after the Declaration of Independence was signed and 1 year after the Bill of Rights was ratified. It has been a continuous practice ever since.

In addition to the substantial impact which this firm has had on American law, business, finance, and professions and the arts, its partners have made important personal and professional contributions to American life. Earlier partners of the firm were among the founders of the U.S. Public Health Services, Columbia Law School, the Japan Society, the Federal Bureau of Investigation, and the New York Public Library, as well as other institutions.

The firm was the first Wall Street law firm, for example, to admit a woman to a partnership. Cadwalader's 105 partners, 18 counsels, 175 associates, and over 400 administrative and support personnel operate in four offices—in lower Manhattan; Washington, DC; Palm Beach, FL; and Los Angeles, CA. The firm owns its own major office building in New York City, a significant expression of confidence in the city in which it has practiced for 200 years.

What has especially impressed me is the firm's approach to celebrating its bicentennial. Its theme looks forward rather than backward—entitled "Our Third Century." In this spirit, Cadwalader has chosen pro bono service as the heart of its celebration.

The firm has advanced a bicentennial lecture series for its clients, friends, attorneys, and staff. Speakers have included corporate, financial, sports, and legal leaders, offering forward-looking views in their fields of expertise.

Cadwalader is now preparing the first legal guide to fighting street drug markets for community organizations and their lawyers in New York City. Its intent is to explain civil, administrative, and other remedies available to rid apartment buildings and streets of the scourge of drug trafficking. The firm is contributing to the labor and time of partners, associates, and summer associates in preparing this document in association with the American Alliance for Rights & Responsibilities. It will serve as an invaluable prototype for other cities across the Nation.

The firm is laying plans for a major forum on care-giving, an area of growing concern not only to the practitioners in all the medical and other helping professions but also, of course, to all the American people.

The firm is making important contributions to education with a substantial college scholarship grant to students in a Brooklyn, NY, high school and by backing up its dollars with teaching and coaching students interested in the law as a career. The firm also made a grant to the century-old Dunbar High School in Washington, DC, to advance the school's Enterprise Program, which prepares students for careers in the U.S. space program.

These are only a few of the pro bono programs being advanced as part of the firm's celebration.

Cadwalader, Wickersham & Taft has found a thoughtful, generous, meaningful way to celebrate its 200th anniversary. I commend the firm on its extraordinary history and its memorable birthday.●

ESTONIAN INDEPENDENCE DAY

● Mr. RIEGLE. Mr. President, I rise today on the 75th anniversary of Estonian independence to pay tribute to Estonia and its brave people. After more than 50 years of struggle, Estonians have succeeded in gaining the freedom which they so justly deserve.

Estonia's recent fight for independence found its roots in Estonia's previous period of statehood immediately following World War I. On February 24, 1918, Estonia proclaimed its independence, ending several hundred years of foreign dominance and oppression. During this period, Estonia enjoyed full recognition from the community of states. It was recognized by Russia in 1920 and joined the League of Nations in 1921. Estonia strengthened its status as an independent, democratic nation-state by creating a solid economic base and recognizing the human rights of minorities living within its borders.

Like the other Baltic States, Estonia's independence was tragically cut short by the Molotov-Ribbentrop Pact between Stalinist Russia and Nazi Germany, which provided for Soviet occupation of the Baltic States. Following the 1940 invasion of Estonia by the Soviets, thousands of Estonians were killed, deported, or otherwise brutally repressed. For more than half of the 20th century, the republic's brief period of independence served only as a symbol to Estonians under Soviet dominance, in Michigan, and around the world, that freedom was an attainable and worthy goal. On September 21, 1991, after the failure of the Soviet coup, Estonia's freedom was restored.

Since the declaration in 1991, Estonia has worked hard and long to repair and reform its battered country. On September 20, 1992, Estonia conducted its first fully free elections, resulting in the election of Lenert Meri as President. Estonia has further solidified its presence on the international scene by joining the Conference on Security and Cooperation in Europe in September 1991, the European Bank for Reconstruction and Development in December 1991, and the International Monetary Fund and World Bank in early 1992.

Estonia has sought to stabilize its economy and reaffirm its independence by establishing its own currency, the kroon, which is pegged to the German mark. The new currency has shown significant success, revealed most notably in the quadrupling of Estonia's foreign-exchange reserves from $50 million in June 1992 to $195 million in December 1992. Estonia has also expanded its export base and currently sells only one third of its goods to CIS countries when previously they sold nearly 90 percent of their goods to CIS countries.

Unfortunately, Estonia still faces formidable challenges. Estonia still suffers from a generally weak economy—the result of its former integration with and total dependence upon the Soviet system. This shaky economic picture is exacerbated by tensions arising from Russian ownership of many industrial, telecommunications, and locomotive plants located in Estonia and previously run by the Soviets. Estonians must also confront severe environmental damage inflicted upon them by 50 years of Soviet rule. Finally, Estonia faces the challenge of how to treat the Russian minority which comprises more than 30 percent of the population.

Despite the difficult challenges ahead, the Estonian Republic holds great promise. I fully support efforts to assist Estonia and the rest of the Bal-

tic States as they make the transition from socialist to free market economies. On this 75th anniversary of Estonian independence, let us pledge not to forget Estonia's rich history and culture and to do all we can to help Estonia become a prosperous and free nation.•

TRIBUTE TO G. SCOTT PORTER

• Mr. BOND. Mr. President, I rise today to urge my colleagues in the U.S. Senate to join me in paying tribute to Mr. G. Scott Porter on his 90th birthday. Mr. Porter has devoted his life unselfishly to his family, church, and community.

In 1945, Mr. Porter served as minister of the First Presbyterian Church in Rolla, MO, until his retirement in 1968. Under his leadership the congregation not only grew, but took the challenge of building a new sanctuary, chapel, and Sunday school. Further, they paid off the mortgage in the shortest time of any comparable church of its size.

Mr. Porter also served as the supply minister to the Elk Prairie Presbyterian Church during 1945 to 1968. After his retirement from the Rolla Church, he continued to serve as supply minister for the Elk Prairie Church, as well as churches in Cuba, Sullivan, and Willow Springs, MO, many times driving over 300 miles on a Sunday to conduct services.

While still being an active and dedicated servant of the church, Mr. Porter was a member of the Rolla Masonic Lodge and Rolla Rotary Club, where he served as treasurer until his 85th birthday.

Mr. President, I would like my colleagues to know that this dedicated Missourian is representative of the American patriotism which still exists in this great Nation today. Our Nation has been blessed because of people like Mr. G. Scott Porter. I commend his lifetime of service and extend my appreciation for his compassion toward his fellow man.•

THE WOMEN'S CENTURY

• Mr. RIEGLE. Mr. President, to celebrate Women's History Month, March 1993, I want to go back to last year, 1992. Commentators, pundits, and political prognosticators called it the Year of the Woman, mainly for the record numbers of women who ran for public office across the country that year—and with considerable success. The Senate benefited from 1992—we are quite fortunate to have four new women Members, for a total of six women—more than the Senate has ever had in its history. The House of Representatives has 19 new women Members for a total of 48.

Some attribute this change to the controversy surrounding Anita Hill's allegations against Clarence Thomas. But I believe the roots of women's growing involvement in the political process go back much further than that. The Year of the Woman sprang from the efforts of bold women and pioneering organizations that shaped the political, societal and economic forces that changed the status of women in America in the 20th century. I like to call it the Women's Century.

One of these pioneering organizations in my home State of Michigan marked its 75th anniversary on February 12, 1993. The Michigan chapter of the Federation of Business and Professional Women started out with only three members. These three bold women were Emily Butterfield, an architect; Emma Spoor, a publisher; and Grace Wright, a manufacturer's agent. In an attempt to "offset the loneliness of the pioneer business women," they met over lunch in Detroit and founded the Detroit Business Women's Club in 1912.

The nucleus of these three friends soon attracted other pioneering business and professional women from other Michigan cities. Between 1912 and 1918, women in Bay City, Grand Rapids, Saginaw, and Flint formed clubs similar to the one in Detroit to give them a forum to discuss the challenges facing women in business. In 1918, these groups met for their first annual convention. The following year, they joined women in other States to form the National Federation of Business and Professional Women's Clubs [BPW].

Mr. President, I invite my colleagues to think about what it must have been like for these pioneers of the early 20th century. These organizations were started in an attempt to combat the loneliness women in business faced. This loneliness was real. Not only were they few in number, but at that time, women were politically, socially, and economically isolated in America. But women fought to break out of this isolation by attacking the barriers that prevented their full participation in American society.

The first barrier—the lack of the right to vote—fell in 1920 with the ratification of the 19th amendment to the Constitution. This ended the political isolation of women. The victory came after a long fight which began back in 1869. The movement was started in that year by bold women like Elizabeth Cady Stanton, Susan B. Anthony, and Lucy Stone who founded organizations dedicated to women's suffrage. In no small way these women made the Year of the Woman possible by giving women the ability to exercise the fundamental means of political participation. Without the ability to wield political power, no group—indeed, no individual—can advance in American society.

The next step was the elimination of the economic isolation of women. The BPW, both nationally and in Michigan, as well as other women's organizations, were leaders in this fight. In 1918, the Detroit Business Women's Club endorsed the position of equal pay for equal service—amazingly, women are still fighting for this goal. During its second convention in 1920, the BPW recognized the need for better training and education for women as a means to gain the tools for economic success. They established a plan to work in close cooperation with business schools to improve educational opportunities for women. The BPW has continued to work to improve economic opportunity for women through the present day.

Finally, women addressed the social isolation they faced. In 1923, Alice Paul, founder of the National Women's Party, authored the equal rights amendment [ERA] to the Constitution; enactment and ratification of the ERA is essential to ensuring equality for women in both the law and the life of the land. This fight has continued throughout the remainder of the century. The ERA was a rallying point for many of the organizations involved in the women's rights movement of the 1960's such as the National Organization for Women and the Women's Equity Action League. Unfortunately, the ERA is still not law, but women's organizations will continue to fight for its passage.

Mr. President, the country has come a long way since these bold, visionary women set out to change the status of women in American society. And I recognize that the country still has a lot of work to do before we can say that women have reached complete integration and freedom. But without the efforts of Elizabeth Cady Stanton and Susan B. Anthony; or the organization that the three business women from Michigan, Emily Butterfield, Emma Spoor, and Grace Wright helped to start; and without the work of Alice Paul and all the other bold women who came after them, 1992 would have been just another election year. The steps these women took, and the forces of historical, societal, and economic change that they put into motion during this—the Women's Century—deserve special recognition as we celebrate Women's History Month.•

TRIBUTE TO HELEN L. PORTER

• Mr. BOND. Mr. President, I would like to pay tribute to a remarkable lady from Missouri, Mrs. Helen L. Porter, who devoted her life to serving others for many years.

In 1950, Mrs. Porter was employed as a service club director at Fort Leonard Wood. During her years there, she became Ma Porter for literally thousands of draftees who were away from home for the first time in their lives. She talked many an inductee out of going AWOL, when he thought he could not handle the Army.

Mrs. Porter introduced Robert Templeton, a young artist, to people in Rolla and St. Louis. He did hundreds of portraits during the time he was at Fort Leonard Wood and later went on to become an accomplished artist whose works include portraits of Presidents Johnson and Carter.

Mrs. Porter, along with her husband Mr. G. Scott Porter, opened her home to students from the University of Missouri-Rolla without restrictions. Fellowship groups were held on Sunday evenings and during the holidays, everyone was invite to dinner. On more than one occasion, they gave a couple who could not find a place to live a bedroom until they could find permanent housing.

Although Mrs. Porter was working full time, she still was active in many church and community activities. Mrs. Porter was a true lady, and I commend her for her values and principles.

Mr. President, Mrs. Helen L. Porter is sincerely missed by her family and friends, as well as all of those who have benefited from her exacting judgment and her warm friendliness. We salute those whose enthusiasm and deeds bring good to the community in ever-increasing measure. When we give of ourselves, we experience the renewing power of life.●

C–17 PAYLOAD-RANGE SPEC

● Mr. D'AMATO. Mr. President, I ask that an article that appeared in the February 15, 1993 edition of Aviation Week & Space Technology entitled, "C–17 Payload-Range Spec Called Outdated," be inserted in the RECORD in its entirety at this point so that I may comment on the remarks attributed to Gen. Ronald Fogleman, commander of Air Mobility Command.

An Air Force general has questioned whether the McDonnell Douglas C–17 transport program should be saddled with a contractual payload-range specification which he called outdated.

Air Force officials estimate the C–17 is 5.5–6% short of meeting the payload-range goal, which was eased two years ago to enable Douglas Aircraft Co. to have a better chance of reaching the goal (*AW&ST* Apr. 15, 1991, p. 74).

Gen. Ronald R. Fogleman, commander of the Air Mobility Command, however, said the current aircraft satisfies virtually all operational requirements—despite the shortfall. He added that he is concerned too much attention may be paid to meeting a single specification.

"From an operational standpoint, the airplane meets my needs," Fogleman said. "We should not change contractual specifications, but we ought to recognize that there is a big difference between a contractual specification and an operational requirement.

"Particularly if the contractual specification was written during the Cold War period, and we were trying to get 10 divisions to Europe in 10 days and we had our KC–135 tanker force engaged in SIOP [single integrated operational plan] war commitment." He added that the command can take the C–17 anywhere in the world at any weight load because the aircraft is air-refuelable. Maximum C–17 payload weight is 172,200 lb.

The current C–17 payload-range specification calls for the aircraft to carry 160,000 lb. of payload over a distance of 2,400 naut. mi. in what is known as a Category 1 mission.

Fogleman said a demonstration flight late last month of a C–17 from Edwards AFB, Calif., to Eglin AFB, Fla., showed the aircraft can carry 160,838 lb. of payload unrefueled over a circuitous route of 2,786 naut. mi. The aircraft, however, flew a Category 2 overland mission which requires less fuel reserves.

Fogleman said the demonstration flight was intended to show the current operational utility of the aircraft rather than to try to meet the payload-range specification.

"Let's quit holding up the whole program focusing on this one contractual specification that has little or no operational utility," Fogleman said. "In other words, if somebody starts talking about taking core thrust reversers out of the engine in order to meet a weight requirement I don't need, and I need core thrust reversers to meet this ground agility, I am not interested."

The current 160,000 lb./2,400 naut. mi. specification was reduced from the earlier payload weight of 167,000 lb. over the same distance two years ago. An earlier 172,000 lb./2,400 naut. mi. specification was relaxed.

Mr. D'AMATO. Mr. President, General Fogleman is quoted as saying, in part,

We ought to recognize that there is a big difference between a contractual specification and an operational requirement" and "[l]et's quit holding up the whole program focusing on this one contractual specification [160,000 lbs/2400 nm] that has little or no operational utility.

I want to remind the general that this "contractual specification with little or no operational utility" was established by the Military Airlift Command [MAC], reviewed by the Air Force Chief of Staff, documented in the system operational requirements document [SORD], validated by the Joint Requirements Oversight Council [JROC], and incorporated by the C–17 System Program Office [SPO] as a minimum standard.

Ironically, the reduction in performance was justified at the time as reflecting an operational requirement, rather than an arbitrary contractual specification. Maj. Gen. Frank Willis, then MAC's deputy chief of staff for requirements, minimized the relaxation of the specification from 167,000 lbs/2,400 nm to 160,000 lbs/2,400 nm, the third such downward revision, stating, "we figured we would use that capability—the additional 7,000 pounds—10 percent of the time." "There was no decrease in our requirements, just a recognition of our requirements," according to Gen. Hanford Johnson, MAC commander at the time. In fact, at Scott AFB, in May 1991, a general on Hanford's staff briefing C–17 requirements was bold enough to state that he would trade everything for the 160,000 lbs/2,400 nm specification.

Now, with the C–17 yet again unable to meet minimum range/payload requirements, the airlift community is attempting to once again undermine C–17 specifications. Just 2 weeks ago, a member of General Fogleman's staff, also at Scott AFB, also briefing C–17 requirements, characterized the 160,000 lbs/2,400 nm specification as having little or no operational utility. When challenged, he blamed the C–17 SPO for writing a poor specification based on an unrealistic flight profile. Apparently, he was unaware that the SPO had received direct guidance from MAC.

Obviously, it's much easier to score if you can just move the goal line.

We have contract specifications that are justified as hard operational requirements and that are subsequently dismissed as inconsequential when they can't be met. What can we be sure of in the C–17 Program? Not the specifications, and certainly not the cost.

In fact, the only thing that remains clear in this entire exercise is that the Air Force wants this plane no matter what it costs and no matter how short if falls of the Services' actual needs.

This raises in my mind the pressing question "why"? The only conclusion I can reach is that the Air Force has become a captive of the contractor. If this is not so, the Air Force has to prove that it was honestly mistaken in its previous positions instead of deliberately misleading Congress and the American people. I am anxious to see if the Air Force can meet this challenge.●

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Thursday, February 25; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each; with the following Senators recognized for the time limits specified: that Senator KRUEGER be recognized first during the period for morning business for up to 10 minutes; Senator KERREY of Nebraska for up to 10 minutes; Senator COATS for up to 30 minutes; Senator SPECTER for up to 15 minutes; Senator GORTON for up to 10 minutes; Senator GRAHAM for up to 10 minutes; and Senator WALLOP for up to 5 minutes; that at 11 a.m., the Senate resume consideration of Senate Resolution 71, the committee funding resolution.

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

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. FORD. Mr. President, seeing no Senator wishing to speak, if there is no

further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 7:24 p.m., recessed until Thursday, February 25, 1993, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate February 23, 1993, under authority of the order of the Senate of January 5, 1993:

DEPARTMENT OF DEFENSE

WILLIAM J. PERRY, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF DEFENSE, VICE DONALD J. ATWOOD, RESIGNED.

FRANK G. WISNER, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY, VICE PAUL DUNDES WOLFOWITZ, RESIGNED.