# SENATE—*Tuesday, March 2, 1993*

*(Legislative day of Tuesday, January 5, 1993)*

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable PATTY MURRAY, a Senator from the State of Washington.

## PRAYER

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

Gracious, loving Lord, Your Word declares, "* * * man looketh on the outward appearance, but the Lord looketh on the heart." (I Samuel 16:7) We are inclined to attend only to the outer man while we neglect the inner man. Except for the food we put into our mouths, we are rarely concerned with what we take in through our eyes and ears. We take seriously that which provides for us physically, but we are unconcerned about provisions for the soul. We satiate our bodies and starve our souls.

Patient Father in Heaven, when we think about it, we know muscle strength is insignificant compared to strength of character—virtue, courage, love. Grant us grace to take seriously our spiritual needs. Help us to take time for God, for meditation, for Bible reading. Fill us with the desire to be strong, spiritually as well as physically, that we may be better equipped to face the vicissitudes of life.

We pray in the name of Jesus, the Light of the world. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, March 2, 1993.*

*To the Senate:*

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

ROBERT C. BYRD,
*President pro tempore.*

Mrs. MURRAY thereupon assumed the chair as Acting President pro tempore.

## MORNING BUSINESS

Mr. GRASSLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Iowa.

### JUSTICE DEPARTMENT LEADERSHIP

Mr. GRASSLEY. Madam President, I rise today to address the very serious question of whether or not the Clinton administration is misusing the Department of Justice in an effort to protect its political allies from criminal prosecution.

The Justice Department is suffering from a lack of leadership because we do not have an Attorney General yet. Recent events in the trial of Tennessee Representative HAROLD FORD demonstrate that President Clinton's difficulty in finding a suitable Attorney General is having consequences for the administration of justice.

Representative FORD'S last trial resulted in a hung jury and an FBI investigation into jury misconduct. To avoid another mistrial and ensure a fair trial in a very public case, the trial judge ordered the jury to be selected from Jackson, TN, which is 100 miles from Memphis. The defense raised objections to the jury selection, claiming that there were not enough black potential jurors in the area to ensure him a fair trial. The U.S. attorney in Memphis, Ed Bryant, opposed this effort, contending that an out-of-town jury is necessary for both the people and the defendant to get a fair trial, and that such a motion would be taken in any similarly public case regardless of the defendant's color of skin.

The Sixth Circuit Court of Appeals agreed with the U.S. attorney, and the Supreme Court refused to hear an appeal in the case.

When the defendant did not get the result that he wanted through the legal system, he enlisted the help of congressional colleagues to lobby the White House and the Justice Department for favorable treatment in the case. Earlier in February, a group of Congressmen wrote the White House on the Congressman's behalf. Less than 2 weeks ago, 26 Members met with Acting Attorney General Stuart Gerson and the First Lady's former law partner, Webster Hubbell, now stationed as the President's person at DOJ. Members of the Congressional Black Caucus also pleaded for reversal of the prosecutor's stance in the case.

Their lobbying was very successful. The day after the meeting, acting Attorney General Gerson announced that he was overruling U.S. Attorney Bryant and that the Department would side with the defendant in asking for a new jury. Mr. Bryant resigned the following day and this is what he said:

> What we have done is make an exception for the Congressman. * * * I don't feel I could be a part of that.

Thankfully, the judge dismissed the arguments of the Justice Department saying that those kinds of race-based arguments died with Jim Crow, and adding that it is a "sad day, in my opinion, when an acting Attorney General of the United States gives in to a demand that a jury must be selected by race."

He also said this:

> Perhaps just as disturbing is the appearance that the Department of Justice has created by this motion—that justice in the courts of the United States can be handled differently if one is a Member of the U.S. Congress.

If the conduct of Acting Attorney General Gerson and Mr. Hubbell does not constitute political conduct of the Justice Department, I do not know what does. This behavior was outrageous and an affront to all Americans. As one who has long fought for Congress to live under the laws that it writes for others, I am shocked by the prospect that with the same party now controlling both the executive and the legislative branches, that Democratic Members of Congress may now be able to evade application of criminal laws.

The incident certainly makes the case for the reauthorization of the independent counsel law, but only so long as it also applies to Congress, and I have voted to do that. We have lost, however.

There may be other Congressmen who will be prosecuted, especially in light of the ongoing investigation of the House bank and post office scandals, and the Clinton Justice Department apparently cannot be counted upon to impartially prosecute allegations involving Democratic Members of Congress. An independent prosecutor may be necessary for both branches.

When the President's latest nominee for Attorney General, Janet Reno, appears before the Judiciary Committee this month for confirmation hearings, I will ask for a full accounting of this matter. I will ask for an explanation of who within and without the Department intervened on the Congressman's behalf and what the basis of the decision was, political or legal. Hopefully, she will be able to reassure me that last week's fiasco will be an anomaly and that Americans will be able to expect impartial justice from a Clinton/Reno Justice Department.

These events also raise the issue of just who is running the Department of

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Justice. Legal and constitutional authority rests with Stewart Gerson, formerly Assistant Attorney General for the Civil Division. But the President has installed one of Mrs. Clinton's former law partners, Webster Hubbell, at the department in an unspecified position outside the regular confirmation process. When the Government's new attorney in the Ford case told district Judge Turner that it was Hubbell who brought the issue to Gerson's attention, the judge asked her on whose authority and in what status Hubbell was acting, and the attorney from Washington in Memphis at that time said she did not know.

President Clinton's record at Justice is so far not a very impressive one. The administration's action in the Ford case threatens the very integrity of the department, and I think the American people deserve better.

I yield the floor.

Mr. DURENBERGER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Minnesota.

Mr. DURENBERGER. Madam President, are we in morning business?

The ACTING PRESIDENT pro tempore. Yes, we are.

## NATIONAL SERVICE PROPOSAL

Mr. DURENBERGER. Madam President, I rise to comment briefly on an important part of the national service proposal unveiled yesterday by President Clinton at Rutgers University. Before I do, I want to say that I share the President's strong personal interest in promoting voluntary community service as part of being a good citizen, also as part of a way of tapping the energy and resources not just of young people but of everyone in this country.

Dating to my days in the Jaycees and other civic and community activities in my State of Minnesota, I always believed each of us has a responsibility to do what the President is trying to promote now as a national consensus.

Three years ago, Madam President, I was the chief Republican cosponsor of legislation creating the new commission on national and community service. The commission may very well become the vehicle through which we carry out the President's proposed program.

My strongest interest in what the commission does is in the link that it provides between community service and education. More than 300 school districts in Minnesota and most of our college campuses are right now engaged in some form of what we call service learning. And my goal in being part of the debate on the Clinton proposal will be to make sure that service learning stays a central part of what we encourage at the national level. And even in those parts of national service that involve full- or part-time pay, I think it is absolutely critical we view what we are doing as part of education reform and not as something separate and apart from it.

The proposal that the President made yesterday, while not defined in detail, is sufficiently clear enough to let us know that it is his commitment to allow student borrowers in this country to receive their loans directly from the Government and then repay them based on their postcollege income and to repay them through the Internal Revenue Service.

The President's proposal captures the essential ingredients of the IDEA legislation that Senator PAUL SIMON and I first introduced in the fall of 1991. It was included as a demonstration program in the higher education amendments that we adopted last summer.

Madam President, one of the activities going on around the Capitol—and there seem to be a lot of them on Tuesdays and Wednesdays and Thursdays—is called "Bank Lobby Day," where I guess all our bankers are going to lobby us on some of these issues, and to me, having been involved in this issue for a couple, 3 years, it is another one of those good evidences that powerful special interests are going to be fully engaged in the debate over this important proposal by the President.

But as this debate goes forward, we must remember that the purpose of Federal student loan programs is to help students and their families pay for college. It is not designed to serve as a guaranteed profit center for banks. It is not to protect six- and seven-figure salaries at Sallie Mae.

Defenders of the status quo will also claim that it is a debate between those who support an innovative, consumer-responsive private sector and those who support a stodgy, inefficient Government bureaucracy.

But my own experience suggests that in this case the usual distinctions between public and private sector roles do not apply.

I have a hard time thinking of current student loan programs as part of the private sector when there is a guaranteed rate of return to the banks that make the loans and there is no financial risk if they end up in default.

I also have a hard time defending the efficiency and user friendliness of programs that produce as much confusion and outrage and as much fear and actual harm to my constituents who use them as this program does.

Madam President, direct lending, with income-contingent repayment through the IRS, is not going to solve every problem facing American higher education but it can help meet the goal of making college more affordable to every American.

I look forward to working with my colleagues and with the administration to help make that goal a reality.

## REQUESTED RESIGNATION OF DR. BERNADINE HEALY

Mr. DURENBERGER. Madam President, I expect that nothing the new President does in health care will disappoint me as much as his request for the resignation of Dr. Bernadine Healy as Director of the National Institutes of Health. Her departure will be a loss for the Nation. It is also a loss, if I may say so, for President Clinton. I am saddened that the new administration, with its stated goal of health reform, missed an opportunity to have a true reformer, a true visionary, on the Clinton team.

NIH as an institution has always been in a tug of war between science and politics.

On one side are the research scientists in universities and on the NIH campus. These scientists accept peer review of the scientific merit of their research proposals, but they tend to resist any political influence in their research projects.

Their approach is often compared to boiling soup—independent investigators follow their own path of discovery and the good rises to the top. Thus, grant selection is based solely on the scientific merit of the proposal. This is science for science's sake.

In the early days of NIH, Congress permitted this hands-off approach and tiptoed lightly not to disturb genius at work. But as the sums directed to NIH have increased—the budget is now close to $10 billion—political pressures have inevitably increased as well. These pressures from constituencies supporting single diseases or disabilities have led to projects that could be described more accurately as politically correct than as scientifically necessary.

As one wag put it when evaluating the disease-based politics: "Nobody ever died of microbiology."

Dr. Bernadine Healy jumped right into the middle of this tug of war—and she redefined the battlelines. Soon after she became Director in April 1991, she decided that NIH must clarify its research priorities and articulate its mission.

The result of her efforts is the strategic plan that will be officially unveiled next month. As I understand it, the plan would increase biomedical research efforts and more effectively link research gains to applications that will directly benefit the American public. In other words, Dr. Healy rejected the claims of the scientists who wanted to work in a social vacuum—but she also fought off efforts to make NIH a purely political agency.

Bernadine Healy has a vision of science as an instrument for the betterment of society. As such, it must be linked to the health needs of the Nation—including the need for disease prevention and healthier behavior. The activities of NIH—a publicly funded

agency—must benefit all of us, the public.

It is not there merely to satisfy the intellectual curiosity of researchers.

And it is certainly not there to serve the short-term goals of politicians.

This is the vision of Dr. Bernadine Healy. But her goals have not been warmly welcomed. Rather, they have made her some powerful opponents in the Congress as well as among academic scientists. Her view that NIH ought to be a vehicle to make our society healthier has certainly stirred the scientific pot.

Rejecting science for science's sake, and rejecting politics for the sake of politics, Dr. Healy worked hard to create a consensus for a biomedical technology policy linked to society's needs. I share her vision for the future of medical technology.

In a paper I released last year entitled "Designing an Infrastructure for Health Reform." I described a scheme for reorganizing Government health policy. As part of my overall scheme, I suggested that our biomedical research establishment should cooperate with our public health infrastructure at the State and local level as well as with the private health-based institutions.

Dr. Healy was receptive to these and other suggestions from all quarters. She knows we need to work on fundamental change, to make our public investment in health oriented toward getting results, not the result a Congressman or Senator wants in funding some pet program but the result all concerned Americans want.

The result we seek is a healthier America.

We need to define health broadly—as the total mental and physical well-being of all our citizens. Let us sharpen our priorities. Let us find out how science can help and then let us do it.

This is the results-oriented, can-do attitude we are sacrificing by letting go the talents of the remarkable Bernadine Healy. She is a person of great intelligence, great courage, and great integrity. On a personal level, I will miss her but intend to do all in my power to ensure that the vision that she brought to NIH will not be abandoned.

Madam President, I yield the floor.

Mr. WARNER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Virginia.

Mr. WARNER. Madam President, I ask unanimous consent that I have such time as may be required to introduce a bill.

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

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

Mr. MACK addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Florida.

ORDER OF PROCEDURE

Mr. MACK. Madam President, I ask unanimous consent to proceed as if in morning business, for not to exceed 5 minutes.

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

## UNEMPLOYMENT BENEFITS DEBATE

Mr. MACK. Madam President, there is tremendous irony in our efforts today. We are preparing to extend unemployment benefits to many Americans who have so far been unable to find new jobs. This is a generous effort, for none of us wants to see the pain of joblessness continue one day longer than necessary.

But as soon as we finish this unemployment compensation bill, we will turn to the President's economic plan. The irony is this: Today, we try to make unemployment more tolerable; tomorrow, because of the President's plan, jobs will be harder for the unemployed to find.

The President wants us to quickly act on his economic plan. This plan, however, is one that will destroy new job opportunities and slow economic growth. Clintonomics will guarantee the need for more unemployment compensation extensions in the future.

We need to refocus the issue. We should be debating how to get Americans off unemployment and restore their dignity, hope, and opportunity that comes with a new job. We should not be discussing ways to keep them on unemployment.

America was founded on the belief that dreams meant something and success should be rewarded. For Americans on unemployment, we must provide them with a sense of hope and opportunity that they can find a job, work hard, dream their dreams and be rewarded. That is not the message of Clintonomics.

Now, this new President believes if dreams are fulfilled, something must be wrong so let us tax more and impose a heavier burden. The President's plan calls for punishment of hard work, innovation, and success.

Discouraging success is wrong. Encouraging success is right. Clintonomics tells Americans to feel guilty about their dreams. We should be saying: Dream your dreams because that is what is right about America. Reach for success. Maybe, you will find it.

Take risks. Strive to improve your life and make a better way for your family. That is not the President's message. Instead of rewarding investors, he wants to penalize them. Instead of encouraging risk-takers, he wants to discourage them. Instead of patting innovators on the back, he wants to reach into their back pockets.

The President believes Ameria's greatest untapped natural resource is take-home pay.

The president wants to raise marginal tax rates. That means if you strive for success to earn more income, he wants the Government to take more from every extra dollar you earn. Instead of rewarding success, he wants to punish it.

The President wants to raise taxes on retirement savings. That means if you save and build a retirement income, you will receive back less of your social security contributions. Instead of providing incentives for retirement planning, he wants to tax the future.

Americans still believe in the bedrock principles of less taxes less spending, less Government and more freedom. But the President's plan is more taxes, more spending, more Government and less freedom.

Through tax incentives, not tax burdens, we must revitalize the American spirit of innovation, competition and success. Candidate Clinton seemed to understand that. President Clinton does not.

The President was elected on his core commitment to stimulate the economy and get America back to work. He promised incentives and tax relief. At times, he even sounded like a conservative.

But the campaign is over, and the job of leading America has begun. Candidate Clinton was left behind and, unfortunately, so were his pledges.

Candidate Clinton of putting people first has become President Clinton of putting taxes first. The candidate of bold new initiatives, has become the President of the recycled, failed policies of the past.

Our goal must be to create a climate of jobs growth and economic recovery where success is rewarded. That is what Americans voted for. That is what we must deliver.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. PRESSLER. Madam President, I ask unanimous consent to speak as in morning business.

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

## SMALL BUSINESS—ENGINE THAT DRIVES AMERICA'S ECONOMY

Mr. PRESSLER. Madam President, during my 18 years in the U.S. Con-

gress, the concerns of America's small businesses have been high on my priority list. As I begin my 19th year, it is my privilege to serve as the ranking Republican member of the U.S. Senate Small Business Committee. I consider it a vitally important position. Why? Because in my home State of South Dakota, over 97 percent of all businesses are small businesses.

Small business is the Nation's business—the engine that drives America's economy. The Small Business Administration reports that from June 1991 to June 1992 small businesses created 173,000 jobs, while firms with more than 500 employees lost 235,000 jobs. Small businesses accounted for two out of every three new jobs from 1982 to 1990. Having said that, what can we in Congress do to assist this remarkable sector of our economy? The answer is: Plenty. One of the most important things we can do for small businesses in South Dakota and across the country is to reduce burdensome Government regulations and redtape. Congress should not impose unnecessary regulations on businesses. Rather, it should focus on improving the Nation's business and economic climate. For these reasons, I will soon join with Senators NUNN and BUMPERS in introducing the Paperwork Reduction Act of 1993. I urge all my colleagues to study it carefully.

Prior to the adjournment of the 102d Congress, we were successful in passing legislation designed to provide some regulatory relief for the banking industry. The legislation should alleviate some of the problems inhibiting community banks from making job-creating loans to small businesses. This is a step in the right direction. More must be done. We must continue to reduce the regulatory burden that hampers the availability of credit for small businesses if we are to ensure their prosperity and growth. We also must work to increase capital for further small business development.

Whenever we talk about small business concerns, we must also address the state of our Nation's health care system. The rising cost and declining availability of health care and health insurance is a critical problem facing all Americans. We need comprehensive health care reform. This should include cost containment provisions, reform of malpractice laws and improved access to medical care. It would be unwise to require all small businesses to provide health insurance to their employees. It could force some out of business. Rather, employees should be provided with insurance through other means. For instance, I support tax incentives for employers who insure their employees. I also support incentives permitting small employers to band together and create insurance pools. Cost containment, not additional Federal mandates, is the key to solving our health care crisis.

In addition, small businesses should be able to deduct medical insurance in the same manner as incorporated businesses. Self-employed people had been able to deduct 25 percent of their health insurance costs, both for themselves and for their family members. However, this modest benefit was allowed to expire on June 30, 1992. On the other hand, incorporated businesses are able to deduct 100 percent of their health insurance costs. I find this grossly unfair. This deduction should be made permanent and applied to all businesses, large and small. Last year, I cosponsored legislation that would have done just that. This proposal made headway in the Senate but failed to become law.

Last year Congress also debated a provision to lower the capital gains tax. I strongly supported such action. A lower capital gains rate would stimulate the economy in both the short and the long term. It would expand opportunities for new businesses and create more jobs. I will continue supporting responsible efforts to reduce the capital gains tax during this Congress.

I intend to revisit these issues and work for fair tax treatment of all small businesses. As a first step, I was pleased to join Senators DOLE, PACKWOOD, and others in introducing S. 160, the Small Business Investment Act of 1993. The provisions contained in this legislation would make the Tax Code fairer for all small business. This bill should be part of any economic stimulus package passed by this Congress.

We also must look abroad. One of the greatest opportunities for America's small business is to expand their position in the global marketplace. One example of promoting that opportunity is an amendment I offered last year to the Freedom Support Act. My amendment, which was part of the bill signed into law, clarified the active role American small businesses should play in our technical assistance programs for countries emerging from the former Soviet Union. We must continually explore opportunities for small businesses to expand overseas markets for America's products and services. We must lower unfair trade barriers. We must help entrepreneurs better understand how to do business in foreign countries.

Other countries do an excellent job of using their foreign assistance programs to foster foreign markets for their own companies' goods and services. Indeed, they do a much better job than we. How? Their companies provide tangible goods. Soon they are opening enterprises abroad to service and repair them. Their embassies are constantly looking for ways to help introduce new products and services into the market. Diplomacy should be much more than representing one's Government. It should mean fostering a spirit of entrepreneurship in which American merchandise and American services are highly sought after and emulated.

All nations involved stand to profit. The United States will benefit through increased exports for our businesses. Recipient countries also will be helped far more than under traditional foreign assistance programs. Our small business owners—the most successful entrepreneurs in the world—can provide far better assistance in the form of technical assistance and hands-on free enterprise training than can any amount of money the United States could choose—or afford—to give.

The success of small businesses is vital to America's economic success. The issues I have raised today are just some of the ways in which Congress can work in partnership with small business. As ranking member of the Small Business Committee, I look forward to working with my friend, colleague and chairman of the Small Business Committee, DALE BUMPERS of Arkansas, as well as other members of the committee to ensure America's strongest economic engine remains firmly on track.

Mr. LIEBERMAN addressed the Chair.

## STRIKER REPLACEMENT LEGISLATION

Mr. PRESSLER. Mr. President, I rise today to voice my opposition to S. 55, legislation known as the striker replacement bill. Briefly described, this bill would prohibit employers from permanently hiring workers to replace employees striking over economic issues. In a broader context, this legislation could jeopardize the stability of the working environment in our Nation's businesses.

It is our obligation as U.S. Senators to consider what contemporaries call the big picture, the overall impact of this legislation. In order to analyze fully the impact of S. 55—to understand the big picture—we must understand the facts. What is the current law? What is the present day practice of hiring permanent replacement workers? Is this measure necessary?

Under current law, employees have the ultimate collective bargaining tool. The right to strike. In turn, employers have the right to stay in business during the strike. This right includes the use of permanent replacement during strikes as long as they do not commit unfair labor practices. This has remained a well-established principle of labor law since 1938 when the U.S. Supreme Court recognized management's right to hire permanent replacement workers.

Overturning the well established principle would shield striking workers from any risks resulting from lengthy strikes. The balance of power between labor and management in strike situations would be tipped in favor of em-

ployees. Organized labor would have the collective bargaining advantage. As a result, employers would be forced to accept union demands, regardless of the reasonableness of these demands in terms of the ability of businesses to make a profit and stay in business.

Enactment of the striker replacement bill would severely limit the right of a business to continue operations during a labor dispute. It could force some businesses to fold. This would be true especially for food processing businesses and others that produce perishable products. If business operations are terminated, jobs are lost permanently. As law, this measure would hurt not only business but also the very workers it claims to protect.

I have described current law concerning the hiring of replacement workers and the impact of S. 55, should it be enacted. However, it is equally important to consider the current practices by management with regard to the hiring of replacement workers. Are employers typically hiring permanent replacements?

According to a 1991 General Accounting Office study, the answer is "no". In strikes and the use of permanent strike replacements in the 1970's and 1980's, the GAO found only 4 percent of striking workers were replaced in 1985 and only 3 percent in 1989. Does the permanent replacement of 3 or 4 percent of striking workers constitute a need to jeopardize business stability?

My colleagues may recall that during the 102d Congress, the Senate debated legislation identical to S. 55, but it could not stop a filibuster. As a result, the Senate dropped consideration of S. 55. I supported that decision because the bill went too far in changing the collective bargaining process. I continue to maintain that position. Moreover, I have become convinced that S. 55 is purely an attempt by labor union leaders to demonstrate their influence following years of decline in union memberships.

As ranking member of the Senate Small Business Committee, I strongly support legislative action that will help business operations and at the same time, address the rights of employees. S. 55 falls far short of that criteria.

Mr. President, I support a worker's right to strike. I support an employer's right to stay in business during a strike. However, I cannot support legislation which could strip an employer's right to operate resulting in the loss of businesses and the jobs that depend on them. As Congress debates legislation affecting small businesses, I will continue working to strengthen our Nation's business climate. After all, the greatest guarantee of good jobs is a climate that promotes economic growth. I am committed firmly to job creation and economic development in South Dakota and throughout the country.

## RESERVATION OF LEADER TIME

Mrs. MURRAY. Mr. President, I ask unanimous consent that the time for the two leaders be reserved for their use later in the day.

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

## ORDER OF PROCEDURE

Mrs. MURRAY. Mr. President, on behalf of the majority leader, I ask unanimous consent that the time for morning business not extend beyond 12:30 p.m. today under the same conditions and limitations as previously ordered; further, that the Senate stand in recess from 12:30 p.m. to 2:30 p.m. today, and that at 2:30 p.m. the Senate proceed to the consideration of S. 382, the unemployment compensation legislation.

The PRESIDING OFFICER. Hearing no objection, that will be the order.

Mrs. MURRAY. I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

## LOST IN LIMBO

Mr. DODD. Mr. President, I would like to bring to the attention of my colleagues an eloquent editorial by Anna Quindlen that appeared in the New York Times on February 24, 1993. In the editorial, Ms. Quindlen describes the suffering of the Haitians who are being detained at the United States navel base in Cuba because they are HIV positive.

Last month, the Senate voted in favor of an amendment that would limit the Clinton administration's ability to develop a solution to this crisis—an amendment I opposed. In the months ahead, I hope that the Congress will take a less confrontational approach and work with the administration to alleviate the suffering of these innocent men, women, and children.

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

[From the New York Times, Feb. 24, 1993]

LOST IN LIMBO

(By Anna Quindlen)

There is a political problem baking under the hot sun at Guantánamo Bay, a political problem ringed with razor wire, housed in wooden barracks, living amid rats and scorpions while soldiers watch from guard towers.

But the truth is that all political problems turn out to be people, in one fashion or another. This one is 267 people, held in a latter-day leprosarium on a United States naval base, waiting for a decision about what will become of the rest of their lives.

They are Haitians, mostly adults, some children, who left their homeland in boats for the succor of the United States more than a year ago. Their illusions about a voyage to freedom seem pathetic now. Immigration officials determined that all of them had credible claims for asylum. But the Haitians have had to prove that not only their motives but their blood is pure. The Guantánamo Bay encampment, in Cuba, is home to those who turned out to be H.I.V. positive, a place called limbo.

It exists because of a ban, the ban that forbids immigrants who are infected with the AIDS virus to enter this country. The American Bar Association opposes the ban. The American Medical Association has said it is scientifically specious. And Bill Clinton campaigned on overturning it. That was the hope of the people in limbo.

Last week the Senate decided to pre-empt the President and voted to make the ban Federal law. This was not homophobia or xenophobia, some members insisted: it was fiscal prudence. Letting potential AIDS patients into the United States could result in increased health care costs.

If health care cost analysis is to be our future immigration policy, then why stop at H.I.V. infection? What about cancer patients? Or, for that matter, likely cancer patients—if a women wants to come here but has a family history of breast cancer, do we really want to take the risk that she may contract the disease and cost us money? Shouldn't we take a second look at diabetic immigrants, immigrants with heart problems, immigrants who smoke and are at much greater risk of contracting emphysema and lung cancer then those who do not?

Of course not. We should consider whether people are coming here, as they always have, because they fear real repression or truly seek to build a better life. And then we should let them in believing, as we always have, that the vast majority of immigrants wind up enriching this country. "Huddled masses," it says at the base of the Statue of Liberty. "Wretched refuse." Not "perfect specimen."

The Clinton Administration has not kept faith with the beleaguered people of Haiti. Candidate Clinton promised a change in the Bush Administration policy that sent Haitian refugees in boats back to their island home without a hearing; President Clinton changed his mind, saying he was afraid of lost lives at sea. Candidate Clinton promised an end to the immigration ban on H.I.V.-positive foreigners; President Clinton appears to be loath to tangle with Congress over this issue.

But behind every issue there are just people, in one fix or another, and the people in limbo are essentially in jail for no more reason than that some are sick, some are H.I.V. positive and some are family to those in the other two groups. The portable toilets are stinking; sheets are hung within the barracks for some nominal privacy. It is difficult to imagine the same sort of provisions being made by the American Government for Irish immigrants or Soviet Jews without considerable public uproar.

The unsanitary and overcrowded conditions would be bad enough for healthy people, never mind those with depressed immune systems. One immigration spokesman, asked about denials of requests for medical airlifts to the United States, was said to have responded, "They're going to die anyway, aren't they?"

They won't go back because they fear death. We won't let them in because they

face death. So they sit within their cattle enclosure, waiting for death. Mr. Clinton can think of this as a potentially unpopular decision, for it surely is. Or he can think of it as real people, with real lives, like the women who wrote from Guantánamo Bay to her two children earlier this month, "Don't count on me anymore, because I have lost in the struggle for life." So much for lifting our lamp beside the golden door.

## TRIBUTE TO JUDGE WALLACE BROWN

Mr. HEFLIN. Mr. President, I want to congratulate Wallace K. Brown on more than 20 years of honorable public service as Russell County, AL's probate judge. Judge Brown and his chief clerk, wife Mary Ann Brown, retired effective March 1. His retirement marks the end of a 36-year career with the probate office of Russell County.

Judge Brown has enjoyed an outstanding career of vital contributions to Russell County. He will be deeply missed and can never be fully replaced. I wish him and Mary Ann all the best for a long, happy, and healthy retirement.

I ask unanimous consent that an article on the retirement of Judge Brown, appearing in the Columbus, GA, Ledger-Enquirer be inserted into the RECORD immediately following my remarks.

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

HANGIN' UP HIS GAVEL

(By Judith Bethel)

Like foxes waiting for the farmer at the hen house door, at least a half-dozen men have scrambled to be named Russell County Probate Judge—a race that began even before Incumbent Judge Wallace K. Brown submitted his resignation to Gov. Guy Hunt on Wednesday.

While Brown prepares to leave the office he has held for 22 years, the behind-the-scenes maneuvering has some candidates already interviewed in the state Capitol, some screened by local Republicans and others—staunch Democrats—dropping out because they won't change parties.

Brown said his retirement will begin March 1, ending a more than 36-year career in the probate office. His wife and chief clerk, Mary Ann, also will retire.

But by Wednesday afternoon, according to Chuck Spurlock, Hunt's appointment secretary, three people already had been interviewed in Montgomery for the job: former Phenix City Commissioner and mayoral candidate Lee Lott: Phenix City Municipal Court Clerk Max Wilkes, and former Russell County School Board member John T. Smith. All are Republicans.

A Russell County source close to the selection process indicated Lott is the likely appointee, but Spurlock would not confirm Lott's status. The gubernatorial secretary said a decision will be made after the Alabama Bureau of Investigation completes background checks on each man.

"It could take three weeks to a month before we make a decision, because we have to conduct ABI background checks on all judicial candidates," he said.

The Russell County Republican Executive Committee already has been making plans for the June 1994 election.

Andrew Pitts, owner of Pitts Enterprises in Pittsview and chairman of the committee, said Lott, Wilkes and Smith have indicated that if they're appointed, they will run in 1994 as a Republican. The commitment is an important part of work to restore a two-party system in Russell County, a strongly Democratic county, those familiar with the matter said.

Although only three men were interviewed in Montgomery for the post, others expressed interest in the $60,000-a-year post, which also features a handsome benefits package.

Phenix City Mayor Sonny Coulter, attorney Mike Ralford and Russell County Chief Appraiser J.W. Brannen sought the appointment, with Coulter going so far as meeting with the Russell Republican Executive Committee at Herbert Herring Realty Co. on Tuesday night for a job screening. The mayor said he came away from that meeting feeling that decisions had already been made concerning the post.

"I was interested in the position, but it would have been a problem for me as a Democrat. I could not commit myself to running for the probate judge's office in 1994 as a Republican. I could not compromise my position or my principles," said Coulter.

Such a promise was a requirement of the county GOP and the governor's office, he said. "Whoever gets the appointment will have made that commitment," he said. "I am myself leaning toward running for the post in 1994 as a Democrat."

If elected, Coulter said the post would be a step up for him—almost doubling his current pay from Phenix Medical Park Hospital—but he would have to step down as mayor. He was elected in 1992 for an additional three-year term.

"It's a good job—one that people would sell their souls for, and I think that's what has happened. But I won't run as a Republican just to get the appointment. I will wait and see what the governor does and look very strongly at running for office next June as a Democrat."

The mayor said he told the county Republican panel, which included Pitts and about 11 of the group's 21 members, that it would be difficult—if not impossible—for a Republican to be elected in Russell County.

Pitts confirmed the Tuesday night meeting with Coulter.

Raiford said he expressed interest in the position, assuming that Brown would retire later in the year. "I would not want to give up my law practice this soon," he said.

Brannen, who has worked for the county 13 years, also said the judgeship would be a good promotion, but "* * * once I knew the Republicans were going to make the nomination, I didn't pursue it any further, being a Democrat. If the Democrats were making the appointment, I would have enjoyed giving it a shot."

The post doesn't simply pay well, it's very visible—the office conducts all state and county elections—and at one time or another touches the lives of most area residents. For example, the office last year:

Issued 1,017 marriage licenses.

Conducted 657 marriage ceremonies.

Collected $187,517 in driver's licenses or renewals.

Issued every hunting, boating and fishing license for the county.

Collected a total of $864,192 in fees and charges.

The office, operating with a staff of eight with a budget of $208,955, also is responsible for forwarding money to the state, county, the Russell County Shelter for Battered Women (from a portion of marriage license fees) and to the Department of Conservation and Natural Resources (from hunting, fishing and boating license fees).

On a busy day, says Mrs. Brown, the office handles as many as 50 mortgage and deed records, 20–30 personal property transactions, 22 marriages, up to 50 hunting licenses and 20–30 boat registrations.

Other duties include record-keeping for Wills and administrations, guardianships and conservatorships for the mentally ill, adoptions and committal of the mentally ill, mortgages, deeds, corporations and financial records.

Brown, 64, and his wife, 62, plan to spend their retirement from the paperwork jungle relaxing.

"I am going to be a yard man," Brown said. "I bought me a horse and I will spend my time taking care of him, and I have other things to keep me busy, like a big yard. My wife and I will enjoy being retired."

Mrs. Brown said her plans include volunteer work. "I won't be content to be idle, I believe we should give back to the community for the many blessings we have received," she said.

Before March 1, they will be training the new judge and a new chief clerk. "My wife is trying to prepare clerk Brianna Britt to take her place, if the new probate judge wants her," he said. Brown had indicated in August 1969 that he would retire after the 1990 general election. He stayed in office to take advantage of a three-step raise approved in 1990 totaling $15,000 for probate judges. Prior to the raise, Brown's salary was $45,000 a year.

The only qualification for probate judge in Russell County is to be a registered voter, living in the county, Brown said. In some of the larger counties in Alabama, a law degree is required.

Brown started his career as clerk to Probate Judge Shannon Burch, who died in office in 1970. He spent 14 years, as clerk before being appointed to fill Burch's position in 1970.

## ALABAMA MUSIC HALL OF FAME INDUCTEES

Mr. HEFLIN. Mr. President, I want to commend and congratulate this year's inductees into the Alabama Music Hall of Fame—Tammy Wynette, Percy Sledge, the group Alabama, Curley Putnam, and Jimmy Rodgers. Alabama music truly does encompass a diverse array of tastes and influences, from country and bluegrass to gospel and rhythm 'n' blues. The 1993 inductees certainly reflect that diversity. They and all the nominees represent the best musical talent any State has to offer.

The late January event, held in Huntsville, showcased our State's rich musical heritage. The biennial celebration, which honors Alabama music achievers from the past and present, brought together legendary pioneers and contemporary artists from every conceivable musical category.

Again, congratulations to these outstanding entertainers, who have contributed so much to the musical legacy of our Nation and State. They are proof positive of the musical talent that is one of Alabama's greatest natural resources.

## TRIBUTE TO DR. GLENDA S. McGAHA

Mr. HEFLIN. Mr. President, I wish to congratulate and commend Dr. Glenda S. McGaha, who will be formally inaugurated as the second president of Troy State University in Montgomery in a ceremony on March 9, 1993. She is the first woman selected to serve as the president of a 4-year State-supported university in the State of Alabama.

Dr. McGaha brings a wealth of experience, knowledge, and accomplishment to her new position. In addition to her doctor of philosophy degree, she holds a bachelor and master of science in nursing.

Dr. McGaha's distinguished career began in Tulsa, OK, as level coordinator and as an assistant professor in the University of Tulsa's College of Nursing. During the 1980's, Dr. McGaha served also as program coordinator for Southeast Missouri State University's bachelor of nursing program and as chairperson of its department of nursing. Before becoming president of Troy State University in Montgomery last October, she served as dean of the School of Nursing of the Troy State University System in Troy, AL, and as assistant to the dean for development of the graduate faculty at the University of Alabama at Birmingham School of Nursing.

During 1988 and 1989, she completed a fellowship with the American Council on Education, her placement being with the office of the president of the University of Alabama at Birmingham. While participating in this prestigious program, Dr. McGaha had the opportunity to help design and implement the Minority Faculty Development Program; to operate the research foundation; support the committee revising the faculty handbook; and interact on a daily basis with top level, central administrative operations and decision-making mechanisms at UAB.

Dr. McGaha has already gained wide community and State support in her position since being appointed president of Troy State University in Montgomery last October. The faculty, students, and staff of this fast-growing school are indeed fortunate to have as their president someone of the stature and caliber of Dr. Glenda McGaha. I wish her all the best for what I know will be a successful tenure and a progressive and exciting time for Troy State in Montgomery.

## TRIBUTE TO ROBERT W. HAGER

Mr. HEFLIN. Mr. President, I want to congratulate and commend Robert W. Hager, who retired March 1 from his position as vice president and general manager of the Boeing Defense and Space Group, Missiles and Space Division in Huntsville, AL. As vice president and general manager of the missiles and space division, Bob was responsible for all missile and space programs within the Boeing Co. This division is a prime contractor for the Nation's strategic defense initiative programs. Bob oversaw the work for the man-rated elements of NASA's Space Station *Freedom* Program and advanced design and development work in both the military and civil space arenas.

Bob was named vice president and general manager in April 1991, when several former operating divisions were combined to form the missiles and space division. Prior to this assignment, he had served as vice president and general manager of the Boeing Huntsville Division. Beginning in 1984, he served as vice president, space station *Freedom*.

Bob was vice president of engineering for Boeing Aerospace prior to his space station assignment. Between 1976 and 1980, his assignments included managing the inertial upper stage/spacecraft integration programs and the company's ballistic missiles and space division, where he was first named a Boeing vice president. He directed Boeing's historic Minuteman ICMB Program from 1973 to 1976.

Prior to being assigned to the Minuteman project when Boeing was awarded the contract in the late 1950's, Bob held a number of management positions in the areas of structures and dynamic analysis, including manager of structures technology. Before that, he directed the dynamic testing of nuclear weapons as a staff member at Sandia Corp., and was a research engineer for the U.S. Navy Civil Engineering Research Laboratory. He received a master of science degree in civil engineering in 1950 from the University of Washington.

Bob Hager has truly been a leader in the aerospace industry of this Nation; it would be hard to find anyone who matches his experience, talent, and knowledge. He has served as chairman of the Alabama Commission on Aerospace and Science Industry Committee; as a member of the U.S. Space Foundation and National Space Society; as a fellow and member of the board of directors of the American Astronautical Society; and as a corporate representative of the International Astronautical Federation.

But Bob has also been an invaluable leader in other ways as well. He served on the University of Alabama in Huntsville's presidential search committees; as dean of its science and engineering advisory committees; and as a member of its foundation board of trustees. In addition, he has been active with the Huntsville/Madison County Chamber of Commerce; the Business Council of Alabama; the Huntsville Hospital Foundation. Clearly, his dedication to fostering the partnership between the public and private sectors has touched this community in so many tangible ways, it would be difficult, if not impossible, to identify them all.

Mr. President, it is a pleasure to offer my congratulations to Bob Hager on an outstanding career and to offer my thanks for his many contributions to the aerospace industry and to his community. I wish him and his wife, Peggy, all the best for a happy and healthy retirement.

## ELMER B. HARRIS' PARTICIPATION IN THE ECONOMIC CONFERENCE IN LITTLE ROCK, DECEMBER 1992

Mr. HEFLIN. Mr. President, last December, we watched as a wide array of business, economic, and academic leaders from all over the country gathered in Little Rock, AR, to discuss the state of the American economy and what we must do to meet the many challenges we face. The economic conference hosted by President Clinton and Vice President GORE was an impressive symposium dedicated to venting a diverse range of opinion on the economy and our budget deficits and national debt.

One of the distinguished business leaders invited to participate in the conference was Elmer B. Harris, chairman of the Business Council of Alabama and president and chief executive officer of Alabama Power Co. I ask unanimous consent that a copy of the text of Mr. Harris' presentation at the conference be printed in the RECORD immediately following my remarks.

I commend these excellent remarks on the importance of public investment and a new Government-business partnership to my colleagues. They offer important perspectives to keep in mind as we consider the President's new economic plan.

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

ECONOMIC CONFERENCE HOSTED BY PRESIDENT-ELECT BILL CLINTON AND VICE-PRESIDENT AL GORE, LITTLE ROCK, AR, DECEMBER 14 AND 15, 1992

(Mr. Elmer B. Harris, Chairman of the Business Council of Alabama and President and CEO of Alabama Power Company, was asked to participate in the Little Rock conference. The following is a compilation of two papers prepared by Mr. Harris; one prepared before the conference, the other after the conference.)

INTRODUCTION

The following paper has two major sections. The first section consists of recommendations and observations prepared prior to the Economic Conference in response to President-Elect Clinton's invitation to the conference. This section outlines the priorities I felt should be of major consideration during the conference.

I am happy to say that the conference proceedings dealt with many of my priorities in great detail.

The second section of this paper is a brief listing of those issues which, after having participated in the conference, I feel deserve further consideration from the new administration.

Let me also, in the context of this introduction, say how valuable and beneficial the

Little Rock conference was. Many diverse opinions were aired in a relatively brief time. Decision makers and business leaders had the opportunity to meet, get to know each other and share ideas. Citizens from across America were given access to this forum and the chance to be a part of the process.

I commend our new leaders for the creativity and initiative exhibited in the conference.

My only concern in retrospect is an issue of mixed emotions. While I am encouraged by the consensus building I have witnessed, I am painfully aware of the need to make the hard decisions necessary to move our country forward. Not all of these decisions can be made on a consensus basis. I extend to the President-Elect and the Vice President-Elect my hope that they will move quickly to an execution mode driven by decisive action.

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PRESENTATION BY ELMER B. HARRIS, DECEMBER 13, 1992

(There are basic, timeless truths that underlie the future of America. If we invest in our most valuable resource, our people, we will be successful. If we ignore this investment in favor of easier short-term goals we will fail.

(Further, if we focus our attention on the partnership between government and the free enterprise system which built this nation, we can literally work our way to a new tomorrow. I speak for all of us when I say I am eager for the drawing of that new day. Together we will succeed; separately we will fail.)

These are unusual times for econometricians. The most certain conclusion one may draw regarding current day economic projections is that the past is less and less a sound foundation on which to construct models of the future. Global changes in technology, trade agreements, consumer habits, demographics, and the structure of international financial markets signal a new era in economic planning which, because it is so unlike the past, requires a whole new set of standards for deriving policy decisions.

It is in this new era that the Clinton administration takes office. At what we all hope is the end of a prolonged recession and with a gargantuan national debt, a new team is about to take its shot at putting the nation back on the path to sustained growth and prosperity.

Recognizing the intricacy of formulating economic policy, I have, nonetheless, reduced the essence of my suggestions to the administration to three points:

1. Retooling of America's greatest resource—the American worker—must become the Clinton administration's single most important priority. Education is the only sustainable comparative advantage American business can utilize in the new global market place.

2. Partnerships between business and government are the most practical, acceptable and supportable method to finance the expansion of infrastructure, growth in capital investment, and job retraining we so desperately need. The choice is simple; we can either collect dollars as taxes at the Federal level to finance these programs or we can create incentives for business to use private dollars to make many of the same programs happen. Of course, the latter option is the preferred path.

3. We must focus on the needs of America's small businesses because these existing businesses are the greatest producers of new jobs.

WHERE ARE WE NOW?

While news of the past two weeks concerning gross domestic product, productivity, and unemployment has been favorable, one must view this news cautiously. According to most authorities, gross domestic product (GDP) figures for the third quarter of 3.9% are both unsustainable and somewhat misleading. Unusually high but predictable government spending in the third quarter of an election year, a surge in exports, inventory building, and an upswing in computer sales inflate the GDP for the third quarter. Expanding productivity numbers are as much the result of industrial downsizing and continued high levels of unemployment as anything else. These productivity gains may be erased as companies move toward some rehiring and cutting of overtime. Finally, while there may be some real reduction in unemployment, clearly a portion of the improvement in these numbers is the result of some workers being unemployed so long that they have given up and no longer appear in the unemployment calculation.

Thus, it would appear that the new administration is faced with a good-news-bad-news scenario. The good news is things are looking a little better for the economy. The bad news is that shortly after the new administration takes office, these images of improvement may be a mirage.

With this somewhat pessimistic overview of the emerging economic picture, the following suggestions are offered to the new administration. I am offering these suggestions from the point of view of a businessman. However, I am also deeply concerned for the impact economic policy decisions at the national level have on the day-to-day lives of America's working families. Ultimately, it is the responsibility of business and government to work as partners to improve the lives of the people of our nation. Recent history has proven that no government can long endure, and no business can long prosper if the people served by the government and business do not find value added to their lives. It is through such a partnership between government and business that I believe the Clinton administration can fulfill its promise to break the disjunctive logic of the past and begin giving America the best of all worlds. We can have both a clean environment and industrial growth; we can have both available health care and control of the national debt; we can have the best of both worlds as long as we work together. But any attempt for either business or government to achieve these goals outside such a partnership is doomed to failure.

GENERAL RECOMMENDATIONS

A recent article warned in its first sentence that the Clinton administration would open with "an F.D.R.-style First Hundred Days, marked by a blaze of legislation". While we all applaud the determination of the new administration to make something happen with the economy, and recognize the very real need for infrastructure investment, there is good reason to approach economic policy with some caution. Clearly, there is excess capacity in many areas of our economy at this time. Clearly, fiscal policy has made credit for expansion more available. Thus, too much stimulation of the economy too fast could be harmful, resulting in inflationary pressures before the economy has truly re-established a sound base. Therefore, I would first recommend that the new administration move deliberately and without haste.

Second, I would urge the new administration to take the long view. Economic policy for short term results in one of the reasons we are in the situation we are in today. It is time we have the courage to ask "what does America need to carry it into the next century, not just into the next quarter?" It will take time to solve the deficit problem. But it is imperative that we address this problem and solve it. It will take time to retool America's capital resources and human resources. It will take time to do it right.

Third, it is clear that America must make a substantial investment in infrastructure—the only question is how much investment. The Clinton proposal to pump $20 billion a year for four years into development of the infrastructure may be ideal, or it may be too high considering the need to reduce the deficit. But at whatever rate this spending takes place, America must improve a basic infrastructure that has been too long neglected. The availability of water and interstate disputes over water rights are becoming a national problem and need attention. Our transportation system has not had a major upgrade since the development of the interstate highway system and the active, aggressive pursuit of high technology rail transportation has been neglected too long. Immediate investment in certain infrastructure projects will give us both the foundation we need for growth and stimulate the economy. All investments of this nature must be designed to stimulate long-term growth and economic development across our country and not just in targeted isolated areas.

RETOOLING OF THE AMERICAN WORKER

The era of the single-skill occupation is passing us by. Now, because of rapidly moving technology, it is conceivable that a person may have to upgrade skills within a trade or learn a totally new trade several times during a career. The next century will require even more training and retraining of American workers.

While I feel very strongly about the need to improve education at all levels, particularly kindergarten through high school, I will not labor that point in the context of this presentation. I believe education is the only sustainable comparative advantage America can enjoy against its competitors in the world market. We cannot work cheaper than other countries; we shall not work in unsafe environments; we cannot promote industrial growth by giving away our resources. But we can work smarter than others. The intellect of the American work force and the ability to adapt that intellect to changing technology and market demands is a renewable resource that is the only plausible foundation for economic security in the next century.

In my home state of Alabama, we have recently begun a partnership between business and higher education to create centers of excellence in occupational training. Utilizing the community college system of the state, we are selecting specific sites where expertise and other resources are concentrated creating a center of excellence in narrowly defined technical fields. This type of investment in human resources is crucial to the future of our nation.

Note that I mentioned that this project was undertaken in Alabama through a partnership between business and education. I believe this is the most beneficial means for financing this investment in people. Such partnerships make both education and the businesses which utilize the product of the training programs stake holders in the process. Increased taxation to finance retraining is inappropriate.

While some have suggested a payroll tax to pay for training programs, we cannot ignore

the tremendous burden such a tax places on the small businesses of our nation. It would be ironic to engage in expansive job training programs only to find that in financing these programs we have driven many small businesses, our foremost producers of new jobs, out of business. I do not believe such a tax is needed.

TAX POLICY

Of course, historically the most obvious and necessary way to approach many of our economic problems is through changes in tax policy. Tax policy can be the major tool used by the new administration to mold partnerships with business. These partnerships can result in private dollars financing job training, infrastructure expansion, and capital investment. Without such partnerships, the only alternative to financing these needs is increased taxation which can have negative effects on various segments of the economy and on individual taxpayers.

Tax policy can, of course, be used for a wide variety of purposes from cleaning up the environment to stimulating investment and capital expansion. Once again, the suggestion here must be to move deliberately, without haste. Use tax policy as though we are adjusting the timing on a watch, not blasting rock in a quarry.

To the extent that tax policy is used to stimulate the economy and investment in capital expansion, such policy should be broad-based without targeting any particular industry for expansion. A well conceived, broad-based policy that makes it easier for all business, large and small, to retool and expand, will allow the free market to determine the winners and losers as opposed to artificially contrived policies which favor one industry over another.

A tool that should not be neglected by the administration is investment tax credits for business (ITCs). ITCs were first used by the Kennedy administration in 1961. If ITCs are used, they should be broad-based, permanent, and in the range of 7% to 10%. A 10% ITC will cost about $36 billion dollars. But this is $36 billion dollars pumped straight into the industrial base of America. This investment in our industrial base will result in a net increase in tax yields, and therefore, this initial cost to tax collections is only a temporary cost. Once again, we must face the choice of either collecting dollars at the Federal level to finance industrial expansion or providing the incentive for private dollars to accomplish the same goals. Obviously, the latter is better choice. Additionally, shifts in military priorities and spending abroad as our allies pick up a bigger portion of the responsibility for their own defense, and curtailment of wasteful programs can do much to offset the cost of incentive programs.

It would be a mistake to use an incremental approach to ITCs. This approach is not only an accounting nightmare, it unfairly penalizes businesses which sustained their investments in capital during hard times in favor of businesses which have not invested in the capital base when that investment was most needed.

Utilization of ITCs is a clear way in which government and business can act in partnership for sustained, long range growth in the economy. At this time, the availability of ITCs plus an accelerated depreciation schedule for business could provide one of the most significant peace-time expansions of capital in this nation's history.

Of course, another use of tax policy is to regulate various behaviors for social benefits. For example, the clean air act, and possible carbon taxes and gasoline taxes have not only economic consequences, they also have social consequences. It is appropriate to use such policies in this manner. It is important, however, that American policy makers weigh the economic cost against the social gain offered by such policy. We cannot disregard economic cost no matter how valuable, or important the social gain in question.

It may be true that a massive gasoline tax would motivate the automotive industry to improve fuel efficiency; however, such a tax would be highly regressive and have a major impact on low-to-middle-income families. It may be true that a carbon tax could have some impact on use of fossil fuels. But it is also true that such a tax would put American industry at a tremendous competitive disadvantage compared to other industries throughout the world. It is also true that the end users, the consumers, would ultimately bear the burden of such a tax. Therefore, I believe that such a tax should not be imposed.

The use of tax policy to achieve social goals is a tool at the disposal of the Clinton administration. But we must recognize that this tool must be used cautiously and we should not allow our own tax policy to place American industry at a comparative disadvantage in the world market.

SUMMARY

There are basic, timeless truths that underlie the future of America. If we invest in our most valuable resource, our people, we will be successful. If we ignore this investment in favor of easier short-term goals we will fail.

Further, if we focus our attention on the partnership between government and the free enterprise system which built this nation, we can literally work our way to a new tomorrow. I speak for all of us when I say I am eager for the dawning of that new day. Together we will succeed; separately we will fail.

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RESPONSE TO THE PRESIDENT ELECT'S ECONOMIC CONFERENCE

The following recommendations stem not only from study and consideration of economic issues prior to the conference, but also from response to presentations and recommendations made during the conference.

1. We must invest in human capital. Training and retraining of our work force must be as high a priority as investment in infrastructure and physical capital. Education is the only sustainable comparative advantage for the future of American business in the international market place.

2. Invest in the infrastructure consistent with real and specific deficit reduction plans. Such investment should be designed to motivate long-term growth and should be done carefully to avoid inflationary pressures.

3. We must use partnerships between the private sector and government to finance our investments in human capital and physical capital. Through tax credits for training and investment tax credits for capital, we can pump billions of dollars into our economy without raising taxes.

4. I urge the President-Elect to convene special commissions or conferences on health care and the entitlement programs. We must attack the true causes of rising health care and we must rethink the premises and goals of our entitlement programs if we are serious about solving these problems. We will not be able to control either our deficit or our debt if we do not address these two issues as major national priorities.

5. I am pleased to hear the President-Elect and Vice-President-Elect Gore state that we can pursue both economic growth and a cleaner better environment. I am personally convinced that these goals are not mutually exclusive and would urge the administration to avoid extremists in either camp who feel one goal must be sought at the expense of the other.

6. Institute an aggressive and strong program for the development of energy resources. Growth in the economy is largely dependent on the availability of energy resources. Coal, oil, gas, water, nuclear, and other renewable forms of energy are *all* part of the energy mix necessary to bring us the progress we desire. Government policy should not only permit, but encourage the development and use of all the resources available. It is possible, with the technology that exists today, to have safe, environmentally clear production of the energy we need.

I do not want to go on record as opposing the carbon tax that has bee mentioned. Such a tax, particularly if pursued unilaterally, would put American business and industry at a tremendous competitive disadvantage in international markets. Thus, it would impose a particularly harsh burden on the American consumer who ultimately must pay the cost of the tax and at the same time face the negative impact on jobs that would result on loss of international competitiveness.

7. Government regulation must be re-examined. The free enterprise system cannot be free with the mountain of Federal regulation American business is required to scale. The American free enterprise system must empower American workers to respond immediately without the burden of numerous, inconsistent, and/or unnecessary government regulation. Too often the government's attitude is to "make them comply" or "don't let them go too fast" rather than recognizing the imperative to respond quickly and with high quality in the face of changing international market pressures.

8. Banking restrictions should be liberalized sufficiently to allow capital to flow to the small businesses of America as well as medium and larger enterprises. We have over-reacted to the need to insure a secure and sound banking system and have stopped banks from performing a vital function for the small businesses of America. Our banks must be allowed to *loan money* if we are to grow and produce new jobs. One conference participant stated only a slight loosening of reserve requirements would pump 86 billion dollars into the economy without raising taxes a penny. The regulation, and in many cases, management of banks by the Federal government must be significantly reduced.

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## TRIBUTE TO HOYT HARWELL

Mr. HEFLIN. Mr. President, Hoyt Harwell, who has headed the Birmingham, AL, bureau of the Associated Press since 1966, will retire effective at the end of March. A tireless fixture in Alabama and southern journalism for over 40 years, Hoyt Harwell has been a linchpin in AP's Alabama operations. He has covered many of the State's biggest stories, and played an unusual role in the rescue of Tuscaloosa schoolchildren being held hostage in 1988.

Harwell, a resident of Hoover, AL, seems to have inherited the ink in his blood from his father, H.H. Harwell, a Mobile minister. The elder Harwell was

a long-time publicist for the Alabama Baptist State Convention, writing religious stories appearing in newspapers statewide. The younger Harwell began working at a Mobile newspaper between high school and college. He signed on with AP in Birmingham in 1951, transferred to Mobile a couple of years later, and then to Atlanta in 1961. In 1965, he returned to take the helm in Birmingham, at that time embroiled in racial tension.

Over the decades, Harwell has met or interviewed many of the significant players on the State and national scenes: Rocket scientist Werner von Braun; Gov. George C. Wallace; sports legends Paul "Bear" Bryant, and Ralph "Shug" Jordan; and every President since Harry Truman.

Harwell has said that his professional values hearken back to the old tradition that a reporter is someone who stands on the sidelines and tells what happened. There are exceptions to that rule, however, as Harwell found in early 1988, when a gunman took more than 80 children hostage in a 12-hour ordeal at a school in Tuscaloosa. During the incident, the gunman demanded to see Harwell, who entered the school, listened to his grievances, and persuaded him to release nine students and a teacher. Even for journalists who strive to be impartial observers as Harwell has, there are special cases when people's lives are at stake.

Mr. President, I commend and congratulate Birmingham AP chief Hoyt Harwell for a long and distinguished career, the hallmarks of which have always been fairness and integrity. The world of southern journalism will not be the same in his absence. I wish Hoyt many happy and healthy years of retirement.

## IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt—run up by the U.S. Congress—stood at $4,197,003,801,794.83 as of the close of business on Friday, February 26.

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 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 $16,339.72—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.

## THE NEED FOR ADDITIONAL SPENDING CUTS

Mr. HATCH. Mr. President, I rise to speak about the need for additional spending cuts. I believe a great deal of room exists to cut unneeded stimulus spending in the President's package, and I know that such cuts will be debated at the appropriate time. Today, however, I wish to speak about the need to retire unneeded Government programs and agencies.

One of the great disappointments of President Clinton's speech was that in the entire $1.5 trillion Federal budget, the President failed to identify a single agency that could be wholly eliminated. Not even one.

We can do better. We must do better. I hope my colleagues will join me in trying to do better. Mr. President, I wish to recommend that we eliminate the Arms Control and Disarmament Agency. It was created in 1961 to deal with arms control talks in a world dominated by the cold war. It served us well but has outlived its purpose. It is an anachronism in the post-cold-war world.

Based on last year's budget, we would achieve an annual savings of $46.5 million by eliminating ACDA—which, in turn, means a savings of nearly a quarter of a billion dollars over 5 years.

We have already launched a major downsizing and restructuring of our Armed Forces as a result of the end of the cold war. We have taken a hard look at our foreign broadcasting programs to the former Soviet bloc. It is time we do the same for an agency such as ACDA that was created to handle the arms control negotiations that grew out of the cold war.

Let's face facts. The golden age of arms control is over. The INF Treaty, the CFE Treaty, the START I and START II Treaties, the Chemical Weapons Convention, and other agreements are all done deals. They will take years to implement fully, but their implementation is the responsibility of the Department of Defense, the intelligence community, and the State Department. Frankly speaking, there is no function that ACDA performs that is not duplicated by one or more other agencies or that could not be transferred to other departments.

The remaining arms control negotiations in which we participate can be conducted through the State Department. Arms reductions in accordance with these treaties will be executed by the Defense Department. Tasks associated with treaty verification can be completed by the Defense Department and the intelligence community working together.

Some argue that ACDA should become the counter proliferation watchdog. But the fact is that the Department of Defense has tasked responsibilities related to this issue to a newly created assistant secretary post and that Defense and the Department of Commerce already have the operational responsibilities in controlling exports of key technologies.

Morevoer, the organizational problems of this agency are by now well known to all. Two major studies of ACDA, one by the Stimson Center and the other provided by the agency's own inspector general, have called either for its massive reorganization or its elimination.

Here on Capitol Hill, the Appropriations Subcommittee on Commerce, State, and Judiciary chided ACDA last year for its wasteful personnel practices. In granting ACDA new personnel slots, it stated:

> The Committee requests ACDA to reexamine its requirements and reduce the GS-grade levels requested. Providing a GS-13/15 salary—$46,210 to $70,987 per annum—for a trip coordinator does not appear to be justified.

Americans have had enough of that kind of wasteful spending.

Mr. President, the cold war is over. We have come to terms with the new democratic Russia. We have recognized this reality by cutting the Defense budget. There is no reason that ACDA—whose original purpose was to oversee cold-war-era arms control negotiations—should be exempt from this process.

We have a simple choice to make: We can lower the curtain on ACDA and save the American taxpayer nearly a quarter of a billion dollars over the next 5 years, without sacrificing any significant function of government. Or we can perpetuate governmental duplication and inefficiency by allowing ACDA to live on as a bureaucratic relic of a previous age.

Mr. President, the right choice is clear: It is time for us to initiate the orderly retirement of the Arms Control and Disarmament Agency.

## SHOOTOUT IN WACO, TX

Mr. DECONCINI. Mr. President, it is with a profound sense of sadness that I come to the floor today to speak on a very regrettable situation which began in east Texas Sunday morning. During an attempt to execute search warrants

at a ranch near Waco, TX, four brave and dedicated law enforcement agents of the Bureau of Alcohol, Tobacco, and Firearms [ATF] lost their lives. Steve Willis, age 32, of Houston, TX; Robert J. Williams, 26, of Little Rock, AR; Conway LeBleu, 30, of New Orleans, LA; and Todd McKeehan, 28, of New Orleans, LA, their young lives taken during the performance of their jobs. This tragedy occurred when ATF moved in to execute search warrants to recover an arsenal of automatic weapons, machineguns, and explosives housed at a compound operated by a religious sect known as Branch Davidians led by 33-year-old Vernon Howell. When the ATF agents attempted to enter the compound, gun fire broke out and over the course of an hour, four law enforcement officers were killed and 15 others wounded. They did not have a chance, Mr. President. They did not have a chance because they were outgunned by individuals armed with paramilitary assault weapons inside the compound.

The continuing standoff at Waco, TX typifies the dangerous conditions our Nation's law enforcement officers must subject themselves to on a daily basis. For every search warrant that is executed without incident, the threat of peril looms forever present. They put their lives on the line each and every day to protect the Nation's citizens from criminals and potential criminals. I heard Vernon Howell on the news last night saying that the sect consisted of God-fearing individuals who would not harm anyone. He just wanted to be left alone. Mr. President, one has to ask himself, if these are God-fearing citizens who would not hurt anyone, then why would they arm themselves with paramilitary weapons, the likes of which have no other use but to strike fatal blows, and why are four young law enforcement officers dead?

Mr. President, I am saddened by the tragic course of events which is continuing in Waco, TX. My heart goes out to the families of the fine officers whose lives have been tragically taken. No matter how dangerous the job, it never sufficiently prepares the families to cope with death. But, they should try to take solace in the fact that their loved ones were killed doing the job they felt they had to do, and doing it with dedication and honor.

Madam President, I hope to enter shortly today a resolution that hopefully the Senate will consider. I share it with leadership and will with the minority leadership, that we could go on record soon just giving support to the law enforcement officers.

## HAMAS DEPORTATIONS IN PERSPECTIVE

Mr. DECONCINI. Mr. President, on December 13, 1992, the Islamic fundamentalist group Hamas kidnaped and brutally murdered Nissim Toledano, a civilian Israeli border patrolman. Four days later, in a reaction to the murder, the Israeli Government carried out an executive order to temporarily expel 415 suspected activists within the Hamas organization. On January 26, 1993, I sent a letter to then-Ambassador of Israel Zalmon Shoval asking for the evidence used by the Israeli Government to justify the expulsions. While recognizing Israel's right to self-preservation and duty to protect its citizens from acts of terrorism, I was concerned that Israel's swift action might have compromised the deportees' human rights by neglecting their due process of law protections.

Mr. President, the response I received from Ambassador Shoval has allayed my concerns. HAMAS, an acronym for the Islamic Resistance Movement, was formed in Egypt in the 1920's as an organization to recruit people to the Moslem faith. More recently, the group began militant activities against Israel with the establishment of the Islamic Jihad, or holy war. With its commitment to armed aggression, HAMAS accepted as its ideology "the liberation of Palestine in its entirety, from the Mediterranean Sea to the Jordan River." A HAMAS paper distributed to its members in 1990 called for the murders of Jews and the burning of their property, stating "every Jew is a settler and it is our obligation to kill him." I believe any government is justified from protecting itself from individuals adhering to and acting on these convictions.

In promoting its ideology, HAMAS has grown more violent and ruthless toward the people and Government of Israel. Its tactics include drive-by shootings of Jewish civilians and military personnel, firebombings of homes, vehicles, military installations, and civilian businesses, car bombings in commercial and residential areas, and the murder of suspected Palestinian collaborators within HAMAS itself. Some of the most recent HAMAS attacks include the 1989 kidnaping and murder of Israeli defense forces members Avi Sasportas and Ilan Sa'Adon, the 1990 murder of three civilian factory workers in Jaffa, and the 1992 killings of five more IDF members. The murder of Nissim Toledano was the precipitating incident in Prime Minister Rabin's decision to temporarily expel the HAMAS activists.

As HAMAS has become more violent, it has also become more powerful. I have recently received reports that HAMAS has replace Hezbollah as the popular violent arm of the Palestinian Liberation Organization. As such, HAMAS is gaining funding and military training from Iran, Syria, Saudi Arabia, and Jordan. HAMAS' military forces are now being trained in terrorist tactics in Lebanon's infamous Bekaa Valley. This financial and military backing has allowed HAMAS to extend its influence and terrorist tactics throughout the Middle East.

Most disturbing to me, however, is the fact that HAMAS is bent on derailing the current Middle East peace talks and reversing the not insignificant gains already achieved by the negotiators. The HAMAS covenant reads "there is no solution to the Palestinian problem except Jihad.

"The initiatives, proposals, and international conferences are but a waste of time, an exercise in futility." Because of HAMAS' willingness to carry out its extreme directives, the more radical terrorist factions in the region are embracing HAMAS as the new means toward achieving this end. To this Senator, there is no more important issue facing that region than the establishment and maintenance of peace. It is apparent that HAMAS is intent on ensuring that goal is not achieved.

Mr. President, in conclusion let me say that as a rule, I oppose deportation as a means of law enforcement. Too many protections of human rights are subject to exclusion under a general and unchecked policy of expulsion. In this specific instance, however, I believe Israel's temporary exclusion of members of the HAMAS organization was a reasonable and warranted reaction to a disturbing pattern of disruption and violence.

If they are serious about bringing peace to their region, Israel's Arab neighbors should also take steps to censure the activities of HAMAS.

I ask unanimous consent that a copy of my letter to Ambassador Shoval and his response be printed in the RECORD at this point.

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

U.S. SENATE,
*Washington, DC, January 26, 1993.*

His Excellency ZALMON SHOVAL,
*Ambassador Extraordinary and Plenipotentiary, Embassy of Israel, Washington, DC.*

DEAR AMBASSADOR SHOVAL: I am interested in learning more about the status and conditions of the Palestinians deported from Israel in December, 1992.

I have become increasingly concerned about the circumstances surrounding the deportation of the 415 suspected Islamic activists to Lebanon. I strongly acknowledge and respect the right of any nation to take appropriate actions against individuals or groups proven to be involved in terrorist activities. I remain concerned, however, about the apparent lack of evidence on which these expulsions were based. I would greatly appreciate learning of the evidence used by your government to determine the cause for deporting the individuals.

In addition, I am pleased with Prime Minister Yitzhak Rabin's decision to reverse your cabinet's policy of not allowing United Nations contact with the deported Palestinians, and I encourage continued U.N. humanitarian assistance to them until the situation can be resolved.

I look forward to your response to this issue.

Sincerely,

DENNIS DECONCINI,
*U.S. Senator.*

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EMBASSY OF ISRAEL,
*Washington, DC, February 2, 1993.*

Hon. DENNIS DECONCINI,
*U.S. Senator,*
*Washington, DC.*

DEAR SENATOR DECONCINI: Thank you for your letter of January 26th.

In response to your request regarding the reason and circumstances surrounding the temporary exclusion of Hamas activists, enclosed please find background information on the Government of Israel's temporary exclusion orders, on the ruling by the Israeli High Court of Justice, and on Hamas and its ideology.

As you are already aware, in its meeting of February 1, the Israeli Cabinet decided to return one hundred of the men and reduce the expulsion period of the remaining men to one year. Attached please find a copy of the Israeli Government's decision, and excerpts from Prime Minister Rabin's press conference.

This recent decision of the Israeli Government is in line with Israel's policy to advance the peace process while maintaining Israel's security against terrorist attacks.

With best wishes,

Sincerely,

ZALMAN SHOVAL,
*Ambassador.*

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EMBASSY OF ISRAEL,
*Washington, DC.*

THE TEMPORARY EXCLUSION OF HAMAS OPERATIVES

Following the recent series of fatal attacks against Israelis carried out by extremist Islamic fundamentalist terrorist organizations, the Israeli Government decided to issue temporary exclusion orders against about 400 operatives and cadre of these organizations, including the HAMAS and the Islamic Jihad. On Thursday, December 17, 1992, these orders were carried out, after a temporary injunction issued against the orders was examined and rescinded by the supreme court.

The HAMAS and the Islamic Jihad organizations are branches of the extremist moslem brotherhood which operate in the territories under Israeli administration. The 1988 charter of the HAMAS states that "the liberation of all of Palestine, from the (Mediterranean) Sea to the (Jordan) River, is the most exhalted strategic goal" of the organization. The group declares that "it is an obligation to kill all Jews" (from HAMAS leaflet 65, 1990), and employs armed terrorism against Jews and Arabs alike. Its ideology rejects compromise or peace with Israel, and its terrorist actions are aimed, not only at killing Jews, but at killing the peace process as well. Two recent examples are the attempted car bombings carried out by HAMAS on November 21 and December 10, 1992. The latter, which ignited but failed to explode in a residential Jerusalem neighborhood, took place while negotiations were actually being held in Washington.

The following points should be taken into account when examining Israel's actions in this regard.

1. ISRAEL'S RIGHT TO SELF-PRESERVATION AND DUTY TO PROTECT ITS CITIZENS

Any Democratic society, such as Israel, must defend itself against those who wish to destroy it and to murder its citizens. The innocent victims of HAMAS terrorism were brutally murdered, and were neither shown mercy nor given any right to appeal. Israel, as a state which respects the rule of law, grants these terrorists the rights which they did not grant their victims. Unlike many other democratic countries, Israel does not utilize the death penalty, yet chooses instead to simply remove the terrorists from the area for up to two years. Israel feels that this temporary exclusion is a more humane way of accomplishing the duty incumbent upon all free states—to stop terrorism, to protect its population, and to preserve the state from threats against its very existence.

2. THE LEGAL NATURE OF TEMPORARY EXCLUSION

The order provides for the exclusion of members of terrorist organizations whose actions endanger human lives. They are limited to a period of up to two years and can be appealed by a lawyer or family member within 60 days.

It has been alleged that these exclusion orders do not comply with international law, and in particular with article 49 of the fourth Geneva Convention. However, as the official commentary to the convention makes it clear, the prohibition in that article against "individual or mass deportation" was drafted in the context of the arbitrary deportations carried out during World War II for the purpose of extermination, subjugation and forced labor. Israel's issuance of exclusion orders is not arbitrary but directed only at those individuals whose presence and hostile activity in the territories constitute a clear danger to human life. Moreover, the purpose of the orders is not to exterminate or subjugate the population but rather to maintain security and orderly government in the areas—as required by article 64 of the convention. Finally, unlike the wartime deportations which were intended to cause a permanent dislocation of population, these orders operate only for a limited period, which may be cancelled or reduced on appeal.

The temporary exclusion of individuals who constitute a danger to public safety is not restricted to Israel. In Britain, for example, the prevention of terrorism (temporary provisions) Acts empower the Secretary of State to make exclusion orders against those involved in the commission or instigation of acts of terrorism. Under the British regulations the order is effective for three years unless revoked earlier, and it may be renewed. In the case of Britain, there are no legal proceedings and there is no right of appeal.

3. THE EXCLUSION PROCEDURE

Israel transported the 400 to the Israeli-Lebanese border, and brought them to the northermost area under the control of the South Lebanese Army of General Lahad. They were each given warm clothing, blankets, food and money, and released as close as possible to the Bekaa Valley, which they stated as their preferred destination. Once they were several kilometers inside the area under Lebanese Army control, their progress northward to the Bekaa was prevented. Although Lebanon and the Islamic organizations operating there have the facilities to receive them—and have done so in past cases—they chose instead to exploit the 400 for political gain, and to present them to the world as humanitarian victims, rather than as the terrorists that they truly are.

4. THE THREAT OF THE PEACE PROCESS

A central goal of the latest wave of fundamentalist terrorism is to torpedo the present peace talks between Israel and its Arab neighbors. Since these organizations reject Israel's right to exist, they are determined to destroy any attempt at compromise or accommodation with it. Israeli soldiers and civilians, as well as peace-seeking Palestinians, have become the victims of their brutal violence. Just recently, an arrested Islamic Jihad terrorist admitted to conspiring, under the direction of Jihad handlers in Jordan, to assassinate Faisal El-Husseini. Israel's present actions are meant to preserve the peace process, and to shield it from the growing Islamic extremist threat to its very existence.

5. THE THREAT OF ISLAMIC FUNDAMENTALISM

Radical Islamic fundamentalist violence has become the primary threat facing the stability and security of the Western-oriented countries of the Middle East, from Algeria to Egypt to Saudi Arabia. The source of this threat is found in the underground pan-Arab Moslem brotherhood and in the state sponsorship provided by extremist Islamic regimes such as Iran. The creed of these Islamic fundamentalists calls for the establishment of an archaic Moslem empire first throughout the Middle East and later throughout the globe, through the liquidation of all non-Islamic factors and influences. The use of violence is a main tool in their struggle for Islamic supremacy, which threatens the entire free world.

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## RECESS UNTIL 2:30 P.M.

The PRESIDING OFFICER. The Senate will now stand in recess, under the previous order.

Thereupon, the Senate, at 12:05 p.m., recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Ms. MOSELEY-BRAUN].

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## EMERGENCY UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 382, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 382) to extend the Emergency Unemployment Compensation Program, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 382

*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 "Emergency Unemployment Compensation Amendments of 1993".

**SEC. 2. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.**

(a) GENERAL RULE.—Sections 102(f)(1) and 106(a)(2) of the Emergency Unemployment

Compensation Act of 1991 (Public Law 102-164, as amended) are each amended by striking "March 6, 1993" and inserting "October 2, 1993".

(b) MODIFICATION TO FINAL PHASE-OUT.—Paragraph (2) of section 102(f) of such Act is amended—

(1) by striking "March 6, 1993" and inserting "October 2, 1993", and

(2) by striking "June 19, 1993" and inserting "January 15, 1994".

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 101(e) of such Act is amended by striking "March 6, 1993" each place it appears and inserting "October 2, 1993".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks beginning after March 6, 1993.

**SEC. 3. TREATMENT OF RAILROAD WORKERS.**

(a) EXTENSION OF PROGRAM.—

(1) IN GENERAL.—Paragraphs (1) and (2) of section 501(b) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102-164, as amended) are each amended by striking "March 6, 1993" and inserting "October 2, 1993".

(2) CONFORMING AMENDMENT.—Section 501(a) of such Act is amended by striking "March 1993" and inserting "October 1993".

(b) TERMINATION OF BENEFITS.—Section 501(e) of such Act is amended—

(1) by striking "March 6, 1993" and inserting "October 2, 1993", and

(2) by striking "June 19, 1993" and inserting "January 15, 1994".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks beginning after March 6, 1993.

**SEC. 4. PROFILING OF NEW CLAIMANTS.**

(a) GENERAL RULE.—The Secretary of Labor shall establish a program for encouraging the adoption and implementation by all States of a system of profiling all new claimants for regular unemployment compensation (including new claimants under each State unemployment compensation law which is approved under the Federal Unemployment Tax Act (26 U.S.C. 3301-3311) and new claimants under Federal unemployment benefit and allowance programs administered by the State under agreements with the Secretary of Labor), to determine which claimants may be likely to exhaust regular unemployment compensation and may need reemployment assistance services to make a successful transition to new employment.

(b) TECHNICAL ASSISTANCE TO STATES.—The Secretary of Labor shall provide technical assistance and advice to the States in the development of model profiling systems and the procedures for such systems. Such technical assistance and advice shall be provided by the utilization of such resources as the [secretary] *Secretary* deems appropriate, and the procedures for such profiling systems shall include the effective utilization of automated data processing.

(c) FUNDING OF ACTIVITIES.—For purposes of encouraging the development and establishment of model profiling systems in the States, the Secretary of Labor shall provide to each State, from funds available for this purpose, such funds as may be determined by the Secretary to be necessary.

(d) REPORT TO CONGRESS.—Within 30 months after the date of the enactment of this Act, the Secretary of Labor shall report to the Congress on the operation and effectiveness of the profiling systems adopted by the States, and the Secretary's recommendation for continuation of the systems and any appropriate legislation.

(e) STATE.—For purposes of this section, the term "State" has the meaning given such term by section 3306(j)(1) of the Internal Revenue Code of 1986.

(f) EFFECTIVE DATE.—The provisions of this section shall take effect on the date of the enactment of this Act.

**[SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

[There are authorized to be appropriated for nonrepayable advances to the account for "Advances to the Unemployment Trust Fund and Other Funds" in the Department of Labor appropriations Acts (for transfer to the "extended unemployment compensation account" established by section 905 of the Social Security Act) such sums as may be necessary to carry out the purposes of the amendments made by section 2 this Act.]

**SEC. 5. FINANCING PROVISIONS.**

(a) AUTHORIZATION.—There are authorized to be appropriated for nonrepayable advances to the account for "Advances to the Unemployment Trust Fund and Other Funds" in Department of Labor Appropriations Acts (for transfer to the "extended unemployment compensation account" established by section 905 of the Social Security Act) such sums as may be necessary to make payments to the States to carry out the purposes of the amendments made by section 2 of this Act.

(b) USE OF ADVANCE ACCOUNT FUNDS.—The funds appropriated to the account for "Advances to the Unemployment Trust Fund and Other Funds" in the Department of Labor Appropriation Act for Fiscal Year 1993 (Public Law 102-394) are authorized to be used to make payments to the States to carry out the purposes of the amendments made by section 2 of this Act.

**SEC. 6. EMERGENCY DESIGNATION.**

Pursuant to sections 251(b)(2)(D)(i) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Congress hereby designates all direct spending amounts provided by this Act (for all fiscal years) and all appropriations authorized by this Act (for all fiscal years) as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

The PRESIDING OFFICER. Who seeks recognition?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I am interested in inquiring of the distinguished chairman of the committee. I have a short statement I would like to make about the pending matter. I do not want to speak before the chairman.

Mr. MOYNIHAN. Madam President, if the Senator from Connecticut would be so good as to withhold for the moment, the distinguished Republican manager of the bill has appeared and we would like to make our opening statements. We will then yield the Senator all the time he wishes.

Mr. DODD. I thank the Senator.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Madam President, we are here today to commence the first serious and substantive debate on President Clinton's economic program.

From the outset, this year, we have seen that we are dealing with two almost equal and opposite economic problems in our country. The first is a weak recovery from a serious recession that is almost not a recovery at all. It is a recovery in production of goods and services but not in employment. In the history of post-World War II economic recoveries—which is the history of economic data in this regard because it is only with the Employment Act of 1946 that we began to measure these matters and have some idea about them; it was not until 1950 that we have our first unemployment rate—in that history we have never seen a recovery such as the one we are now going through, a recovery, defined as an increase in gross domestic product from one quarter over the previous quarter, with almost no increase in employment. We are in a condition today, 22 months after the trough, so-called, of the last recession, in which the unemployment rate is higher than it was at that bottom moment. Nothing like this has ever been seen. The number of long-term unemployed is greater than in the trough. It is at the level of a deep recession. Yet here we are in the fifth month of a recovery.

We have something new in economics. We have something new in terms of social policy to deal with. We did not previously know how to measure these matters. We used to take the unemployment rate every 10 years in the census. We took it in April of 1930 and then April of 1940, and the Great Depression never occurred in our official statistics.

Now we have gotten much more able and adept at measurement but not, Madam President, at explanation. We do not know what has been happening. We do know that the number of unemployed persons is extraordinary by any previous measurement of the economic cycle. We know that the number of poor persons in situations of need is extraordinary. We are seeing things today which 32 years ago we would not have imagined.

I observed that the New York Times reports as its lead story this morning that there are more persons receiving food stamps in the United States today than at any time from the moment the program was created in 1964. People who need food and get food stamps—10.4 percent of the U.S. population is now in that situation, something we never could have imagined in 1964 when we began that program.

I was remarking earlier to friends that there is a certain pattern to what we are doing in this first part of the President's economic program that has a parallel in President Kennedy's time. He found a situation of a recession seemingly like ours. On February 6, 1961, he proposed to extend the unemployment benefit program that had been established by President Roosevelt in 1935 for the next 13 weeks. Congress responded very quickly, very effectively, then as I know it will do now. The House has already passed our

bill and this measure we bring to the floor was reported out of the Committee on Finance on a voice vote with only one objection. So it is fair to say that it was a 19-to-1 vote with it being clear that members of the minority would have the opportunity to offer amendments with respect to how the bill will be paid for. But President Kennedy's bill was offered on February 6 and signed into law March 24, and I can remember the sense that "we are going to get on with these things" at that time.

What I cannot remember, because there is no equivalent experience, is the fact that we are not in the middle of a recession, we are in the fifth quarter of a recovery but with no recovery in employment. For purposes of employment, the recession goes on. And in that setting, we are in a situation where the need for extending unemployment benefits goes on as well.

We have before us a Senate bill which is identical to the House bill, and when we pass it, as we will later today or early tomorrow, we will be in a position to get it to the President in time for the Saturday deadline. The current program expires at midnight on Saturday. If we do not act today or tomorrow morning, we will cut off 1.8 million people who, through no fault of their own—these are working persons, they have an attachment to the labor force, and they have been out for more than 26 weeks.

It surprises me that we have not long ago arranged a permanent provision for this kind of extended benefits. We have had to do it now repeatedly in recent years. I have had conversations with the Secretary of Labor, and he notes that in the last extension we did create an Advisory Council on Unemployment Compensation.

Members have been appointed, but not the full membership, and it has never yet met. We have reason to believe it now will do so, and it is about time it did, as we look at the overall need to revise a program that was, after all, set in place in 1935. It still has huge variations in benefits between one State and another, and has a very modest return in terms of replacement of wages.

The average benefit for the Nation is $173.64 a week, and that is just a little bit over 36 percent of the average weekly wage, much lower than we had expected it would be 60 years ago. It has drifted down. It needs a lot of fixing.

But in the meantime, Madam President, this program needs to be enacted, and now.

Here we can go back to first principles. In 1935, the Committee on Economic Security reported to President Roosevelt. The committee recommended what we call it the Social Security Program. We think of it as retirement benefits, of course, but it included unemployment compensation, it included aid to dependent children, and aid to the blind and disabled. Specifically, the committee report stated—and this was January 1935; and in those wondrous days a committee could report to the President and he could send a bill here on January 15, 1935, and have it passed in August, the entire social insurance system of our country. The committee said:

> Unemployment compensation, as we conceive it, is a front line of defense, especially valuable for those who are ordinarily steadily employed but very beneficial also in maintain purchasing power.

And that is a point to which I would like to give very considerable stress. If we do not pass this bill this week—today or tomorrow morning—we are going to put this recovery in jeopardy and put in jeopardy the jobs of millions of Americans now employed who could thereupon lose their jobs and be eligible for these benefits.

The distinguished vice chairman of the Joint Economic Committee testified before us in the Finance Committee in our first hearing on Thursday of last week. And I quote him:

> Not to extend the program would have a contractionary effect on the economy.

That comes, obviously, from a Senator, Senator SARBANES, but it comes with the authority, the professional integrity of the vice chairman of the Joint Economic Committee.

The Joint Economic Committee, as the distinguished Presiding Officer knows, was established by the Employment Act of 1946. The first commitment the United States made, in the aftermath of the Great Depression, to the highest possible level of employment production, was to establish the Joint Economic Committee and the Council of Economic Advisers, with the purpose of maximizing employment in this Nation.

The Joint Economic Committee is the committee that receives the economic report of the President and analyzes it. It is the body that is responsible for full employment or the fullest possible employment in this country and to deal with what in our time has become ever-rising levels of unemployment being accepted as somehow normal.

I can recall in 1963, or it may have been 1964, that the then Chairman of the Council of Economic Advisers, Dr. Heller, was proposing in the economic report of that year, with the President's accompanying message, that we establish a national goal of 4 percent unemployment. And there was much distress at this point in the Department of Labor. It was held that 4 percent, that is an unacceptable figure. And in the end we agreed on an interim goal of 4 percent. Would that we should ever see 4 percent again.

As the very able Senator from Michigan is going to point out in time, we are seeing a jobs recession, even as we see an economic recovery. We have more people in long-term unemployment than we have ever had at this point in a normal recovery. And it is not a recovery for the people out of work.

And the elemental responsibility of our Government at this point in this situation is to extend the existing unemployment compensation benefits for the long-term unemployed. This is not a sweeping measure. It is, if anything, possibly too modest a measure. It extends the program only until the 2d of October. At this point, we will have a chance to reconsider perhaps the whole program. We will have an advisory committee in place.

This program is not working as it was intended. The situation in which it operates is different from that in which it was created. Still, we have—and I see my able and dear friend here pacing, properly, in anticipation of his own remarks—Madam President, a simple duty to the American people to pass this bill now, get it on the President's desk tomorrow—at the latest the day after tomorrow.

There are 1.8 million people whose benefits will expire and who will line up and come in—not everyone on Monday morning—to ask for extended benefits and be told there are none for you.

The contractionary effect on purchasing power would mean not simply that the persons who need this will not get it, but that many more will need it. We are talking not about people who are out of work today. We are talking about people who will be out of work if we do not act today.

And with that, Madam President, seeing the sometime-chairman of the Committee on Finance, the very able Senator from Oregon—Oregon being one of the States which will be entitled to a full 26-week extension, owing to the situation in that economy—I yield the floor.

Mr. PACKWOOD addressed the Chair.

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

Mr. PACKWOOD. Madam President, I was one of those 19 that voted to send this bill out of committee, but indicated to the chairman that if it was not paid for I would be inclined to vote against it on the floor.

Now this is an emergency, and this is indeed an emergency for those people who are unemployed, whether they are in lumber mills in Oregon or auto factories in Detroit. If you are 40, 45 years of age, worked all your life and you are out of work and cannot get a job, that is an emergency; no question about it.

On occasion, it does not do much good to tell a 45-year-old, "Go find another job." The 45-year-old has a family, has a husband or wife, a couple of kids in high school. It is not easy to pull up roots and go 200, 300, 400 miles away, assuming there is a job 200, 300, 400 miles away. So it is an emergency.

Is it, however, an unexpected emergency to the Government? Did we not foresee this coming, because the President can declare an emergency, waive the Budget Act and we can spend more than we otherwise would be able to spend under the budget agreement of 1990. Did we not foresee this coming 3 months ago or 2 months ago? Was it so unexpected as to catch us by surprise and require us to declare an emergency and, Madam President, not pay for this bill?

It would be my contention that it is not that kind of an emergency for the Government. It is for the unemployed. We should pay for it and pass it, but we cannot justify on the very first spending bill that comes before this Congress from this administration to say, oh well, it is only about $6 billion. It is $5.8 billion, but let us call it $6 billion. It is only $6 billion. In a budget of $1.5 trillion, what difference does it make if we borrow another $6 billion?

Madam President, I fear that that is a harbinger of what we are going to continue to do down the road, and this is the time to stop it and say if we think this program is worthwhile—and it is—we should pay for it. Let us not overemphasize the effect this is going to have on the economy.

Much as I regard and revere the Joint Economic Committee, to say that this is going to have an immense contractionary effect if we do not pass it I find a bit overblown and perhaps hyperbole. The amount of money in this bill is one two-thousandths of our gross national product—one two-thousandths—and I find it hard to believe that the future of the economy of this country hangs on passing or not passing this bill. I want to emphasize again—not those poor devils who are out of work who are not in the mills, this is desperate for them and that is why we should pass it—but we should pay for it. This noon the President met with the Republican Senators at our weekly Tuesday noon policy meeting, and one of the issues that came up was the suggestion that perhaps this bill should be paid for. The President did not directly respond to that one way or the other.

So I will say again, in conclusion, and we will have an amendment to offer a little later to pay for this bill—I hope it is adopted; it may not but it may, but we will at least have an amendment to pay for it—I will say, in conclusion, to the person who is out of work, it is an emergency, that people should be helped. We should pass this bill.

Two, this problem did not catch the Federal Government by surprise. It was not like, "Boy, where did those numbers come from? We never expected that." So it is not an emergency as far as we are concerned, and it is not the kind of emergency that the President should waive the budget agreement and say we are so surprised that we need to pass this. This is not a forest fire that is wiping out thousands of acres. It is not a flood. It is not the hurricane in Florida that suddenly came upon us and we did not expect it and it is an emergency. It is something we saw coming.

Last, as we saw it coming, we should face up to it honestly because if we do not, then when the President's other spending programs come and the rest of the budget that is going to come down to us month by month over the remainder of this year, we will have started down a trail of not paying for things that we think are worthwhile.

The President did say an interesting thing this noon. He did say that in 1997, even if we adopt all of his budget, the deficits will start up again in 1997 unless we get health care costs and other entitlements under control, and by that he has to mean Social Security, I think, because that is the biggest one. I will look forward to what he has to recommend to us in terms of getting those costs under control so that the deficits do not go up. In the meantime, let us not start this afternoon with making the deficit go up by $6 billion over the next 2 years. I thank the Chair.

Mr. MOYNIHAN addressed the Chair.

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

Mr. MOYNIHAN. Madam President, I thank my friend from Oregon for the temper of his remarks which were thoughtful and responsible.

First of all, the term emergency is a technical term in the Budget Act. It does not describe a house on fire or a hurricane. It is a term we use when we propose to go beyond the ceilings previously agreed to.

Whatever measure or measures that are offered on the other side, none will provide revenue starting Sunday morning; not one. I guarantee you there is not a single proposal that will provide a dime of unemployment moneys on Monday morning when the employment office is opened. The measures that will be proposed most likely will come from a series of 150 measures the President has called for in the way of spending reductions. These are measures which I know for my part I intend to vote for in the context of a budget resolution which we should have in about a month's time and then a large portion of which will be assigned to the Finance Committee. The Senator from Oregon and myself and our other colleagues will be slogging through that list. I shall be with the President on those matters.

But this extended unemployment compensation bill, in a situation of unprecedented unemployment in the aftermath of a recession, expires Saturday night, and if we want to tell those millions of people who will show up Monday morning hoping to get the extension that has been in place until now, sorry, we are going to wait until the budget resolution and the reconciliation is all put together sometime in August, I think there will be some legitimately disappointed, angry persons out there.

We are not proposing anything radical, Madam President. Extended unemployment first took place in 1958 under President Eisenhower and next under President Kennedy. Benefits have been in place since 1935. We are only doing what is understood to be reasonable and necessary.

The Senator from Oregon says he cannot imagine that there would be any contractionary effect of a large nature. I do not want to speak to that. He said the amount involved is not such as would be likely to affect the economy as a whole. I would ask him to withhold that judgment. The opposite is the view of the Secretary of Labor, and of Senator SARBANES of the joint committee. It is amazing what happens on the margin in economics. We are just beginning to get some sense of how much instability can be brought about by slight changes on the margin. This would be a large change on the margin. It should not be allowed to happen. The workers need it; the economy needs it; it is in our tradition to provide it.

I see that my very able friend from Michigan is on the floor with some devastating data in this regard. Madam President, in anticipation of hearing from him, I yield the floor.

Mr. RIEGLE addressed the Chair.

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

Mr. RIEGLE. Madam President, I want to say to the chairman of the Finance Committee how much I appreciate his leadership on this issue and the fact he has moved so quickly to bring this matter to the floor and to lay it out today in such vivid detail.

This bill that is before us, S. 382, sponsored and offered by Chairman MOYNIHAN, lists myself as the first lead cosponsor, along with others. I am very proud to be part of this effort because this is a continuing effort that stretches back to last year.

When this recession did not end and the jobs continued to disappear, we came forward with a series of efforts to offer extended unemployment benefits to workers who had exhausted their benefits. On the first two occasions we did that, President Bush did not allow either of those measures to become law. And without going back and rehashing that whole history, we finally, on the third attempt, got it passed and got the administration to accept it. But it came very late. And the problem that we are facing is really very new and different and much more dangerous than other economic situations we have seen, I think, going all the way back to the 1930's.

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Let me use this chart to illustrate the nature of this problem because while it is said that we have something of an economic recovery underway, we do not have a jobs recovery. That is what is different about this recession.

This chart shows the beginning of the recession. This line across the middle of the chart indicates whether the economy is gaining jobs, which would be above this line, or losing jobs, which would be below this line.

In this chart, we have taken the last seven recessions before this one and we have created an average as to what the job loss has been as those previous recessions started, went down, and bottomed out. Then, as things started to get better and the jobs came back, how long it took before finally we recovered all the jobs and we were back into positive ground adding new jobs to the economy. That is this blue line that you see here.

As we come out through 12, 14, 16 months, stretching out beyond 2 years, you see in these previous recessions we have had job losses come down like this. We get out about 12 months into the recession, we hit the bottom of the recession, sort of a trough in the recession, kind of a U-shaped curve, and then we start to climb out of it. In our previous recessions, by the time we were out here, about 21 months after the beginning of the recession, we had regained all the jobs we had lost up until that point. We were across this line and back into positive ground and continued to add jobs. By the time we were out as far as we are in this long-running recession, in the past we would be up here; we would have added nearly 3 million additional jobs to the economy. We would have gotten all the other jobs back and added 3 million new jobs to the economy.

Where are we today? If you follow this recession, which is tracked by this red line, it comes down about the same way as the past recessions. We get down to the bottom of the recession at about 10 or 12 months, but then we have stayed there and we have come across. Now we are out nearly 30 months and you can see that we are not getting the jobs back. We are down here at this point, still nearly 2 million jobs have been lost and not recovered. And so while we should be up here, we are in fact down in this position. The difference between these positions is a figure of roughly 4 million jobs that we should have by this time that have not come back.

The problem is so severe that two leading business journals in this country have just written cover stories on this issue. I am holding up a copy of Fortune magazine. The date on this is March 8 of this year and the cover story says, "Jobs Less," and the subheadline reads, "The new unemployed are older and better educated than before, and stand to be on the street a long, long time." And you can see from the photograph here there are two women, three men, probably in their late thirties to maybe early fifties, well dressed, all unemployed, and with no prospect at the present time for finding replacement work.

If you go on inside and look at this story, it is a stunning story. Bear in mind, Fortune magazine is the magazine doing this.

Once you are inside looking at the story, it says, "While the economy is growing steadily again, more than 9 million Americans remain jobless victims of changes they cannot control. Their lives will never be the same." Then they go through and talk about several of these case histories.

At essentially the same time, another leading journal, in this case Business Week, in an issue just a week prior dated February 22, 1993, has as its cover story, "Jobs, Jobs, Jobs," and the subheadline is, "The economy is growing but employment lags badly."

If you open up this story, you find exactly the same thing. They are talking about the disappearance of jobs, and it says, "It is a recovery without a heart. Hiring is going to stay agonizingly slow for some time." And it goes on as a business journal would and lays out a number of the important statistics that show how fundamentally different this recession and economic problem is than any we have faced in modern times.

Now, the best estimates that we have of people who have lost jobs in this recession and those who have exhausted their unemployment benefits—and as of Saturday night, as Senator MOYNIHAN has said, will not get any further unemployment benefits unless we extend this program now—it is estimated that of those now unemployed only 14 percent are expected to eventually be called back to their existing jobs.

Think about that number, because in years past when we have had recessions, we have had ups and downs in the economy. A person might be laid off. They might be laid off for several weeks, in extreme cases for several months. But normally, eventually their company would bounce back, the economy would get stronger, they would be called back to work, and they could go back to work in the job they had before the recession started.

That has now changed. It is now said that only 14 percent on average can now expect to go back to the job they had before. So that means that fully 86 percent are thrown out of the work system and have to find some other replacement job, and many are unable to do it because we have this problem; we are not getting job creation taking place in the economy.

That is why President Clinton has come forward with a comprehensive economic plan to try to stimulate this economy and get more job growth going. He has made a public commitment to undertake an effort to create 8 million private sector jobs in our economy over the next 4 years. That is roughly 2 million jobs a year, about 165,000 a month. I salute him for making that effort, to move in the direction of trying to get that kind of job growth going in this country. Certainly, as everyone here knows, in the last several years the executive branch of our Government has had an economic program for every country in the world except our own. We have had economic plans for Kuwait, Mexico, and Red China; you name the country, there was a plan but no plan for this country until now.

Now there is a plan for this country. But until that plan is enacted and can take hold and we can start seeing job recovery moving up, we have to extend the unemployment benefits for those workers who are out of work and otherwise are going to have their lives absolutely torn apart.

We are talking about real people. We can talk about natural disasters and hurricanes and volcanoes and things of that kind. This is a complete disaster for a family and workers who have lost their jobs and cannot find replacement work. If your unemployment benefits are gone and you have exhausted your savings, in many cases you are required to move out. If you are renting an apartment, you have to give up your apartment. If you have a car and cannot make the car payments, you have to surrender your car, so you do not have a way to get around to even look for work.

We are talking about people's lives being torn apart. We are talking about the fact that we are out here now nearly 30 months since this recession started and still not seeing the beginnings of serious job recovery.

How many people are out of work? Listen to these numbers. We have 9 million right now who are officially unemployed. Those are people looking for work and cannot find it. There are 9 million of those. But there are another 6 million plus people today who want to work full time but cannot find full time work and therefore are only able to work part time.

Under our labor statistics—many do not know this—if you work as little as 1 hour a week, you are counted as employed as opposed to unemployed or underemployed. So we know now by the Government's own data that there are over 6 million people out there working on a part-time basis but only because they cannot find full-time work.

It is estimated we have over another million people who are called discouraged workers, who have been out of the work force so long and could not find work that they have finally given up looking. The other night on a network television show, I saw two veterans

from Desert Storm who have not been able to find work and are homeless, living in Washington in cardboard boxes in the middle of winter.

So we have those categories. Add those 3 categories up and we have 16 million people needing full-time work and not finding it.

Now, are we going to terminate the extended unemployment compensation program at a time when we have had an economic strategy played out over the last 12 years that did not work, has not created jobs, and left us now with a recession that is not ending in terms of the jobs coming back?

Of course we need to offer this help. That is why we have a country. We have a country so we are in the position to look after the common interests and to help one another in times of emergency. And clearly in this country if you cannot find a job, and have an income to support yourself and to support your family, that is an emergency. In fact, it is about the most dire emergency that you can have.

(Mr. DORGAN assumed the chair.)

Mr. RIEGLE. It is wrecking people's lives. It is taking the meaning out of their lives. In addition to the fact that they cannot support themselves many people feel useless. They may have 10, 20, or 30 years of job experience, in many cases advanced degrees, excellent work records and they cannot find work. We are talking about people with degrees, graduate degrees, Ph.D.'s in computer science, engineering technology. You name the field. We have people today unemployed and cannot find work in those fields.

I got a letter from a man the other day with a graduate degree who has been in three job retraining programs, wrote to me from Texas and still cannot find a job. So we have a serious job problem in this country.

We have to extend this unemployment compensation program to enable those folks out there who want to work, who are ready to work, who need the work, but for whom there is no job, to tide them over until such time as we can get this economic plan in place and the economy can finally start to recover and get some jobs going again.

I will just finish by saying this: There are some times when the Federal Government has I think an affirmative obligation to act, to help our people. It ought to be the fundamental beginning and ending purpose of Government, to help our people; particularly those people out there who are being damaged through no circumstances of their own. The unemployed do not want to be unemployed. They want to be working, but our economic system has malfunctioned now for a period of years in such a serious degree now that we have this situation that we have a jobs recession that is continuing and we are not getting the jobs recovering.

We just had an incumbent thrown out of office essentially I think because of this issue because the country has not been on the right economic track. As we put the new economic package in place, I will support the President's program, with the chairman of the Finance Committee. We have to get it enacted. We have to be sure the health care problem is part of it so we deal with the problem and the problem of the longrun deficit. We have to get this program enacted. That is what it will take a start to bend these lines up and start the job recovery coming back. But in the meantime are we going to see to it that people have the money they need to eat, to be in out of the cold, to be able to support their families? I would hope so.

I want that for my fellow citizens. I want that especially for people who are workers, and have a history of a long work record but who are out of work and have exhausted their benefits and now are desperate who need this Government to respond. It is time we did it. I want those benefits to continue after Saturday night because those human needs of people in that circumstance are not going to end at midnight on Saturday night. That is why we are here.

I know there will be others on the other side that may—I do not want to implicate anybody in particular when I say this—to try to get whatever banana peels they can underneath any effort to respond to these problems. We have had enough of that kind of business. We have elected a new President. He has a plan. We ought to go to work and put the plan in place. We start today by extending these unemployment benefits until such time as the jobs come back in this country so people can go back to work and support themselves.

I thank the Chair.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. May I just state once again my admiration for the passion that the Senator from Michigan brings up here. These are human beings. They are friends. They can live down the street. And 1.8 million people will receive these benefits in the very short span of time, until October 2. That is what we are doing. Are we going to say to them on Saturday night, sorry, no. We thought about it. We are going to wait for reconciliation, whatever that means. I doubt they will be much reconciled.

We are dealing with something with which we have no previous experience. This is something new.

I ask the Senator from Michigan, who has followed these matters with great care, and has a lifetime of public service, has there ever been an equivalent pattern of job depression in the aftermath of a nominal recovery which is what the National Bureau of Economic Research finds in quarterly increases in output, but with no increases in jobs?

Mr. RIEGLE. The Senator says it exactly as it is. You have to go back before World War II. You have really to go back to the Depression to find the situation comparable to this. Here is the average of all the postwar recessions noted by this blue line on this chart. Can you see how stark the departure is? It is no accident that these business journals that are basically in the business of accepting optimism, they are out trying to sort of talk the happy talk as much as they can. Why would Fortune magazine feature on its cover in the most recent issue this urgent problem of the jobless? Why would Business Week, the week before, do exactly the same thing? Why are these business journals in a sense leading and telling us we have an unprecedented problem on our hands? It is because we do. We have to respond to it.

Mr. MOYNIHAN. If I can say, you do not want to speak beyond your knowledge and mine certainly is limited. But in the Great Depression we were faced with an economic situation that could not be explained by existing terms. The economy was supposed to be self-equilibrating, as the phrase went. When unemployment went to a certain point, jobs, wages would decline and employment would rise. It did not. Maynard Keynes and others established that you could have equilibrium at higher levels of underutilized resources, principally employment.

We may be dealing with something similar. It may be a long while before we understand what we are dealing with. But in the name of God, let us not cut off unemployment compensation on Saturday night to people who are out of work for no reason of their doing, and because we do not understand why.

We have a major program of investment coming up. We will get to it shortly within the month. But this program stops Saturday midnight. The House has acted. We are ready to right now.

Mr. President, I see the distinguished Republican leader is on the floor. I would be happy to urge the adoption of the amendment, and we can get on with the work of the Nation.

Mr. PACKWOOD. Let me ask my good friend, I do not want to delay this bill either. There is no harm in passing it right away, pass it this afternoon. We can send the whole thing back to the House, vote on it in the conference, have it on the President's desk tomorrow night, and with a way to pay for it.

Mr. MOYNIHAN. May I say to my friend, none of the proposals he will make will provide a dime for the Treasury on Sunday. If we are talking about the fact that the whole theory of unemployment compensation is to provide purchasing power, it was intended that you would build up a fund, and

spend it down. That is what we are doing.

Mr. PACKWOOD. No. It will not provide it, and the Budget Act does not require us to match funds on a day-in day-out basis week in and week out. It does require we have to do it on a year-in year-out. The amendment that I will offer on behalf of Senator DOLE and others will pay in this year for the benefits this year. At least for purposes of normal annual budgeting we can say we paid for this bill.

Mr. MOYNIHAN. I am prepared to say that would amount to a contraction, and I think the record of 60 years experience of this program argues the same. I do not say it proves it.

Mr. PACKWOOD. I will say again, if a program that is one two-thousandths the size of our economy is a contraction, or in the converse, if we pass it, will be expansionary, I find it hard to believe one way or the other. That it is not to say the poor devil out of work does not face a contraction. That devil sure does. But in the overall economy of $12 trillion over 2 years, whether we pass or do not pass a $6 billion bill that will give out money to those who are unemployed I think will not make a whit of difference in the growth or the lack of growth of the economy.

Mr. MOYNIHAN. The Senator and I would simply have to have a difference of agreement on that.

But I make this point: Mr. President, I make this with some emphasis. Right now, there are 1.5 million persons receiving extended unemployment compensation. We anticipate in the next 8 months, between now and October, that there will be an additional 1.8 million. The number rises. We are dealing with a situation that has no precedent, and at the very least we can do one thing—we can do what we learned to do in the middle of the Great Depression when we knew we were in a battle with what was going on. We established unemployment compensation.

To continue in this situation seems to me more than appropriate. I wonder if I can ask my friend if he has a mind to offer the amendment, and we can get on with the debate?

Mr. PACKWOOD. I might make one comment, and then I will suggest the absence of a quorum and talk with the Senator about that.

As I look at the chart of the Senator from Michigan, why is the economy starting to grow—certainly in the last quarter of last year, 4.8-percent growth is more than average—why is it growing and employment not? My good friend from New York, the chairman of the committee, indicated a lack of knowledge in certain areas. I certainly admit the lack of knowledge in this area. But I will give an opinion, for what it is worth, without much to back it up, but just a hunch.

We have made hiring people very expensive. And we add little burdens as we go along. We raise the Medicare tax, and we pass the Americans with Disabilities Act and require expenditures on behalf of businesses. It may have gotten to the place—I cannot prove this—where it is cheaper to invest in machines than to hire people. And the machines make us more productive. You can do more things and become more productive, depending upon the costs. Sometimes you can be more productive with people, depending upon the cost.

The classic example of using machines is farming. At the turn of the century, there were something like one in 2 or 7 in 10 in farming, involved in feeding this country. Today it is about 2 in 100. You go to any farm in the country now—and I wager it is the most capital intensive business going. The occupant of the chair comes from a Farm State, and he probably has had the same experience. Look at a man and woman, a husband and wife, running a wheat ranch, maybe getting help from the kids in the summer, if the kids are in school, and maybe one hired person. The investment they have in combines and tractors and equipment is staggering in comparison to any other business. But it is what has made American farming the envy of the world.

There is not another country, no matter what their wage rates, that can farm like we can, and be as productive as we can. I do not care if they are paying the laborers 5 or 10 cents an hour. I just wonder if that is not happening to many businesses. We went through the 1980's, boom time, and expenses did not matter. Hire everybody you want, and do not worry about the bottom line. It is going to be big and you can afford to be fat. Then we started cutting back when we hit the recession, as all businesses do in a recession. And as we were coming out of it, businesses may have been a bit more reluctant to go back to the fat days and hire a lot of people, without worrying too much about the cost.

They have discovered that they can buy machines at a cheaper cost than people, making them more productive and leaving us with this tremendous gap between the growth of the economy, which is growing well, and unemployment. I do not know. I postulate that as a possibility.

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

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

Mr. MOYNIHAN. Mr. President, earlier, there was some discussion about the contractionary effects that would follow if we were not to adopt this measure, which extends a program providing extended unemployment benefits, which expires this Saturday evening.

We have inquired of the Department of Labor in this regard and they put the matter about as follows: Every billion dollars worth of moneys expended in the economy produce some 17,000 jobs; which is if you take a $5.7 billion outlay which we anticipate between now and the expiration of this program—which effects do not stop on October 2; it is simply that additional benefits are no longer available—you have between 85,000 and 95,000 jobs which would be lost, in addition to the 1.8 million persons who will have exhausted their regular benefits and would not be in a position to receive extended benefits.

There is one provision in this measure which I would like to call attention to, because it is the beginning of what I hope will be a refocusing of this whole question of unemployment benefits and extended unemployment benefits.

One of the ways this past recession has been different is the number of persons—and the Senator from Oregon was talking about this—the number of persons who, when they lost their jobs, could reasonably—when there was a hiring season and they were laid off—could reasonably expect to return to that job.

This is a pattern we have seen with inventory recessions in the past. Inventories built up. Plywood manufacturers in Oregon would say: Well, we have enough on hand for awhile. We will lay off. People would be out of work for a period, but they would expect, with reason, to go back to that job and they would.

That is one of the reasons employers are very loyal to the whole notion of unemployment compensation. Employers pay it, and they like employees to know that they pay it, and to know where it came from, and to keep a relationship with the employer when there are cyclical employment patterns.

In the past, on average, 44 percent of the persons who have been laid off could reasonably expect—and would say to the U.S. employment service that they did expect—to return to the job they had. And that was a pattern of inventory recessions, as they were called, and was fairly stable. In this recession, however, only 14 percent of unemployed workers expect to return to the job they had.

In other words, the mill closed. It just did not slow down production in a cycle of inventory accumulation and inventory disposal. That is new. That is the sort of thing the Senator from Oregon was talking about.

In this measure, we do have, for the first time, an appropriation for State employment agencies to begin focusing on those persons who are not going to

return to their old jobs right away, and not wait until it becomes obvious a year later that they have not, and will not do so.

And there are profiles of workers in that situation. The most elemental example is there is one plant in town and it closes. There is not much point in waiting around for that plant to start hiring again. It has closed.

Finding the profiles of persons who will not be returning to their old work, and beginning retraining for work that will come along, is clearly an idea whose time has come. And it is in this bill and I hope it would not go unappreciated or unnoticed.

I see that several Senators are on the floor, and would not presume to decide who should speak next. That is the prerogative of the Presiding Officer.

Mr. President, I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I intend to support the administration's extension of unemployment insurance benefits because there is a great need for this legislation in my home State.

In Alaska, according to the U.S. Department of Labor, we had the highest insured employment rate in the Nation for every week in January of this year, ranging from 6.8 percent to 7.4 percent, with a total unemployment rate of 10.4 percent.

Our uninsured unemployment rate today is approximately 6.5 percent and we expect some 8,000 to 10,000 Alaskans to file under the extension of benefits immediately when this legislation is passed.

According to Alaska's Department of Labor, the unemployment situation is particularly difficult in several regions of my State. For example, the Kenai Peninsula Borough—which is the area of the original oil strike in Alaska—had a total unemployment rate of 19.9 percent in January 1992, and 18.6 percent for January 1993. Even after seasonal adjustments for the increased employment during Kenai Peninsula's busy summer fishing season, unemployment still averaged 14.2 percent for 1992, up from 12.7 percent in 1991.

There were high unemployment figures in 1992 throughout our State, averaging 17.7 percent in the Eskimo region up in the Northwest Artic Borough and approximately 14 percent in the Matsu Borough—the famous Matanuska Valley, the farming district of our State—the Borough of Haines, and in the Skagway-Yakutat-Angoon area of southeastern Alaska.

I want to state that while I do support the President's effort to be responsive to the needs of our Nation's unemployed, I am concerned about the impact of the administration's plan for long-term economic vitality throughout our country, particularly my State.

Further extensions of unemployment benefits are helpful—they answer the current problem—but they are not the answer to the chronic unemployment problems, particularly in Alaska.

Long-term, sustainable economic growth will require a comprehensive approach that provides some economic stimulus in the near-term, but it does require long-term solutions. Unfortunately, some of the proposals that we have read about that will come from the administration, will provide neither the stimulus nor the solution, but would have a negative impact on jobs creation in my State.

For instance, the proposed 12.5-percent royalty on hardrock mining would, we believe, eliminate about 364 placer mining jobs. In addition to the unemployment problem that already exists in the miming industry, it is unlikely that any mine in Alaska could sustain a 12.5-percent royalty on gross revenues.

I urge that the Senate and the administration consider, there is a great difference between a 12.5-percent royalty on the wellhead prices of oil and a 12.5-percent royalty which amounts to a tax on gross revenues, based upon world prices of mineral products. I think this would have a devastating impact on Alaska's mining industry, to put in effect a 12.5-percent royalty at this time.

Already, even before this has gone into effect, one of our larger mines, the Greens Creek Mine, near Juneau, AK, announced that it will close in mid-April. The world price for ores is a marginal price for operations in North America. That is why we do not have, and have not had, a successful royalty program in the mining industry of this country in our history.

Twice before in our history, we put into effect a royalty on mineral production and our mining industry totally collapsed in both instances. It led to one of the worst depressions we had in this country, for instance.

Alaska also has the potential to experience a significant loss of jobs in the timber industry of southeastern Alaska. There are some indications that some people want to phase out timber sales from the Tongass National Forest. That would phase out, immediately, some 250 jobs. The communities of Sitka and Ketchikan would be isolated in many respects without the timber industry. The decline in the oil industry in Alaska has had a significant impact. I think it has an impact throughout the country, as a matter of fact. The oil industry has lost about 400,000 jobs nationwide, more than any other industry to date.

In Alaska, oil industry layoffs helped drive up the State's unemployment rate in January—by more than 29,000 Alaskan jobless related to that industry, is my information. It seems if this trend continues, we will be in real difficulty in Alaska.

The throughput in the Alaska pipeline, now, has declined 20 percent from where it was in the days of the Persian Gulf war. We supply 25 percent of the domestic-produced oil, and my message to the Senate is that has declined 20 percent since the Persian Gulf war. It will decline, we are told, to the extent that in 2009 we will only have 365,000 barrels a day coming through that pipeline, which at one time, carried 2.2 million barrels a day. All of the oil is destined to the Continental United States.

We do need to open new areas for exploration and development in Alaska, and the coastal plain of the Arctic Wildlife Refuge is one of the answers to that need. If we are concerned about job creation, opening ANWR, as we call it, the Arctic National Wildlife Refuge, will strengthen our total national economy.

According to a Wharton econometric study, the opening of just this small portion of the coastal plain, which is about 1.5 million acres in total, would use only about 20,000 acres of that, if there is a discovery there. But the opening of ANWR alone would create an estimated 735,000 jobs. That is considerably more than the stimulus package that is coming from the administration, with a $30 billion economic stimulus plan. ANWR would bring in $50 billion in income between now and the turn of the century.

We believe we could actually generate revenue for the Federal Treasury through lease sales, bonus bids, and royalty payments, from the development of oil and gas. And the increase to our gross national product of some $50 billion in this period would alleviate many of the strains that the Senate and the Congress are trying to deal with.

I urge the Senate, not only to approve this plan to deal with unemployment problems now, but to think about long-term job creation and, in doing so, I tell the Senate that the development of the coastal plain in Alaska has the potential to be the largest construction project in the United States for the balance of this century.

All we need is the approval of Congress to go forward with that right to explore.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, before the Senator from Alaska has to leave the floor, may I thank him for his expression of support for this measure, and his insistence that it be followed by much larger consideration of investment and growth in this economy? Alaska is stricken by unemployment right now. A recovery that has produced no jobs is no recovery for the jobless. And that is why we have until Saturday night to act—for the program. Let us hope we have this done by noonday tomorrow.

I thank the Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from New York. The President of the United States just joined our Republican caucus for lunch, as the Senator knows. I find and I am pleased to say publicly, I like this man. He is an easy man to work with. And what he says makes a lot of sense.

But then I see some of the suggestions, and I think about where I come from. The effects on the timber industry, on the mining industry, on the oil and gas industry, are devastating. I have not even mentioned the Btu tax and its impact on oil, and those of us who depend on oil, and have no other source of fuel available.

I hope we can find a way to work with this administration. I would like to start off on the right foot. That is why I came out here to say I support this bill and I am looking forward to seeing it passed.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, once again, may I thank my colleague for a very forthcoming and reassuring statement.

I see my distinguished colleague. I spent the morning invoking the vice chairman of the Joint Economic Committee, which is the source of our data in these matters, and the particularly disturbing data of this present situation. I have repeatedly invoked Senator SARBANES' statement before our Finance Committee that not to enact this measure would be contractionary, in the setting of a recovery that is almost jobless, and could put even that in jeopardy. I look forward to his remarks.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Chair recognizes the Senator from Maryland [Mr. SARBANES].

Mr. SARBANES. Madam President, I appreciate the very generous comments of the able chairman of the Finance Committee, the Senator from New York. I want to thank him for the really fine work he has done on this legislation, moving it very quickly out of his committee. As he has noted here on the floor, we face, in effect, for the people who will be affected, a crisis, unless we enact this legislation. We need to do it within the next few days, and send it to the President so he can sign it and place it into law.

Madam President, here is the problem. In every recession since the 1950's, the Congress has provided extended benefits to workers who exhaust their regular State unemployment insurance benefits. The regular program is 26 weeks.

If you get a brief turndown, within 26 weeks, which is approximately 6 months, you may start moving back up again, and the labor market improves. That does not usually happen that quickly in any recession of any consequence. And, therefore, the Congress has, over the years, extended the time period because, even in the best of times, many hardworking Americans cannot find work before they exhaust the standard 26 weeks of benefits. In fact, the chances of finding a job in 26 weeks fall sharply in recessions.

So the Government comes in to help out, the Federal Government, to extend the time period. This performs a number of important functions. First of all, it has a very pressing human dimension to it. You are talking about working people.

By definition, you cannot draw unemployment insurance unless you have a work record. So now we are talking about working Americans who then find themselves out of a job through no fault of their own. They are confronted with mortgage payments on their homes, with placing food on the table, making car payments—all the other bills that are associated with normal living. And of course they lose their job. They are searching for another job. By definition, they cannot find it if they are still able to draw on the unemployment insurance benefit system. It can mean absolute disaster for the family.

It is difficult enough for most families even if they can draw the unemployment insurance, because it is only a fraction of what they were making while they were working.

At least it is enough to help tide them through this difficult period. But if the benefit period has been exhausted and people find themselves no longer with this income support, they can be in a very dire situation.

In addition, extending the program has an overall, what we call, macroeconomic impact; in other words, an overall impact on the broad functioning of the economy. In effect, failure to extend this program would have a contractionary effect on our economy. At the very moment we want to give the economy a lift, get it moving forward when we have had some figures that looked encouraging, if in effect we drop all these people out of the program, then that demand contracts and shrinks and you have given a downward push to the economy. This is particularly important in this recession recovery period, and I want to take just a moment to explain why.

Unfortuantely, in this recession, we have encountered something we have not experienced before in the post World War II period. In most recessions, you go down, you lose jobs, you bottom out and then you come back up again with a strong recovery, good growth, you recover jobs, people go back to work within a matter of months, usually less than a year from the bottom of the recession, and you have recovered all the jobs that have been lost and even more so. That has not happened in this recession. I want to just use this chart to demonstrate.

This compares job recovery in this recession with the average of seven previous recessions in the post World War II period. This shows the bottom of the recession. So, in other words, when you start losing jobs, you come down like this. You see that this recession roughly parallels the average of what was occurring in previous recessions. In other words, the downturn proceeded roughly parallel to what we experienced in other postwar recessions. The difference is that the upturn has not paralleled previous recoveries. In previous recoveries, we had this sort of path; in other words, a line moving up like this. We have not yet in fact recovered all the jobs that have been lost in this recession. So the recovery has not gained the strength to bring the jobs back. And now we are 22 months out from the end of the downturn.

What this means is that workers who have lost their jobs are now out in a job market looking for work with an unemployment rate higher than it was at the bottom of the recession. I want to repeat that. The unemployment rate today, some 22 months after the bottom of the recession, is higher than it was at the bottom of the recession. We have never experienced a time in the entire postwar period in which the unemployment rate this many months after the bottom of the downturn was still higher than the unemployment rate was at the bottom of the downturn.

Of course, in some States, the unemployment rate has not reflected the national figure, but even the national figure is higher today than it was at the bottom of the recession. So people are out looking for jobs in a job market which is tougher now, as defined by the unemployment rate, than it was at the bottom of the recession. In effect, labor market conditions today still look more like those of a recession than those typical of a 22-month-old recovery, expecially for the types of workers eligible for extended benefits: those unemployed long-term after losing their jobs. The job market has never been so bleak this long after a recession. In my view, this alone justifies the declaration of this legislation as an emergency under the 1990 Budget Act.

Typically, as I indicated, the unemployment rate falls steadily soon after a recession ends. Yet January's unemployment rate of 7.1 percent stood higher than the 6.8 percent at the end of the recession. Never before—let me repeat this—never before has the unemployment rate been higher 22 months into a recovery than when the recovery began. Even more to the point, the number of workers unemployed longer than 26 weeks, which is the length of most of the regular State programs, has more than doubled since the end of the recession, not the beginning, again in sharp contrast to the pattern of typical recoveries.

As of January, almost 2 million workers have been unemployed longer than 26 weeks, up from 600,000 when the recession began and 900,000 when the recession ended. In other words, when we started getting some growth again, the recession ended and we had 900,000 long-term unemployed workers more than 26 weeks. Now it is almost 2 million. So it in fact has doubled during a supposedly recovery period, again demonstrating the fact that this recovery has not brought job growth anywhere near comparable to what we experienced during previous recessions.

A further complicating factor, Madam President, is that an increasingly large percentage of the workers who have lost their jobs in this recession have been permanently separated from their jobs rather than temporarily laid off. There has been a very marked shift in those two categories. That is very important because in previous recessions, you would have a situation in which a worker would lose his job but they were in effect told they are being laid off temporarily and if and when economic conditions pick back up again, we will be able to call you back in and put you back to work. So the worker then had to say, "How can I make it through this period? I can use the unemployment insurance system," which was actually constructed for that very purpose. This is why the system was put into effect. This is why employers pay into the system in order to build the trust fund up in times of low unemployment to be used in times of high unemployment.

But in this recession, unfortunately, a much higher percentage of workers are being told you are being permanently separated. In other words, even if economic conditions pick up, there is not a job for you. This is the so-called downsizing that is taking place. So the more long-term unemployed and a larger percentage of the long-term unemployed have found themselves permanently terminated from their jobs rather than in a temporary layoff.

I very strongly support this legislation. I think it is absolutely essential in order to address the situation in which we find ourselves. Some say, well, the economy is recovering and they point to a growth figure in the last quarter of 1992 which is the highest we have had in some time. I simply want to make this point: None of the forecasters are anticipating a comparable figure in this period. Second, if we analyze the factors that gave us that figure in the fourth quarter of 1992, it depended heavily on three dubious pillars, as far as sustaining that kind of growth is concerned: One is a spurt in consumer spending which was based in large part on reduced saving; in other words, there was a spurt in consumer spending but much of it came out of their savings, not out of increased incomes. Second, a spurt in exports helped fourth quarter growth. As we look around the world, we see our major trading partners are sinking into recession which of course means demand for goods by those economies will diminish. Third, the third quarter had a faster inventory buildup, but that cannot be sustained if consumer and export demand taper off.

Now, there are other indicators that are not that encouraging. Consumer confidence has dropped; the purchasing managers survey has dropped; construction activity has slowed.

All in all, what this says is we are not out of the woods yet. We still have a problem in terms of economic recovery. We clearly have a problem in terms of jobs restoration. It is absolutely imperative, in my judgment, that we enact this legislation before us, both to help prevent the economy from, in effect, suffering a fiscal contraction—the economy actually needs to be boosted, not to be contracted—and second, to avoid a tremendous degree of human suffering as people find themselves running out to the end of the period for their unemployment insurance benefits still not able to find a job, still confronted with meeting grocery bills and mortgage payments, and car payments, all the other aspects of holding together and sustaining their household.

So, Madam President, I very much hope that in short order we will be able to enact this legislation, send it to the President for his speedy signature, and have this program on the books in order to help the working men and women of this country.

Madam President, I close again by thanking the very able chairman for the Finance Committee for his very strong leadership on this issue. In fact, 2 years ago when this issue was before us, the distinguished chairman of the committee—he was actually then the chairman of the subcommittee—seized this issue at the time and understood fully its implications, both in terms of the human need and the economic need for this measure, and moved it through. I salute him for doing so again.

Madam President, I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senate majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I now ask unanimous consent that there be 2 hours for debate this afternoon equally divided in the usual form on Senator PACKWOOD's pay-as-you-go-in-1993 second-degree amendment to the pending committee amendment; that the Senate resume consideration of S. 382 on Wednesday, March 3, at 9:30 a.m.; that there then be 1 hour equally divided in the usual form for debate on Senator PACKWOOD's perfecting amendment; that a vote on or in relation to Senator PACKWOOD's amendment occur without any intervening action or debate at 10:30 a.m. on Wednesday, March 3.

Mr. DECONCINI. Madam President, reserving the right to object, and I do not intend to object, I would like to make a statement on this bill and one other statement. I wonder, before we start the debate on the amendment of the Senator from Oregon, if I could have 10 or 15 minutes, part on this bill and part on another subject matter. I would like to get that in if I could.

Mr. MOYNIHAN. Madam President, may I say I would be happy to yield to the Senator for that amount of time.

Mr. DECONCINI. I thank the Senator.

Mr. PACKWOOD. Madam President, I do not think we are going to use up the 2 hours this afternoon from what I sense and there will be ample time anyway.

Mr. DECONCINI. I thank the Senator.

The PRESIDING OFFICER. Is there objection? There being no objection, it is so ordered.

Mr. MITCHELL. Madam President and Members of the Senate, I thank my colleagues for their cooperation. I have discussed the matter with the distinguished chairman of the committee and the ranking member, and based upon those conversations I can now state there will be no rollcall vote today; that for the remainder of the day we will conduct the debate on Senator PACKWOOD's amendment. A vote on or in relation to that amendment will occur at 10:30 tomorrow morning. Senators should be aware of that. We are under the rules of procedure which I earlier propounded. That will be at the maximum a 20-minute vote. So Senators should be prepared to be here at 10:30 for that vote on or in relation to the Packwood amendment.

I thank my colleagues and the distinguished chairman and the Senator from Oregon.

Mr. PACKWOOD. Madam President, I ask for the yeas and nays on the underlying amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. MITCHELL. Madam President, may I inquire, has the amendment of the Senator from Oregon been offered yet?

Mr. PACKWOOD. No. No, it has not been offered. On the committee amendment I am asking.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Madam President, I ask unanimous consent to dispense with further proceedings under the call of the quorum.

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

Mr. PACKWOOD. Now I would resubmit my request.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 66

(Purpose: To pay for the extension of unemployment benefits through the enactment of savings to streamline government and enhance management efficiency)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oregon [Mr. PACKWOOD], for himself, Mr. DOLE, Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM, Mr. MURKOWSKI, Mr. SIMPSON, and Mr. DURENBERGER, proposes an amendment numbered 66.

Mr. PACKWOOD. Madam 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:

After the word "Secretary" insert the following:

deems appropriate, and the procedures for such profiling systems shall include the effective utilization of automated data processing.

**"SEC. . PAY-AS-YOU-GO PROVISIONS.**

"(a) Of the amounts provided in fiscal year 1993 appropriations acts and available budget authority under previous appropriations acts, $3,320,000,000 are rescinded as provided in subsections (b) and (c).

"(b) The Director of Office of Management and Budget shall make uniform percentage reductions in budget authority in Federal agency administrative expenses, except that no reductions shall be made in current rates of pay under current law.

"(c) For the purposes of this section, Federal agency administrative expenses are defined as object classes 10 (excluding classes 12.1, 12.2, and 13.0), 20 (excluding object class 23.1), and 30.

"(d) To the extent budgetary resources are not provided in appropriations acts, the Director shall make the same uniform percentage reduction as required in subsection (b) in Federal administrative expenses as determined in section 256(h) of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(e) $2.5 billion in unemployment benefits, estimated to be obligated after October 1, 1993, shall be withheld from obligation until such time as offsets are adopted".

Mr. PACKWOOD. I ask unanimous consent to add Senator MURKOWSKI as a cosponsor.

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

Mr. PACKWOOD. I might say to my good friend from Arizona, I have about a 5-minute statement I will make and I will be done. I am not sure anybody else is going to speak.

Madam President, I rise in support of the Packwood-Dole-Domenici-Gramm and now Murkowski amendment, and Senator NICKLES is also a cosponsor, which pays for the extension of the unemployment benefits. Our amendment simply cuts overhead and administrative expenses from the various Federal agencies to pay for the cost of extending the unemployment benefits.

Cutting administrative and overhead expenses is one of the spending cuts that President Clinton proposed in his deficit reduction package. Overhead items such as travel, consulting, and personnel would be reduced by 0.5 percent across the board. This across-the-board reduction would yield a savings of $3.3 billion for fiscal year 1993, which pays for extending unemployment compensation this year.

In the scheme of a $1.5 trillion budget, the cost of extending unemployment benefits, which is $5.6 billion over 2 years, may not seem like much.

However, it is important that we pay for extending these benefits. We should not only look for ways to reduce the deficit but keeping the deficit from increasing should be one of our top priorities. Paying for the extension of the unemployment compensation benefits or any other new program is essential to at least limit the growth of the deficit. Implementing one of the President's spending reduction proposals is one way that we can offset the cost of extending these unemployment benefits and, Madam President, adoption of this amendment demonstrates the Senate's commitment to reduce the deficit. I therefore urge all of my colleagues to support the amendment.

Mr. MOYNIHAN. Madam President, before the Senator from Arizona speaks, may I simply say that the Senator from Oregon has proposed a very moderate and sensible measure. I want to say to him that when that measure comes before the Senate as part of the budget resolution and as part of the reconciliation, this Senator will vote for it. I am for it. But I simply have to say, regrettably, not on this measure if it has to become law by Saturday evening.

Mr. PACKWOOD. I say to my good friend, I wanted to simply give him the pleasure to be able to vote for it sooner than later and enjoy it now.

Mr. MOYNIHAN. The whole principle on which capitalism has developed in this gorgeous society of ours is the delay of gratification.

Mr. PACKWOOD. Madam President, I ask unanimous consent to add Senator SIMPSON as a cosponsor.

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

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Madam President, I thank the distinguished chairman of the Finance Committee for his leadership in getting this effort before us in such an early, concise way and the urgency that he has placed on it.

Madam President, I intend to vote for the legislation before us which would fund unemployment compensation through October of this year. I will vote against the amendment of the Senator from Oregon, not because there may not be merit to attempting to reduce administrative costs. We know that is going to happen. We have already seen the President offer that. We have seen other Senators offer amendments and legislation, including this Senator, to reduce the administrative expenses in dining rooms, golf courses, in health care facilities that the Government pays for, and the use of automobiles and other administrative expenses.

So we are going to get those kind of cuts?

I think one argument that troubles me, or one thing that bothers me about such a cut is that, if I understand it correctly, if we did adopt this, it really does not find its way into the trust fund that funds the unemployment compensation.

So we are not doing anything so financially responsible to place money into this fund. What we are doing here with the underlying legislation that the Senator from New York has offered is we are funding on an emergency basis under the 1990 agreement to the continuation of the unemployment compensation funds. It is a must, not a maybe, a must.

Yes, it is difficult to stand up today and say let us spend some more money. But we are in a recovery. We have little or no choice but to continue the hopeful recovery that we are in, barely, I might say. In my State, some would wonder that I might even say we are in a recovery with 7.7 percent unemployment, with massive floods destroying all kinds of crops, putting people out of work. It is difficult to tout a recovery in the sense of what we have seen in the past.

So to me this is a must legislation. It is something that is part of the administration's and President Clinton's efforts to see that we move ahead to keep this economy going. I intend to support it.

Mr. MOYNIHAN. Madam President, the distinguished Senator from California would like to speak to this matter. If it is agreeable to the Senator from Oregon, and he does not mind if we do not alternate, I yield to the distinguished Senator from California such time as she may require.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I thank the President and I thank the distinguished chairman of the Finance Committee.

Madam President, I rise in support of this very important extension of unemployment compensation which is due to expire Saturday for many workers who have exhausted their State benefits. I want to make a point to the Senator from Oregon that I have no problem with the cuts that he outlines, that he suggests.

And I would vote even to go further than those cuts, and as he knows, I believe the President in his package will cover many of those cuts; but I need to make the point that if we load this bill down with these kinds of amendments, we run the risk of not seeing this bill pass into law in a very timely fashion.

Madam President, this is an emergency that we face. This is an emergency. I do not think it is necessary to tack on amendments. It would make this bill different than the House version. We know that we are going to see these cuts come along. I think we should give our President a chance to get this first part of his stimulus package through.

The chairman of the Finance Committee has pointed out to me and others that a very different thing is happening in this recession. In most recoveries, we see jobs coming back and we know that when people get laid off, they have a pretty good chance of being rehired, and in past recessions, as we can show you on this chart as soon as it is up, we have seen that about 44 percent of those who were laid off, had a good chance of getting back their job. And now we see that only 14 percent have a chance of getting back their job.

So we are in a different kind of recession, or I should say recovery, than we have ever seen before. Yes, our companies are streamlining, Madam President, yes, they are; they are taking moves to make them more competitive, but we are still in a jobs recession. So I believe that while the Senator from Oregon has identified some important parts of the budget that we can certainly cut, and we will cut, I think we need to concentrate on what is before us today; and we have to leave it pure, clear, and simple with a very straightforward message, and you and I know the suffering going on in our home State, Madam President, that we are going to move on this and keep our eye on the people who need our help. We should reject all of these amendments, because we in fact will have a chance to deal with this cost cutting very, very soon.

Let me paint the picture of California. We have 1.4 million workers out of work in California, and the State legislative analyst says we are going to see another 120 jobs lost in the private sector this year in California. In Los Angeles alone, last month, there were 462,000 job seekers, an increase of 25,000. California's jobless rate, in January, was 9.5 percent—the sixth straight month that the rate surpassed 9 percent.

So we can talk about recovery, and I am pleased to see that some of the indicators are turning up. It is good news that they are. But we cannot simply lose sight of the fact that the people who are not there are in trouble, in deep trouble, and we should act very quickly and forcefully, as soon as we can, to pass this very importance measure.

Just to give you an indication of those who have given up, 508,000 fewer jobless Americans even sought jobs in January, Madam President. They have given up.

Since World War II, the average economic rebound added 226,000 jobs a month. However, the current recovery has produced a tiny 23,000 jobs monthly. I think that the Senator from Oregon, in striving to answer why this happened, put forth the notion that maybe businesses would prefer to replace the workers with machinery, and I am sure that is true. There are other reasons. We are going from a defense-based economy to a civilian-based economy. We are in a transition, and it is very painful. I think, in the long run, we are going to be even stronger economically than we ever were before, but we are in a transition time. And this bill before us is crucial to soften the blow, the human costs of this transition.

Madam President, I have received a number of calls and letters, as I know we all have, from people who are suffering. Yesterday, a laid-off aerospace worker called my office pleading for help. He has been out of work 28 months. He has exhausted his $30,000 of life savings. That is a pretty good hefty amount of savings—$30,000. Without the jobless benefits, he has already maxed out on his credit cards. He says: "I am ready to be evicted, it is a disaster." He says; "It is hurting us," and that is why there are so many houses going on auction and what happens then, as we know, the real estate market gets depressed, we get more and more into the cycle, and it is hurting California, hurting other States, and we know that we will never have a recovery worth its name, unless California comes on board. It represents so much of this Nation's productivity.

Another laid-off aerospace worker wrote to me of his despair. He has contacted hundreds of employers and agencies looking for work. And this President holds out hope for these people. He is looking at this transition, and he has $1.7 billion he wants to see released from last year's funding, so there is hope for people, but they need to hold on. They need to hold on. And that is what the Senator from New York, the chairman of the Finance Committee, is talking about in this bill. How are these people going to hold on if we do not pass this bill and pass it soon.

I want to read to you what this worker said. He described himself in the third person and he said: "The last of his retirement funds expired, and the State aid program ran out, he finds nowhere to turn and perhaps worse, no sign of hope. His only current entitlement is food stamps, $111 a month for the purchase of food items only, no toothpaste, no toilet paper, no stamps, no gas." In his despair, this gentleman writes: "John wonders what there is elsewhere in the universe, what must life be like for those who are less fortunate than he is." He is worried about people who are less fortunate.

So I say to my friends on both sides of the aisle, we should come together on this. We should not have amendments that maybe take shots and make some people look good, or divert the discussion. We all know that these cuts are coming, and more. We know that President Clinton has invited us to list these cuts. I am on the Budget Committee. We are going to be coming up with some more recommendations and some more cuts.

But right now we should treat this bill with the dignity it deserves, the dignity of so many workers who are looking toward us today not for us to get into an argument, Republicans versus Democrats, but looking to us to break the gridlock, and I think we can do that today.

I thank very much the chairman of the Finance Committee, Senator MOYNIHAN, of New York, for yielding this time to me, and I thank you, Madam President.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Madam President, before the Senator leaves the floor, may I express my deep appreciation. We have heard the numbers laid out. We have heard the facts, the budgetary details. But the heart of the issue came forward in those remarks. They were beautifully stated with the compassion that the issue requires.

We talk about the lives of people who through no fault of their own are finding themselves in a baffled and increasingly desperate condition.

Earlier today the senior Senator from California mentioned that the number of persons unemployed in California today would equal the number in 13 other States. It is no fault of any individual that an aerospace firm closes down. California's unemployment rate at 9.8 percent is the second highest in the Nation, a level that we would have thought a depression level, Madam President.

If I could say to my friend from California, I remarked earlier that in 1964 in the Kennedy administration the then-Chairman of the Council of Economic Advisers, Dr. Walter Heller, sent around a draft of the economic report in which President Johnson was going to propose that we set out for ourselves an unemployment rate, a goal of 4 percent, and there was turmoil. What? We would accept 4 percent unemployment as acceptable? Nonsense. It came out as an interim goal. We have 2½ times that in California today, and it is as if nothing was amiss.

Much is amiss. And at the very least we must act by midnight, which means we must act by noon tomorrow. I think we will.

I particularly want to express appreciation for the Senator's appeal across the aisle. There is obviously no rancor here. We are trying to do the right thing. The Senator from Alaska spoke in terms of his State, very much as the Senator from California spoke of hers. I am sure we are going to do it.

Again congratulations, and I thank the Senator.

Mrs. BOXER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Madam President, first I ask unanimous consent to add Senator DURENBERGER as a cosponsor of the amendment.

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

Mr. PACKWOOD. Madam President, I am kind of tickled with the expression my good friend from California used about loading this bill down with amendments. I do not know of many amendments. This is one, there may be others. However, we have no intention of loading this bill down. If the President would say I am willing to pay for it, this amendment is not going to delay this bill one bit. I did not see anything wrong with saying if we are going to have additional spending we should pay for it. I know the argument that is made. This is a stimulus. This bill will eventually pay for itself, because it makes the economy bubble around faster. That is the argument used by everybody who wants to spend money and does not want to pay for it now. If we spend more money for education now, people will graduate from college instead of only high school and graduate from high school instead of not graduating. They will make more money. Statistics show if they have a high degree of learning they will pay more in taxes.

It has not turned out to be true following that theory for years and all we are doing is running up the deficit.

I plead with the Senator to say how we are loading it down with amendments, because we want to pay for it with one amendment and it is a method of paying for it that the President has said he is going to use anyway and suggested this be one of the cuts that he used for his deficit reduction. Here is a chance for deficit reduction with a method to pay for it that he has approved of. All we are saying is we would like to use it now.

I believe the Senator from Oklahoma wishes to speak. How much time would the Senator like?

Mr. NICKLES. Ten minutes.

Mr. PACKWOOD. I yield 10 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, first I wish to congratulate my colleague, Senator PACKWOOD from Oregon, for his leadership putting together this amendment as well as Senator DOLE and several others. The sponsors of this amendment think if we are going to have an unemployment compensation extension we should pay for it. When we have had unemployment comp extensions in the past or at least the last three we have paid for them. They have been paid for in the form of a tax increase instead of spending cuts. I think they should be paid for in the form of spending cuts. But at least Congress paid for them.

Right now the bill we have before us increases the deficit over the next 2 years $5.8 billion. It increases the deficit. It is more spending. There are no spending cuts or tax increases to pay for this bill. I do not think this legislation in its present form is responsible.

I might mention, Madam President, that we had President Clinton join us for a luncheon of Republican Senators today, and I brought this to his attention. I told the President that many of us would like to pay for this particular bill. The sponsors of this amendment do not think we should just charge to future generations an additional $5.8 billion and add to the debt.

I have heard so many colleagues on this floor and on the talk shows talking about the growing deficits. Madam President, we are going to have a chance to find out if people want to at least pay for the programs they want to adopt or if they want to see the deficit grow by almost $6 billion.

It is going to be very clear-cut. The amendment offered by Senator PACKWOOD, Senator DOLE, myself, and many others, calls for cutting spending now. If we are going to increase the spending let us at least cut spending so it will not be increasing the deficit.

I might mention, too, that I have heard some people trying to revise the record as far as the economy is concerned over the last 12 years. And I would just like to put in a few comments and maybe a few facts for the record. The economy has not been so terrible the last 12 years. This chart shows the growth in the gross domestic product [GDP] has more than doubled in the last 12 years. In 1980 it was $2.7 trillion. Today it is $6 trillion. And I will include a chart in the RECORD to substantiate these facts.

Some people have talked about the enormous unemployment rate that we had for the last 12 years. I might add, Madam President, a lot of people may not be aware of it but between 1982 and 1992 we have had an increase of 19 million jobs and those are not Government jobs. Those were jobs created in the private sector. They were taxpaying jobs. I think that is good. But we have actually had substantial employment growth for the last 2 years. We had 1½ million jobs created between 1991 and 1992. And I have heard President Clinton talk about he wanted his economic package to pass and create 500,000 jobs. The economy has created 1½ million jobs last year. Again, those were jobs in the private sector, not Government jobs. And his jobs program, if I remember looking at the figure, the so-called stimulus package was going to cost something like $55,000 a job. The jobs created during the last year did not cost the American taxpayer anything.

So again I think some people maybe have tried to revise a little bit of some of the history. Some people say, well, the unemployment rate is so high.

Again, these are just the facts, not my opinion. This shows the unemployment rate and, yes, it went up throughout much of 1991 and actually you see for the better part of 1992, since July 1992, the unemployment rate has gone down and gone down rather significantly, and I will include those charts in the RECORD as well.

Madam President, one of the things that concerns me is that in August of 1992, we were looking at a 7.6-percent unemployment rate. Today we are looking at a 7.1-percent unemployment rate. So the unemployment rate has trended downward and continues that trend.

Madam President, one of the things that concerns me most is the cost of this program. The cost of unemployment compensation outlays has exploded. And I think Congress is largely responsible for that. This incredible growth is not just totally the economy. A lot of it is congressional activity. The cost of unemployment outlays, as you can see, has literally exploded. My colleagues might be surprised to find out that the Federal outlays for this program from 1991 to 1992 grew by 48 percent. This program grew by 46 percent from 1990 to 1991. In 1990 it grew by 23 percent. This program is exploding.

Why did we have such rapid growth in 1991 and 1992? Well, we had Federal unemployment extensions in 1991 and 1992. Congress expanded the amount of weeks our unemployed people would be eligible from basically 26 weeks to 52 weeks. We have done it three times.

And, as a direct result, it would not take any rocket scientist to figure out that if you allow people to have 52 weeks of unemployment compensation, the program is going to grow in cost and somebody has to pay for it. This happens to be an entitlement program that is exploding. You cannot continue this kind of rate of growth. We can continue this rate of growth by moving right into 1993 and passing another unemployment extension, which is exactly what we are getting ready to do, so this program will grow and grow even further.

I do not know that that makes sense. Certainly, at least in this Senator's opinion, it does not make sense for us to do it without paying for it.

And so the purpose of the underlying amendment offered by myself and many others is to say if we are going to

have this expansion, if we are going to increase an entitlement program that is compounding at 48 percent in 1992 and 46 percent in 1991, let us at least pay for it. Let us not be so irresponsible as to add $5.8 billion to the deficit.

So that is the reason we have this amendment. I think it is a very, very important amendment.

I might mention, too, if this amendment does not pass, it is this Senator's opinion that maybe we should strike the emergency clause. Because I look at the unemployment rates that we have had for the last few months and their continued downward trend, I do not know that there is this emergency. I do not know that we should be in such a hurry to be increasing the deficit. I believe the Federal deficit is an emergency of the greatest magnitude.

Do not get me wrong. I happen to be as compassionate as anybody else that someone happens to be out of work or out of luck or out of a job, and I want to help them. I want to be able to go in my State and say, yes, we want to help you. But I do not want to go back to my State and say, oh, yes, there is no problem; we just added almost $6 billion to the deficit without any regard to what its impact will be. We should focus our energies on creating new jobs.

Madam President, I have here a Statement of Administration Policy. I will just read the last line, because I have heard President Clinton make a lot of comments that it is time to bite the bullet, time to cut spending; time to raise taxes, and get the deficit down.

Well, this bill that we have before us raises spending. But it does not raise taxes and it does not cut spending. It only adds to the deficit.

And looking at the Statement of Administration Policy—and it is dated today—it says:

> The administration is strongly opposed to any substantive amendments to S. 382, including offsetting amendments or ones that would increase the cost of the bill.

Well, what he means by "offsetting amendments" is an amendment that would pay for this $6 billion legislation. I find that to be really irresponsible.

For a person that has made countless comments about we need to bite the bullet—we need to get the deficit down; we need to make the tough decisions; we need to cut Federal spending, and I have a list of 150 programs to cut spending—he came up with a bill that he supports and he wants no changes on that will increase the deficit by $5.8 billion and it sends unemployment compensation spending continuing to escalate. I do not think that is responsible.

What I do think is responsible is the amendment offered by Senator PACKWOOD and others that says, well, let us pay for it. Let us cut some spending.

Some of my colleagues might say: Wait a minute. You did not offer real cuts. You have administrative cuts. And that is right. We said, for this year, let us cut administratively. Let us save that $3.2 billion in outlays that will be made unless we pass this amendment.

But certainly that is feasible. Actually, you can do that by cutting the administrative outlays in almost all agencies by less than 1 percent and pay for this and not increase the deficit. I think that is responsible.

President Clinton says, over the next 5 years he is going to cut administrative expenses by over $30 some billion. This is only $5 billion, but it does it in 1993 and 1994. President Clinton's proposals on administrative cuts does most of it in 1996 and 1997.

And so, again, I urge my colleagues to look at the facts—and I will insert every document that I have just mentioned into the RECORD. I want people to look at the facts. And if they look at the facts, they will see that we have an entitlement program that is exploding, primarily because of congressional action, and we need to make a change.

So, Madam President, I urge my colleagues to support the amendment of the Senator from Oregon. I hope that we will have bipartisan support, because I have heard countless colleagues on both sides of the aisle state that they want to pay for these programs as we go. They do not want to increase the deficit. So I hope we will have several Democrats and Republicans support what I believe is a very worthwhile amendment.

Madam President, I ask unanimous consent that the tables to which I referred and the statement of administration policy be printed in the RECORD.

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

GROSS DOMESTIC PRODUCT 1980–90

| | GDP (billions) | Growth | Percent growth |
|---|---|---|---|
| Year: | | | |
| 1980 | $2,708.0 | | |
| 1981 | 3,030.6 | $322.6 | 12 |
| 1982 | 3,149.6 | 119 | 4 |
| 1983 | 3,405.0 | 255.4 | 8 |
| 1984 | 3,777.2 | 372.2 | 11 |
| 1985 | 4,038.7 | 261.5 | 7 |
| 1986 | 4,268.6 | 229.9 | 6 |
| 1987 | 4,539.9 | 271.3 | 6 |
| 1988 | 4,900.4 | 360.5 | 8 |
| 1989 | 5,250.8 | 350.4 | 7 |
| 1990 | 5,522.2 | 271.4 | 5 |
| 1991–I | 5,585.8 | 63.6 | 1 |
| II | 5,657.6 | 71.8 | 1 |
| III | 5,713.1 | 55.5 | 1 |
| IV | 5,753.3 | 40.2 | 1 |
| 1992–I | 5,840.2 | 86.9 | 2 |
| II | 5,902.2 | 62 | 1 |
| III | 5,978.5 | 76.3 | 1 |
| IV | 6,082.1 | 103.6 | 2 |

Source: Department of Commerce.

CIVILIAN EMPLOYMENT GROWTH 1991–92

| Year | Civilian employment (millions) | Percent growth | Job growth (millions) |
|---|---|---|---|
| 1991: | | | |
| January | 116.9 | | |
| February | 116.9 | | |
| March | 116.8 | −0.1 | (0.1) |
| April | 117.3 | .4 | .5 |
| May | 116.7 | −.5 | (.6) |
| June | 116.9 | .2 | .2 |
| July | 116.7 | −.1 | (.2) |
| August | 116.5 | −.2 | (.2) |
| September | 117.1 | .5 | .6 |
| October | 117.0 | −.1 | (.1) |
| November | 116.9 | | |
| December | 116.8 | −.2 | (.2) |
| 1992: | | | |
| January | 117.0 | .2 | .3 |
| February | 117.0 | −.1 | (.1) |
| March | 117.3 | .3 | .3 |
| April | 117.5 | .2 | .3 |
| May | 117.6 | .1 | .1 |
| June | 117.5 | −.1 | (.1) |
| July | 117.7 | .2 | .2 |
| August | 117.8 | | .1 |
| September | 117.1 | | (.1) |
| October | 117.7 | | |
| November | 118.1 | .3 | .4 |
| December | 118.3 | .2 | .2 |

Source: Bureau of Labor Statistics

*Civilian employment*

| | *Total* |
|---|---|
| 1980 | 99,303 |
| 1981 | 100,397 |
| 1982 | 99,526 |
| 1983 | 100,834 |
| 1984 | 105,005 |
| 1985 | 107,150 |
| 1986 | 109,597 |
| 1987 | 112,440 |
| 1988 | 114,968 |
| 1989 | 117,342 |
| 1990 | 117,914 |
| 1991 | 116,877 |
| 1992 | 117,598 |

UNEMPLOYMENT RATE 1991–92

| Year | Percent | Extension legislation |
|---|---|---|
| 1980 | 7.1 | |
| 1981 | 7.6 | |
| 1982 | 9.7 | |
| 1983 | 9.6 | |
| 1984 | 7.5 | |
| 1985 | 7.2 | |
| 1986 | 7.0 | |
| 1987 | 6.2 | |
| 1988 | 5.5 | |
| 1989 | 5.3 | |
| 1990 | 5.5 | |
| 1991 | 6.7 | |
| 1992 | 7.4 | |
| 1991: | | |
| January 6 | 6.3 | |
| February | 6.5 | |
| March | 6.8 | |
| April | 6.6 | |
| May | 6.8 | |
| June | 6.8 | |
| July | 6.7 | |
| August | 6.8 | |
| September | 6.8 | |
| October | 6.9 | |
| November | 6.9 | Nov. 15, 1991. |
| December | 7.1 | |
| 1992: | | |
| January 7 | 7.1 | |
| February | 7.3 | Feb. 4, 1992. |
| March | 7.3 | |
| April | 7.3 | |
| May | 7.4 | |
| June | 7.7 | |
| July | 7.6 | July 3, 1992. |
| August | 7.6 | |
| September | 7.5 | |
| October | 7.4 | |
| November | 7.3 | |
| December | 7.3 | |
| 1993: | | |
| January 7 | 7.1 | |

Source: OMB and Bureau of Labor Statistics.

UNEMPLOYMENT ASSISTANCE FUNDING—FEDERAL SPENDING: FISCAL YEAR 1980–92

[In millions of dollars]

| | Outlays | Change | Percent change | Percent of GDP |
|---|---|---|---|---|
| Year: | | | | |
| 1980 | $16,889 | | | 0.6 |

UNEMPLOYMENT ASSISTANCE FUNDING—FEDERAL SPENDING: FISCAL YEAR 1980–92—Continued

[In millions of dollars]

| | Outlays | Change | Percent change | Percent of GDP |
|---|---|---|---|---|
| 1981 | 18,406 | $1,517 | 9.0 | .6 |
| 1982 | 22,314 | 3,908 | 21.2 | .7 |
| 1983 | 29,815 | 7,501 | 33.6 | .9 |
| 1984 | 16,911 | (12,904) | −43.3 | .5 |
| 1985 | 16,186 | (725) | −4.3 | .4 |
| 1986 | 16,427 | 241 | 1.5 | .4 |
| 1987 | 15,760 | (667) | −4.1 | .4 |
| 1988 | 13,857 | (1,903) | −12.1 | .3 |
| 1989 | 14,125 | 268 | 1.9 | .3 |
| 1990 | 17,445 | 3,320 | 23.5 | .3 |
| 1991 | 25,506 | 8,061 | 46.2 | .5 |
| 1992 | 37,851 | 12,345 | 48.4 | .6 |

Sources: Unemployment—OMB, Budget Baselines, January 1993, pp. 423–27; GDP—OMB, Budget Baselines, January 1993, pp. 280–81.

OFFICE OF MANAGEMENT AND BUDGET,
*Washington, DC, March 2, 1993.*

STATEMENT OF ADMINISTRATION POLICY

(S. 382—Emergency Unemployment Compensation Amendments of 1993—Moynihan and 6 others)

The Administration strongly supports S. 382 and urges its quick enactment. This legislation would assist the unemployed and their families by extending the Emergency Unemployment Compensation program through October 2, 1993. The program will expire in less than a week under current law. In addition, S. 382 includes an innovative worker profiling program to encourage States to link permanently displaced workers to reemployment services early in their period of unemployment. This program would assist workers to gain new jobs.

The Administration is strongly opposed to any substantive amendments to S. 382, including offsetting amendments or ones that would increase the costs of the bill.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Madam President, I believe the Senator from New Mexico wants to speak. How much time would he like?

Mr. DOMENICI. How much time is available?

The PRESIDING OFFICER. The Senator from Oregon has 45 minutes remaining.

Mr. DOMENICI. Could I have 10 minutes?

Mr. PACKWOOD. I yield 10 minutes to the Senator from New Mexico.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from New Mexico.

Mr. DOMENICI. Madam President, let me first congratulate Senator NICKLES from Oklahoma for what I consider to be a very extraordinary speech, not only with reference to this matter before us but clearly setting the record straight in some other areas. I do say that in all honesty to Senator NICKLES. I think it was a very excellent presentation and I commend him.

Mr. NICKLES. I thank the Senator.

Mr. DOMENICI. Madam President, I obviously am one of the cosponsors of the amendment to pay-as-you-go. You know there is so much criticism about the 1990, 5-year agreement to try to make some sense out of the deficit. Most people are saying it did not work. Some are saying we were misled again.

Let me assure Senators the one part of it that did work was not a creature of the U.S. Senate or of Republicans, but rather was a creature of the U.S. House and the Ways and Means Committee—and it was announced specifically by Chairman DAN ROSTENKOWSKI way back then—was the notion of paying as you go. Put whatever process you have and then when you have caps in place, if you are going to do something that is going to break those, you have to pay for it. Now, what is so bad about that?

Frankly, I think it is so good that we sought to do it in any new budget resolution or budget approach once we have set in place where we want to go, because we have a propensity to invite new things on our Government and say, this is so important, we need it; just like this unemployment extension which is probably in that category.

But the question should be asked: Why can we not pay for it?

Now, I am going to quickly quote someone. This is a quote:

> I would like to make a point that continues to concern me. I do not want to see us add to the deficit. I want to see us pay for what we do in the way of unemployment compensation. It is important, I think, for us in the Congress, and just as important for the administration, to help make painful choices.

Now, Madam President that was Senator Lloyd Bentsen of Texas last year. That was the same kind of extension, expending some additional money to take care of unemployment. And he was chastising the administration for not coming up with offsets so we could pay for it. We found our own and Congress found the offsets and put them in the bill so it was a pay-as-you-go proposition.

Now, I do not think things have changed. As a matter of fact, let me suggest if things have changed, they have changed more in the direction of we ought to pay for them and not declare a national emergency when the signs are pretty clear that the economy is improving; that we ought not burden an improving economy with more deficit but rather be vigilant so as not to add to it.

So I come here today very pleased to support an extension of the unemployment compensation, hoping, nonetheless, as I am sure the distinguished chairman of the full Finance Committee hopes, that at some point we will make more sense out of this problem; that maybe we will put some energy into the commission that we have assigned to sensitize this system to the realities and recommend some permanent changes.

We have come along and truncated changes almost every 6 to 9 months, because there was a problem. We come down here and we are trying to reinvent the wheel—we tried even once—to change the program.

I hope that in the meantime we would send a loud signal that we need to make permanent some reform in this area and not just go along willy-nilly.

Now, having said that, just a couple of minutes on a notion. When we put together the 5-year agreement, we said, pay-as-you-go. If you add to a program, either on the entitlement side, as this one would be, or a new expenditure anywhere, pay for it as you go.

We said then, Madam President, however, if there is a real national emergency declared by the President, concurred in by the Congress, you can add to the deficit. In other words, you do not have to pay for it. You just add to the debt by adding to the deficit.

Now, actually, I was there when we wrote that, along with some of my colleagues, a few of whom have spoken and one that I see coming down from speaking to the Presiding Officer, Senator BYRD. And we actually said an emergency has to be an emergency for us not to pay as you go.

I would think that my distinguished friend, the chairman of the Appropriations Committee, would like this way of paying as you go. But what we said was, if there is a real national emergency, add to the deficit. If there is not, pay for it.

So what we have done on this side of the aisle, hoping we will get some support from Democrats—we have said now is not the time to declare an emergency and add to the deficit. Why do we not pay for the new expenditure, especially since it is overwhelmingly supported as something we should do? Why would we declare it an emergency?

Maybe one would say what do you have, Senator, as a benchmark for emergencies? I will tell you. There is a very easy benchmark. We have extended unemployment compensation to my recollection at least three times since we did the 5-year agreement. And one good benchmark is that in times far worse than these we did not declare an emergency. The chairman tells me four times. None of the four times did anybody come to the floor and prevail upon the U.S. Senate to find it an emergency. And that was in the depths of this recession we are coming out of. And it was not deemed to be an emergency then.

I think we were acting prudently then by saying let us not add to the deficit. And probably there was more reason to add to the deficit 2 years ago, in the depths of a recession, than there is today. Yet we denied an emergency on the basis of common sense. I mean the kind of emergency we were talking about was not the need for another program. That was not an emergency. It was something that would pull us away from our commitment to the American people that we would not spend new money without paying for it; we would not spend on new programs. That was the commitment of the 5-year agreement. That is why the pay-as-you-go.

So today we come here before the Senate urging common sense. There is no emergency. Why declare one? The only reason to declare one is so you can spend the taxpayers' money on a new program or an addition to a program without paying for it or adding to the deficit—whichever you choose to describe. But it is adding to the deficit.

I think our friend and marvelous colleague, who used to chair the committee of jurisdiction which is now chaired by the distinguished Senator from New York—both are very, very competent people and clearly are going to do justice to the Senate and to our people. But Senator Bentsen clearly challenged the administration last time through to pay for the program. And we did.

It seems to me we are doing the prudent thing in saying why do we not pay for this now? How are we going to pay for it? The President of the United States has suggested we ought to have some streamlining of Government, thus saving money; some administrative savings. Frankly, the only way to do that and do it effectively—that is to cause savings for our Government—for our people—is to mandate that budget authority that is programmed to be spent be rescinded. We would have to do something like that next year if we are going to accomplish the program that the President is seeking on streamlining and administrative savings. We are saying if it is good next year, it is good right now. We are saying, if you can save money by streamlining and administrative savings, pull some of that into this year and pay for this program, pay for its extension.

We are not trying to play games. We are deadly serious that we ought not to start down a path of abandoning the one significant part of the 5-year agreement that kept us somewhat in check when we had our appetite piqued to come on with a new program or add money to the expenditures of our Government. That part of the agreement provided a point of order, 60 votes if you do not pay for it.

Now the way to get around the supermajority is to declare an emergency. Thus, you can get by with a simply majority and add to the deficit. I do not think that is the right way to do it. I do not think it is right here. I do not think it is right to add substantially to the deficit so we can spend money on a so-called stimulus. But that is really not the issue today. We will take that up later on. This issue results from the condition of our economic system and our programmatic attempts to help with the problem—to wit, an extension of the unemployment benefits. Why would we not pay for it as we have in the past?

I hope some on the other side of the aisle will join us in this. I think it will really send the right message. I think we will have a very good start.

I thank the Chair. Madam President, it is a pleasure to address you here. I do not think I have had the pleasure of addressing you in that manner yet. Hopefully, they will not insist you do that too often. But it might be my privilege to address you this way in the future.

Thank you so very much.

The PRESIDING OFFICER. The senior Senator from New York.

Mr. MOYNIHAN. Madam President, may I say you have been just the latest Member of this body to appreciate the grace and the courtesies—dare one say old world courtesies—of the Senator from New Mexico who has brought to this body a vigor of debate that can be terrifying but which is always somewhat attenuated by a gentleness of manner which is deeply appreciated.

Mr. DOMENICI. I thank the Chairman very much.

Mr. MOYNIHAN. I would like to say in that regard that I very much welcome the remarks of the Senator about the commission that was established in our last bill. President Bush made three of five appointments. There will be more. It must get to work. This is a program that needs attending for reasons the Senator from Oklahoma spoke about, as well as the Senator from New Mexico.

The Senator from New Mexico did mention the streamlining of Government, which is part of President Clinton's vision for change for America which he put out in great detail the day after the State of the Union Message. And it calls for $7.9 billion in reductions, starting next October 1 with specifics, with details, by department, by year, by program and function; not just an across-the-board.

I fear what we have before us in the amendment is not a program but simply a posture, an understandable one, but to which we say we will get to that issue in a matter of weeks. We have this bill to do. We have the debt ceiling to do. And then we go to the issue of streamlining Government.

I propose to vote for each of those measures. I hope others will do as well. That is the way to get on with the work we have.

Madam President, our new colleague and the distinguished public servant, the Senator from Texas, would like to speak on a different matter, a legislative matter which he has introduced. Since it will be time off the bill, I wonder if 5 minutes would be adequate for his purposes.

Mr. KRUEGER. I thank the Senator from New York. Five minutes will be adequate. I ask unanimous consent to speak during those 5 minutes on two matters as in morning business.

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

Mr. KRUEGER. I thank the Chair.

(The remarks of Mr. KRUEGER pertaining to the introduction of S. 470 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MOYNIHAN. Madam President, I understand the senior Senator from Texas would like to be heard on the amendment that is pending. As he has been otherwise detained for a moment, I will simply suggest the absence of a quorum as we await his arrival.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. PACKWOOD. Madam President, I think inadvertently the Senator from New York may not have realized that the time was running against him when he suggested the quorum call. I suggest the absence of a quorum and ask that the time be divided equally between us.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PACKWOOD. Madam President, I ask unanimous consent to dispense with further proceedings under the quorum call.

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

Mr. PACKWOOD. Madam President, I yield 10 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I thank you for recognition. I thank my dear colleague from Oregon for giving me the time, and I want to thank him for providing us with this amendment.

I have had an opportunity to serve in Congress now for 14 years, 8 years in the Senate and 6 years in the House. Never have I served a year when cutting spending before we increase taxes or controlling spending on old programs before we start new ones has been more in vogue.

We are engaged, Madam President, in great debate about the President's budget. While the perception of the facts about that budget may be very much in dispute, it is clear that both sides want to use the same rhetoric. It is clear that the proponents of the President's budget want to say the President is cutting spending before we start spending on new programs.

As I look at the President's program, I see massive tax increases, I see big cuts in defense, and I actually see an increase in nondefense spending. But the point is whatever the reality may be, both sides are using the same rhetoric, and it is clear that no Member of the Senate, no Member of the House, and certainly not the President, wants

to be in a position of saying, "I am going to go out and spend now and sometime in the sweet by and by I am going to do something about the deficit."

That is my perception of the debate that is currently underway.

The amendment before us is really what I would call a put-up-or-shut-up amendment. We are about to undertake an expenditure plan by extending unemployment benefits that will cost about $5.8 billion. In the first year it is going to cost about $3.3 billion. And the bill that is before us does not pay for a penny of it. The bill before us continues the long practice of simply spending money without ever worrying about how we are going to pay the bills. In fact, the bill before us gets around what would be a budget point of order by simply declaring this an emergency expenditure.

Madam President, when everybody is saying that we ought to be cutting spending before we add new programs, I think the amendment which has been offered by our dear colleague from Oregon gives us an opportunity to do exactly that.

What our colleague from Oregon basically says, is, if we are going to extend unemployment benefits, we ought to bring forward some of the savings set out in the President's budget, that we ought to bring some of those savings forward to the present date to pay for an extension of unemployment.

If we support the President's plan to have actual spending cuts starting on October 1, we need to do one of two things: First, we ought to either not extend unemployment benefits now and wait until we have done something about the deficit, or—I think it is the preferable of the two options—we ought to bring some of the President's savings that he wants to implement on October 1 forward to the present to pay for this extension of unemployment benefits.

So I want to urge my colleagues to vote for this amendment. What this amendment says is this: If we are about to enact a new program extending unemployment payments that adds $3.3 billion to the budget this year, starting now, starting the moment of enactment, if we really are serious when we say we do not want to raise the deficit, that we do not want to spend now and talk about paying later, if all that is any more than empty rhetoric, as many believe it is, certainly the American people suspect that it is, this amendment really puts us to the test.

If you want to pay as we go, if you want to pay for this benefit, I cannot think of a more logical proposal than simply bringing savings that the President has proposed forward to the present to pay for this extension of unemployment benefits.

So I am going to vote for this amendment. If it passes, I am going to vote to extend unemployment benefits. But if this amendment does not pass, if the only way we are willing to extend unemployment benefits is to do it by going out and borrowing the money, by raising the deficit, then I am going to vote "no" on this bill.

I am not arguing that the amendment is perfect. I am not arguing that you cannot get into technical arguments. But I am arguing one simple and, I think, indisputable point. If you say that you do not want to raise the deficit and you vote against this amendment, I think you have a lot of explaining to do because all this amendment does is take savings, which we have a great deal of agreement on that will start on October 1, and bring those savings forward to the present day to pay for this extension.

I really do not see a strong argument against this amendment. I think it would be a very strong signal to the American people if we adopted it. I think it would show that our words meant something. I think it would show that we were serious about deficit reduction. I hope that our colleagues will vote for this amendment.

I want to congratulate our colleague from Oregon. I think he has given us an excellent amendment. It gives us an opportunity to show the American people that we want to do more than just say we are fiscally responsible. We not only want to say it, we actually want to do it. And there is a great gulf it seems to me, or has been in the past—perhaps everything has changed now—but there has been a great gulf between our words and our deeds.

We have an opportunity in this amendment beginning this new year with this new President to change all of that by adopting savings to offset this new spending.

I hope we will not prove that our words are phony once again by not doing this.

I yield the floor.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I thank my good friend from Texas. The argument has been made that in a $1.5 trillion budget this is a small amount. But this is the first spending bill we have in this Congress.

We passed the family leave bill, but that was not a Government spending bill. Here comes the first bill, $6 billion, roughly, rounding it off, and we do not pay for it. I can see us going down the road bill after bill, all being emergencies of one kind or another. Because every time we spend money, somebody thinks it is an emergency. We will start not paying for them. We might as well start right now from the start, say OK, if we are going to spend it, we are going to pay for it.

Mr. GRAMM. Will the distinguished Senator yield?

Mr. PACKWOOD. Yes.

Mr. GRAMM. It seems to me that the distinguished Senator's argument is a simple and correct argument, and that is it is like somebody has gone bankrupt, not paying their bills, and they ran up a big debt. Now they are trying to start their business over, and right out of the chute comes along a little opportunity to spend money. They say, well, last year I went broke and I left 12 billion dollars' worth of debts. This bad check would be for only $250. What possible difference could it make?

Well, what possible difference it makes is it tells the whole world that you are getting ready to do again exactly what you did in the past. That if we do not pay for this first big spending bill out of the chute, what we are saying to the American people is that all of our rhetoric is hollow. We want to get credit back home for being concerned about the deficit, but we do not want to do what we have to do to deal with the problem.

I am fond of saying that balancing the budget is like going to heaven. Everybody wants to do it. They just do not want to do what they have to do to make the trip.

It is true that spending money here without paying for it is a small sin relative to the national debt. But it is a very important sin because we just repented. We just got through saying that things have changed and we want to do something about the deficit. If now, right out of the chute, we come out and sin again, it seems to me that we are going to have a hard time convincing people that we have found this new religion and that we are on the way to taking the country to this new economic heaven.

Mr. PACKWOOD. I think it is not so much a question of having to do what you do to get there so much as it is we have adopted a theory of predestination. We either have to make it or not, so what difference does it make if we do?

Mr. GRAMM. Maybe that works in some religions, but I do not think it works in the deficit religion because the problem is if you keep spending money, the deficit goes up. If you are going to do it for $3.3 billion today, which in most places is a lot of money, then ultimately you are going to do it for a lot more.

I think again the Senator's amendment, the first vote on spending in this session of Congress, is going to separate people who are for real in terms of controlling the deficit from those who are not.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I do not know whether this is either the place or the time to engage in theological discussions with the learned Senator from Texas. But my general understanding

is that most people want to get to heaven, but not quite yet. And there is indeed an analog to us wishing to see a balanced budget.

When we first began these debates early in the Reagan years, the programs always led to a balanced budget in the third year out. Then, toward the end of the decade, it was the fifth year out. Recently, I saw a very able bipartisan measure in which it was the 10th year out. But heaven awaits us in time.

I would like to make the distinction, however, to say that for the first time ever we have from a President—I know the Senator from Texas approves of this—a 145-page program spelling out exactly what he means to do—a vision of change for America.

I mentioned earlier the specific cuts in the next 7 months of $7.9 billion, streamlining government. There is another $35 billion entitled "Managing Government for Cost Effectiveness and Results." It says in the first year, starting 7 months from now, we have to look at the President's proposal. We have to be satisfied with their specifics, but they are specific. It is not waste, fraud, and abuse of $40 billion, out. It is Public Law 480, Agriculture Department, minus $6 billion. Phase out below cost timber sales. Reform crop insurance. On and on and on through Energy, Housing, Justice, Transportation, Veterans Affairs, including toward the end, cut 100,000 Federal employees.

That is the largest such proposal we have ever heard. All the talk in the 1980's about cutting was only accompanied by increasing. Here it is, cut 100,000 Federal employees starting with $932 million in savings in the first year, adding up over 7 years to $7.9 billion. It goes to the Export-Import Bank, to the U.S. Information Agency; it goes to the Executive Office of the President, the Board for International Broadcasting.

Here is the program. We are going to have a chance to vote on it in the budget resolution, which the Senator from Tennessee indicates he should be able to have out much earlier than ever in the past. I will vote for these cuts. I hope the Senate will. But, in the meantime, I hope we will not terminate extended unemployment benefits on Saturday night. With great respect to the Senator from Texas, this is not a new program. This is an existing program. There are 1,800,000 persons who would not get these benefits between now and 7 months from now unless we act promptly.

We are going to vote tomorrow morning at 10:30, Madam President. I am confident of the outcome. I believe there may be some further amendments. I cannot imagine any of consequence. I hope we will have this bill on the way to the President by noon tomorrow, so when the employment offices open on Monday morning, this safety net is in place. If we cannot do in 1993 what Franklin D. Roosevelt could do in 1935, something is different about this country. I do not think that is the spirit we are seeing out there right now in response to the President's program.

Madam President, I see no Senator seeking the floor.

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

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

## MORNING BUSINESS

Mr. MOYNIHAN. 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.

## MESSAGES FROM THE PRESIDENT RECEIVED DURING THE RECESS OF THE SENATE

During the recess of the Senate on February 26, 1993, under authority of the order of the Senate of January 5, 1993, messages from the President of the United States, transmitting nominations, were received by the Secretary of the Senate.

(Nominations received are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ed Thomas, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Finance Committee.

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

## REPORT ON DEFERRAL OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 8

The PRESIDING OFFICER laid before the Senate, the following message from the President of the United States; which was, pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition and Forestry, and the Committee on Foreign Relations:

*To the Congress of the United States:*

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report three new deferrals of budget authority, totaling $354.0 million.

These deferrals affect Funds Appropriated to the President and the Department of Agriculture. The details of these deferrals are contained in the attached report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 26, 1993.*

## MESSAGES FROM THE HOUSE

At 2:30 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 920. An act to extend the emergency unemployment compensation program, and for other purposes.

## MEASURES REFERRED

The following concurrent resolution, previously received from the House of Representatives for concurrence, was read, and referred to the Committee on Foreign Relations:

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 PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 920. An act to extend the emergency unemployment compensation program, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–557. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition and Forestry, the Committee on Environment and Public Works, the Commitee on Finance, the Committee on Foreign Relations.

EC–558. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report regarding rescission statistics; pursuant to the order of January 30, 1975, as modified by the order of

April 11, 1986, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-559. A communication from the Acting Comptroller of the Department of Defense, transmitting, pursuant to law, a report relative to the proposed obligations of the Defense Business Operation Fund; to the Committee on Appropriations.

EC-560. A communication from the Acting Comptroller of the Department of Defense, transmitting pursuant to law, a report relative to the obligation of funds for the storage of fissile material from nuclear weapons; to the Committee on Appropriations.

EC-561. A communication from the Principal Director, Requirements and Resources, of the Office of the Assistant Secretary of Defense, transmitting, pursuant to law, notice in the delay of the submission of a report on defense manpower requirements; to the Committee on Armed Services.

EC-562. A communication from the Deputy Assistant Secretary of Defense (Installations), transmitting, pursuant to law, notice in the delay in the submission of a report on defense commercial activities; to the Committee on Armed Services.

EC-563. A communication from the Principal Deputy, Office of the Assistant Secretary of Defense, transmitting, pursuant to law, a report relative to the pending submission of an environmental compliance report; to the Committee on Armed Services.

EC-564. A communication from the President of the United States, transmitting, pursuant to law, the annual report on national security strategy; to the Committee on Armed Services.

EC-565. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a monetary policy report; to the Committee on Banking, Housing and Urban Affairs.

EC-566. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Navy Carrier Battle Groups: The Structure and Affordability of the Future Force"; to the Committee on Armed Services.

EC-567. A communication from the Board of Directors of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to U.S. exports to Malaysia; to the Committee on Banking, Housing and Urban Affairs.

EC-568. A communication from Board of Directors of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to U.S. exports to Hong Kong; to the Committee on Banking, Housing and Urban Affairs.

EC-569. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on spending with respect to the Family and Medical Leave Act of 1993; to the Committee on the Budget.

EC-570. A communication from the Chairman of the United States Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the nondisclosure of safeguards information for the quarter ending December 31, 1992; to the Committee on Environment and Public Works.

EC-571. A communication from the Chairman of the United States Nuclear Regulatory Commission, transmitting, pursuant to law, a report on abnormal occurrences at licensed nuclear facilities for the third quarter of 1992; to the Committee on Environment and Public Works.

EC-572. A communication from the Secretary of Labor, transmitting, a draft of proposed legislation relating to emergency unemployment compensation; to the Committee on Finance.

EC-573. A communication from the Acting Assistant Secretary (Legislative Affairs) and the Deputy Director (Legislative Affairs), Department of State, transmitting, pursuant to law, a report on foreign contributions in the Persian Gulf Crisis; to the Committee on Foreign Relations.

EC-574. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, notice of international agreements entered into by the United States; to the Committee on Foreign Relations.

EC-575. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to February 11, 1993; to the Committee on Foreign Relations.

EC-576. A communication from the Acting Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report relative to Israel's participation in the activities of the International Atomic Energy Agency; to the Committee on Foreign Relations.

EC-577. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report relating to services performed by full-time USG employees; to the Committee on Foreign Relations.

EC-578. A communication from the Acting Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report relative to U.S. assistance to the former Soviet Union; to the Committee on Foreign Relations.

EC-579. A communication from the Executive Assistant, Mississippi River Commission, Department of the Army, transmitting, pursuant to law, the annual report of the Mississippi River Commission; to the Committee on Governmental Affairs.

EC-580. A communication from the Chairman of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-364 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-581. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-365 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-582. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-366 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-583. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-368 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-584. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-369 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-585. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-370 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-586. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-373 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-587. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-374 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-588. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-375 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-589. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-376 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-590. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-377 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-591. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-382 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-592. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-388 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-593. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-389 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-594. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-392 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-595. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-394 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-596. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-395 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-597. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-396 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-598. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-397 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-599. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of

D.C. Act 9-398 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-600. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-399 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-601. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-400 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-602. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-401 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-603. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-402 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-604. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-403 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-605. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-404 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-606. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-405 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-607. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-406 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-608. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-407 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-609. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-408 adopted by the Council on January 5, 1993; to the Committee on Governmental Affairs.

EC-610. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-409 adopted by the Council on January 5, 1993; to the Committee on Governmental Affairs.

EC-611. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-410 adopted by the Council on January 5, 1993; to the Committee on Governmental Affairs.

EC-612. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-411 adopted by the Council on January 5, 1993; to the Committee on Governmental Affairs.

EC-613. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-412 adopted by the Council on January 5, 1993; to the Committee on Governmental Affairs.

EC-614. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-413 adopted by the Council on February 2, 1993; to the Committee on Governmental Affairs.

EC-615. A communication from the Acting Director of the Office of Personnel Management, transmitting, pursuant to law, notice of information on the operation of the Senior Executive Service; to the Committee on Governmental Affairs.

EC-616. A communication from the Office of Independent Counsel, transmitting, pursuant to law, a report on Iran/Contra matters; to the Committee on Governmental Affairs.

EC-617. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Department of Health and Human Services under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-618. A communication from the Marshal of the Court, Supreme Court of the United States, transmitting, pursuant to law, the annual report regarding administrative costs; to the Committee on the Judiciary.

EC-619. A communication from the Acting Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the annual report for fiscal year 1992; to the Committee on Labor and Human Resources.

## REPORTS OF COMMITTEE

The following report of the committee was submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

Special report entitled "Report of the Senate on the Jurisdiction and a Summary of Activities of the Committee on Agriculture, Nutrition, and Forestry for the 102d Congress" (Rept. No. 103-7).

## 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. WARNER (for himself, Mr. DURENBERGER, and Ms. MIKULSKI):

S. 469. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BOXER (for herself and Mr. KRUEGER):

S. 470. A bill to amend chapter 41 of title 18, United States Code, to punish stalking; to the Committee on the Judiciary.

By Mr. WALLOP:

S. 471. A bill to establish a new area study process for proposed additions to the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WALLOP (for himself and Mr. MURKOWSKI):

S. 472. A bill to improve the administration and management of public lands, National Forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands; to the Committee on Energy and Natural Resources.

By Mr. JOHNSTON (for himself, Mr. WALLOP, Mr. BINGAMAN, Mr. DOMENICI, Mr. FORD, Mr. MATHEWS, Mr. GORTON, and Mr. KEMPTHORNE):

S. 473. A bill to promote the industrial competitiveness and economic growth of the United States by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COATS:

S. 474. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to $3,500, and for other purposes; to the Committee on Finance.

By Mr. DECONCINI:

S. 475. A bill to amend the Internal Revenue Code of 1986 to permit penalty-free distributions from qualified retirement plans for unemployed individuals; to the Committee on Finance.

By Mr. CHAFEE:

S. 476. A bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act; to the Committee on Environment and Public Works.

By Mr. FEINGOLD:

S. 477. A bill to eliminate the price support program for wool and mohair, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. RIEGLE (for himself, Mr. LIEBERMAN, and Mr. DODD):

S. 478. A bill to establish the Small Business Capital Enhancement Program to enhance the availability of financing for small business concerns; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself, Mr. RIEGLE, Mr. D'AMATO, Mr. KERRY, Mr. BRYAN, Mr. MACK, and Mr. DOMENICI):

S. 479. A bill to amend the Securities Act of 1933 and the Investment Company Act of 1940 to promote capital formation for small businesses and others through exempted offerings under the Securities Act and through investment pools that are excepted or exempted from regulation under the Investment Company Act of 1940 and through business development companies; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN (for himself and Mr. DURENBERGER):

S. 480. A bill to clarify the application of Federal preemption of State and local laws, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SIMON (for himself, Mr. AKAKA, Mr. BRADLEY, Mr. BYRD, Mr. CONRAD, Mr. D'AMATO, Mr. DODD, Mr. EXON, Mr. HARKIN, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. METZENBAUM, Mr. MOYNIHAN, Mrs. MURRAY, Mr. PELL, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SASSER, Mr. WELLSTONE, Mr. WOFFORD, Mr. HATFIELD, Mr. INOUYE, and Ms. MIKULSKI):

S. 481. A bill to amend the National Labor Relations Act to give employers and performers in the live performing arts the same

rights given by section 8(f) of such Act to employers and employees in the construction industry, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BOREN:

S. 482. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war; to the Committee on Veterans Affairs.

By Mr. SHELBY (for himself, Mr. MACK, Mr. MCCAIN, Mr. ROBB, Mr. WARNER, Mr. JEFFORDS, and Mr. GRAMM):

S. 483. A bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PACKWOOD (for himself, Mr. MOYNIHAN, Mr. DOLE, Mr. D'AMATO, Mr. BRADLEY, Mr. STEVENS, Mr. BOREN, and Mr. GLENN):

S.J. Res. 52. A joint resolution to designate the month of November 1993 and 1994 as "National Hospice Month"; to the Committee on the Judiciary.

By Mr. HATCH:

S.J. Res. 53. A joint resolution designating March 1993 and March 1994 both as "Women's History Month"; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself, Mr. GRAHAM, Mr. MACK, Mr. DOLE, Mr. WARNER, and Mr. MCCAIN):

S.J. Res. 54. A joint resolution designating April 9, 1993, and April 9, 1994, as "National Former Prisoner of War Recognition Day"; 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. DECONCINI (for himself, Mr. KRUEGER, Mr. BOND, Mr. KOHL, Mr. KERREY, Mr. GRAMM, Mr. CHAFEE, Mr. JOHNSTON, Mr. D'AMATO, and Mr. SPECTER):

S. Con. Res. 12. A concurrent resolution to recognize the heroic sacrifice of the Special Agents of the Bureau of Alcohol, Tobacco and Firearms in Waco, Texas; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER (for himself, Mr. DURENBERGER, and Ms. MIKULSKI):

S. 469. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial; to the Committee on Banking, Housing, and Urban Affairs.

VIETNAM WOMEN'S MEMORIAL ACT OF 1993

Mr. WARNER. Madam President, I rise today to introduce legislation along with my distinguished colleague and good friend, the junior Senator from Maryland, BARBARA MIKULSKI, to authorize the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial project.

This is a project that was conceived by Diane Carlson Evans, a nurse who served with great distinction during the Vietnam period, and Diana Hellinger, the current executive director. I shall speak momentarily about a third distinguished lady, Gleena Goodacre, who is the sculptress of a memorial that is to be erected on the Mall in the proximity of the present Vietnam Veterans' Memorial.

First, a little history. It was my distinct privilege to associate with Members of this body, notably Senator Mathias of Maryland, to pass the legislation necessary for the Vietnam Veterans' Memorial. I then volunteered as a private in the rear ranks of the Vietnam veterans organization led by a very distinguished American, Jan Scruggs. Together we embarked, many of us, all volunteers, on some rough seas before the concept of the Vietnam Veterans' Memorial was finally approved.

It was a stormy battle over many, many years, not only in the raising of the funds but getting the successive approvals by this body, by the Congress as a whole, and by the Fine Arts Commission. I remember so well the contest for the design of that memorial. There were 10,000-plus submissions.

I went out to Andrews Air Force Base, where they had two large hangars with all of the submissions being displayed. Many of us spent the better part of the day looking at these submissions. I came out of there dizzy, looking at all of those submissions from every corner of the United States.

Out of that, one was selected, conceived by an art student at Yale University who was but 21 years old. From that genius that she provided, and the courage and the determination of that band that formed the Vietnam Veterans' Memorial Group, from these two efforts and the efforts of literally millions of people across this country who donated, came the Vietnam Veterans' Memorial, now referred to as "the Wall."

It has become through the years either the second or third most popular edifice in this city, visited annually by millions. In the minds of each individual who has been associated with that memorial, either by virtue of having lost a family member or having a family member wounded in that conflict, each individual has his or her own concept of how that memorial has served the cause of remembrance.

Understandably, the women who served in that conflict—and there were over 250,000 women who served on land, on sea, and in the air—understandably, they came forward, and now desire to erect in the proximity of the Wall a memorial to their very special contributions, contributions that are not unlike the contributions made by women since the very founding of our Nation as members of the Armed Forces of the United States.

It has been my privilege to be associated with this group and now to introduce in the Senate the necessary legislation to just authorize the coinage. The Congress in 1988 passed S. 2042, which became Public Law 100-660, which authorized the approval specifically for the Vietnam Women's Memorial. The Vietnam Women's Memorial Coin Act of 1994, which I anticipate will be passed by this Congress, will serve as an accompaniment to this earlier legislative effort.

As I said, military women have made their sacrifices on behalf of freedom in the uniform of this country since 1776, and indeed before that time. It is the objective of this group, referred to as the VWMD, to honor and recognize specifically those women who volunteered to serve in the Armed Forces during the Vietnam era. Passage of the Memorial Coin Act provides an opportunity for all Americans, through the purchase of these coins, to join in recognizing the contribution of these women in this period.

We do so, in the act, by achieving the following objectives.

First, establishing an endowment which would serve as a permanent source of support for the Vietnam Women's Memorial. That is important because this organization has come forward, raised the funds necessary, and they are still in the process. But once you put these up, we do not want them to become a burden on the taxpayer. Indeed, volunteer effort and contributions should be the source of the relatively small amount of funds that are required each year to maintain the integrity of the memorial.

So that is the first objective.

Second, is providing funds for education and research concerning veterans and their families, particularly the women veterans and their families.

And third, assisting in the effort to identify the more than 250,000 women who served in the Armed Forces of the United States during the Vietnam era.

As you know, the Vietnam Women's Memorial will be the first—that is really a note of irony—but it will be the first memorial in the Nation's Capital specifically recognizing the contribution of women as members of the Armed Forces of the United States.

The dedication of the bronze multifigured structure of the three women and a wounded male soldier will take place on November 11 of this year at the Vietnam Veterans' Memorial here in Washington, DC. But the needs of the Vietnam women veterans do not end with the dedication of this memorial. The healing of wounds, emotional as well as physical, must continue. Passage of this bill will ensure that the Vietnam Women's Memorial project has the financial means needed to go forward. The work is not finished.

To accomplish further goals, the project will need the financial help of the American people who have stood by the project since the inception of the

project in 1984. That is how long this project has been in the making. I pay great tribute, as I hope each of you will join me in doing, to the courage and the fortitude of the founders, who have had the tenacity to continue to work toward this goal for this period of almost 9 years.

The healing of wounds, emotional as well as physical, must continue. Passage of this bill will ensure that the Vietnam Women's Memorial has the financial means, again, to meet those goals.

I had the privilege of traveling out to Santa Fe, NM, to visit with the sculptress, Ms. Gleena Goodacre, to see her model. Ms. Goodacre's sculpture was selected from among 317 submissions. The competition was held last year in Washington, DC, at the National Building Museum.

I can assure you, in the eyes of this particular Senator, although I claim no particular artistic expertise, I perceived in her work the same genius that was in the design of the Vietnam Veterans' Memorial. It is moving, it is extraordinary, it is exceptional. It will take its place rightfully beside the Wall, which in its silence speaks so well. But it will take its place, together with the other memorial there to the three men, depicting their courage, as you recall, in the proximity of the area of the flags, as participants in this historic period of our history.

So I urge all to join me in seeking to sponsor this legislation, for it is a worthwhile cause, and one that needs to be done now.

I thank the Chair.

Mr. DURENBERGER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Minnesota.

Mr. DURENBERGER. Madam President, I ask unanimous consent that I might proceed for 1 minute in response to my colleague from Virginia.

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

Mr. DURENBERGER. Madam President, I rise to express my appreciation to my colleague from Virginia and my colleague from Maryland, and I ask unanimous consent that I be included as a cosponsor on this bill.

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

Mr. WARNER. Madam President, I would be very happy to see that the Senator from Minnesota is added as a cosponsor, because he indeed was a participant in the first program for the Vietnam Veterans' Wall. I remember it very well.

Mr. DURENBERGER. I thank my colleague.

Mr. DURENBERGER. Madam President, I rise not only to express my appreciation to my colleagues from Virginia and Maryland, and to others, but to highlight the role of some very special people from the State of Minnesota without whom this project would not be a reality on November 12 of this year.

I want to express my thanks and appreciation in particular to Diane Carlson Evans of Northfield, MN. Diane is the founder and chair of the Vietnam Women's Memorial project. Herself a combat nurse, Diane has dedicated herself with boundless enthusiasm for this project. She has worked since the early 1980's to ensure the project's success.

Diane has traveled and spoken all across the country. The power of her personal message and tireless efforts are now coming to fruition. Diane Carlson Evans deserves this country's thanks and gratitude for all that she has done.

Another Minnesotan also played a compelling part in the long-running effort on the project. His name is Rodger Brodin, a Twin Cities sculptor whose enthusiasm and dedication to the project has been just as contagious as Diane's. Although Rodger's design for the memorial was not selected, many observers have noted the striking similarity between his sculpture and the winning design.

In the eyes and face of the nurse in his sculpture, Rodger captured the message of pain, sacrifice, and dedication that Diane was sharing with audiences all over the United States. Diane used Rodger's model as tangible, visible conceptualization of the project's mission.

These Minnesotans and so many others in our State and around the country have earned the thanks and gratitude of the American people, and particularly those who lost a woman dear to them in the Vietnam war.

I am just grateful that is a reality. It is the commitment, and the depths of the commitment by Minnesotans that has helped to make this project a reality. I ask unanimous consent that the text 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. 469

*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 "Vietnam Women's Memorial Coin Act of 1994".

**SEC. 2. COIN SPECIFICATIONS.**

(a) ONE-DOLLAR SILVER COINS.—

(1) ISSUANCE.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall issue not more than 600,000 one-dollar coins, which shall weigh 26.73 grams, have a diameter of 1.500 inches, and contain 90 percent silver and 10 percent copper.

(2) DESIGN.—The design of the coins issued under this Act shall be emblematic of the Vietnam Women's Memorial sculpture. On each coin there shall be a designation of the value of the coin, an inscription of the year "1994", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) LEGAL TENDER.—The coins issued under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

**SEC. 3. SOURCES OF BULLION.**

The Secretary shall obtain silver for the coins minted under this Act only from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (50 U.S.C. 98 et seq.).

**SEC. 4. SELECTION OF DESIGN.**

The design for the coins authorized by this Act shall be selected by the Secretary after consultation with the Chair of the Vietnam Women's Memorial Project, Incorporated. As required by section 5135 of title 31, United States Code, the design shall also be reviewed by the Citizens Commemorative Advisory Committee.

**SEC. 5. ISSUANCE OF COINS.**

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The coins authorized under this Act shall be available for issue not later than July 4, 1994, and shall be minted only during the 1-year period beginning on such date.

**SEC. 6. SALE OF COINS.**

(a) SALE PRICE.—The coins authorized under this Act shall be sold by the Secretary at a price equal to the sum of the face value of the coins, the surcharge provided in subsection (c) with respect to such coins, and the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins authorized under this Act prior to the issuance of such coins. Sale prices with respect to such prepaid orders shall be at a reasonable discount.

(c) SURCHARGES.—All sales shall include a surcharge of $10 per coin.

**SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.**

No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act. Nothing in this section shall relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

**SEC. 8. DISTRIBUTION OF SURCHARGES.**

All surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Vietnam Women's Memorial Project, Incorporated, to be used—

(1) to establish and maintain an endowment to be a permanent source of support for the Vietnam Women's Memorial;

(2) for education and research concerning veterans and their families; and

(3) for the identification and documentation of the more than 250,000 women who served in the Armed Forces of the United States during the Vietnam era.

**SEC. 9. AUDITS.**

The Comptroller General shall have the right to examine such books, records, docu-

ments, and other data of the Vietnam Women's Memorial Project, Incorporated, as may be related to the expenditures of amounts paid under section 8.

**SEC. 10. NUMISMATIC PUBLIC ENTERPRISE FUND.**

The coins issued under this Act are subject to the provisions of section 5134 of title 31, United States Code, relating to the Numismatic Public Enterprise Fund.

**SEC. 11. FINANCIAL ASSURANCES.**

It is the sense of the Congress that this coin program shall be self-sustaining, and should be administered to result in no net cost to the Numismatic Public Enterprise Fund.

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By Mrs. BOXER (for herself and Mr. KRUEGER):

S. 470. A bill to amend chapter 41 of title 18, United States Code, to punish stalking; to the Committee on the Judiciary.

STALKING CRIMINAL ACT OF 1993

Mr. KRUEGER. Madam President, I rise today as an original cosponsor of legislation which you introduced earlier today. Legislation to make a pattern of threats, harassment, and unwarranted attention a federally punishable offense when committed in locations and circumstances as the bill defines.

These actions are better and more commonly known as stalking. It is a term that describes all too poignantly an activity now all too common in our society: Deranged people who torment the lives of men and women across this country as they fulfill their own obsessions.

Until very recently, stalking had never been a punishable crime. Therefore, it is very difficult to know how many people might be bothered by this crime, although there are estimates that the numbers total as much as 200,000. However, we can certainly identify not only when these crimes are committed, but when they are not committed. What we find is a psychological torment of people across this Nation. And we are speaking not only, Madam President, of tormenting people in seemingly lofty positions or celebrated movie stars. We are speaking of people all across this Nation who are bothered and who have had essentially no legal recourse.

I can, in all candor, speak with personal experience of this because my wife and I have been stalked for 8 years by someone who is now in Federal prison for the third time. He has not, to our good fortune, yet brought physical harm to us. But, the threats that have been repeated and we have little legal recourse. We have some 50 tapes filled with his messages on our recorders. In some instances, this deranged individual called as often as 120 times in one night to threaten us. Even when—despite this blatant harassment—this individual made the threat, "If I come back to Texas and kill you, no jury would convict me because I have just cause," we had no recourse. That was not specific enough to bring any charge whatsoever through the FBI or anyone else. It was only when this individual finally said, not all of the words which I can have printed here, "I'm going to kill you, I'm going to kill you, I'm going to kill you, you blank blank blank. I'm going to hire a gunman to put a bullet through your head while you're lying sleeping next to your wife. I'm going to kill you." Only then did the FBI decide that it had sufficient cause with which to take action. But they could not yet act because they could not show that it was in interstate commerce. And so we had to wait about an additional week until finally I was able to get the person, now serving in Federal prison, to acknowledge that he was calling me from out of State so that he could be apprehended.

If events like that come to one who currently is in the U.S. Senate, and who had at least some connections with people in power before, then what happens to these 200,000 other citizens who are beset by problems of this sort everyday? This is clearly, I believe, an instance where we need Federal legislation. Legislation such that you, Madam President, and I, as a cosponsor, are introducing today, legislation that would define as a Federal violation not only threats and harassment that occur on Federal property but also threats and harassment that come about through the use of instruments such as the telephone and the mails normally identified as connecting with interstate commerce. This is legislation that I believe is overdue because, unfortunately, crimes today have taken a new and different turn.

I will simply say in closing that, quite apart from physical damage that is inflicted, there is unquestionably psychological damage and psychological strain that occurs throughout this period of time. We know by people who have served in the military and elsewhere that psychological torture is an ancient and horrendous tool.

Madam President, this is a matter that I believe can, and should be addressed at this time by this body. I am very pleased to be able to join you, Madam President, in the legislation which you and your staff have crafted for this purpose. I believe it is legislation that will indeed serve the purposes of all. I hope for its support.

Mr. MOYNIHAN. Madam President, will the Senator from Texas have the generosity to allow me to be a cosponsor of the measure?

Mr. KRUEGER. I certainly would, with great pleasure.

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By Mr. WALLOP:

S. 471. A bill to establish a new area study process for proposed additions to the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

NEW PARKS STUDY ACT OF 1993

• Mr. WALLOP. Mr. President, I am introducing today the New Parks Study Act of 1993. This legislation would address an increasingly serious situation facing the National Park System—the unrestrained manner in which new units and new expenses are being added to that System.

At the end of the last Congress, I and other members of the Committee on Energy and Natural Resources concluded that we needed to address this issue as a high priority in the next Congress. By introducing this legislation today, I am initiating the discussion of this issue, and I would anticipate substantive debate as soon as possible before we get into the usual onslaught of new area proposals.

The current piecemeal approach to making additions to the National Park System has resulted in units that are of questionable national significance and whose primary purpose would appear to be economic development. Nowhere in the authorizing legislation for the National Park System does it talk about economic development. Yet, that is what we've been using the System for as of late. In the process we have been destroying the integrity of one of America's great traditions—our national parks.

In these times of tight fiscal constraints, we simply cannot afford to keep adding to the National Park System without some means of assuring that we are adding only those areas that truly merit recognition and protection as a unit of the System.

Between 1970 and 1991, 76 units and over 50 million acres have been added to the National Park System. A good share of this acreage has not been acquired thereby creating a large backlog in acquisition. A report on the size and cost of this backlog is due from the Park Service in November of this year. I'm sure it will be in the range of several billion dollars. In addition, the Park Service estimates a $2.5 billion backlog in maintenance and repair activities. It seems obvious to me that we cannot continue to add new areas to the System when we cannot properly develop and maintain the units that are already in the System.

In addition, a 1992 report by the National Parks and Conservation Association stated that 12 years ago there was 1 ranger for every 59,432 park visitors. In January 1992, there was 1 ranger for every 80,204 visitors. Every time we add another unit, we decrease the ability of the Park Service to meet, greet and educate the nearly 268 million visitors to the National Park System.

Over the years, it has become traditional for State and local governments to look to the Federal Government to manage parks and recreation areas that they could not afford to acquire and operate. In the past, the Federal Government has been very willing to

do this as evidenced by the huge expansion of the System.

But the time has come for us to face reality. The money simply is not there to operate what is already in the System, much less continue adding new units. While I am sympathetic with the goals of many of these new area proposals, we have to start looking for ways to accomplish these goals without additional burden to the Federal Treasury.

The legislation I am introducing today would establish a structured process for studying and considering proposed additions to the National Park System similar to the study processes mandated by the Wild and Scenic Rivers and Wilderness Acts. Under these Acts, Congress designates an area for study and then Congress decides whether to designate it as a unit of the national system based on the study report.

This legislation would require the National Park Service to prepare a comprehensive report that is to consider factors such as uniqueness, whether management by another entity is more appropriate, cost effectiveness of acquisition and development, and annual cost of operation and maintenance. It would also require that the report identify a preferred alternative.

The legislation would also require the Secretary of the Interior to establish a national priority list for new area and expansion proposals. This is intended to give the Congress some perspective on the relative importance of the many new area and expansion proposals that are introduced each session.

One of the concerns expressed in the last Congress about legislation of this nature was that we should not change the rules of the game in midsession. It was with that in mind that I agreed to defer my efforts to bring some order out of chaos until the start of the next Congress. I ask my colleagues to join me in supporting this legislation which I believe is vital to the long-term protection and survival of our National Park System. I would ask that the bill be printed at the conclusion of my remarks.

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

S. 471

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "New Parks Study Act" of 1993.

**SEC. 2. DEFINITIONS.**

As used in this Act:

(1) The term "Secretary" means the Secretary of the Interior.

**SEC. 3. NEW AREA STUDIES FOR POTENTIAL ADDITIONS TO THE NATIONAL PARK SYSTEM.**

(a) IN GENERAL.—The Secretary shall undertake and submit to the Committee on Energy and Natural Resources and Committee on Appropriations of the United States Senate and to the appropriate committees of the House of Representatives reports on such new area studies or park expansion studies as are herein or may hereafter be authorized by Congress for the purpose of determining the feasibility and suitability of designating such areas (including boundary expansion of existing units) for addition to the National Park System and any feasible alternatives to such action. The Secretary shall undertake site specific and, where appropriate, thematic studies in preparing such reports. All such studies shall be made in consultation with affected agencies at the Federal, State, and local levels, public and private organizations and concerned landowners and users.

(b) FACTORS.—All new area or expansion studies referred to in this section shall consider each of the following:

(1) whether the resource is nationally significant, including, but not limited to, an evaluation of the area's uniqueness,

(2) whether similar resources are already protected in the National Park System, or by other public or private ownership and the degree to which such protection would achieve the purposes sought by inclusion of such resource within the National Park System,

(3) whether the unit is of appropriate configuration to ensure long-term resource protection and visitor use,

(4) the extent of nonconforming existing or potential uses that may compromise management as a unit of the System,

(5) whether any other management entity other than the National Park Service would be more appropriate,

(6) public use potential,

(7) resource integrity,

(8) the cost of land acquisition and development, and annual cost for operation and maintenance, and

(9) any other factors deemed appropriate by the Secretary.

(c) REPORTS TO CONGRESS.—Within 18 months after the date that funds are made available for the study of an area the Secretary shall transmit to the Congress a report of such study that specifically addresses all of the factors required to be considered under subsection (b). Each such report shall indicate the suitability and feasibility of authorizing the area as a unit or expanding an existing unit of the National Park System and any feasible alternative to such action. In transmitting the report, the Secretary shall identify the preferred alternative and also discuss any outstanding contentious issues related to each alternative considered.

**SEC. 4. PRIORITY LIST OF POTENTIAL PARK SYSTEM ADDITIONS.**

(a) LIST.—The National Park Service shall develop and maintain a single list of potential additions (including major expansion proposals) in order of their numerical priority for potential addition to the National Park System. This list shall be initially comprised of areas for which the agency has completed adequate studies which are consistent with section 3. The list shall be updated and republished at least every two years to reflect studies completed under the provisions of this act.

(b) ESTABLISHING PRIORITIES.—In addition to the factors referred to in section 3(b), the Secretary shall consider each of the following in establishing the numerical priorities for inclusion of new areas or expansion of existing units in the National Park System:

(1) imminence of any threats to the resource or nature of ongoing degradation,

(2) extent to which similar resources are protected in the National Park System or by any other entity,

(3) the numerical priority of land acquisition for the proposed new area or addition relative to the numerical priorities of authorized but unacquired lands for existing units,

(4) the numerical priority of development and operation of the new area or addition relative to other proposed additions and existing units,

(5) the level of local and general public support, and

(6) any other factors deemed appropriate by the Secretary.

(c) TRANSMISSION OF PRIORITY LIST TO CONGRESS.—At the beginning of each Congress, the Secretary shall transmit to the Speaker of the House of Representatives and to the President of the Senate, a copy of the most recent numerical priority list prepared under this section. In addition, the Secretary is encouraged to periodically transmit any recommendations for new area studies (including expansion proposals) which he deems appropriate. Such recommendations should be based on an objective preliminary review of such proposals.

**SEC. 5. REPEAL OF EXISTING STATUTE.**

Section 8 of the Act entitled "An Act to improve the Administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes", approved August 18, 1970 (16 U.S.C. 1a-5), is amended by striking out the first through the seventh sentences of subsection (a).

**SEC. 6. CLARIFICATION OF EXISTING STATUTE.**

Section 1215(b) of Public Law 101-628 is amended by inserting ", one single document in numerical order," after the words "A priority listing".

**SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act.•

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By Mr. WALLOP (for himself and Mr. MURKOWSKI:)

S. 472. A bill to improve the administration and management of public lands, national forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost-effective housing for employees needed to effectively manage the public lands; to the committee on Energy and Natural Resources.

LAND MANAGEMENT AGENCY HOUSING IMPROVEMENT ACT OF 1993

• Mr. WALLOP. Mr. President, today I am introducing the Land Management Agency Housing Improvement Act of 1993. This legislation addresses a serious problem facing various public land management agencies. Land management agencies provide rental housing to their employees because of the remote situations where they work. Uncle Sam has been a negligent landlord—almost a slum lord—as this rental housing has deteriorated to an alarming degree. The housing stock is aging and increasingly costly to maintain. The abominable condition of many of the units is creating serious recruitment, retention, and morale problems for the agencies—affecting their ability to perform their mission. This legislation is similar to the meas-

ure that passed the Senate in the waning days of the last Congress.

Of the 19,096 Government housing units inventoried by the Bureau of Reclamation, 5,262 are owned by the U.S. Forest Service, 5,171 are owned by the National Park Service, and 4,564 are owned by the Bureau of Indian Affairs—the remainder are owned by several different agencies. The National Park Service [NPS] estimates the cost of bringing their housing stock up to acceptable levels at $546,081,000. The NPS has spent $34 million over the last 4 years attempting to correct this situation. At that rate, correcting the problem would take over 60 years.

Similar problems exist in all of the major land management agencies. Insufficient and inappropriate housing is an identified problem for the Forest Service in the Pacific Northwest and elsewhere. The Forest Service estimates a need for $175,539,000 to meet their housing needs. Escalating maintenance costs plague the Bureau of Indian Affairs. They estimate a $40 million need. Aging housing stock and the associated increasing maintenance costs are a recurring theme throughout the agencies.

A problem which affects all agencies, but the National Park Service in particular, is an increasingly serious recruitment and retention problem in those areas of the country with high costs of living. While the term "national park" brings to mind western visions of Yellowstone and Yosemite to most people, the fact is that the majority of the NPS units and employees are located in the East. The high cost of housing available in these areas and the relatively low grade, and therefore salary levels, of most of the employees assigned there, have created extreme situations of near poverty.

A study conducted by the Association of National Park Rangers in 1988–89 revealed that employees were living in automobiles or sharing substandard housing with several others in high crime areas just to have a roof over their heads. Others are reporting spending over 60 percent of their salary for housing. A significant number are choosing to leave the Service rather than endure marginal living conditions or exhaust their savings in an effort to survive. It is conceivable that if present trends continue, we may be faced with a dwindling number of individuals trained and qualified to protect and explain our priceless natural and cultural resources.

The Forest Service reports employees having to live in 30-year-old trailers with leaking roofs, up to 10 employees of both sexes sharing a single shower, sleeping in pickups parked in old horse barns, walling off corners of warehouses and basements to provide bunkhouse space, and requests to use the attics of office buildings as crew quarters. The Forest Service's desire to increase utilization of volunteers is seriously hampered by the lack of housing for them. To quote one Forest Service respondent, "I am seeing conditions I would not want my son or daughter exposed to."

This bill authorizes the heads of the agencies to provide safe, appropriate employee housing either on- or off-premises at rental rates that do not exceed the national average rate paid by renters. This would roughly correspond to the level at which commercial lending institutions would approve a home mortgage. The bill also authorizes the agency heads to enter into lease agreements with the private sector to provide housing in order to expedite the process and reduce the immediate budgetary impact.

As the provisions of the Federal Employees Pay Comparability Act of 1990 take effect, the problem of rental costs as a function of gross income should diminish. In fact, in the areas where the NPS has obtained approval for special pay rates, the attrition rate is reversing. In the interim, however, without a fairly immediate correction of the disparity between housing costs and salary levels, many of our park units in high cost-of-living areas will be forced to operate with insufficient staff.

Another problem that this legislation addresses is that of the infrastructure to support employee housing. In many areas of the country, local jurisdictions and Federal agencies could realize significant cost savings by developing water, sewer, and similar infrastructure facilities cooperatively. Under current law, agencies are prohibited from contributing toward the development of mutually beneficial facilities, if those facilities are outside the agencies' jurisdiction. In some small communities, the agency employee housing is reasonably close to the community, yet two complete support infrastructures, with their associated costs and environmental impacts, have been created because of the agency property boundary. This redundancy is not in the public interest.

This legislation is intended to give the authority to the heads of the agencies to provide adequate housing for necessary personnel in a way which neither unduly rewards nor penalizes them for their dedication to their chosen professions. As a nation we have the right to expect high quality, professional service from those agencies and personnel entrusted with the care of our natural and cultural resources. As individuals they have a right to expect decent housing at their assigned duty stations.

Mr. President, during the last Congress the Subcommittee on Public Lands, National Parks and Forests held hearings on the housing issue. The record is replete with horror stories received in correspondence to the committee from Park Service employees from all over the country—from Alaska to Florida, from California to New York.

These letters told of rattlesnakes in bed with babies, of houses that cost more to heat than to rent, of rain and snow blowing into the house, of broken floors, leaking roofs, of exorbitant rents from which there was no relief or appeal, and the anguish of having to decide whether or not to continue a career in our Nation's parks and forests or give it up because they couldn't afford to continue, should compel us to take note, and act.

The employees who protect and manage our Nation's resources know they'll never get rich doing it. They generally don't even mind being required, as a precondition for having a job at all, to rent their home from their employer at a reasonable rate.

But they do mind when their housing is so substandard that it endangers their family, and they do mind when the rent charged by their employer is so high that they can't afford to continue a career in public service.

I would like to quote from just a few of the letters the committee received.

It is with deep sense of personal loss that the deplorable government housing conditions will prevent us from every returning to the parks that we love. (A ranger from New Mexico with 22 years of service.)

I know that many NPS employees delay having a family because of their financial situation (low pay and high cost of required park housing). (A ranger from New Mexico.)

Following the recently completed Northeast Housing Survey, the rent I pay for government housing is scheduled to increase by approximately 65% facing me with the likelihood of having to choose between continued government service and my family's welfare. (A ranger from Pennsylvania.)

I am unable to select the best candidates in part because of the lack of affordable housing.

More often than not, I cannot even muster a register with more than a handful of poorly qualified applicants. (A supervisory ranger from Virginia.)

I have chosen to sacrifice many things to pursue this [NPS] career. The horrid tales of U.S. Park Service housing were breaking my spirit. I only ask for simplicity at a fair price. (A ranger from Arizona.)

* * * much of our housing has been abominable. In the Tetons we lived in a 3 room log cabin (700 sq. ft.) which had not been winterized. After several months of -20 degree weather in which we struggled with freezing pipes and a draft across the living room floor, we wrapped the entire building in lathing and clear plastic to stay warm * * * in Rocky Mountain National Park, * * *. We * * * were charged for fire and police protection as part of our rent for housing when we ourselves would be both victim and responder because we were the only residents in that part of the park! (A husband and wife supervisory ranger couple with over 40 years of combined service from California.)

Sequoia has seasonal rangers housed in "cabins" with bare cement floors and bathroom facilities housed outside in a central cabin. Migrant farm workers in California have stricter laws protecting them against such inadequate housing! (Another husband

and wife supervisory ranger couple from Utah.)

These situations are combining to rip the heart out of the National Park Service, the morale, the esprit de corps and the professionalism of the National Park Ranger. I see it in the staff I supervise and in the new recruits we must hire to fill in behind those rangers leaving the Service for a more humanistic way of life. We need help. (A supervisory park ranger from New Jersey.)

Yes, Mr. President, they need help. The Forest Service has about 5,262 housing units which include single family units and crew quarters. The National Park Service has about 5,171 units, most of which are single-family or apartment units. The remaining land management agencies have several hundred each. The estimates for bringing all this housing up to standard runs into the hundreds of millions of dollars.

The National Park Service estimates its cost at over $500 million. The Forest Service estimates about $176 million. This is not a problem that will be fixed overnight. However, if this bill is enacted, the agencies will be able to better use the scarce funds available to them to improve housing by involving the private sector to a much greater degree. It will also put an end to inflating rents because of so-called regional comparability when the renter's salary is set nationally.

It is necessary for a variety of reasons. In many cases, Government housing is the only housing available, there just isn't any town or even any private land for miles in any direction. In other cases, the around-the-clock protection of historic structures can only be assured if someone actually lives in them. In still other cases, required occupants are necessary to protect Government assets from vandalism, fire, and the like, or to respond to law enforcement, medical, fire, and search and rescue emergencies.

The list of reasons for housing is long, and the fact is inescapable that requiring employees to live in Government housing in certain locations is absolutely essential for the agencies to do their jobs.

Since housing for Government land management agencies is necessary, it then becomes simply a question of what kind of housing, where, and at what rental rate. I know that many of the visitors to our parks and forests think that rangers get their housing rent-free. They don't and they shouldn't. The plain truth is that the Government has a bunch of company towns scattered all over the country. These people are required to live there and are required to pay whatever the company says. Many of them are occupying housing that ranges from tents to ocean freight cargo container boxes to disintegrating trailers to ramshackle cabins. They are not living there by choice. The only choice they have is to live in their assigned housing or quit their career. Some choice. I quote again from an NPS employee; "I only ask for simplicity at a fair price."

The proposed rental rate increases for the North Atlantic Regional Rental Area would have placed some of these employees in the position of either paying over 60 percent of their salary to their employer in rent or quitting. The National Average of Rents for Renters, which is published by the Census Bureau, is 27 percent of household income and that includes the cost of utilities. Government employees still pay utilities on top of their rent.

Mr. President, this bill would cap the rents paid in the company town to no greater than the national average. That's not any kind of a subsidy, that's simple fairness. This legislation would authorize a variety of public-private cooperative ventures for the construction, rehabilitation, and maintenance of housing for land management agencies. These are the same kinds of authorities that the military currently uses so well.

The studies that I have indicate that while these authorities will not appreciably save the taxpayer money in the long run, they do provide the vehicle to fix more housing faster with the available money. The agencies have programs to upgrade and improve housing and have appropriations for that purpose, but at the current level of appropriations, doing all the work in-house, it will take over 60 years to correct the problems. These authorities will allow what amounts to leveraging of the available funds to do more work sooner.

This bill is important to us all. Without adequate housing at an affordable price, our national parks, forests, refuges, and public lands will not be able to recruit and retain the quality of people necessary to do the increasingly complex job of managing them. The caliber of the caretakers dictates the quality of care. It is our responsibility to take care of the caretakers.

Thank you, Mr. President, and I urge the Senate to act expeditiously on this legislation. I would ask that the bill be printed at the conclusion of my remarks.

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

S. 472

*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 referred to as the "Land Management Agency Housing Improvement Act of 1993".

**SEC. 2. DEFINITIONS.**

As used in this Act, the term—

(1) "public lands" means Federal lands administered by the Secretary of the Interior or the Secretary of Agriculture; and

(2) "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture.

**SEC. 3. EMPLOYEE HOUSING.**

(a)(1) to promote the recruitment and retention of qualified personnel necessary for the effective management of public lands, the Secretaries are authorized to—

(A) make employee housing available, subject to the limitations set forth in paragraph (2), on or off public lands, and

(B) rent or lease such housing to employees of the respective Department at a reasonable value.

(2)(A) Housing made available on public lands shall be limited to those areas designated for administrative use.

(B) No private lands or interests therein outside of the boundaries of federally administered areas may be acquired for the purposes of this Act except with the consent of the owner thereof.

(b) The Secretaries shall provide such housing in accordance with this Act and section 5911 of title 5, United States Code, except that for the purposes of this Act, the term—

(1) "availability of quarters" (as used in this Act and subsection (b) of section 5911) means the existence, within 30 miles of the employee's duty station, of well-constructed and maintained housing suitable to the individual and family needs of the employee, for which the rental rate as a percentage of the employee's annual gross income does not exceed the most recent Census Bureau American Housing Survey average percentage of rents paid by renters inclusive of utilities, whether paid as part of rent or paid directly to a third party;

(2) "contract" (as used in this Act and subsection (b) of section 5911) includes, but is not limited to, "Build-to-Lease", "Rental Guarantee", "Joint Development" or other lease agreements entered into by the Secretary, on or off public lands, for the purposes of sub-leasing to Departmental employees; and

(3) "reasonable value" (as used in this Act and subsection (c) of section 5911) means the base rental rate comparable to private rental rates for comparable housing facilities and associated amenities: *Provided*, That the base rental rate as a percentage of the employees' annual gross income shall not exceed the most recent American Housing Survey average percentage of rents paid by renters inclusive of utilities, whether paid as part of rent or paid directly to a third party.

(c) Subject to appropriation, the Secretaries may enter into contracts and agreements with public and private entities to provide employee housing on or off public lands.

(d) The Secretaries may enter into cooperative agreements or joint ventures with local governmental and private entities, either on or off public lands, to provide appropriate and necessary utility and other infrastructure facilities in support of employee housing facilities provided under this Act.

**SEC. 4. SURVEY OF RENTAL QUARTERS.**

The Secretaries shall conduct a survey of the availability of quarters at field units under each Secretary's jurisdiction at least every 5 years. If such survey indicates that government owned or suitable privately owned quarters are not available as defined in section 3(b)(1) of this Act for the personnel assigned to a specific duty station, the Secretaries are authorized to provide suitable quarters in accordance with the provisions of this Act. For the purposes of this section, the term "suitable quarters" means well-constructed, maintained housing suitable to the individual and family needs of the employee.

**SEC. 5. SECONDARY QUARTERS.**

(a) The Secretaries may determine that secondary quarters for employees who are

permanently duty stationed at remote locations and are regularly required to relocate for temporary periods are necessary for the effective administration of an area under the jurisdiction of the respective agency. Such secondary quarters are authorized to be made available to employees, either on or off public lands, in accordance with the provisions of this Act.

(b) Rental rates for such secondary facilities shall be established so that the aggregate rental rate paid by an employee for both primary and secondary quarters as a percentage of the employee's annual gross income shall not exceed the Census Bureau American Housing Survey average percentage of rents paid by renters inclusive of utilities, whether paid as part of rent or paid directly to a third party.

**SEC. 6. SURVEY OF EXISTING FACILITIES.**

(a) Within 2 years after the date of enactment of this Act, the Secretaries shall survey all existing Government-owned employee housing facilities under the jurisdiction of the Department of the Interior and the Department of Agriculture, to assess the physical condition of such housing and the suitability of such housing for the effective prosecution of the agency mission. The Secretaries shall develop an agencywide priority listing, by structure, identifying those units in greatest need for repair, rehabilitation, replacement or initial construction, as appropriate. The survey and priority listing study shall be transmitted to the Committees on Appropriations and Energy and Natural Resources of the United States Senate and the Committees on Appropriations and Interior and Insular Affairs of the Untied States House of Representatives.

(b) Unless otherwise provided by law, expenditure of any funds appropriated for construction, repair, or rehabilitation shall follow, in sequential order, the priority listing established by each agency. Funding available from other sources for employee housing repair may be distributed as determined by the Secretaries.

**SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act.•

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By Mr. JOHNSTON (for himself, Mr. WALLOP, Mr. BINGAMAN, Mr. DOMENICI, Mr. FORD, Mr. MATHEWS, Mr. GORTON, and Mr. KEMPTHORNE):

S. 473. A bill to promote the industrial competitiveness and economic growth of the United States by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

DEPARTMENT OF ENERGY NATIONAL COMPETITIVENESS TECHNOLOGY PARTNERSHIP ACT OF 1993

• Mr. JOHNSTON. Mr. President, today, I am introducing legislation to provide more flexible authority to the Department of Energy to work with domestic industry to strengthen the economic and technological competitiveness of the United States. DOE now has a significant program of cooperation with industry to develop new technologies. This legislation, the Department of Energy National Competitiveness Technology Partnership Act of 1993, would build on DOE's existing program in response to the new emphasis the Clinton administration is placing on American competitiveness.

This legislation is also based on hard work by Senator BINGAMAN and Senator DOMENICI on technology transfer over the last three Congresses. I congratulate them for the spirit of cooperation that makes this bipartisan effort possible.

We have a great opportunity to forge a governmentwide policy for advanced technology development in the 103d Congress. Last month, President Clinton forwarded to Congress the administration's technology initiative, which includes proposals to increase and expand the partnerships between our national laboratories and industry. Similarly, a number of our colleagues have introduced legislative proposals to improve the competitiveness of U.S. industry. We need to work together—among committees in Congress and with the administration—to develop a coordinated effort.

The legislation I am introducing today, along with a number of my colleagues from the Committee on Energy and Natural Resources, provides for the Department of Energy's role in a national effort to improve the competitive position of U.S. industry and to stimulate economic growth in the United States. It will enhance the ongoing efforts of the Department of Energy to work with U.S. industry to utilize the significant science and engineering assets at the national laboratories to address the needs of the domestic economy.

To date, the Department has joined with industry in 350 cooperative research and development agreements with a total value over $600 million. Industry is paying 60 percent of the costs under these agreements. There is a tremendous opportunity for cooperative work with the Department's laboratories to develop new technologies. The Department of Energy is the Federal Government's largest employer of scientists and engineers and owns the Nation's premier laboratories and facilities for basic science. No national technology policy can afford to ignore these assets.

The Department of Energy laboratory system consists of 10 multiprogram national laboratories, 11 large single-program laboratories, and 9 smaller laboratories. Initial development of the laboratory complex stemmed from the Manhattan project and concentrated on weapons production. Over the years, the scope of research and development within the laboratory system has been broadened to include the full spectrum of fundamental sciences. Practically every area of basic scientific knowledge is represented in the research activities of the laboratories.

The laboratories employ over 23,000 researchers with advanced degrees in areas of science and technology. More than 8,500 of these researchers have doctorate degrees. The laboratory system has evolved into an interdisciplinary environment with the capability to undertake very complex development projects. These laboratories represent one of the largest complexes engaged in fundamental scientific and technical research anywhere in the world.

The Department's laboratories perform over $6 billion of research and development annually. Research activities at the laboratories span a broad range of scientific, engineering and technical areas including the following: Materials science, manufacturing, high-performance computing, transportation, chemical science, space, environmental science, human health, physics, fusion energy, defense-related research, waste management, nuclear energy, conservation, renewable energy, and fossil energy. No single laboratory or group of laboratories anywhere in the United States—or indeed in the world—can match this record of accomplishment.

The Department of Energy has unique and extraordinary capabilities within its laboratories that include scientific and technological areas beyond those associated with weapons or energy systems. Historically, however, the laboratories' activities have been limited to defense and energy related activities and have concentrated on basic scientific research.

Nonetheless, the industrial competitiveness of the Nation has benefited significantly from the Department's laboratories. Entire industries have been established on the basis of technology initially developed within the laboratories in addition to the multitude of many new companies and products that have been spawned as a result of the laboratories activities. Passage of the National Competitive Technology Transfer Act focused and simplified the transfer of technologies from the laboratories to the private sector leading to the high number of cooperative agreements with industry.

University research and education programs also receive substantial benefits from the Department's laboratories. Universities work with the Department in the design and operation of major, capital intensive user facilities located at the Department's laboratories. The high capital costs of these complex user facilities, necessary for advances in modern science, are borne by the Department. Additional assistance to scientific education is provided through many residence programs for students and faculty at the laboratories. Universities also benefit

by the substantial amount of research and development efforts directed to universities from the Department's laboratories through subcontracting and cooperative programs.

Several years ago, the Committee on Energy and Natural Resources began to reassess the missions and roles of the Department of Energy laboratories and to take a hard look at the adequacy of the mechanisms for technology transfer. In the 102d Congress, the committee reported S. 2566, which was passed by the Senate in July 1992. As there was no companion measure in the House, there was insufficient time for the House to act on the measure.

The legislation that I am introducing today builds on the committee's work over the past several years. This legislation will leverage the capabilities and resources of the Department of Energy laboratories through partnerships with U.S. industry and universities in key areas of technology such as in energy, high-performance computing, the environment, human health, advanced manufacturing, advanced materials, and transportation. The bill would establish a minimum goal for the percentage of each laboratory budget to be devoted to partnerships with industry, and it would provide more flexible authority to the Secretary of Energy to enter into partnerships with the private sector. Through these partnerships, a closer and more effective working relationship can be developed among the laboratories, U.S. industry, the educational community and other Federal agencies. These relationships will improve the coordination between the laboratories and the private sector and ensure that technologies important to this country's long-term survival will be developed. The legislation would also take bold new steps in the way that business is done between the laboratories and the private sector in the areas of intellectual property rights and patents, all with the goal of maximizing the competitiveness of U.S. industry.

This legislation would also establish a career path program to maximize the benefit that can be derived from laboratory employees. Scientists in the Department's contractor-operated laboratories frequently refuse to serve for a time in the Department as Federal employees because employment restrictions in current law could threaten future career opportunities in the national laboratory system.

Even though the national laboratories perform exclusively governmental work with Government funding and Government-owned property to carry out Government programs, they are operated by contractors. If a person leaves laboratory service for work in the Department, and later returns to the laboratory system, he is subject to postemployment restrictions like any other former Federal employee now with a private contractor.

It is essential to effective management of the national laboratories that the laboratory employees, particularly those involved in the management of the laboratory, be able to communicate with and frequently influence Department officials in carrying out the day-to-day operations of the laboratories. Such communication, however, becomes virtually impossible when the laboratory employee has worked for the Department. Because the employee has worked for a time at the Department and then becomes a private-sector employee, the postemployment laws make it illegal for that employee to try and influence Department officials.

Mr. President, if this laboratory complex did not exist, we could not afford to create it in today's budget climate. We have these laboratories as a legacy from the time when the Nation invested heavily in the infrastructure of science for defense. These laboratories are on the brink of change in how they operate. With the end of the cold war, we are at a crossroads. As funding for nuclear weapons declines, it is prudent to redirect the activities of the national laboratories to help American industry and universities. Some may think that we should simply let these laboratories fade away as they are no longer needed. The fact is, however, that the Department's laboratories already do more civilian research than weapons research. But they can still do more. We now have the opportunity to use these laboratories to solve the problems of today. This bill would redirect the resources of the laboratories—and streamline the process for doing business—to do just that.

The bill we are introducing is complex. We must define a new mission for DOE's laboratories—that of contributing strongly to the Nation's technological and economic competitiveness. There are existing missions and core competencies that must be preserved. DOE will continue to have unique and essential responsibilities in the field of nuclear weapons. We intend to strengthen our base in fundamental science. We must continue to develop the new energy technologies our economy demands. The mission we define in this legislation must be consistent with these existing missions.

The bill we are introducing raises a number of issues within the context of technology policy.

What will be the process under which the administration's proposed national information infrastructure is developed and put into place?

What role does competition among laboratories play in ensuring the availability of the most efficient technology development process?

How should we share the benefits of intellectual property developed in the course of cooperation with industrial participants?

What is the liability of the Government for the use of technology developed with public funds?

To what extent can the mission of improving national competitiveness be addressed through existing programs in the Department? Will new programs be needed?

What are the roles of other Federal agencies with scientific assets—the National Institutes of Health, the National Aeronautics and Space Administration, the Department of Defense, and the Department of Commerce?

We expect to address these issues in the hearings and markups that I will hold in the Committee on Energy and Natural Resources in the coming weeks. Our plan is to be ready to contribute to the effort the administration is mounting to enhance our economic competitiveness. We are looking for the best ideas and the best advice on how to make this effort successful.

Mr. President, I ask unanimous consent that the text of the bill and section-by-section analysis appear in the CONGRESSIONAL RECORD following my statement.

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

S. 473

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Department of Energy National Competitiveness Technology Partnership Act of 1993."

**SEC. 2. COMPETITIVENESS AMENDMENT TO THE DEPARTMENT OF ENERGY ORGANIZATION ACT.**

The Department of Energy Organization Act is amended by adding at the end the following new title (42 U.S.C. 7101 et. seq.):

"TITLE XI—TECHNOLOGY PARTNERSHIPS

**"SEC. 1101. FINDINGS, PURPOSES AND DEFINITIONS.**

"(a) FINDINGS.—Congress finds that—

"(1) the United States Department of Energy has scientific and technical capabilities and resources within the departmental laboratories in virtually every area of importance to the economic, scientific and technological competitiveness of United States industry;

"(2) the extensive scientific and technical investments in people, facilities and equipment in the department of Energy laboratories can be applied to achieve national technology goals in areas such as the environment, health, space, and transportation;

"(3) the Department of Energy has pursued aggressively the transfer of technology from departmental laboratories to the private sector, but the capabilities of the laboratories could be made more fully available to United States industry;

"(4) technology development has been increasingly driven by the commercial marketplace and private firms have extraordinary research and development capabilities in a broad range of generic technologies;

"(5) in carrying out their missions, the Department and the departmental laboratories would greatly benefit from closer collaboration and partnership with United States industry; and

"(6) partnerships between the departmental laboratories and United States indus-

try can provide significant benefits to the nation as a whole, including the creation of high-paying, high value-added jobs for United States workers and the improvement of the competitiveness of United States firms in key sectors such as the aerospace, automotive, chemical and electronics sectors.

"(b) PURPOSES.—The purposes of this title are to—

"(1) enhance partnerships between the private sector and the Department and the departmental laboratories and to establish a minimum goal for the percentage of the multi-program departmental laboratory budgets devoted to partnerships;

"(2) ensure that the Department and the departmental laboratories play an appropriate role, consistent with their core competencies, in implementing the President's critical technology strategies;

"(3) provide additional authority to the Secretary to enter into partnerships with the private sector in pursuit of research, development, demonstration and commercial application activities; and

"(4) streamline the process by which cooperative research and development agreements proposed by the departmental laboratories receive final disposition within the Department.

"(c) DEFINITIONS.—For the purposes of this title—

"(1) "core competency" means an area in which the Secretary determines a departmental laboratory has developed expertise and demonstrated capabilities;

"(2) "critical technology" means a technology identified in the National Critical Technologies Report;

"(3) "Department" means the United States Department of Energy;

"(4) "departmental laboratory" means a facility operated by or on behalf of the Department that would be considered a laboratory as that term is defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S. C. §3710a(d)(2));

"(5) "disadvantaged" has the same meaning as such term has in section 8(a)(5) and (6) of the Small Business Act (15 U.S. C. 637(a)(5) and (6));

"(6) "dual-use technology" means a technology that has military and commercial applications;

"(7) "educational institution" means a college, university, or elementary or secondary school, including any not-for-profit organization dedicated to education that would be exempt under section 501(a) of the Internal Revenue Code of 1986;

"(8) "minority college or university" means a historically black college or university that would be considered a "part B institution" by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or any other institution of higher education where enrollment includes a substantial percentage of students who are disadvantaged;

"(10) "multi-program departmental laboratory" means any of the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories;

"(11) "National Critical Technologies Report" means the biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d));

"(12) "partnership" means an arrangement, including an arrangement under section 1109, under which the Secretary or one or more departmental laboratories undertakes research, development, demonstration or commercial application activities for the mutual benefit of the partners in cooperation with one or more participants from among the following: an educational institution, private sector entity, State governmental entity, or other Federal agency; and

"(13) 'Secretary' means the Secretary of the United States Department of Energy.

**"SEC. 1102. ESTABLISHMENT OF PARTNERSHIPS.**

"The Secretary and the director of each departmental laboratory may enter into any partnership that will enhance the economic, scientific or technological competitiveness of United States industry utilizing the authority of this title or the authority available to the Secretary or the directors under the following:

"(a) the Atomic Energy Act of 1954;

"(b) the Federal Nonnuclear Energy Research and Development Act of 1974;

"(c) the Energy Policy Act of 1992;

"(d) the Stevenson-Wydler Technology Innovation Act of 1980;

"(e) the National Competitiveness Technology Transfer Act of 1989;

"(f) the Federal Technology Transfer Act of 1986;

"(g) the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989;

"(g) the Bayh-Dole Patent and Trademark Act of 1980; or

"(h) the National Cooperative Research Act of 1984.

**"SEC. 1103. ESTABLISHMENT OF GOAL FOR PARTNERSHIPS BETWEEN MULTI-PROGRAM DEPARTMENT LABORATORIES AND UNITED STATES INDUSTRY.**

"(a) Beginning in fiscal year 1994, the Secretary shall establish a goal to allocate not less than 10 percent of the annual budget of each multi-program departmental laboratory to cost-shared partnerships with United States industry.

"(b) Funds authorized to be appropriated to the Secretary and made available for departmental-laboratory-directed research and development shall be available for any partnership.

**"SEC. 1104. DEPARTMENT ROLE IN THE DEVELOPMENT OF CRITICAL TECHNOLOGY STRATEGIES.**

"(a) The Secretary shall develop a multiyear critical technology strategy for research, development, demonstration and commercial application activities supported by the Department for each critical technology listed in the National Critical Technologies Report.

"(b) In developing such strategy, the Secretary shall—

"(1) develop goals and objectives for the appropriate role of the Department in each of the critical technologies listed in the report, building on the core competencies of the department laboratories;

"(2) consult with appropriate representatives of United States industry, including members of United States industry associations and representatives of labor organizations in the United States; and

"(3) participate in the executive branch process to develop critical technology strategies such as required by section 822 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (P.L. 102–190).

**"SEC. 1105. MISSION STATEMENT.**

"(a) The Secretary, and the director of each departmental laboratory, may enter into partnerships that build on the core competencies of the departmental laboratories to conduct research, development, demonstration or commercial application activities in those areas listed in the biennial National Critical Technologies Report or in any of the following areas—

"(1) energy efficiency, including efficiency in power generation, transmission, and utilization; energy conservation technologies; process technologies; and transportation;

"(2) energy supply, including alternative fuels; advanced forms of renewable energy; advanced clean coal technologies; coal liquefaction and synthetic fossil fuels; advanced oil and gas recovery; advanced nuclear reactor technologies; fusion technologies; biofuel technologies; electricity transmission, distribution, and storage; and energy forecasting;

"(3) high-performance computing, including programs to develop and use new computer architectures such as large scale parallel computers, real-time visualization, powerful scientific workstations, high-speed networking, new computer software and algorithms; programs to develop advanced materials for the communication and computing industry such as new memories, optical switches or optical storage disks; programs to address complex scientific challenges such as understanding global climate change, hydrologic modeling, and fundamental combustion processes; and programs with other agencies and the private sector for the development and use of high-performance computer research networks;

"(4) the environment, including global climate change; protection of ecological systems; environmental restoration and waste management; and development of technologies for biogeochemical dynamics, toxicology, remote sensing, biotechnology, risk analysis, and environmental assessment;

"(5) human health, including radiopharmaceutical and laser applications; mapping of the human genome; structural biology; development of technologies for nuclear and diagnostic medicine and radiation biology, including cancer therapies; and development of sensors, electronics and information systems to lower health care costs;

"(6) advanced manufacturing technologies, including laser technologies, robotics and intelligent machines; semiconductors, superconductors, microelectronics, photonics, optoelectronics, and advanced displays; x-ray lithography; sensor and process controls; and those technologies that may affect energy production, energy efficiency, environmental protection or waste minimization;

"(7) advanced materials, including materials that may increase efficiency in energy generation, conversion, transmission and use; synthesis and processing for improved and new materials; materials to promote waste minimization and environmental protection; and new and improved methods, techniques, and instruments to characterize and analyze properties of materials;

"(8) transportation technologies, including those that will improve the efficiency of and reduce the energy consumption and environmental impact associated with conventional transportation technologies;

"(9) space technologies, including space-based sensors for environmental monitoring, climate modeling, and radio-biological studies;

"(10) quality technologies, including reliability engineering, failure analysis, statistical process control, nondestructive testing and inspection techniques, concurrent engineering and design practices for reliability

and testability used to ensure product and process quality specifications are met;

"(11) technologies listed in the annual defense critical technologies plan submitted to Congress by the Secretary of Defense pursuant to section 2506(e) of title 10, United States Code; and

"(12) any other generic, precompetitive technology or other critical technology identified by the Secretary.

"(b) The Secretary, and the directors of the departmental laboratories, shall utilize partnerships with United States industry to ensure that technologies developed in pursuit of the Department's missions are rapidly applied and commercialized. In carrying out the Department's missions, the Secretary, and the directors of the departmental laboratories, shall, to the maximum extent practicable, work in partnership with United States industry and educational institutions.

"(c) The Secretary shall work with other federal agencies to carry out research, development, demonstration or commercial application activities where the core competencies of the Department and the departmental laboratories could contribute to the missions of such other agencies.

**"SEC. 1106. PARTNERSHIP PREFERENCES.**

"(a) Any partnership that would be given preference under section 12(c)(4) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. §3710a (c)(4)) if it were a cooperative research and development agreement shall be given similar preference under this title.

"(b) The Secretary shall issue guidelines to describe the application of section 12(c)(4) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(4)) to partnerships as prescribed by section (a).

"(c) The Secretary shall encourage partnerships that involve minority colleges or universities or private sector entities owned or controlled by disadvantaged individuals.

**"SEC. 1107. EVALUATION OF PARTNERSHIP PROGRAMS.**

"(a) The Secretary shall develop mechanisms for independent evaluation of the accomplishments of the ongoing partnership activities of the Department and the departmental laboratories.

"(b)(1) The Secretary and the director of each departmental laboratory shall develop mechanisms for assessing the accomplishments of each partnership and for measuring the progress of each such partnership.

"(2) The Secretary and the director of each departmental laboratory shall utilize the mechanisms developed under subparagraph (1) to evaluate the success of each ongoing multi-year partnership and shall condition continued funding of each such partnership on demonstrated progress.

**"SEC. 1108. ANNUAL REPORT.**

"(a) The Secretary shall submit an annual report to Congress describing the ongoing partnership activities of the Secretary and each departmental laboratory and, to the extent practicable, the activities planned by the Secretary and by each departmental laboratory for the coming fiscal year. In Developing the report, the Secretary shall seek the advice of the Laboratory Partnership Advisory Board established in section 1110.

"(b) The Secretary shall submit the report under subsection (a) to the Committees on Appropriations and Energy and Natural Resources of the Senate and to the appropriate Committees of the House of Representatives. No later than March 1, 1994, and no later then the first of March of each subsequent year, the Secretary shall submit the report under subsection (a) that covers the fiscal year beginning on the first of October of such year.

"(c) Each director of a departmental laboratory shall provide annually to the Secretary a report on current partnership activities and a plan and such other information as the Secretary may reasonably require describing the partnership activities the director expects will be carried out by such laboratory in the coming fiscal year. The director shall provide such report and plan in a timely manner as prescribed by the Secretary to permit preparation of the report under subsection (a).

"(d) The Secretary's description of planned activities under subsection (a) shall include, to the extent such information is available, appropriate information on—

"(1) the total funds to be allocated to partnership activities by the Secretary and by the director of each departmental laboratory;

"(2) a breakdown of funds to be allocated by the Secretary and by the director of each departmental laboratory for partnership activities in each area of technology identified in section 1105(a);

"(3) plans for additional funds not described in subparagraph (2) to be set aside for partnerships during the coming fiscal year;

"(4) the partnerships the Secretary and the director of each departmental laboratory expects to undertake in the coming fiscal year;

"(5) the technologies that will be advanced by partnerships and the anticipated benefits of such technologies;

"(6) the types of entities that will be eligible for participation in partnerships;

"(7) the nature of the partnership arrangements, including the anticipated level of financial and in-kind contribution from participants and any repayment terms;

"(8) the extent of the use of competitive procedures in selecting partnerships; and

"(9) such other information that the Secretary finds relevant to the determination of the appropriate level of Federal support for such partnerships.

"(e) The Secretary shall provide appropriate notice in advance to Congress of any partnership involving the expenditure of departmental funds not described in the report under subsection (a).

**"SEC. 1109. COOPERATIVE AGREEMENTS AND OTHER TRANSACTIONS AUTHORITY.**

"(a) The Secretary, in carrying out partnerships, may enter into cooperative agreements and other transactions with any person, any agency or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity.

"(b)(1) Cooperative agreements and other transactions entered into by the Secretary under subsection (a) may include a clause that requires a person or other entity to make payments to the Department (or any other department or agency of the Federal Government) as a condition for receiving support under the agreement or other transaction.

"(2) The amount of any payment received by the Federal Government pursuant to a requirement imposed under paragraph (1) may be credited, to the extent authorized by the Secretary, to the account established under subsection (e). Amounts so credited shall be merged with other funds in the account and shall be available for the same purposes and the same period for which other funds in such account are available.

"(c) The authority provided under subsection (a) may be exercised without regard to section 3324 of title 31 of the United States Code.

"(d) The Secretary shall ensure that —

"(1) to the maximum extent practicable, a cooperative agreement or other transaction under this section does not provide for activities that duplicates activities being conducted under existing programs carried out by the Department;

"(2) to the extent the Secretary determines practicable, the funds provided by the Government under the cooperative agreement or other transaction do not exceed the total amount provided by other parties to the cooperative agreement or other transaction; and

"(3) the authority under this section is used only when the use of contracts or grants is not feasible or appropriate.

"(e) There is hereby established in the Treasury an account for support of partnerships provided for in cooperative agreements and other transactions entered into under subsection (a). Funds in such account shall be available to the Secretary for the payment of such support.

**"SEC. 1110. LABORATORY PARTNERSHIP ADVISORY BOARD AND INDUSTRIAL ADVISORY GROUPS AT MULTI-PROGRAM DEPARTMENTAL LABORATORIES.**

"(a)(1) The Secretary shall establish within the Department an advisory board to be known as the "Laboratory Partnership Advisory Board," to provide the Secretary with advice on the implementation of this title.

"(2) The membership of the Laboratory Partnership Advisory Board shall consist of prominent representatives primarily from United States industry, but also from educational institutions, Federal laboratories of agencies other than the Department, and professional and technical societies in the United States who are qualified to provide the Secretary with advice on the implementation of this title.

"(3) The Laboratory Partnership Advisory Board shall request comment and suggestions from departmental laboratories to assist the Board in providing advice to the Secretary on the implementation of this title.

"(b) The director of each multi-program departmental laboratory shall establish an advisory group consisting of individuals with experience in the industrial sector to—

"(1) evaluate new initiatives proposed by the departmental laboratory and identify opportunities for partnerships with United States industry on those initiatives; and

"(2) evaluate ongoing programs at the departmental laboratory from the perspective of United States industry.

"(c) Nothing in this section is intended to preclude the Secretary or the director of a departmental laboratory from utilizing existing advisory boards to achieve the purposes of this section.

**"SEC. 1111. FELLOWSHIP PROGRAM.**

"The Secretary shall establish a program to encourage scientists and engineers from departmental laboratories to serve as visiting scientists and engineers in the research facilities of governments, educational institutions and industrial organizations in the United States and foreign countries.

**"SEC. 1112. COOPERATION WITH STATE PROGRAMS FOR TECHNOLOGY DEVELOPMENT AND DISSEMINATION.**

"The Secretary and the director of each multi-program departmental laboratory shall seek opportunities to coordinate their activities with programs of state and local governments for technology development and dissemination, including programs funded in part by the Secretary of Defense pursuant to section 2523 of title 10 of the United States Code and section 2513 of title 10 of the

United States Code and programs funded in part by the Secretary of Commerce pursuant to sections 25 and 26 of the Act of March 3, 1901 (15 U.S.C. 278k and 2781) and section 5121(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 2781 note).

**"SEC. 1113. AVAILABILITY OF FUNDS FOR PARTNERSHIPS.**

"(a) All of the funds authorized to be appropriated to the Secretary for research, development, demonstration or commercial application activities, other than atomic energy defense activities, shall be available for partnerships to the extent such partnerships are consistent with the goals and objectives of such activities.

"(b) All of the funds authorized to be appropriated to the Secretary for research, development, demonstration or commercial application of dual-use technologies within the Department's atomic energy defense activities, except for the naval nuclear propulsion program, shall be available for partnerships to the extent such partnerships are consistent with the goals and objectives of such activities.

**"SEC. 1114. PROTECTION OF INFORMATION.**

"Section 12(c)(7) of the Stevenson-Wydler Technology Innovation Act of 1980, relating to the protection of information, shall apply to the partnership activities undertaken by the Secretary and by the directors of the departmental laboratories.

**"SEC. 1115. EQUALITY OF ACCESS.**

"(a) The Secretary and the director of each departmental laboratory shall institute such procedures as needed to ensure that information on opportunities to participate in partnerships with the Secretary or the departmental laboratories is widely disseminated.

"(b) In cases where the Secretary or the director of a departmental laboratory believes a potential partnership activity would benefit from broad participation from the private sector, the Secretary or the director of such departmental laboratory may take such steps as may be necessary to facilitate formation of an United States industry consortium to pursue the partnership activity.

**"SEC. 1116. PRODUCT LIABILITY.**

"The Secretary and the Attorney General shall enter into a memorandum of understanding to establish a consistent policy and standards regarding the liability of the United States, the non-federal entity operating a departmental laboratory and of any other party to a partnership for claims arising from partnership activities. The Secretary and the director of each departmental laboratory shall, to the maximum extent practicable, incorporate into any partnership arrangement the standards established in the memorandum of understanding.

**"SEC. 1117. INTELLECTUAL PROPERTY.**

"(a) The Secretary shall develop guidelines to govern the distribution of intellectual property resulting from a cost-shared partnership. Such guidelines shall ensure, to the maximum extent practicable, that the intellectual property provisions of any partnership arrangement administered by a non-federal entity operating a departmental laboratory:

"(1) maximize the competitiveness of United States industry; and

"(2) are uniform among the departmental laboratories.

"(b) The Secretary shall ensure that the management and operating contracts between the Secretary and the non-federal entities operating the departmental laboratories are uniform with respect to provisions governing the administration of intellectual property in partnership arrangements involving departmental laboratories.".

**SEC. 3. MINORITY COLLEGE AND UNIVERSITY REPORT.**

Within one year after the date of enactment of this provision, the Secretary of Energy shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the United States House of Representatives a report addressing opportunities for minority colleges and universities to participate in programs and activities being carried out by the Department or the departmental laboratories. The Secretary shall consult with representatives of minority colleges and universities in preparing the report. Such report shall—

(a) describe current education and training programs being carried out by the Department or the departmental laboratories with respect to or in conjunction with minority colleges and universities in the areas of mathematics, science, and engineering;

(b) describe current research, development or demonstration programs involving the Department or the departmental laboratories and minority colleges and universities;

(c) describe funding levels for the programs referred to in subsections (a) and (b);

(d) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the fields of mathematics, science, and engineering;

(e) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in entering into partnerships;

(f) address the need for and potential role of the Department or the departmental laboratories in providing minority colleges and universities:

(1) increased research opportunities for faculty and students;

(2) assistance in faculty development and recruitment and curriculum enhancement and development; and

(3) laboratory instrumentation and equipment, including computer equipment, through purchase, loan, or other transfer;

(g) address the need for and potential role of the Department or departmental laboratories in providing funding and technical assistance for the development of infrastructure facilities, including buildings and laboratory facilities at minority colleges and universities; and

(h) make specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the areas of mathematics, science, and engineering, and in entering into partnerships with the Department or departmental laboratories.

**SEC. 4. CAREER PATH PROGRAM.**

(a) The Secretary shall establish a career path program to recruit employees of the national laboratories to serve in positions in the Department.

(b) The Secretary may utilize the authorities in this section to carry out the career path program. In addition to these authorities, the Secretary may exercise the waiver authorities of section 208(b) of title 18, United States Code, and section 602(c) of the Department of Energy Organization Act, 42 U.S.C. 7212(c).

(c) Section 207 of title 18, United States Code, is amended by inserting after subsection (j)(6) the following:

"(7) NATIONAL LABORATORIES.—(A) The restrictions contained in subsections (a), (b), (c), and (d) shall not apply to an appearance or communication made, or advice or aid rendered by an employee of a contractor managing and operating a facility described in subparagraph (B), if the appearance or communication is made on behalf of the facility or the advice or aid is provided to the contractor of the facility.

"(B) This paragraph applies to the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories.".

(d) Section 27 of the Office of Federal Procurement Policy Act, 41 U.S.C. 423, is amended by inserting after subsection (p) the following:

"(q) NATIONAL LABORATORIES.—(1) The restrictions on obtaining a recusal contained in paragraphs (c)(2) and (c)(3) shall not apply to discussions of future employment or business opportunity between a procurement official and a competing contractor managing and operating a facility described in paragraph (3): *Provided*, That such discussions concern the employment of the procurement official at such facility.

"(2) The restrictions contained in paragraph (f)(1) shall not apply to activities performed on behalf of a facility described in paragraph (3).

"(3) This subsection applies to the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories.".

**SEC. 5. INFORMATION INFRASTRUCTURE AND TECHNOLOGY.**

(a) FINDINGS.—(1) High-performance computing and high-speed networking have the potential to revolutionize many fields and to contribute to the enhancement of the economic, scientific, and technological competitiveness of United States industry.

(2) The federal government should ensure that a coordinated interagency program in partnership with the private sector is available to identify and promote applications of high-performance computing and high-speed networking that will significantly improve the use of information, foster and strengthen research and development capabilities, and enhance the competitiveness of United States industry.

(b) PURPOSE.—The purpose of this section is to:

(1) ensure the widest possible application of high-performance computing and high-speed networking in the United States; and

(2) provide for partnerships that will enhance federal and private efforts to deploy and commercialize these technologies as part of a national information infrastructure.

(c) NATIONAL INFORMATION INFRASTRUCTURE DEVELOPMENT PROGRAM.—The High-Performance Computing Act of 1991 (P.L. 101-425) is amended:

(1) in section 101, by adding after paragraph (2) a new paragraph (3) as follows and renumbering subsequent paragraphs accordingly:

"(3) The Program shall also—

"(A) provide for a coordinated interagency effort in partnership with the private sector

to develop, deploy and commercialize high-performance computing and high-speed networking technologies through a national information infrastructure for applications in—

"(i) education,

"(ii) health care,

"(iii) manufacturing,

"(iv) digital information,

"(v) energy demand management,

"(vi) environmental monitoring and remediation,

"(vii) financial services, and

"(viii) such other fields as the President deems appropriate;

"(B) set forth the role of the Network in making the benefits of applications of high-performance computing and high-speed networking available to United States research and educational institutions, government and industry in every State through a national information infrastructure; and

"(C) otherwise ensure that services and applications of high-performance computing and high-speed networking technologies are available as needed to United States industry, government and academia.".

(2) in section 203 by adding at the end thereof a new subsection (f) as follows:

"(f)(1) The Secretary of Energy shall, consistent with the Program, provide for cooperative, cost-shared projects involving the Department of Energy or one or more Department of Energy laboratories and appropriate non-federal entities to develop, test and apply high-performance computing and high-speed networking technologies for—

"(A) education and training, including science, mathematics and engineering education and practical post-secondary training in skills needed by United States industry;

"(B) health care, including remote diagnosis and monitoring;

"(C) manufacturing;

"(D) energy demand management and control, including vehicle efficiency and utilization, energy efficiency in commercial and residential buildings, and industrial energy use and practices;

"(E) scientific, technical and energy information dissemination and analysis, including exhibits and model experiments;

"(F) technology transfer among the Department of Energy laboratories, United States industry and educational institutions;

"(G) environmental monitoring, modeling and remediation;

"(H) financial services, including security and data base management of financial data; and

"(I) such other areas as the Secretary deems appropriate.

"(2) In carrying out projects under subparagraph (1), the Secretary shall, where appropriate, seek to address the technical, architectural, economic, regulatory and market considerations critical to further development of a national information infrastructure.

"(3) There is authorized to be appropriated to the Secretary of Energy for purposes of this subsection $50,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995 and $150,000,000 for fiscal year 1996.".

**SEC. 6. AVLIS COMMERCIALIZATION.**

(a) PREDEPLOYMENT CONTRACTOR.—Not later than 90 days after the date of enactment of this Act, the Secretary shall solicit proposals for a commercial predeployment contractor to conduct such activities as may be necessary to enable the Secretary or any successor to the Secretary's uranium enrichment enterprise to deploy a commercial uranium enrichment plant using the Atomic Vapor Laser Isotope Separation (AVLIS) technology. Such activities shall include:

(1) developing a transition plan for transferring the AVLIS program from research, development, and demonstration activities at the Lawrence Livermore National Laboratory to deployment of a commercial AVLIS production plant;

(2) confirming the technical performance of AVLIS technology;

(3) developing the economic and industrial assessments necessary for the Secretary or his successor to make a commercial decision whether to deploy AVLIS;

(4) providing an industrial perspective for the planning and execution of remaining demonstration program activities; and

(5) completing feasibility and risk studies necessary for a commercial decision whether to deploy AVLIS, including financing options.

(b) ADDITIONAL ACTIVITIES.—Based upon the results of subsection (a), the Secretary may solicit additional proposals to complete the following activities:

(1) site selection, site characterization, and environmental documentation activities for a commercial AVLIS plant;

(2) engineering design of a production plant, developing a project schedule, and initiating operations planning;

(3) activities leading to obtaining necessary licenses from the Nuclear Regulatory Commission; and

(4) ensuring the successful integration of AVLIS technology into the commercial nuclear fuel cycle.

(c) REPORTS.—The Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the Speaker of the House of Representatives a written report on the progress made toward the deployment of a commercial AVLIS production plant 90 days after the date of enactment of this act and each 90 days thereafter.

**SEC. 7. DOE MANAGEMENT.**

(a)(1) Section 202(a) of the Department of Energy Organization Act (42 U.S.C. 7132(a)) is amended by striking "Under Secretary" and inserting in its place "Under Secretaries".

(2) Section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132 (b)) is amended to read as follows—

"(b) There shall be in the Department three Under Secretaries and a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform functions and duties the Secretary prescribes. The Under Secretaries shall be compensated at the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code, and the General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

(b) Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended by striking "eight Assistant Secretaries" and inserting in its place "eleven Assistant Secretaries".

**SEC. 8. AMENDMENTS TO STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT.**

Section 12(c)(5) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a (c)(5)) is amended—

(a) by deleting subparagraph (C)(i) and inserting in lieu thereof:

"(C)(i) Any agency which has contracted with a non-Federal entity to operate a laboratory shall review and approve, request specific modifications to, or disapprove a joint work statement and cooperative research and development agreement that is submitted by the director of such laboratory within 30 days after such submission. In any case where an agency has requested specific modifications to a joint work statement or cooperative research and development agreement, the agency shall approve or disapprove any resubmission of such joint work statement or cooperative research and development agreement within 15 days after such resubmission. No agreement may be entered into by a Government-owned, contractor-operated laboratory under this section before both approval of the cooperative research and development agreement and a joint work statement.".

(b) by adding after "joint work statement" in subparagraph (C)(ii) the words, "or cooperative research and development agreement".

(c) by deleting subparagraph (C)(iv).

(d) by deleting subparagraph (C)(v) and inserting in lieu thereof:

"(C)(iv) If an agency fails to complete a review under clause (i) within any of the specified time-periods, the agency shall submit to the Congress, within 10 days after the failure to complete the review, a report on the reasons for such failure. The agency shall, at the end of each successive 15-day period thereafter during which such failure continues, submit to Congress another report on the reasons for the continuing failure.".

(e) by deleting subparagraph (C)(vi).

**SEC. 9. GUIDELINES.**

The implementation of the provisions of this Act shall not be delayed pending the issuance of guidelines or standards required by sections 1106, 1116 and 1117 of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) as added by section 2 of this Act.

**SEC. 10. AUTHORIZATION.**

In addition to funds made available for partnerships under section 1113 of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) as added by section 2 of this Act, there is authorized to be appropriated from funds otherwise available to the Secretary:

(a) for partnership activities with industry in areas other than atomic energy defense activities $100,000,000 for fiscal year 1994, $140,000,000 for fiscal year 1995, $180,000,000 for fiscal year 1996 and 220,000,000 for fiscal year 1997; and

(b) for partnership activities with industry involving dual-use technologies within the Department's atomic energy defense activities, except for the naval nuclear propulsion program, $240,000,000 for fiscal year 1994, $290,000,000 for fiscal year 1995, $350,000,000 for fiscal year 1996 and $400,000,000 for fiscal year 1997.

SECTION-BY-SECTION ANALYSIS OF THE DEPARTMENT OF ENERGY NATIONAL COMPETITIVENESS TECHNOLOGY PARTNERSHIP ACT OF 1993

Section one establishes the short title, the "Department of Energy National Competitiveness Technology Partnership Act of 1993".

Section two adds a new title "Technology Partnerships" to the Department of Energy Organization Act (42 U.S.C. 7101 et. seq.). Section 1101 of the title establishes the findings, purposes and definitions.

The Congress finds that the United States Department of Energy has scientific and technical capabilities and resources within the departmental laboratories in virtually every area of importance to the economic, scientific and technological competitiveness of United States industry. These resources

can be applied to achieve national technology goals in areas such as the environment, health, space, and transportation. These national goals can best be obtained through partnerships between the departmental laboratories and United States industry.

Section 1102 of the title establishes that the Secretary of Energy and the director of each departmental laboratory may enter into any partnership that will enhance the economic, scientific or technological competitiveness of United States industry.

Section 1103 of the title directs the Secretary to establish a goal to allocate not less than 10 percent of the annual budget of each multi-program departmental laboratory to cost-shared partnerships with United States industry. The section also makes departmental laboratory-directed research and development funds available for any partnership.

Section 1104 of the title directs the Secretary to develop a multi-year critical technology strategy for research, development, demonstration and commercial application activities supported by the Department for each critical technology listed in the National Critical Technologies Report.

Section 1105 of the title establishes that the Secretary, and the director of each departmental laboratory, may enter into partnerships that build on the core competencies of the departmental laboratories to conduct research, development, demonstration or commercial application activities in those areas listed in the biennial National Critical Technologies Report or in such areas as energy efficiency, energy supply, high-performance computing, the environment, human health, advanced manufacturing, advanced materials, transportation, and space.

Section 1106 of the title would grant preferential status to any partnership involving a small business or to a partnership that will agree to manufacture any products resulting from the partnership in the United States. The Secretary is to issue guidelines to establish how and when preferential status will be granted. The Secretary is also to encourage partnerships that involve minority colleges or universities or private sector entities owned or controlled by disadvantaged individuals.

Section 1107 of the title of the title instructs the Secretary to develop mechanisms for independent evaluation of the accomplishments of the ongoing partnership activities of the Department and the departmental laboratories. The Secretary and the directors of the departmental laboratories are to develop mechanisms for assessing the success of each ongoing multi-year partnership and to condition continued funding of each partnership on demonstrated progress.

Section 1108 of the title requires the Secretary to submit an annual report to Congress describing the ongoing partnership activities of the Secretary and each departmental laboratory and the activities planned by the Secretary and by each departmental laboratory for the coming fiscal year.

Section 1109 of the title grants the Secretary authority to enter into cooperative agreements and other transactions with any person, any agency or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity. The Secretary may require a person to make payments to the Department as a condition for receiving support under the agreement or other transaction.

Section 1110 of the title established the "Laboratory Partnership Advisory Board," to provide the Secretary with advice on the implementation of this title. The section also requires the director of each multi-program departmental laboratory to establish an advisory group to identify opportunities for partnerships with United States industry and to evaluate ongoing programs at the departmental laboratory from the perspective of United States industry.

Section 1111 of the title creates a program to encourage scientists and engineers from department laboratories to serve as visiting scientists and engineers in the research facilities of governments, educational institutions and industrial organizations in the United States and foreign countries.

Section 1112 of the title directs the Secretary and the director of each multi-program departmental laboratory to seek opportunities to coordinate their activities with programs of state and local governments for technology development and dissemination, including programs funded by the Secretary of Defense and the Secretary of Commerce.

Section 1113 of the title makes all the funds authorized to be appropriated to the Secretary for research, development, demonstration or commercial application activities, other than atomic energy defense activities, available for partnerships. All of the funds authorized to be appropriated to the Secretary for dual-use technologies within the Department's atomic energy defense activities, except for the naval nuclear propulsion program, are also available for partnerships.

Section 1114 of the title would protect information belonging to the members of a partnership or to the partnership from dissemination.

Section 1115 of the title directs the Secretary and the director of each departmental laboratory to ensure that information on opportunities to participate in partnerships with the Secretary or the departmental laboratories is widely disseminated.

Section 1116 of the title directs the Secretary and the Attorney General to enter into a memorandum of understanding to establish a consistent policy and standards regarding the liability of the United States, the departmental laboratory and of any other party to a partnership for claims arising from partnership activities. The Secretary and the director of each departmental laboratory are to incorporate into any partnership arrangement the standards established in the memorandum of understanding.

Section 1117 of the title requires the Secretary to develop guidelines to govern the distribution of intellectual property resulting from a cost-share partnership. The guidelines are to ensure that the intellectual property provisions of any partnership arrangement maximize the competitiveness of United States industry and are uniform among the departmental laboratories. The Secretary is to ensure that the management and operating contracts between the Secretary and the departmental laboratories are uniform with respect to provisions governing the administration of intellectual property in partnership arrangements.

Section three directs the Secretary of Energy to prepare a report addressing opportunities for minority colleges and universities to participate in programs and activities being carried out by the Department or the departmental laboratories.

Section four creates the Career Path Program. This program will allow employees of Department of Energy laboratories to work for the Department and return to departmental laboratories without violating criminal post-federal employment statutes.

Section five amends the "High-Performance Computing Act of 1991 to ensure the widest possible application of high-performance computing and high-speed networking in the United States and to provide for partnerships that will enhance federal and private efforts to deploy and commercialize these technologies as part of a national information infrastructure.

Section six directs the Secretary to solicit proposals for a commercial predeployment contractor to conduct activities necessary to enable the Secretary or any successor to the Secretary's uranium enrichment enterprise to deploy a commercial uranium enrichment plant using the Atomic Vapor Laser Isotope Separation (AVLIS) technology.

Section seven would amend the Department of Energy Organization Act to provide for a total of three Under Secretaries and eleven Assistant Secretaries within the Department of Energy.

Section eight would amend the Stevenson-Wydler Technology Innovation Act of 1980 to reduce the total time available for the department of Energy to review a joint work statement and a cooperative research and development agreement to thirty days.

Section nine requires that the implementation of the provisions of this Act not be delayed pending the issuance of guidelines or standards required by sections 1106, 1116, and 1117 of the Department of Energy Organization Act as amended by this Act.

Section ten authorizes funds to be appropriated to the Secretary for non-program partnership activities with industry involving civilian technologies and for non-program partnership activities with industry involving dual-use technologies within the Department's atomic energy defense activities.•

• Mr. BINGAMAN. Mr. President, I am delighted to join Senator JOHNSTON, the chairman of the Committee on Energy and Natural Resources, in introducing the National Competitiveness Technology Transfer Act of 1993. I commend him for the effort he and his staff have made in putting this bill together. The bill aims at promoting our industrial competitiveness and economic growth by strengthening the linkages between the laboratories of the Department of Energy and the private sector.

Senator WALLOP, Senator DOMENICI, and Senator FORD have all made major contributions to the bill being introduced today and I look forward to working with them and all of our other colleagues on the Energy and Natural Resources Committee to further improve this bill in the hearings and mark-up process and to see a version of this bill become law this year.

Mr. President, the bill Senator JOHNSTON is introducing today is a critical component of our Federal technology policy. It is a complement to Senator HOLLINGS' bill, S. 4, which addresses the role of the Department of Commerce and the National Science Foundation in our technology policy. It is a complement to the work the Armed Services Committee did in last year's defense authorization bill to outline the role of the Department of Defense, especially the Advanced Research Projects Agency, in fostering the development and application of dual-use

technologies in partnership with the private sector and State and local governments. It is a complement to the work of the Labor and Human Resources Committee in supporting Dr. Healy's efforts to better connect the $10 billion National Institutes of Health research programs with the needs of the private sector.

I have personally been associated with all of these efforts and I want to emphasize today the importance of making the best use of all of our Federal R&D resources, of the core competencies of all of our agencies and laboratories, to achieve the goals we all share, namely the growth of our economy and the creation of good jobs for American workers. In my view, a far larger share of the $75 billion Federal R&D enterprise needs to be driven by industry's needs and executed in partnership with industry. We need more Sematechs, more advanced battery consortiums, more textile consortiums, more biotechnology, materials and manufacturing consortiums. Each of the Federal mission agencies has a role in this effort to build effective partnerships with industry.

Senator JOHNSTON's bill aims to make the Department of Energy's laboratories, both defense and civilian, full partners with American industry in the broad array of technologies in which they have unmatched resources and capabilities. I believe such partnerships will benefit both the labs in carrying out their missions and industry.

We have been going down this path for only a very brief time. Senator DOMENICI and I, together with Senator JOHNSTON and then Senator GORE and our colleagues in the House, finally succeeded, in 1989, in passing the National Competitiveness Technology Transfer Act, which for the first time made an effective mechanism, the cooperative research and development agreement, available to the DOE laboratories to work with industry. That was 3 years later than the Government-operated laboratories, such as the National Institute of Standards and Technology, received this authority.

Thanks largely to Secretary Watkins and White House Science Adviser Allan Bromley, much progress was made in the last administration toward using this authority and toward broadening the laboratories' missions to include greater partnership with the private sector. But it is clear to us that more needs to be done to inculcate a partnership culture within the Department and its laboratories, especially the 10 large multiprogram laboratories.

That is what this bill would do. I believe the bill is totally consistent with the technology policy the President and Vice President announced last Monday. The bill draws on a number of recent studies of lab-industry partnerships, including the work of the Council on Competitiveness, the Center for Strategic and International Studies, and the Atlantic Council. And the bill is very much a work in progress. We truly hope to get a broad range of detailed comments on it through our hearings in the Energy Committee, comments from the administration, from the private sector, and from the laboratories themselves.

This legislation will provide the next step in the process necessary for the DOE labs across the Nation to share their enormous technological resources with American industry to boost our economy and produce jobs.

The bill would:

First, provide a clear and expanded mission statement for the DOE and its labs in research, development, and application of a broad range of critical technologies;

Second, streamline the process by which partnerships between the labs and private industry are approved and improve the attractiveness of partnerships to industry;

Third, encourage use of a broader range of partnership mechanisms, extending beyond the Cooperative Research and Development Agreement [CRADA];

Fourth, starting in fiscal year 1994, set a minimum goal of 10 percent of each multiprogram lab's budget for use in cost-shared partnerships with industry;

Fifth, strengthen the ability of the Secretary of Energy to enter into cooperative agreements with industry;

Sixth, establish industry advisory boards at both DOE and lab levels to maximize industry's involvement in lab activities;

Seventh, emphasize the role of the DOE and its labs in the President's National Information Infrastructure Program; and

Eighth, encourage employees of multiprogram labs to take assignments within the Department of Energy.

My colleagues and I believe this bill will prove vital to the success of the labs in the post-cold-war world. As the defense budget shrinks, we must make it easier, and more desirable, for industry to work with the labs. The labs must also be prepared to welcome industry's increased role.

In 1989, we passed the National Competitiveness Technology Transfer Act. This year we hope to pass the National Competitiveness Technology Partnership Act. This one word change has great significance. The word transfer connotes the old spinoff model, the model that characterized Federal technology policy for the entire cold war era. The word partnership conveys with it a new paradigm, a new model—Government and industry working together in close collaboration to achieve their mutual goals.

The old paradigm was appropriate to its time, a time when the commercial sector, with a few exceptions like the Bell Laboratories and IBM Yorktown, generally lagged the Federal labs in many areas of technology, and when Government missions, particularly defense and space, drove technology development. But today, that has dramatically changed. Industry outspends Government on R&D. The commercial marketplace drives technology development. And many industry laboratories have capabilities that exceed those in the Federal labs in many areas. These changes are driving the replacement of the spinoff paradigm by the partnership paradigm.

Mr. President, I hope the legislation we are introducing today will win broad support in this body. I want to thank Senator JOHNSTON again for taking the lead in putting this legislation together. I want to thank Senators DOMENICI, WALLOP, and FORD for all the work they and their staffs have put into the bill already, and for the support they will continue to lend to it as we proceed in the Energy Committee.●

● Mr. MATHEWS. Mr. President, I am pleased to join with Senator JOHNSTON and my colleagues on the Energy and Natural Resources Committee as an original cosponsor of the Department of Energy National Competitiveness Technology Partnership Act of 1993. I feel this legislation takes the necessary steps to reinvigorate our national labs and provide the assistance to the private sector which can help them compete and win in todays international markets.

The wealth of information and technology that is available at our national labs has served the country well, but we are reaching a time when the Department of Energy needs to take on a new role. America's security is now largely dependent upon competitiveness in the marketplace, not keeping up with the cold war. The investments we have made in our national labs should be turned toward our universities, businesses, and to training individuals in the areas of science and technology.

I believe this legislation will help to further that cause. It expands the authority of the national laboratories, through the Secretary of the Department of Energy, to enter into cooperative research and development agreements. Many of the national labs have expertise which can be applied to manufacturing processes. By allowing these agreements to move forward more expeditiously, technology transfer will also occur more quickly, enhancing the capabilities of various industries and manufacturing groups. The end results should be greater prosperity for the regions surrounding the labs and ultimately the entire country.

Mr. President, I recently visited the Oak Ridge National Laboratory in Tennessee. During my visit I saw several examples of technology transfer and the advancements which can be

achieved through cooperative research and development agreements. The managers at Oak Ridge tell me that such efforts have given them a new direction and already have been a great asset to the private sector in the region.

One significant area of research at Oak Ridge is waste cleanup technology. We are all aware of the waste sites around this country which have been placed on the superfund priority list. I think all my colleagues will agree the earlier we clean up these sites the better off we will be. As we also know, many of the sites are being cleaned up by private contractors, contractors who can benefit from the research going on at Oak Ridge. In addition to applying these skills domestically, waste cleanup technology is badly needed abroad, as we have seen from the conditions in Eastern Europe. I think the benefits of this type of technology transfer are clear.

I want to see these agreements expanded and improved upon. Therefore, I am pleased to join with my fellow members of the Energy and Natural Resources Committee in initiating that expansion and I encourage my colleagues to join us in promoting these policies.•

• Mr. DOMENICI. Mr. President, over the past 40 years, American taxpayers have invested a considerable amount of money to create a system of national laboratories. The whole idea of the laboratories was to bring together the best scientists and engineers in the world to solve problems. At Los Alamos, Lawrence Livermore, and Sandia, for example, we brought together multidisciplinary teams of the world's best scientists and engineers and purposefully focused their talents on creating America's nuclear deterrent. They more than met the challenge we gave them. Largely due to the success of this program, America won the cold war. Along the way, the laboratories also developed some of the very best science and technology in the history of mankind. Just imagine what can happen if we refocus the attention of the thousands of scientists and engineers in the national laboratories on meeting the challenges of the future.

Two years ago, legislation Senator BINGAMAN and I sponsored, the National Competitiveness and Technology Transfer Act, allowed, for the first time, the Department of Energy's multiprogram labs to enter into cooperative research with industry. Even in this short period of time, these laboratories have been significantly over subscribed by industry interested in pursuing cooperative research.

The opportunity now presents itself to expand our present policy of making federally funded research and development available to the private sector. Of greatest importance in this regard is that the Federal Government's policy of working with industry be comprehensive, coordinated, industry driven, and utilize existing Federal capabilities rather than duplicate previous investments. For those reasons, the existing and to some degree demonstrated, ability of the Department of Energy laboratories to work with industry, must be a cornerstone of any Federal technology initiative directed toward increasing U.S. competitiveness.

Whatever policy is implemented, it fundamentally must provide access to science and engineering capabilities of interest to the private sector. The fact of the matter is that the single largest component of the Federal Government's investment in science and technology resides within the Department of Energy's laboratories. The challenge to policymakers is to provide an efficient means of bringing that know-how to bear on the challenges facing the private sector's objectives.

I believe that the private sector's long-term interest in working with the Federal Government on initiatives of this sort will be determined not by the Government's intentions but by those capabilities the Government brings to the table. To create an effective national technology initiative it needs to be short on programs and administrative disincentives and long on technology.

I am very pleased with the legislation introduced today. Senators JOHNSTON of Florida, BINGAMAN, and myself have followed the Department of Energy's technology transfer programs closely since their inception. We believe that the intentions of the program could most effectively be achieved if some of the process required to undertake cooperative research with the labs is streamlined. For that reason, we have identified the sources of technology transfer funds and issues dealing with the protection of information, equality of access, product liability, and intellectual property as needing to be addressed. It is our hope that the proposals included in this legislation will lead to a lively debate on these and other means of streamlining the CRADA negotiation process.

This legislation is certainly a follow-on to that passed in 1989. We have recognized that the labs are of value to industry if mechanisms are in place to allow effective interactions. In the past, our legislative efforts focused on CRADA's, this legislation emphasizes partnerships. In my mind, these partnerships between labs and industry should serve as a means of achieving the research and development objectives of both industry and the labs.

Previously, technology transfer was viewed as a separate from the traditional missions of the laboratories. The legislation we have introduced today would change that perception. For the first time, we are proposing that partnerships be one of the Department's missions and that they be funded from programmatic funds.

I would like to thank those Senators who have joined me in sponsoring this legislation. It is exciting that the issue of a national technology policy is before the country. It is my hope that this legislation establishes the framework for the Department of Energy laboratories' involvement in this undertaking.•

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By Mr. COATS:

S. 474. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to $3,500, and for other purposes; to the Committee on Finance.

DEPENDENT CHILDREN EXEMPTION ACT OF 1993

• Mr. COATS. Mr. President, I rise today to reintroduce legislation to increase the personal tax exemption for dependent children under 18 from the current $2,300 to $3,500. Last Congress, I introduced this same bill which had the support of 17 cosponsors. The simple goal of this legislation is to allow American families to keep more of their hard-earned dollars.

An increase in the personal tax exemption is not only fair, it is long overdue. Over the last several decades, tax burdens have been radically redistributed, not from poor to rich or rich to poor, but directly on families with children.

Here are some facts: Single people and married couples with no children face just about the same tax rates as they did in 1960. But for a couple with two children, average taxes have risen about 43 percent. A family with four children has found their tax bill more than tripled, a rise of 223 percent.

The reason is simple. The personal exemption—the way the Tax Code adjusts for family size—has been eroded by inflation and neglect. In a fit of absentmindedness, the exemption that once protected families with children has fallen steadily during the past four decades. As the Urban Institute points out, if the personal exemption had kept pace with inflation and per capita income since 1948, the value today would be over $8,000. Today, however, it is only one-quarter of that value at $2,300.

The Progressive Policy Institute affirms this point in their blueprint, Mandate for Change, "since 1945, the real value of the dependent deduction has been allowed to erode by three-quarters."

Increased taxation on families with children is a toll of the bully, picking on the weak. Children suffer the most. They are now the poorest segment of the American population. More than 20 percent of American children under 18 live beneath the poverty line.

The Government continues to take more and more of the average families

income. Increasing the dependent deduction will allow families to keep more of their hard-earned money. We will be empowering American families to make their own choices and rely less on the Federal Government. We will also be encouraging economic growth. As we talk of investment, let us remember that the best investment Congress can make is in the American family.

I invite my colleagues to join me in this effort to provide tax relief to families. I ask unanimous consent that the full 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. 474

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

**SECTION 1. STATEMENT OF CONGRESSIONAL FINDINGS.**

The Congress hereby finds that—

(1) the erosion of the personal exemption over the past several decades has exacted an inordinate financial penalty on families with children,

(2) the simplest and most effective way to reinvest and strengthen families is by allowing families to keep more of their own hard-earned money,

(3) an increase in the dependent deduction would begin to ease the growing financial strain on families, and mark a return to tax fairness for families,

(4) if the personal exemption had kept pace with inflation, increases in per capita income and increases in family costs, it would be approximately $8,000 today, and

(5) the dependent deduction should be raised to $3,500 with a goal to each the appropriate level by the year 2000.

**SEC. 2. INCREASE IN PERSONAL EXEMPTION FOR CERTAIN DEPENDENT CHILDREN.**

(a) GENERAL RULE.—Paragraph (1) of section 151(d) of the Internal Revenue Code of 1986 (defining exemption amount) is amended to read as follows:

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'exemption amount' means $2,000 (or, in the case of an exemption under subsection (c) for a child who has not attained age 18 before the close of the calendar year in which the taxable year begins, $3,500)."

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 151(d)(3) of such Code is amended by striking "the exemption amount" and inserting "each dollar amount in effect under paragraph (1) (after any adjustment under paragraph (4))".

(2) Subparagraph (A) of section 151(d)(4) of such Code is amended—

(A) by striking "the dollar amount" and inserting "each dollar amount", and

(B) by adding at the end thereof the following new sentence: "In the case of the $3,500 amount contained in paragraph (1), the preceding sentence shall be applied by substituting '1993' for '1989' the first place it appears, and by substituting '1992' for '1988'."

**SEC. 3. ROUNDING OF INFLATION ADJUSTMENTS.**

Paragraph (6) of section 1(f) of the Internal Revenue Code of 1986 (relating to rounding) is amended to read as follows:

"(6) ROUNDING.—If any increase determined under paragraph (2)(A), subsection (g)(4), section 63(c)(4), section 68(b)(2), or section 151(d)(4) is not a multiple of $10, such increase shall be rounded to the nearest multiple of $10."

**SEC. 4. EFFECTIVE DATE.**

The amendments made by this Act shall apply to taxable years beginning after December 31, 1992.•

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By Mr. DECONCINI:

S. 475. A bill to amend the Internal Revenue Code of 1986 to permit penalty-free distributions from qualified retirement plans for unemployed individuals; to the Committee on Finance.

UNEMPLOYED IRA DEDUCTION ACT OF 1993

• Mr. DECONCINI. Mr. President, I am reintroducing legislation today to allow unemployed individuals to withdraw without penalty savings from individual retirement accounts. Individuals who receive unemployment compensation for 12 consecutive weeks would be able to waive the penalty for withdrawing funds from qualified retirement plans. I am pleased that the Senate passed this legislation twice during the 102d Congress. Unfortunately, the provision became part of tax bills vetoed by former President Bush.

While economic indicators show that our national economy is improving in some respects, the unemployment rate remains at 7.1 percent. This means that 9 million Americans are out of work. In my home State of Arizona, the unemployment rate increased to 7.7 percent in January, well above the national rate. Our Nation's economic downturn has not spared any segment of the population. Both blue- and white-collar workers are discovering the tremendous difficulties of providing for their families on unemployment benefits.

This legislation would give relief to individuals who have an individual retirement account or a qualified retirement plan by allowing them to withdraw from such accounts penalty-free in an emergency. Those who are unemployed for 3 months or longer often must withdraw from these retirement accounts in order to meet their financial obligations. Their failure to do so can put them in danger of losing their home or leave them struggling to feed their families. This legislation would help ease the tremendous financial burden of the unemployed by eliminating the penalty for early withdrawal from retirement accounts.

By helping the unemployed help themselves, this legislation will provide needed relief to many families struggling to survive economic crises. It is my hope that the Senate will quickly enact this legislation so that we can help the victims of the recession.

I ask unanimous consent that the text 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. 475

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

**SECTION 1. PENALTY-FREE DISTRIBUTIONS FOR CERTAIN UNEMPLOYED INDIVIDUALS.**

(a) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end thereof the following subparagraph:

"(D) DISTRIBUTIONS TO UNEMPLOYED INDIVIDUALS.—Distributions made to an individual after separation from employment, if—

"(i) such individual has received unemployment compensation for 12 consecutive weeks under any Federal or State unemployment compensation law by reason of such separation, and

"(ii) such distributions are made during any taxable year during which such unemployment compensation is paid or the succeeding taxable year."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions on or after the date of the enactment of this Act.•

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By Mr. CHAFEE:

S. 476. A bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act; to the Committee on Environment and Public Works.

FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT REAUTHORIZATION ACT OF 1993

• Mr. CHAFEE. Mr. President, today, I am pleased to introduce a bill to reauthorize the National Fish and Wildlife Foundation Establishment Act. Senator MITCHELL and I sponsored the original legislation creating the National Fish and Wildlife Foundation in 1984, and I am happy to report that the accomplishments of the Foundation have greatly exceeded our expectations.

The Foundation was established as a federally chartered but private and independent, nonprofit organization to serve as a link between Government and private efforts to conserve our fish and wildlife resources. The Foundation is authorized to receive private donations and matching Federal appropriations to benefit fish and wildlife conservation.

Since its establishment in 1984, the Foundation has funded 660 projects, providing over $79 million for fish and wildlife conservation projects—of which only $27 million was Federal appropriations. The Foundation successfully raised the remaining $52 million from private and other non-Federal sources. Dollar for dollar the Foundation is one of the most effective organizations for implementing conservation projects, matching every Federal dollar with $2 in non-Federal contributions.

As impressive as these numbers may be, the Foundation's role as a catalyst for conservation efforts goes beyond the specific projects funded. The Foundation has been at the forefront of the

effort to form partnerships between Government agencies, conservation organizations, individuals, and corporations interested in conservation of our natural resources. Not only do these partnerships help to stretch scarce Federal dollars, but they encourage greater public participation in conservation programs, setting the stage for future initiatives.

The Foundation has also been instrumental in getting important projects off the ground by providing seed money and expertise, including the North American waterfowl management plan, an initiative to benefit declining populations of waterfowl; Partners in Flight, a program to conserve neotropical migratory birds, including songbirds; and conservation training and education programs.

The Foundation, with our support, will continue to be in the forefront of innovative and cost-effective methods to advance the conservation of our fish and wildlife. I invite my colleagues to support my efforts to reauthorize the Foundation.•

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By Mr. FEINGOLD:

S. 477. A bill to eliminate the price support program for wool and mohair, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

WOOL AND MOHAIR FEDERAL SUPPORT PROGRAM ELIMINATION AND DEFICIT REDUCTION ACT OF 1993

• Mr. FEINGOLD. Mr. President, I am today introducing S. 477, the Wool and Mohair Federal Support Program Elimination and Deficit Reduction Act of 1993, legislation that will terminate the Wool and Mohair Support Program.

According to estimates provided by the Congressional Budget Office in its 1993 report on options for reducing the deficit, elimination of the Wool and Mohair Support would result in savings of some $760 million over 5 years. In his deficit reduction program proposed last month, President Clinton included spending reductions in this program by limiting support payments to $50,000 per person, which would result in estimated savings of $212 million over 4 years.

Mr. President, this is a clear example of where Congress can make a deeper and more effective spending reduction by eliminating this program entirely, and thereby reduce the Federal deficit in the next 5 years by more than half a billion dollars.

The Wool and Mohair Support Program no longer makes any sense. It was authorized in 1954 to help ensure a strategic reserve of wool in times of war and other emergencies. Today, wool is not a strategic material. Mohair never was. A March 1990 study by GAO found that the program does not greatly encourage production of wool or improve the quality. Even if the program were to increase domestic production, consumers would not benefit as prices are largely a function of the international market.

Yet the Federal Government continues to pump out millions of dollars in payments each year for this program. According to the CBO, in 1992 wool producers received $130 million and mohair about $48 million.

Mr. President, perhaps the most disturbing element of this program is the manner in which these funds are distributed. According to the information contained in the administration's proposal to reduce spending for this program, payments now are heavily concentrated on a handful of producers. In 1991, less than 1 percent of the producers received 54 percent of the payments under this program while 30 percent of all producers received payments of $100 or less. On the one hand, it is difficult to envision how these payments of less than $100 can play a significant role in wool and mohair production. At the same time, the fact that more than half of the funds go to less than 1 percent of the producers makes this program appear to benefit a very small group of people.

The cost of the program, if not curbed now, will continue to grow as the world market declines. According to a report in the New York Times on February 26, 1993, in 1990 three-fifths of the subsidized annual production of mohair ended up in the Soviet Union. The collapse of the Soviet Union, however, has eliminated the major market for mohair, resulting in the American taxpayers picking up the tab for substantially increased Federal subsidies.

Mr. President, the most compelling reason for terminating this program was provided by a rancher quoted in the New York Times article who receives some $30,000 in Federal payments each year. He observed that the Clinton proposal would actually save the Federal Government very little money because the large ranchers would simply break up their herds among their families to collect several payments or would sell the goats to smaller ranchers who would continue to collect payments on them. In other words, the only way to effectively cut back on this program is to kill it entirely.

Mr. President, I ask unanimous consent that the article from the February 26, 1993, edition of the New York Times be printed in the RECORD at the conclusion of my remarks.

Mr. President, I recognize that terminating this program will result in a loss of income for individuals who have become dependent upon this Federal subsidy. It is argued that although the program no longer makes any sense, it should be viewed as a rural development program and continued despite its lack of purpose. Rural development is needed, but that should not be a basis for continuing a 35-year-old program that lacks a rationale and benefits few.

I was proud to cosponsor legislation introduced by the Senator from Vermont [Mr. LEAHY] that encourages real, meaningful rural development, a bill I might add that is fully funded by other spending cuts. President Clinton's economic investment program also includes a rural development component, and there may be a justification for specific measures to help those currently participating in this program move toward alternative or supplemental sources of income. It makes no sense, however, to continue the Wool and Mohair Program as a rural development or jobs program.

Mr. President, we can no longer ask the American taxpayer to continue programs for those types of reasons. Nor, in the long run, does it help producers to encourage them to continue depending on an uncertain subsidy that no longer serves a broad public purpose.

Like many other items in the Federal budget, the Wool and Mohair Support Program may have once been justifiable. That is not true today. Like many other items in the Federal budget, those who benefit from this program can present arguments in favor of continuing the program, although its original purpose no longer exists. But in our current fiscal crisis, we can no longer afford to fund all of these programs. Just as every American family must continually reexamine its annual expenditures, so must the Federal Government.

The greater public good here is served by ending this out-of-date program and in doing so to help address our Federal deficit.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

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

S. 477

*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 "Wool and Mohair Federal Support Program Elimination and Deficit Reduction Act of 1993".

**SEC. 2. ELIMINATION OF WOOL AND MOHAIR PRICE SUPPORT PROGRAM.**

(a) IN GENERAL.—The National Wool Act of 1954 (7 U.S.C. 1781 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—Section 256(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(a)) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

**SEC. 3. TRANSITION PROVISIONS.**

The amendments made by this Act shall not affect the liability of any person under any provision of law as in effect before the effective date of this Act.

**SEC. 4. EFFECTIVE DATE.**

The Act and the amendments made by this Act shall apply beginning with the marketing year beginning January 1, 1994.

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[From the New York Times, Feb. 26, 1993]

"STRATEGIC" GOATS GOBBLE UP TRADE SUBSIDY

(By Keith Bradsher)

MENARD, TX, February 24.—Here on a stony meadow in West Texas, at the end of 10 miles of unpaved road through mesquite-covered, coyote-infested scrub land, several hundred bearers of a strategic commodity of the United States of America are gathered.

They are goats.

"Woody, woody, woody, yip!" cries Bob Rieck, a rancher, as he calls the milling herd of angora goats to a feeding of high-protein cottonseed while his border collie, Traveler, chases after strays.

Of all the disputes that President Clinton faces with the end of the cold war, perhaps none is as strange as the plight of the nation's mohair ranchers.

'STRATEGIC' GOODS FOR SOVIETS

At the end of the Korean War, the ranchers persuaded Congress to include them in a strategic commodity program for sheep wool. But because the military has had dwindling use for mohair, the ranchers ended up sending three-fifths of their subsidized annual production by 1990 to the Soviet Union through intermediaries who produced scarves, caps and overcoats.

The demise of the Soviet Union the next year has cut sales and led, in an odd reversal of the peace dividend, to increases in the Federal subsidies for owners of the greasy, inbred herds.

Payments to ranchers have soared to an estimated $3.60 for every $1 of mohair sold to manufacturers last year from 88.2 cents in 1987. The nation's 10,000 mohair ranchers collected $50 million in subsidies in 1991, and falling market prices last year have sent the subsidy cost even higher.

As part of the economic plan he announced on Feb. 17, President Clinton proposed to reduce their Federal wool and mohair subsidies to a maximum of $50,000 per producer, from $150,000 now. The Clinton Administration estimates that together with a similar cut in maximum payments for sheep wool, the changes could save $212 million over four years.

Some members of Congress want more. Representative Charles E. Shumer, Democrat of Brooklyn, said: "I've been trying to eliminate this program for three or four years. It's one of the most wasteful Government subsidies there is."

Decisions about the program do not just affect the nation's mohair ranchers. While most mohair is now exported to Taiwan, a fifth of the nation's production is consumed domestically as $150 mohair sweaters, $500 mohair suits and even a few $350 mohair teddy bears.

Body grease accounts for nearly a third of the weight of freshly cut mohair, and is purified to make lanolin for skin creams that millions of Americans smear on their hands and faces. Fresh mohair is so greasy that, at shearing time, affluent ranchers and mohair merchants sometimes wave their farmhands aside and stamp the mohair into burlap sacks themselves, to oil their finely carved boots.

Not surprisingly, national polls showing broad support for the Clinton economic plan do not seem to reflect opinions in the windswept hamlets here, where the few small oil wells no longer earn much money for their owners and where the grass is too sparse for cattle more demanding than goats.

"We want to do our part, do our best, but we don't want them killed on something that people in Washington don't understand," said Armer F. Earwood, a rancher in Sonora who has a goat etched into the glass of his front door and has hung a huge painting of five goats over his fireplace.

'WE'RE A VICTIM'

Ranchers say the program is now needed for rural development. They contend that this year is a particularly bad time to cut subsidies because they are struggling to cope not only with the loss of the Soviet market but with sharply higher costs and a mohair import tariff increased by China in 1991 that virtually shut down American sales to another large foreign market.

"We're a victim, so what do you do with the U.S. mohair industry; do you let it go downhill or do you support it?" asked Mr. Rieck, who lives in a brown mobile home here in the middle of his pastures.

Rising labor costs have hit the industry especially hard, because of a Federal ban in 1986 on the employment of illegal aliens. Ranchers contend that their former farmhands are worse off now in Mexican border factories.

Ford Oglesby Jr., a second-generation rancher from El Dorado, said: "They pay them $5 a day. We used to pay them $10 to $15 and give them all their food and such." Mr. Oglesby, who wrote many of the nation's wool and mohair subsidy program regulations during a five-year stint at the Agriculture Department that started during the Korean War, added, "Of course, I know things are changing, and we need to change."

Ranchers say that subsidy cuts would force them to slaughter goats, leaving them unable to respond if demand for mohair bounces back or if output in South Africa, the only large foreign producer, continues to decline because of drought, political turbulence and new limits on government subsidies there.

If thinned because of shrinking Federal subsidies, the herds would be very hard to rebuild. All American angora goats descend from four imported from Turkey in 1845. As a result, they are so inbred that they are plagued by infertility and miscarriages.

Further bred for thick hair, the American goats are so shaggy that they have trouble running away from coyotes, and sometimes bump into trees when the hair grows over their eyes shortly before the semiannual shearings.

UNIFORMS AND BLANKETS

But once cleaned, the hair consists of strong, lustrous fibers that hold heat well and can absorb a third of their weight in water without becoming soggy. Mohair cloth holds a crisp crease, which made it popular for military dress uniforms for many years, while mohair blankets were sometimes issued because they were warm and lightweight.

But the subsidies continue even though the military use of mohair is now limited to some braids on dress uniforms and the embroidery on some officers' hats in 1991, the most recent year for which figures are available, the Agriculture Department paid $50 million in subsidies for $20.9 million worth of mohair production. Mohair now sells for 75 cents a pound, down from $2.63 in 1987.

The cost of the subsidies have soared because market prices have collapsed, partly because mohair went out of fashion in the late 1980's as well as because of the Soviet Union's collapse. Yet the Agriculture Department continues to guarantee mohair produces a fixed price based on a complex formula of average farm costs in recent years and in the last 1950's. The formula, which is unique in American agriculture, locks in profits by virtually insuring that prices rise as fast as costs.

Less than 1 percent of the nation's wool and mohair ranchers received more than half of all payments for the two commodities in 1991, while a third of those ranchers received payments of $100 or less. Many of the small mohair payments went to Navajos in Utah, Arizona, New Mexico and Colorado, while almost all of the large payments came to West Texas, where five-sixths of the nation's mohair is produced.

Mr. Rieck, who receives about $30,000 a year in Federal payments, said President Clinton's reduction in payment caps to $50,000 would actually save the Federal Government very little money. He said large ranchers would break up their herds among their families to collect several payments, or would sell the goats to smaller ranchers who could continue to collect payments on them.•

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By Mr. RIEGLE (for himself, Mr. LIEBERMAN, and Mr. DODD):

S. 478. A bill to establish the Small Business Capital Enhancement Program to enhance the availability of financing for small business concerns; to the Committee on Banking, Housing, and Urban Affairs.

SMALL BUSINESS CAPITAL ENHANCEMENT ACT

• Mr. RIEGLE. Mr. President, I rise today to introduce the Small Business Capital Enhancement Act of 1993. This legislation is similar to legislation that I introduced last session with Senator DODD and Senator LIEBERMAN, who has been a leader in this area for a number of years.

As President Clinton has observed, one of the problems facing our economy has been the availability of credit for business expansion. Over the course of the past few years, I have heard numerous witnesses before the Banking Committee and elsewhere describe the difficulties for small- and medium-sized businesses in raising capital. Our legislation is designed to address that problem.

The bill we are introducing today is modeled after the highly successful Capital Access Program in my home State of Michigan. Created in 1986 by then-Gov. Jim Blanchard, this program has made loans to more than 1,800 small- and medium-sized businesses in Michigan with an average loan of approximately $50,000. Administered by the Michigan strategic fund, it is truly an innovative program. The program is different from a loan guarantee program, where the government guarantees a certain percentage of the loan. For each loan in the program, the borrower, lender, and State pay a premium into a loan loss reserve fund, which is used to protect the lender against loss on the loan.

A critical feature of the Michigan program and this legislation is that

participating lenders assume the risk of loss on their loans made under the program, if those losses exceed the total contributions made into the lender's loan portfolio loss reserve fund. In this way, the costs to the government are lower, more loans can be made, and the government is not exposed to the risk for the entire loan as with a guarantee. For each dollar contributed by the State to the loan loss reserve fund, Michigan lenders have made $22 of loans to Michigan businesses. The government thereby stimulates substantial lending with a very modest investment.

Our legislation would create a State-administered program of support for private sector lending to small businesses that are creditworthy but unable to obtain credit under private lenders' normal terms. The legislation outlines the terms of the agreements that the States would enter into with lenders that participate in the program. Participating lenders would include commercial banks, savings institutions, and credit unions that the States, after consulting with the appropriate Federal banking regulator, found had the lending experience and financial and managerial capacity necessary to carry out the program successfully.

Under this legislation, the Federal Government and the participating States would share equally in matching the funds paid by a small business borrower and its lender into a loss reserve fund that the State would control with respect to all loans issued by the lender under the program. A State would advance its contribution to the loss reserve fund, and the Federal Government would reimburse the State 50 percent of the advance. It is important to note that this legislation limits the Federal Government's loan loss exposure to this 50-percent reimbursement.

The minimum, total contribution by the borrower and lender to the loss reserve fund is 3 percent of the loan amount. The maximum contribution is 7 percent of the loan amount. These amounts conform with the Michigan program requirements and are designed to enable participating lenders to extend credit to a broader range of creditworthy, small business borrowers.

Let me give an illustration of how the program works now in Michigan and would work in other States under our legislation. A small business owner goes to a bank for a loan. The loan officer at the bank says, "Sorry, I can't approve your loan, because it is slightly too risky for us." With our legislation, that loan officer could reduce the risk to the bank by placing the loan in the Capital Enhancement Program. The small business borrower would pay at least 1.5 percent of the loan to the bank for deposit into the State-controlled loss reserve fund. The bank would pay the same amount into the fund and could negotiate with the borrower as to how much of that amount would be paid by the borrower as part of the loan. The State would match the combined borrower/bank payment. The Federal Government would reimburse the State one-half of the State's contribution. If the borrower defaults on the loan or other loans enrolled under the program, the losses to the bank could be recovered from the reserve fund.

By way of further explanation, if the borrower wishes to borrow $100,000 under the program, it would pay $1,500 to the bank for deposit into the loss reserve fund; the bank would deposit $1,500 into the fund; the State would deposit $3,000 into the fund; and the Federal Government would reimburse the State $1,500. If the borrower later defaulted on the loan, and the bank suffered a loss of $6,000, the bank could recover that amount from the State-controlled reserve fund. If the bank realized a loss greater than $6,000, it would be able to obtain reimbursement for the loss, if the loss reserve fund had sufficient funds from payments into the fund with respect to other loans by the bank under the program.

To preserve administrative flexibility, the States will have primary responsibility for implementation of the program. The Federal Government's role is limited to approving States for participation in the program, funding the 50 percent reimbursement payments to the States, and confirming that the States are enforcing agreements with participating lenders as required by the legislation.

The bill authorizes $50 million of Federal funds to cover the Federal Government's half of this Federal/State partnership program. If we assume a ratio of bank loans to government contribution similar to that achieved under the Michigan program, this $50 million would support more than $2,200,000,000 of lending activity.

Mr. President, this legislation builds on a proven program that has made almost $100 million in loans available to small- and medium-sized companies in my home State of Michigan—loans that otherwise may not have been available for economic growth. It is an innovative program to offer maximum assistance at relatively low cost to the taxpayer. I hope my colleagues will support this innovative legislation, and I look forward to working with them, the administration, and other interested parties to increase the availability of credit for business expansion.●

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By Mr. DODD (for himself, Mr. RIEGLE, Mr. D'AMATO, Mr. KERRY, Mr. BRYAN, Mr. MACK, and Mr. DOMENICI):

S. 479. A bill to amend the Securities Act of 1933 and the Investment Company Act of 1940 to promote capital formation for small businesses and others through exempted offerings under the Securities Act and through investment pools that are excepted or exempted from regulation under the Investment Company Act of 1940 and through business development companies; to the Committee on Banking, Housing, and Urban Affairs.

THE SMALL BUSINESS INCENTIVE ACT OF 1993

● Mr. DODD. Mr. President, I rise in strong support of the bill we are considering today to extend emergency unemployment benefits. This bill will help those who have been most deeply hurt by this recession—the long-term unemployed. It provides assistance to get these workers and their families through a few more months of joblessness.

But passage of this bill must only be our first step. We must do more to assure long-term growth in our economy and a future for these hard workers and their families.

We have seen encouraging economic news in the past week—news, which may, finally, signal the end of this long recession. However, while the economy may be growing, it is not yet growing jobs. Indeed in my State of Connecticut, our unemployment rate climbed from 6.9 to 7.3 percent in November.

The New England region has been suffering from the longest and deepest recession since the Great Depression of the 1930's. In Connecticut, the recession has claimed 1 of every 8 jobs over the last 4 years—over 200,000 jobs have been lost.

These jobs were held by laborers, construction workers, clerical employees, mid-level managers, financial services employees, small business owners and workers—many of whom have lost not only their jobs and their businesses, but their homes and their way of life as well.

We are facing a tragedy of enormous proportions, severely deepened by the credit crunch. Sixty percent of all businesses responding to a Connecticut Business and Industry Association survey reported credit availability problems in their industries. When banks do not lend, businesses cannot grow. Good, sound businesses in my State have had to forgo opportunities for expansion and for job creation, simply because the capital was not available. Others have had to shrink their operations and lay off good workers; still others have gone bankrupt.

This problem has been especially acute for small businesses, which traditionally have relied on bank loans for their financing needs. In Connecticut, of the approximately 94,000 firms now in the State, 98 percent employ less than 100 people; 87 percent have fewer than 20 workers.

These small businesses have been the primary source of economic growth and job creation in this country in the past. We cannot ignore their hardships today.

I have talked with small business owners in my State who have gone to bank after bank; who have been turned down time after time. Problems are especially acute for small businesses seeking loans in the $25,000 to $400,000 range. According to industry representatives, these businesses cannot get a dime from their banks.

We simply must look for ways to help these small firms get the capital they need to grow and prosper and put people back to work.

Today I am introducing the Small Business Incentive Act of 1993 to facilitate access to the capital markets for small businesses in this country. I am joined in introducing the bill by Senator RIEGLE, chairman of the Banking Committee, Senator D'AMATO, the ranking Republican member of the Banking Committee, and Senators BRYAN, KERRY, DOMENICI, and MACK.

This legislation will be the subject of a hearing before the Securities subcommittee on Thursday of this week. It is intended to reduce the regulatory burdens on venture capital funds, business development companies and other financing vehicles that supplement, or serve as alternatives to, bank lending. Most important, it is intended to increase the flow of funds to small businesses, so they can grow and create the new jobs that are so vital to the economic health of this country.

This bill, by itself, obviously is not a panacea for the problems faced by small businesses. It is one of many initiatives we are undertaking to open sources of capital for small businesses.

Several weeks ago, I introduced the Interstate Banking and Branching Act, to tackle the regional nature of the credit crunch. Two weeks ago, I cosponsored legislation with Senator D'AMATO to facilitate the securitization of small business loans—which will enable banks to tap the public securities markets to replenish funds loaned to small businesses.

These three measures—the interstate branching bill, the small business loan securitization bill, and the bill we are introducing today—cost taxpayers nothing. Indeed, each of these measures is intended to lower the cost of capital, lower the costs of doing business, and, ultimately, lower costs to consumers—with no additional costs to the taxpayer. I might add that I am especially pleased that Senator D'AMATO, the ranking Republican on the Banking Committee, has been both a leader and a partner on each of these measures.

Still other efforts are needed. Today, I also am cosponsoring with Senators RIEGLE and LIEBERMAN the Small Business Capital Enhancement Act. The legislation would authorize a modest level of Federal seed money to be matched by State funds and contributed to loan loss reserve funds for banks that meet the program's requirements and lend to small businesses.

I also am pleased to see additional money for the Small Business Administration's Loan Guarantee Program included in the President's proposed stimulus package. The $141 million provided would cover $2.5 billion in small business loans and would make a real difference for small businesses—in Connecticut and across the country—who cannot otherwise get credit.

Mr. President, I would close by noting that the Small Business Incentive Act amends the Investment Company Act of 1940, a law written in response to serious abuses in the investment company industry in the 1920's and 1930's. In working with the Congress and small business groups to develop the bill, the Securities and Exchange Commission advised us that the comprehensive scheme of regulation needed for large mutual funds may be overly burdensome for smaller venture funds and other enterprises.

Representatives of the regulated mutual fund industry have urged us to move cautiously in this area, and we will listen carefully to what they have to say. In the coming weeks we will work with Federal and State regulators, with small business leaders and with other industry representatives to determine whether the Small Business Incentive Act meets the objectives of promoting a greater flow of funds to small businesses, while protecting investors.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, and that an explanation of the bill also be included.

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

S. 479

*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 "Small Business Incentive Act of 1993".

**TITLE I—AMENDMENT TO THE SECURITIES ACT OF 1933**

**SEC. 101. EXEMPTED SECURITIES.**

Section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c(b)) is amended by striking "$5,000,000" and inserting "$10,000,000".

**TITLE II—AMENDMENTS TO THE INVESTMENT COMPANY ACT OF 1940**

**SEC. 201. EXCLUSIONS FROM THE DEFINITION OF INVESTMENT COMPANY.**

Section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)) is amended—

(1) In paragraph (1) by adding after the first sentence the following new sentence: "Such issuer shall be deemed to be an investment company for purposes of the limitations set forth in subparagraphs (A)(i) and (B)(i) of section 12(d)(1) governing the purchase or other acquisition by such issuer of any security issued by a registered investment company and the sale of any security issued by a registered open-end investment company to any such issuer.";

(2) In paragraph (1)(A)—

(A) by inserting after "issuer," the first place it appears "and the company is or, but for the exceptions set forth in this paragraph and paragraph (7), would be an investment company,";

(B) by striking "paper) unless as of the date" and all that follows through the end of subparagraph (A) and inserting the following: "paper).

(3) by amending paragraph (7) to read as follows:

"(7) Any issuer whose outstanding securities are owned exclusively by persons who, at the time of acquisition of such securities, are qualified purchasers, except that such issuer shall be deemed to be an investment company for purposes of the limitations set forth in subparagraphs (A)(i) and (B)(i) of section 12(d)(1) governing the purchase or other acquisition by such issuer of any security issued by a registered investment company and the sale of any security issued by a registered open-end investment company to any such issuer.".

**SEC. 202. DEFINITION OF QUALIFIED PURCHASER.**

Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)) is amended by adding at the end the following new paragraph:

"(51) 'Qualified purchaser' means any person whom the Commission, by rule or regulation, has determined does not need the protections of this title. The Commission's determination shall include consideration of a person's—

"(A) financial sophistication;

"(B) net worth;

"(C) knowledge of and experience in financial matters;

"(D) amount of assets owned or under management;

"(E) relationship with an issuer; or

"(F) such other factors as the Commission may determine to be consistent with the purposes of this paragraph.".

**SEC. 203. DEFINITION OF INVESTMENT SECURITIES.**

Section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(a)) is amended in the last sentence by striking subparagraph (C) and inserting the following: "(C) securities issued by any majority-owned subsidiary of the owner, unless such subsidiary is an investment company or is excluded from the definition of an investment company solely by virtue of paragraph (1) or (7) of section 3(c).".

**SEC. 204. EXEMPTION FOR BUSINESS AND INDUSTRIAL DEVELOPMENT COMPANIES.**

Section 6(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-6(a)) is amended by adding at the end the following new paragraph:

"(5)(A) Any company that is not engaged in the business of issuing redeemable securities, the operations of which are subject to regulation by the State in which it is organized under a statute governing entities that provide financial or managerial assistance to enterprises doing business, or proposing to do business, primarily in that State if—

"(i) the organizational documents of such company state that the purpose of the company is limited to providing financial or managerial assistance to enterprises doing business, or proposing to do business, primarily in that State;

"(ii) immediately following each sale of the securities of such company by the company or any underwriter for the company, not less than 80 percent of the company's securities being offered in such sale, on a class-by-class basis, are held by persons who reside or have a substantial business presence in that State;

"(iii) the securities of such company are sold, or proposed to be sold, by the company or any underwriter for the company, solely to accredited investors, as defined in section 2(15) of the Securities Act of 1933, or to such other persons that the Commission, as necessary or appropriate in the public interest and consistent with the protection of investors, may permit by rule, regulation, or order; and

"(iv) the company does not purchase any security issued by an investment company, as defined in section 3, or by any company that would be an investment company except for the exclusions from the definition of investment company in section 3(c), other than—

"(I) any security that is rated investment grade by at least 1 nationally recognized statistical rating organization; or

"(II) any security issued by a registered open-end investment company that is required by its investment policies to invest at least 65 percent of its total assets in securities described in subclause (I) or securities that are determined by such registered open-end investment company to be comparable in quality to securities described in subclause (I).

"(B) Notwithstanding the exemption provided in this paragraph, the provisions of section 9 (and, to the extent necessary to enforce such provisions, sections 38 through 51) of this title shall apply to a company described in this paragraph as if the company were an investment company registered under this title.

"(C) Any company proposing to rely on the exemption provided in this paragraph shall file with the Commission a notification stating that it intends to do so, in such form and manner as the Commission may by rule prescribe.

"(D) Any company meeting the requirements of this paragraph may rely on the exemption provided herein immediately upon filing with the Commission the notification required by subparagraph (C), unless the Commission determines by order that such company's reliance is not in the public interest or consistent with the protection of investors.

"(E) The exemption provided pursuant to this paragraph may be subject to such additional terms and conditions as the Commission may by rule, regulation, or order determine are necessary or appropriate in the public interest or for the protection of investors.".

**SEC. 205. INTRA-STATE CLOSED-END INVESTMENT COMPANY EXEMPTION.**

Section 6(d)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a-6(d)(1)) is amended by striking "$100,000" and inserting "$10,000,000, or such other amount as the Commission may set by rule, regulation, or order".

**SEC. 206. DEFINITION OF ELIGIBLE PORTFOLIO COMPANY.**

Section 2(a)(46)(C) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(46)(C)) is amended—

(1) in clause (ii), by striking "or" at the end;

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following:

"(iii) it has total assets of not more than $4,000,000, and capital and surplus (shareholders equity less retained earnings) in excess of $2,000,000, except that the Commission may adjust such amounts by rule, regulation, or order to reflect changes in 1 or more generally accepted indices or other indicators for small businesses; or".

**SEC. 207. DEFINITION OF BUSINESS DEVELOPMENT COMPANY.**

Section 2(a)(48)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(48)(B)) is amended by inserting before the semicolon at the end the following: ", and provided further that a business development company need not make available significant managerial assistance with respect to any company described in section 55(a)(7) or with respect to any other company that meets such criteria as the Commission may by rule, regulation, or order permit, as consistent with the public interest, the protection of investors, and the purposes fairly intended by the policy and provisions of this title".

**SEC. 208. ACQUISITION OF ASSETS BY BUSINESS DEVELOPMENT COMPANIES.**

Section 55(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-54(a)) is amended—

(1) by striking "(7)" the first 2 times such figure appears and inserting "(8)";

(2) by striking "(6)" the first time such figure appears and inserting "(7)";

(3) in subparagraph (1)(A)—

(A) by striking ", or from any person" and inserting ", from any person"; and

(B) by inserting before the semicolon ", or from any other person, subject to such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors";

(4) in paragraph (6), by striking "and" at the end;

(5) by redesignating paragraph (7) as paragraph (8); and

(6) by inserting after paragraph (6) the following new paragraph:

"(7) securities of any eligible portfolio company with respect to which the business development company satisfies the requirements of section 2(a)(46)(C)(iii); and".

**SEC. 209. CAPITAL STRUCTURE AMENDMENTS.**

Section 61(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-60(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1)(A) The asset coverage requirements of subparagraphs (A) and (B) of section 18(a)(1) applicable to business development companies shall be 200 percent.

"(B) Notwithstanding subsection (a)(1)(A) of this section and subparagraphs (A) and (B) of section 18(a)(2), a business development company may have an asset coverage of at least 110 percent, if, immediately before the issuance or sale of senior securities, it has—

"(i) total interest and dividend income for the 12 months preceding such issuance or sale that exceeds 120 percent of the sum of its total expenses (including taxes and interest expenses accrued) and dividends declared on senior securities for that 12-month period; and

"(ii) either—

"(I) an average of not less than 50 percent of its assets invested in securities described in paragraphs (1) through (5) of section 55(a) throughout the preceding 12-month period; or

"(II) not less than 50 percent of its assets invested in securities described in paragraphs (1) through (5) of section 55(a) throughout 10 months of the preceding 12-month period.

"(C) It shall be unlawful for any business development company to issue any class of senior security representing indebtedness, or to sell any such security pursuant to subsection (a)(1)(B) of this section, unless provision is made to prohibit the declaration of any dividend (except a dividend payable in stock of the issuer), or the declaration of any other distribution upon any class of the capital stock of such business development company, or the purchase of any such capital stock, unless, in every such case—

"(i) such class of senior securities has, at the time of the declaration of any such dividend or distribution or at the time of any such purchase, an asset coverage of not less than 110 percent after deducting the amount of such dividend, distribution, or purchase price as the case may be; and

"(ii) the business development company complies with subparagraph (B)(i) except with respect to any amounts that are required to be distributed to maintain the company's status as a regulated investment company under the Internal Revenue Code of 1986.

"(D) It shall be unlawful for any business development company to issue any class of senior security representing stock, or to sell any such security pursuant to subsection (a)(1)(B) of this section, unless provision is made to prohibit the declaration of any dividend (except a dividend payable in common stock of the issuer), or the declaration of any other distribution, upon the common stock of such business development company, or the purchase of any such common stock, unless, in every such case—

"(i) such class of senior securities has, at the time of the declaration of any such dividend or distribution or at the time of any such purchase an asset coverage of not less than 110 percent after deducting the amount of such dividend, distribution or purchase price; and

"(ii) the business development company complies with subparagraph (B)(i), except with respect to any amounts that are required to be distributed to maintain the company's status as a regulated investment company under the Internal Revenue Code of 1986.";

(2) in paragraph (2), by striking "if such business development company" and all that follows through the end of paragraph (2) and inserting a period; and

(3) in paragraph (3)(A)—

(A) by striking "senior securities representing indebtedness accompanied by";

(B) inserting "either alone or accompanied by securities," after "of such company,"; and

(C) in clause (ii), by striking "senior".

**SEC. 210. FILING OF WRITTEN STATEMENTS.**

Section 64(b)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a-63(b)(1)) is amended by inserting "and capital structure" after "portfolio".

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THE SMALL BUSINESS INCENTIVE ACT OF 1993—SECTION-BY-SECTION ANALYSIS

TITLE I—AMENDMENTS TO THE SECURITIES ACT OF 1933

Section 101. Exempted Securities would amend section 3(b) of the Securities Act of 1933 by increasing the amount of securities that could be exempt from SEC registration (pursuant to SEC rules) from the current amount of $5,000,000 to $10,000,000.

TITLE II—AMENDMENTS TO THE INVESTMENT COMPANY ACT OF 1940

Section 201. Exclusions From the Definitions of Investment Company would add section 3(c)(7) to the Investment Company Act of 1940 to create a new exception from the definition of investment company for investment pools whose securities are held exclusively by qualified purchasers as defined under section 202, discussed below. Under

proposed section 3(c)(7), there would be no prohibition on public offerings or a limit on the number of "qualified purchasers" participating in the investment pool.

Section 201 also would amend section 3(c)(1) of the Investment Company Act, which excepts investments pools that have no more than 100 investors and do not engage in public offerings. For the purposes of the 100 investor limit as amended, section 3(c)(1) would treat beneficial ownership by a company to be beneficial ownership by one person, unless the company (i) owns ten percent or more of the section 3(c)(1) issuer and (ii) is, or but for the exception under section 3(c)(1) or the proposed section 3(c)(7) exception would be, an investment company. When both of these two tests are met, beneficial ownership of the section 3(c)(1) issuer would include the holders of the company's outstanding securities (other than short-term paper). This amendment reduces the complexity associated with the way in which the 100 investor limit currently is calculated.

The legislation would impose the investment restrictions of section 12(d)(1)(A)(i) of the Investment Company Act on all section 3(c)(1) and section 3(c)(7) issuers, but only in connection with the purchase of securities issued by registered investment companies. To cover the other side of the transaction involving open-end funds, registered investment companies selling their securities to section 3(c)(1) and section 3(c)(7) issuers also would be subject to section 12(d)(1)(B)(i).

Section 202. Definition of Qualified Purchaser would add a new subparagraph (51) to section 2(a) of the Investment Company Act providing the Commission with the authority to define by rule or regulation the term "qualified purchaser" in connection with the proposed exception for "qualified purchaser" investment pools discussed under section 201, above. Under proposed subparagraph 2(a)(51), regulations defining the term "qualified purchaser" would be based on a determination by the Commission that certain persons do not need the protections of the Investment Company Act on the basis of such factors as financial sophistication, net worth, knowledge and experience in financial matters, amount of assets owned or under management, relationship with an issuer, or such other factors as the Commission determines to be within the intent of the proposed subparagraph.

Section 203. Definition of Investment Securities would amend section 3(a)(3) of the Investment Company Act to include within the definition of investment securities set forth in that section securities of majority-owned subsidiaries that would be investment companies but for the exclusion under section 3(c)(1) or section 3(c)(7). The amendment would preclude a company from avoiding regulation under section 3(a)(3) of the Act by establishing a section 3(c)(1) or section 3(c)(1) or section 3(c)(7) subsidiary.

Section 204. Exemption for Business and Industrial Development Companies would add section 6(a)(5) to the Investment Company Act to exempt certain business and industrial development companies, or BIDCOs, from regulation under the Act. These companies could not be in the business of issuing redeemable securities and their operations would have to be regulated under a state statute providing for the creation of entities to provide financial and/or managerial assistance to enterprises doing business, or proposing to do business, primarily in that state. Each company would have to be organized in the state where it is regulated and, under proposed subparagraph 6(a)(5)(A)(i), the company's organizational documents would have to state its limited purpose.

Proposed subparagraph 6(a)(5)(A)(ii) would require that at least eighty percent of each class of securities being offered by the company or any underwriter therefor must be held by persons who reside, or who have a substantial business presence, in the state where the company is regulated. While applicable to each new offering, the residency requirement would not apply to transactions made on the secondary market. Pursuant to proposed subparagraph 6(a)(5)(A)(iii), the exemption would be limited to companies that offer their securities solely to accredited investors, as defined in section 2(15) of the Securities Act, and Commission rules thereunder, or to such other persons as the Commission may permit. The exemption would not preclude the sale of securities through a public offering.

Proposed subparagraph 6(a)(5)(A)(iv) would prohibit companies from purchasing securities issued by investment companies and companies excepted from the definition of investment company by section 3(c), other than securities rated investment grade or securities issued by registered open-end investment companies that invest at least sixty-five percent of their assets in such investment grade or comparable obligations. This provision is intended to provide limited flexibility to invest capital not immediately needed for the company's long-term commitments.

Proposed subparagraph 6(a)(5)(B) provides that the provisions of section 9 of the Investment Company Act would apply to an exempt company as if it were a registered investment company so that the exemption could not be used as a safe haven for persons prohibited from associating with investment companies. Certain administrative sections of the Investment Company Act also would apply to provide the Commission with enforcement power over any violations of section 9.

Under proposed subparagraph 6(a)(5)(C), companies must file with the Commission a notification as prescribed by Commission rule. Although the exemption is available automatically upon filing, proposed subparagraph 6(a)(5)(D) gives the Commission the authority by order to disallow the exemption if it is not in the public interest or consistent with the protection of investors. Under proposed paragraph 6(a)(5)(E), the exemption may be subject to such additional terms and conditions as the Commission may by rule or order determine are necessary for the protection of investors.

Section 205. Intrastate Investment Company Exemption amends section 6(d)(1) of the Investment Company Act to increase the maximum aggregate amount permitted to be received from intrastate securities offerings of any closed-end investment company from the current amount of $100,000 to $10,000,000 or such other amount as the Commission may set by rule or order.

Section 206. Definition of Eligible Portfolio Company would amend section 2(a)(46)(C) of the Investment Company Act to define a new class of eligible portfolio company. It would expand the definition of eligible portfolio company to include any company which does not have total assets in excess of $4,000,000, and capital and surplus (shareholders equity less retained earnings) in excess of $2,000,000. It would also authorize the Commission to adjust these amounts through rule or order to account for changes in one or more generally accepted indices or other indicators for small business. Section 2(a)(46) currently defines eligible portfolio company to include companies that are not eligible for margin under Federal Reserve Board regulations, are controlled by a business development company, or that meet such other criteria as the Commission may, by rule, establish. The amendment would permit business development companies to invest in more small businesses, thus increasing the flow of capital.

Section 207. Definition of Business Development Company would amend section 2(a)(48)(B) of the Investment Company Act to provide that a business development company is not required to make available significant managerial assistance to any company which falls within the new definition of eligible portfolio company in section 2(a)(46)(C)(iii), or any company that meets such other criteria as the Commission may by rule, regulation, or order establish consistent with investor protection. Section 2(a)(48) currently requires a business development company to make available significant managerial assistance to all the companies treated by it as satisfying the 70% test in section 55 of the Act. The amendment would encourage the flow of capital to very small businesses.

Section 208. Acquisition of Assets by Business Development Companies would amend section 55 of the Investment Company Act to bring securities of companies that fall within the new definition of eligible portfolio company in section 2(a)(46)(C)(iii) within the 70% test. Section 55 currently prohibits a business development company from making investments unless, at the time an investment is made, at least 70% of its assets (excluding assets necessary to maintain the business, such as office furniture) are represented by, in general, securities of small, developing or financially troubled businesses and liquid assets such as cash, government securities, or short-term high quality debt securities. The amendment would make it clear that a business development company's investment in the new eligible portfolio company securities counts toward the 70% of their assets that must be invested in specific securities.

Section 208 would also amend section 55 of the Investment Company Act to permit a business development company to acquire the securities of an eligible portfolio company from persons other than the eligible portfolio company and its affiliated persons subject to such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors. Section 55(a)(1)(A) currently requires a business development company to acquire the securities of an eligible portfolio company directly from the portfolio company, or from a person who is, or who within the preceding thirteen months has been, an affiliated person of such eligible portfolio company. The amendment would facilitate acquisitions of eligible portfolio company securities from other persons.

Section 209. Capital Structure Amendments would amend section 61(a) of the Investment Company Act. Section 61(a)(1) currently provides for a 200% asset coverage requirement for senior debt securities of business development companies. Section 18(a)(2)(A) and (B) currently provides for a 200% asset coverage requirement for senior equity securities of business development companies. Section 209 would permit a business development company to have an asset coverage of 110% if it meets two conditions immediately before the issuance or sale of senior securities. First, it must have total interest and dividend income for the pre-

vious 12 months that exceeds 120% of the sum of its total expenses (including taxes and interest expenses accrued) and dividends declared on senior securities for the same 12 months. Second, it must either have at least 50% of its assets, on average, invested in securities described in paragraphs (a)(1) through (a)(5) of section 55 throughout the previous 12 months. or at least 50% of its assets invested in securities described in paragraphs (a)(1) through (a)(5) of section 55 throughout 10 of the previous 12 months. The amendment would permit business development companies to be more highly leveraged, thus allowing additional investment in small businesses.

Section 209 also would amend section 61(a)(2) of the Investment Company Act to permit a business development company to issue, without restriction, multiple classes of debt securities. Section 61(a)(2) currently permits a business development company to issue more than one class of debt securities if it does not have any publicly-held indebtedness outstanding, there is no intent to publicly distribute any class of debt securities, and all its debt securities are privately held or guaranteed by the Small Business Administration, banks, insurance companies, or other institutional investors.

Finally, section 209 would amend section 61(a)(3)(A) of the Investment Company Act to allow a business development company to issue warrants, options, and rights either on a stand-alone basis or accompanied by debt or other securities provided the conditions of that section are met. Section 61(a)(3)(A) of the Investment Company Act currently provides that a business development company may only issue warrants, options, or rights to subscribe or convert to voting securities of such company if accompanied by senior securities representing indebtedness and in accordance with certain conditions. The amendment would provide business development companies with greater flexibility in their capital structure.

Section 210. Filing of Written Statements would amend section 64(b)(1) of the Investment Company Act to require a business development company to file with the Commission and supply annually to shareholders a written statement, in such form and manner as the Commission may by rule prescribe, describing the risk factors associated with the company's capital structure. Section 64(b)(1) currently authorizes the Commission to prescribe a written statement describing the risk factors involved in an investment in the securities of a business development company due to the nature of the company's investment portfolio. The amendment would enable the Commission to ensure that investors receive adequate information about a business development company's capital structure.•

• Mr. RIEGLE. Mr. President, the country's economic situation remains troubled. For many of America's largest corporations, downsizing is the order of the day. Each week seems to bring another announcement of layoffs from a familiar corporate name, whether it's General Motors, or Sears Roebuck, or IBM. Indeed, reports indicate the Fortune 500 companies, the Nation's largest, have experienced a net reduction in jobs over the past 10 years. This helps explain why unemployment remains stubbornly high: at 7.1 percent last month, it is actually higher than when the current recession began in 1990.

Small businesses, therefore, are playing an increasingly crucial role in the American economy. Small businesses have always been an important source of new products and new technologies. Historically, they have employed the vast majority of American workers. We must now depend on small businesses to create new jobs if we are to stand any chance of putting Americans back to work.

Fortunately, the entrepreneurial spirit is probably stronger in the United States than in any other country. There is no shortage of Americans with the vision and the courage necessary to start a new business. We must ensure that there is no shortage of the capital necessary to make those visions take form.

America's entrepreneurs rely first on themselves as a source of seed capital. A 1990 study by the National Federation of Independent Business Foundation, New Business in America, found "[m]ost new business owners rely heavily on their own resources to finance their ventures." Family and friends are another important source of seed capital for startup businesses; the report found they provide funds to more than 25 percent of new businesses. Banks and other lending institutions play an even bigger role, extending loans to 45 percent of new ventures.

Once a business is established and growing, it may be able to raise capital through the securities markets, such as by an initial public offering of stock. Small and startup businesses, however, have not had much success tapping the securities markets for capital. The NFIB Foundation study found "[o]utside investors were involved in only about 1 new firm in 10" and the "number of new business owners who used either institutionalized venture capital or government programs was negligible." This is particularly disappointing, because "firms with outside investors were more likely to grow, all factors equal."

The Small Business Incentive Act of 1993 is designed to address this problem. Based on legislation developed last year by the Securities and Exchange Commission, the Small Business Incentive Act is intended to give small businesses greater access to capital, both directly through securities offerings and indirectly through certain investment vehicles. The SEC staff have made additional suggestions since last year that are contained in the present bill. I am pleased to join the chairman of the Banking Committee's Securities Subcommittee, Senator CHRIS DODD, and other Senators in introducing this legislation.

This bill, first, will enable more small companies to raise capital by issuing securities. Section 3(b) of the Securities Act of 1933 currently gives the SEC authority to exempt public offerings of securities up to $5 million from the registration and disclosure provisions of the Federal securities laws. These provisions, while necessary for the regulation of the markets and protection of investors, increase the costs of public offerings. The SEC has adopted a number of regulations under this authority that allow small issuers to make public offerings of securities. The legislation would increase this exemptive authority from $5 to $10 million.

The bill also makes it easier for different types of investment funds to invest in small businesses. The bill contains a number of amendments to, and exemptions from, the Investment Company Act of 1940, which governs mutual funds and other entities that invest in securities of other businesses.

Currently, private investment pools with fewer than 100 investors are exempt from regulation under the Investment Company Act. This bill would allow greater participation in such private investment companies by corporate investors. The bill would also exempt investment pools made up solely of highly sophisticated investors who do not need the protection of the act.

Next, the bill creates a new exemption for Business and Industrial Development Corporations [BIDCO's]. Forty-five States have laws authorizing BIDCO's, which provide financial or managerial assistance to enterprises doing business in the State.

Michigan has been a leader in this area. In the mid-1980's, Governor Blanchard and the Michigan Legislature created the Michigan strategic fund, to work with the private sector to make capital and technology available to Michigan businesses. As of December 31, 1992, the Michigan strategic fund had made equity investments of over $21 million in 10 private sector, for-profit BIDCO's across Michigan. The BIDCO's raise additional private capital and as of yearend 1992 had invested over $34 million in 79 Michigan small businesses.

The SEC has granted a number of individual exemptive orders for BIDCO's on a case-by-case basis. This can be a costly and time-consuming process. The bill instead provides a statutory exemption, available immediately upon filing to BIDCO's that meet certain criteria.

Finally, the bill expands the existing exemption for Business Development Companies [BDC's]. BDC's are companies that invest in the securities of, and make managerial assistance available to, small businesses. In 1980, Congress amended the Investment Company Act to exempt BDC's from some of the more burdensome provisions of the act regarding capital structure and affiliated transactions. The SEC reports there are currently 43 active BDC's with assets of approximately $2.4 billion registered with the SEC. The bill creates a new class of small busi-

ness in which BDC's may invest without making available managerial assistance. It would also allow BDC's to acquire interests in small businesses from third parties, to be more leveraged, and to issue additional types of securities.

The Small Business Incentive Act is not in itself a solution to the Nation's sluggish economic growth and unemployment problem. Indeed, it is not in itself a solution to all the problems facing small businesses. Additional solutions must be, and are being, developed to aid the small business sector. These include tax incentives, community development banks, and enterprise zones.

The Small Business Incentive Act can, however, help direct more investment capital to the small business sector. The Securities Subcommittee plans to hold a hearing on March 4, 1993, on small business access to capital. Securities regulators, representatives of the securities industry, and venture capital and small business groups will testify, including Gary Baker of Ann Arbor, MI, who co-founded and served as president of Access BIDCO in Ann Arbor, MI. I look forward to the witnesses' comments and suggestions regarding this legislation. With our economy adjusting to the realities of the post-cold-war period, we must do all we can to nourish America's small businesses.•

Mr. D'AMATO. Mr. President, today I join Senator DODD, my esteemed colleague and the chairman of the Securities Subcommittee, in introducing legislation intended to facilitate capital investments in small businesses. The Small Business Incentive Act of 1993 eases current regulations that have restricted small businesses' access to the capital markets and limited certain investments in the securities of small businesses.

The distinguished chairman of the Securities Subcommittee and I share a deep concern about the credit crunch—particularly the credit crunch for small businesses. As we have discussed at many of the Banking Committee hearings over the last 2 years, America's small businesses have been hit the hardest by the downturn of the economy. The well for small business credit has dried up, leaving small businesses with few alternative sources of capital. As a result, small businesses have been unable to get the credit essential to buy equipment or inventory or hire new workers.

The Small Business Incentive Act of 1993 will facilitate capital investments in the small businesses that are the engine of economic growth. Developed by the Securities and Exchange Commission, this bill seeks to encourage capital investments in small businesses by venture capital funds, business development companies and others. The Small Business Incentive Act of 1993 reduces the regulatory burden for venture capital funds and other investment vehicles that provide financing for small businesses.

This legislation also makes it easier for small businesses to access the capital markets. Currently, costs associated with preparing disclosure documents and financial statements may prevent small companies from going to the capital markets to raise relatively modest amounts of capital. The Small Business Incentive Act of 1993 would give the SEC authority to permit simplified disclosure, or exempt from registration, certain public offerings of up to $10 million in securities.

Two weeks ago I also introduced a bill to enhance small business access to the capital markets. The Small Business Loan Securitization and Secondary Market Enhancement Act of 1993 (S. 384) removes current legal impediments to the securitization of small business loans and the development of a secondary market for these securities. A secondary market in small business loans will enable small businesses to tap the capital markets for credit at lower prices.

I commend Senator DODD, the chairman of the Securities Subcommittee, for his leadership in introducing legislation to put an end to the credit crunch for small businesses. The economic downturn of the last few years has highlighted the difficulty of small businesses obtaining credit. This problem will continue, however, unless we enact legislation to open the capital markets to small businesses.

I look forward to working with Senator DODD and the rest of my colleagues to pass this important legislation quickly.

Mr. President, I ask unanimous consent that my statement appear in the RECORD following the statements of Senators DODD and RIEGLE accompanying the introduction of the Small Business Incentive Act of 1993.

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By Mr. LEVIN (for himself and Mr. DURENBERGER):

S. 480. A bill to clarify the application of Federal preemption of State and local laws, and for other purposes; to the Committee on Governmental Affairs.

PREEMPTION CLARIFICATION AND INFORMATION ACT OF 1993

• Mr. LEVIN. Mr. President, since 1789, Congress has enacted approximately 350 laws explicitly preempting State and local authority; over half of these laws having been enacted in the last 20 years. these figures, however, do not touch upon the extensive Federal preemption of State and local authority which has occurred as a result of judicial interpretation of congressional intent, when Congress' intention to preempt has not been explicitly stated in law. When Congress is unclear about its intent to preempt, it is left to the courts to decide whether or not preemption was intended and, if so, to what extent.

While we do not have any accurate data as to how many cases there have been where the courts have found preemption by implication, we do know they are numerous and that they form an increasingly significant portion of cases before the courts. According to a recent report by the Appellate Judges Conference of the American Bar Association, "Compared to 20 years ago, the number of preemption cases on the Supreme Court's docket has increased by a factor of four." This trend is not expected to abate.

Today, along with Senator DURENBERGER, I am introducing legislation to require that in order for there to be Federal preemption of State and local law, Congress must include an explicit statement to that effect in any bill it passes, unless of course, there exists a direct conflict between the Federal law and a State or local law which cannot be reconciled. This would close the back door of implied federal preemption and put the responsibility for determining whether or not State and local governments should be preempted back in Congress where it belongs.

Article VI of the Constitution, the supremacy clause, states that Federal laws made pursuant to the Constitution, "shall be the supreme Law of the Land." In its most basic sense, this clause means that a State law is negated or preempted when it is in conflict with a constitutionally enacted Federal law. A significant body of case law has been developed to arrive at standards by which to judge whether or not Congress intended, by implication, to preempt State or local authority.

Of course if Congress clearly states its desire to preempt State and local authority or where there is a direct conflict that cannot be reconciled, then the question of preemption is resolved. But, in those cases in which the Federal law is not explicit regarding preemption of State and local authority, the matter can often end up in the courts. This is especially true in those cases in which the Federal Government sets a floor or ceiling for a certain activity but is silent with regard to whether or not, or to what extent, a State or local government can go further than the Federal Government requirement—above the floor or below the ceiling.

For example, if a Federal law sets a ceiling of 10 parts per billion of a certain toxic substance in drinking water, but is silent on the issue of whether or not, or to what extent, a State or local government could require stricter curbs on this toxin, the issue of State or local authority may very well end up subject to judicial interpretation. Similarly, if a Federal law sets a minimum of at least 10 parts per billion of an important additive to drinking

water—like fluoride—but is silent on whether or not, or to what extent, a State or local government could require greater amounts of the substance in drinking water, the courts would be left to resolve that issue. In both of these cases, our bill would permit tougher State laws, unless preemption were explicit or there was a direct conflict. These are the types of cases the courts have been considering in increased volume over the past 10 years.

The Supreme Court decision over the regulation of pesticides by local governments, Wisconsin versus Public Intervenor, describes the three standards by which, absent explicit preemptive language, congressional intent to preempt may be inferred. The three tests are as follows:

> * * * if a scheme of federal regulation is "so pervasive as to make reasonable the inference that Congress left no room for the States to supplement it," if "the Act of Congress * * * touch[es] a field in which the federal interest is so dominant that the federal system will be assumed to preclude enforcement of state laws on the same subject," or if the goals "sought to be obtained" and the "obligations imposed" reveal a purpose to preclude state authority.

We believe that if we in Congress want Federal law to preempt State and local government from legislating in an area, we should be clear about that. If we set a floor or a ceiling but are silent on actions which certainly meet but then go beyond the Federal requirement, State and local governments should be allowed to act as they deem appropriate. Our silence should not result in State and local governments having to fight these types of battles in the courts, and courts should not have to read the tea leaves to discern what we in Congress intended. Too much is at stake in these cases.

Our bill seeks to address this situation by requiring that,

> [N]o statute, or rule promulgated under such statute, shall preempt, in whole or in part, any State or local government law, ordinance, or regulation, unless the statute explicitly states that such preemption is intended or unless there is a direct conflict between such statute and a State or local law, ordinance, or regulation so the two cannot be reconciled or consistently stand together.

Upon passage of this bill, a clear statement of intent to preempt will be the standard by which Federal preemption is to be judged: If there is no such statement or a direct, unreconcilable conflict, there is no preemption.

It will force Congress to think through the issue of preemption and whether or not it is appropriate for the matter at hand. The question of preemption will require debate and resolution at the front end of the process rather than after-the-fact guesswork. It places responsibility for the debate and resolution of the preemption question where it should be, with the legislature, not the judicial branch.

Our legislation also requires the Congressional Research Service, at the end of each Congress, to compile a report on laws passed in which statutory preemption is explicit and on all Federal cases in which preemption of State or local authority has been an issue. This will constitute the first time such a complete report has been done, and the information will be valuable to the debate regarding the appropriate use of preemption to reach Federal goals.

We have worked closely with the Advisory Commission on Intergovernmental Relations in devising this legislation. This organization has done a great deal of work in this area. Moreover, legislation in this area has been endorsed by the National Conference of State Legislators, the Intergovernmental Affairs Committee of the Council of State Governments, the U.S. Conference of Mayors and the Appellate Judges Conference of the American Bar Association.●

● Mr. DURENBERGER. Mr. President, I am pleased to join once again with my colleague, the distinguished junior Senator from Michigan, in introducing the Preemption and Clarification Act of 1993.

My colleague and I introduced this bill during the 102d Congress in response to the burgeoning number of preemption cases on the dockets of our Nation's courts and other attendant problems. Congress has enacted some 350 laws since 1789 which preempt State and local authority. As my colleague, Senator LEVIN, has pointed out, over half of these laws have been enacted in the last 20 years.

Article VI of the Constitution, the supremacy clause, states that Federal laws made pursuant to the Constitution, "shall be the supreme Law of the Land." In short, this means that any State or local law in conflict with a constitutionally enacted Federal law is negated or preempted. Should there be a question of jurisdiction, we may look to the 10th amendment, which prescribes that "the powers not delegated to the United States, are reserved to the States respectively, or to the People."

Unfortunately, Mr. President, the numbers indicate that the issue of Federal preemption of State and local authority has increasingly dominated intergovernmental relations, and internecine conflict during the past half-century. The chief cause of this conflict is Congress' failure to explicitly define its intent when formulating legislation that affects State and local authority. The resulting ambiguity is then resolved, not by Congress, which, through its failure to be clear, surrenders its role, but by the courts. Congress should determine preemption issues, as is intended under the supremacy clause, not the courts.

The Senator from Michigan and I offer this legislation as a means to resolve this problem. In short, the bill provides that no Federal statute shall preempt any State and local law unless such preemption is specifically stated or there is a direct conflict which cannot be reconciled.

This legislation would not create new powers for Congress or the States, nor would it expropriate the authority of State or local governments. The bill would, however, ensure that Congress makes its intent clear when preempting State or local law. Should Congress fail to clearly articulate its intent, this legislation would ensure that the benefit of the doubt lies with the State or local government.●

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By Mr. SIMON (for himself, Mr. AKAKA, Mr. BRADLEY, Mr. BYRD, Mr. CONRAD, Mr. D'AMATO, Mr. DODD, Mr. EXON, Mr. HARKIN, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. METZENBAUM, Mr. MOYNIHAN, Mrs. MURRAY, Mr. PELL, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SASSER, Mr. WELLSTONE, Mr. WOFFORD, Mr. HATFIELD, Mr. INOUYE, and Ms. MIKULSKI):

S. 481. A bill to amend the National Labor Relations Act to give employers and performers in the live performing arts the same rights given by section 8(f) of such Act to employers and employees in the construction industry, and for other purposes; to the Committee on Labor and Human Resources.

LIVE PERFORMING ARTISTS LABOR RELATIONS AMENDMENTS

● Mr. SIMON. Mr. President, I am pleased to be joined by 24 of my colleagues in support of the Live Performing Artists Labor Relations Amendments [Live PALRA]. Live PALRA is designed to correct several longstanding inequities in our Nation's labor laws. These inequities have effectively denied live performing artists the right to organize and engage in collective bargaining.

The live performing arts industry is characterized by short-term employment. A musician, for example, may appear at a club for a 1- or 2-night engagement and then move on to another club. This situation does not lend itself to the traditional manner of certifying a collective bargaining agent. In the traditional setting, employees at a factory—or other place of business—will petition for an election. If a majority of the workers vote to be represented by a union for collective bargaining purposes, that union is certified and may bargain with the employers for wages and other conditions of employment. Such elections are not possible where the employment is short term. In the case of a musician working at a club for 2 nights, there obviously would not be sufficient time to hold a certification election. Furthermore, since it is uncertain what performers will appear at the club in the future, it would be virtually impossible to determine who would be permitted to vote in such an election.

The short-term nature of the work in the live performing arts industry is similar to that in the construction industry. In 1959, Congress recognized the need to extend labor law protections to construction industry employees. The National Labor Relations Act [NLRA] was thus amended to permit employers and employees to sign pre-hire agreements in this industry, where both parties agree to bargain collectively prior to establishing majority support through a certifying election. Musicians were not included in these protections because the National Labor Relations Board [NLRB] had not asserted jurisdiction over the live performing arts industry at this time. Clearly, these similarly situated employees should enjoy the same rights to organize and bargain collectively. Live PALRA is introduced to address these inequities.

Mr. President, the legislation I am introducing today is similar to the substitute amendment adopted by the Senate Labor and Human Resources Committee last Congress. The only change is in the title from "Arts" to "Artists". The legislation has four sections. The first section is the title; the second section permits live performing artists and the purchasers of their services to enter into pre-hire agreements; the third section defines live musicians as employees and the purchaser of their services as employers for labor law purposes only; and the fourth section makes crystal clear that the amendments in this act affect only labor law and do not change definitions under tax law or any other law.

Live PALRA is a simple question of fairness, and I encourage my colleagues to join me in supporting Live PALRA.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

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

S. 481

*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 "Live Performing Artists Labor Relations Act".

**SEC. 2. EXTENDING SECTION 8(f) TO THE LIVE PERFORMING ARTS INDUSTRY.**

Section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)) is amended—

(1) by redesignating clauses (1) through (4) as clauses (A) through (D), respectively;

(2) by inserting "(1)" after "(f)";

(3) by striking "clause (1)" and inserting "clause (A)"; and

(4) by adding at the end the following:

"(2) It shall not be an unfair labor practice under subsections (a) and (b) of this section for an employer who hires persons or contracts for the services of persons engaged in the live performing arts to make an agreement covering such persons who are engaged (or who, upon their employment, will be engaged) in the live performing arts with a labor organization of which performing artists are members (not established, maintained, or assisted by an action defined in section 8(a) of this Act as an unfair labor practice) because (A) the majority status of such labor organization has not been established under the provisions of section 9 of this Act before the making of such agreement; or (B) such agreement requires as a condition of employment membership in such labor organization after the seventh day following the beginning of such employment or the effective date of the agreement, whichever is later: *Provided*, That nothing in this subsection shall set aside the final proviso of section 8(a)(3) of this Act: *Provided further*, That any agreement which would be invalid, but for clause (A) of this paragraph, shall not be a bar to a petition filed pursuant to section 9(c) or 9(e).".

**SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) DEFINITION OF "EMPLOYER".—Section 2(2) of the National Labor Relations Act (29 U.S.C. 152(2)) is amended by inserting after "directly or indirectly," the following: "and includes any person who is the purchaser of live musical performance services regardless of whether the performer of such services is an independent contractor, employer, or employee of another employer,".

(b) DEFINITION OF "EMPLOYEE".—Section 2(3) of the Act (29 U.S.C. 152(3)) is amended by inserting after "independent contractor" the following: "except that any individual having such status who is engaged to perform live musical services (other than an employer of persons performing musical services) shall be included in the term 'employee'".

**SEC. 4. CONSTRUCTION FOR INTERNAL REVENUE CODE PURPOSES.**

Nothing in the amendments made by this Act shall be construed as affecting the treatment of individuals (as employees or independent contractors) covered by such amendments for purposes of the Internal Revenue Code of 1986 or for purposes of other laws.•

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By Mr. BOREN:

S. 482. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war; to the Committee on Veterans Affairs.

ELIGIBILITY OF FORMER PRISONERS OF WAR TO RECEIVE OUTPATIENT MEDICAL SERVICES

• Mr. BOREN. Mr. President, today I am introducing legislation to clarify the statute defining eligibility of veterans for medical treatment by the Department of Veterans Affairs. This bill amends section 612(a)(1) of title 38, United States Code, to ensure that all former prisoners of war receive outpatient care.

I would like to point out that this bill passed the Senate in both the 101st and 102d Congresses, but, unfortunately, it was not signed into law.

I think everyone agrees that the development of medical treatment policy for POW's has been a long, arduous process, but in recent years it has grown into a comprehensive system meeting most of their needs. For example, in determining service connection, former POW's have the benefit of every reasonable doubt because of the obvious lack of records regarding their imprisonment. This has made it easier to assess severe physical and mental damage from brutality, torture, hunger, and disease.

Now more than ever, we need to make a commitment to former prisoners of war. The uncertainty and the brutality of the imprisonment endured by former POW's does not vanish upon release but remains throughout life. We owe special consideration to those who are imprisoned while fighting for the United States, and it is our obligation to provide health care to our POW's who suffered for love of their country.

My bill will correct a problem arising from Public Law 100-322 which guarantees inpatient care to POW's but restricts outpatient care to those with 50 percent or more disability. This restriction is not acceptable in light of the sacrifice these brave Americans have made for our country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 482

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

**SECTION 1. ELIGIBILITY FOR FORMER PRISONERS OF WAR TO RECEIVE OUTPATIENT MEDICAL SERVICES FROM THE DEPARTMENT OF VETERANS AFFAIRS.**

Section 612(a)(1) of title 38, United States Code, is amended—

(1) by striking out "and" at the end of clause (B);

(2) by striking out the period at the end of clause (C) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new clause:

"(D) to any former prisoner of war for any disability.".•

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By Mr. SHELBY (for himself, Mr. MACK, Mr. MCCAIN, Mr. ROBB, Mr. WARNER, Mr. JEFFORDS, and Mr. GRAMM):

S. 483. A bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

PRISONER OF WAR COMMEMORATIVE COIN ACT

• Mr. SHELBY. Mr. President, I rise today to introduce legislation that would create a permanent and physical symbol of this Nation's gratitude to its prisoners of war. This measure would direct the mint to produce a silver dollar coin to commemorate the service and bravery of our prisoners of war.

These commemorative coins would serve a double purpose. The coins themselves would pay tribute to the heroism and patriotic service of the prisoners of war. The proceeds from the sale of these coins would go to finance the construction of the Andersonville

Prisoner-of-War Museum in Andersonville, GA. Remaining funds would go to maintain the museum and to maintain our national cemetaries.

Mr. President, as a nation, we are overdue in creating an appropriate symbol to honor our prisoners of war. This legislation would try to right that wrong by providing two tangible symbols of appreciation to the brave men and women that have been held captive in the line of military service.

I urge my colleagues to join me in supporting this measure.●

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By Mr. PACKWOOD (for himself, Mr. MOYNIHAN, Mr. DOLE, Mr. D'AMATO, Mr. BRADLEY, Mr. STEVENS, Mr. BOREN, and Mr. GLENN):

S.J. Res. 52. A joint resolution to designate the month of November 1993 and 1994 as "National Hospice Month"; to the Committee on the Judiciary.

NATIONAL HOSPICE MONTH

Mr. PACKWOOD. Mr. President, it gives me a great pleasure to introduce today, in conjunction with Senators MOYNIHAN, DOLE, D'AMATO, BRADLEY, STEVENS, BOREN, and GLENN a joint resolution designating November 1993 and 1994 as "National Hospice Month." I have offered similar resolutions since 1984, and each has received enthusiastic bipartisan support.

Since the concept of hospice was first introduced 20 years ago, hospice programs have continued to expand throughout our country. Today there are about 1,700 hospice programs nationally, ranging in type from those based in hospitals to those based in the community.

No matter where hospice services are provided, they all share a basic philosophy of caring for terminally ill patients—one that emphasizes love, compassionate support and palliative medical solutions so that individuals may live their final days as fully and comfortably as possible.

Hospice care has changed the way we handle terminally ill patients in four basic ways. First, hospice promotes providing a broad array of services to the individual, psychological, and spiritual needs of patients as well as their health care needs. Second, a multi-disciplinary team approach is used to plan and provide the care needed to help individual patients.

Third, personal dignity and comfort guide the use of medical care to manage pain and control the symptoms of disease. Fourth, the family is recognized as a key participant in the care of the individual.

Many thousands of patients and their families have been gently guided through a critical period by hospice caregivers and volunteers. Hospice has helped to add back the human element in medical care. And the family is more actively involved in decision-making, recognizing their role as support givers during a loved one's illness.

Hospice programs are firmly established in Oregon. A few years ago, I visited Hospice House in Portland. I was very moved by the plight of a woman I met who had been given only 5 to 6 days to live. I was also quite impressed by the magnificent staff, who tenderly cared for her and helped me to share a little time with this woman.

Hospice programs are an integral part of the health care delivery system. They are also poised to grow into the next decades. hospice advocates are currently looking to provide services to new populations who do not know of hospice programs, such as Hispanics and people in rural areas.

I hope that this resolution will spark renewed interest and awareness of hospice programs throughout the country. I encourage all of my colleagues to support this resolution.

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By Mr. HATCH:

S.J. Res. 53. Joint resolution designating March 1993 and March 1994 both as "Women's History Month"; to the Committee on the Judiciary.

WOMEN'S HISTORY MONTH

Mr. HATCH. Mr. President, I am here today to honor women in our history. They have opened new frontiers, provided needed services, and raised families through both hard and happy times. I am pleased we are considering March as "Women's History Month," which sets aside the month for us, as a nation, to recognize the countless contributions of women. In my own home State of Utah, women have always played vital roles in nearly every capacity.

Utah's heritage of women is unique. In 1846–47, many endured trying hardships that are unfathomable in our day. Leaving the comforts of their own hometowns, pioneer women traveled across the plains, pushing and pulling handcarts, to settle in a valley that would protect and provide for them and their families. Many buried their children along the way in search of a better life free from religious persecution. Physical afflictions were abundant. Not a few succumbed to the elements. Those fortunate enough to survive the long trek then had to till the vast, dry earth of the West to continue to survive.

A few years before, the first women's organization in the United States was formed, which is known as the Relief Society of the Church of Jesus Christ of Latter-day Saints. Starting with only 20 members in rural America in 1842, the Relief Society has grown to 3.2 million members worldwide today.

In addition to housing the headquarters of the first women's organization in the United States, Utah was the second State to allow women the right to vote in 1896. Now, less than 100 years later, not only do all American women have the right to vote, but a record number are also serving in Congress.

Mr. President, women clearly played a vital part in American history, in whatever position it may have been. I urge my colleagues to join me in honoring women by declaring March 1993 and 1994 as "Women's History Month."

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By Mr. MURKOWSKI (for himself, Mr. GRAHAM, Mr. MACK, Mr. DOLE, Mr. WARNER, and Mr. MCCAIN):

S.J. Res. 54. Joint resolution designating April 9, 1993, and April 9, 1994, as "National Former Prisoner of War Recognition Day"; to the Committee on the Judiciary.

NATIONAL FORMER PRISONER OF WAR RECOGNITION DAY

● Mr. MURKOWSKI. Mr. President, I am pleased to join my colleague, Senator GRAHAM of Florida, in introducing legislation which would designate April 9, 1993, and April 9, 1994, as "National Former Prisoner of War Recognition Day".

National Former Prisoner of War Recognition Day would recognize the estimated 70,000 surviving men and women in the United States who were subjected to unconscionable treatment as prisoners of war during WWI, WWII, Korea, Vietnam, and the Persian Gulf war. It is only fitting that we honor these extremely brave and very special veterans.

Each year since 1987, April 9, the anniversary of the fall of Bataan, has been designated as National Former Prisoner of War Recognition Day. On that day in 1942, 20,000 American men and women became prisoners of war. Many did not survive the infamous Bataan "Death March" that followed or nearly 4 years of captivity in deplorable prisoner of war camps throughout the Far East. This day serves as a poignant reminder of the sacrifice and commitment of all of the American men and women whose patriotism has been tested while being held in enemy captivity in every theater of every war.

The men and women of this country who were held as prisoners of war have earned a day honoring them for their suffering while serving their country. I urge my colleagues to join us in support of this measure.●

● Mr. GRAHAM. Mr. President, today, I join my colleague, Mr. MURKOWSKI of Alaska, in introducing legislation designating April 9, 1993, and April 9, 1994, as National Former Prisoner of War Recognition Day.

We are all familiar with the deplorable conditions our prisoners of war endured during the Persian Gulf war. Saddam Hussein disregarded human-rights agreements and international treaties involving prisoners of war, reminding us of past atrocities in World War I, World War II, Korea, and Vietnam. It is appropriate at this time to pause and reflect on the courage and sacrifice of our estimated 80,000 prisoners of war from these five conflicts.

Fifty-one years ago, on April 9, 1942, enemy forces took thousands of American soldiers prisoner in the Philippines after the fall of Bataan. Many American soldiers died and many more suffered permanent disabilities on the brutal forced march which followed. It is, therefore, fitting that the day of April 9 honor the thousands of men and women who spent months and years of their lives in captivity.

These veterans suffered terribly serving our country to guarantee the freedoms that Americans enjoy today. Their service has taught us about patriotism, perseverance, and character. There is little we can do to repay the men and women who endured these atrocities, but we can recognize their invaluable contribution with this important day.

I urge my colleagues to join Senator MURKOWSKI, Senator MCCAIN, Senator DOLE, Senator MACK, Senator WARNER, and myself in cosponsoring this important resolution honoring our former prisoners of war.●

## ADDITIONAL COSPONSORS

S. 4

At the request of Mr. HOLLINGS, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 4, a bill to promote the industrial competitiveness and economic growth of the United States by strengthening and expanding the civilian technology programs of the Department of Commerce, amending the Stevenson-Wydler Technology Innovation Act of 1980 to enhance the development and nationwide deployment of manufacturing technologies, and authorizing appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes.

S. 21

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 21, a bill to designate certain lands in the California Desert as wilderness to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

S. 30

At the request of Mr. MCCAIN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 30, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 177

At the request of Mr. DOLE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 177, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

S. 185

At the request of Mr. GLENN, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. BREAUX], the Senator from Nebraska [Mr. EXON], the Senator from Nebraska [Mr. KERREY], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors 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. 207

At the request of Mr. LOTT, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 207, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 222

At the request of Mr. WELLSTONE, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 222, a bill to require the Commissioner of Food and Drugs to collect information regarding the drug RU-486 and review the information to determine whether to approve RU-486 for marketing as a new drug, and for other purposes.

S. 236

At the request of Mr. MCCAIN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 236, a bill to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 248

At the request of Mr. SPECTER, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 248, a bill to establish constitutional procedures for the imposition of the death penalty for terrorist murders.

S. 254

At the request of Mr. JOHNSTON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 254, a bill to amend the Internal Revenue Code of 1986 to impose a fee on the importation of crude oil or refined petroleum products.

S. 261

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 261, a bill to protect children from exposure to environmental tobacco smoke in the provision of children's services, and for other purposes.

S. 262

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor 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 name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 265, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

S. 268

At the request of Mr. BAUCUS, the names of the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. DORGAN], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 268, a bill to extend the period during which the U.S. Trade Representative is required to identify trade liberalization priorities, and for other purposes.

S. 269

At the request of Mr. BAUCUS, the names of the Senator from Pennsylvania [Mr. WOFFORD], the Senator from North Dakota [Mr. DORGAN], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 269, a bill to amend the Trade Act of 1974 to provide that interested persons may request review by the Trade Representative of a foreign country's compliance with trade agreements.

S. 289

At the request of Mr. REID, the names of the Senator from Washington [Mr. GORTON], the Senator from Mississippi [Mr. COCHRAN], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from New York [Mr. D'AMATO] were added as cosponsors 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. 309

At the request of Mr. LEAHY, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 309, a bill to make emergency supplemental appropriations to provide a short-term stimulus to promote job creation in rural areas of the United States, and for other purposes.

S. 368

At the request of Mr. BUMPERS, the names of the Senator from Montana [Mr. BURNS], the Senator from Nevada [Mr. BRYAN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Alaska [Mr. STEVENS]

were added as cosponsors of S. 368, a bill to amend the Internal Revenue Code of 1986 to provide a capital gains tax differential for individual and corporate taxpayers who make high-risk, long-term, growth-oriented venture and seed capital investments in startup and other small enterprises.

S. 384

At the request of Mr. D'AMATO, the names of the Senator from Nevada [Mr. REID] and the Senator from South Carolina [Mr. THURMOND] 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. 404

At the request of Mr. GLENN, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 404, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to improve the effectiveness of administrative review of employment discrimination claims made by Federal employees, and for other purposes.

S. 416

At the request of Mr. DECONCINI, the names of the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 416, a bill to authorize the provision of assistance to the victims of war in the former Yugoslavia, including the victims of torture, rape, and other war crimes and their families.

S. 418

At the request of Mr. DANFORTH, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of 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.

S. 439

At the request of Mr. COATS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 439, a bill to amend the Solid Waste Disposal Act to permit Governors to limit the disposal of out-of-State solid waste in their States, and for other purposes.

S. 440

At the request of Mr. GORTON, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 440, a bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to control the diversion of certain chemicals used in the illicit production of controlled substances, to provide greater flexibility in the regulatory controls placed on the legitimate commerce in those chemicals, and for other purposes.

S. 449

At the request of Mr. SMITH, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 449, a bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated.

S. 451

At the request of Mr. LOTT, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from Oregon [Mr. HATFIELD], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 451, a bill to establish research, development, and dissemination programs to assist in collaborative efforts to prevent crime against senior citizens, and for other purposes.

SENATE JOINT RESOLUTION 36

At the request of Mr. LEAHY, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of Senate Joint Resolution 36, a joint resolution to proclaim March 20, 1993, as "National Agriculture Day."

SENATE JOINT RESOLUTION 39

At the request of Mr. D'AMATO, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Arkansas [Mr. PRYOR], the Senator from Alabama [Mr. HEFLIN], the Senator from Connecticut [Mr. DODD], the Senator from Vermont [Mr. JEFFORDS], the Senator from Rhode Island [Mr. PELL], the Senator from California [Mrs. FEINSTEIN], and the Senator from Utah [Mr. HATCH] 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 47

At the request of Mr. JOHNSTON, the names of the Senator from Washington [Mrs. MURRAY], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 47, a joint resolution to designate the week beginning on November 21, 1993, and the week beginning on November 20, 1994, each as "National Family Week."

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. EXON, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution urging the President to negotiate a comprehensive nuclear weapons test ban.

SENATE RESOLUTION 11

At the request of Mr. DECONCINI, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of Senate Resolution 11, a resolution relating to Bosnia and Herzegovina's right to self-defense.

SENATE RESOLUTION 68

At the request of Mr. D'AMATO, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors 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 CONCURRENT RESOLUTION 12—TO RECOGNIZE THE HEROIC SACRIFICE FOR THE SPECIAL AGENTS OF THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS IN WACO, TX

Mr. DECONCINI (for himself, Mr. KRUEGER, Mr. BOND, Mr. KOHL, Mr. D'AMATO, Mr. KERREY, Mr. GRAMM, Mr. CHAFEE, Mr. SPECTER, and Mr. JOHNSTON) submitting the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 12

Whereas Special Agents Steve Willis, Robert J. Williams, Conway LeBleu and Todd McKeehan, of the Bureau of Alcohol, Tobacco and Firearms, were killed by hostile gunfire in the performance of a heroic effort to disarm a hostile cult and to protect the lives of innocent persons, including children, living in its compound.

Whereas these men, along with 15 other special agents who were wounded during this confrontation, were members of the Bureau of Alcohol, Tobacco and Firearms elite Special Response Teams, whose members are highly-trained and experienced in the execution of high-risk operations;

Whereas such Special Response Teams have been deployed over 230 times in the past year with no injury to any agent, including during a highly-publicized siege involving a fugitive white supremacist and during the Los Angeles civil disturbances in 1992;

Whereas 182 special agents of the Bureau of Alcohol, Tobacco and Firearms have been killed in the line of duty since Prohibition; and

Whereas the men and women of the Bureau of Alcohol, Tobacco and Firearms mourn the loss of their brother officers, but maintain discipline and a commitment to the protection of our citizens at the risk of their own lives on a daily basis: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That the sacrifice and dedication of the agents of the Bureau of Alcohol, Tobacco and Firearms is a cornerstone of our system of justice and cause for both sorrow and pride.

Mr. KRUEGER. Madam President, I wish to join with Senator DECONCINI in cosponsoring his resolution to honor those Federal agents who died in the tragic confrontation in Waco, TX.

Texans join all Americans in mourning the deaths of four ATF agents who gave their lives to protect this Nation. America has lost four of its best young men, and America grieves alongside their families.

Our constant thoughts are with the seven officers who were seriously wounded, with the eight officers less gravely injured, and with their families. We pray for their quick recovery and full return to service of a nation that needs them so greatly.

In our daily immersion in our own affairs, we forget that our world can lay violence at our feet. The rest of us are permitted to forget because men and women like the slain and wounded ATF officers are not. Vigilance is their professional creed. They face violence so the rest of us can be safe, and now we see that the price of their calling is high.

These deaths and the events in Waco summon Congress to do what we can to make this Nation safer and more secure. Brave men have done their duty at the greatest sacrifice. Now we who serve in this Congress must do ours.

## AMENDMENTS SUBMITTED

### EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION

### PACKWOOD (AND OTHERS) AMENDMENT NO. 66

Mr. PACKWOOD (for himself, Mr. DOLE, Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM, Mr. MURKOWSKI, Mr. SIMPSON, and Mr. DURENBERGER) proposed an amend to the bill (S. 382) to extend the Emergency Unemployment Compensation Program, and for other purposes, as follows:

After the word "Secretary" insert the following:

deems appropriate, and the procedures for such profiling systems shall include the effective utilization of automated data processing.

**"SEC. . PAY-AS-YOU-GO PROVISIONS.**

"(a) Of the amounts provided in fiscal year 1993 appropriations acts and available budget authority under previous appropriations acts, $3,320,000,000 are rescinded as provided in subsections (b) and (c).

"(b) The Director of Office of Management and Budget shall make uniform percentage reductions in budget authority in federal agency administrative expenses, except that no reductions shall be made in current rates of pay under current law.

"(c) For the purposes of this section, Federal agency administrative expenses are defined as object classes 10 (excluding object classes 12.1, 12,2, and 13.0), 20 (excluding object class 23.1), and 30.

"(d) To the extent budgetary resources are not provided in appropriations acts, the Director shall make the same uniform percentage reduction as required in subsection (b) in Federal administrative expenses as determined in section 256(h) of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(e) $2.5 billion in unemployment benefits, estimated to be obligated after October 1, 1993, shall be withheld from obligation until such time as offsets are adopted."

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that the oversight hearing originally scheduled before the Committee on Energy and Natural Resources on March 9 at 2:30 p.m. has been postponed.

The purpose of the hearing was 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 new hearing date will be announced when it becomes available.

For further information, please contact Paul Barnett of the committee staff at 202/224-7569.

### COMMITTEE ON RULES AND ADMINISTRATION

The Senate Rules Committee will meet on Wednesday, March 3, 1993, at 9:30 a.m., to receive testimony on the financing of congressional election campaigns. However, the second day of hearings scheduled for Thursday, March 4, 1993, has been canceled.

### SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on Friday, March 5, at 9:30 a.m. in room 342 of the Dirksen Senate Office Building, on S. 420, the Ethics in Government Reform Act of 1993, and S. 79, the Responsible Government Act of 1993.

### COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing to examine the issue of credit availability for small businesses. The hearing will take place on Thursday, March 4, 1993, at 9:30 a.m., in room 428A of the Russell Senate Office Building. For further information, please call John Ball, staff director of the Small Business Committee at 224-5175.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON VETERANS' AFFAIRS

Mr. MOYNIHAN. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive legislative presentations from the Veterans of Foreign Wars. The hearing will be held on March 2, 1993, at 9:30 a.m., in room 345 of the Cannon House Office Building..

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

### SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Productivity of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, March 3, 1993, at 1:30 p.m., for a hearing on "Career Pathways."

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

### SUBCOMMITTEE ON LABOR

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Subcommittee on Labor of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, March 3, 1993, at 9:30 a.m., for a joint hearing with the Subcommittee on Health for Families and the Uninsured of the Committee on Finance to hear testimony on "Retiree Health Benefits."

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

## ADDITIONAL STATEMENTS

### AN ANNIVERSARY OVERVIEW: U.S. ARMY INFORMATION SYSTEMS COMMAND

• Mr. DECONCINI. Mr. President, the U.S. Army Information Systems Command, commanded by Maj. Gen. Samuel A. Leffler and headquartered at Fort Huachuca in Sierra Vista, AZ, celebrated its 29th birthday on March 1, 1993.

The Information Systems Command, better known as ISC, is responsible for Army information systems and services throughout the world. Today ISC has a total work force of more than 22,000 military and civilian communications specialists, operating at several thousand facilities in 14 nations.

Formed in 1964 in Washington, DC, as the Army Strategic Communications Command [STRATCOM], the command's name changed again in 1973, to the U.S. Army Communications Command [USACC]. This second name change reflected the continued growth of the command, based on the responsibilities to perform strategic and tactical missions.

The mission of the command was again expanded in 1984 to include the five disciplines of the information mission area [IMA]— telecommunications, automation, audio-visual support, records, management, and publications and printing.

In May 1984, the command's name changed again to its present title—the U.S. Army Information Systems Command [USAISC]. Since its early beginnings, ISC has continued to provide the critical communications backbone structure so vital to our Nation's defense. Then as now, ISC remains a major Army command [MACOM] reporting directly to the Army Chief of Staff.

The enormous and sophisticated worldwide communications network

managed by ISC has established the command as the largest military communications and automation organization in the world.

Thanks to the professional people that fill the ranks of ISC, commanders can virtually communicate from the foxhole to the White House in a matter of seconds. With operations that circle the globe in such far-flung regions as the Pacific, Panama, Southeast Asia, and Europe, and such hot spots as the former Yugoslavia, Iraq, and Somalia, ISC personnel are on the job 24 hours a day.

Under the able leadership of Maj. Gen. Sam Leffler, ISC truly lives up to its motto—"Forging the Future." To every one at ISC, congratulations on this anniversary.●

## RULES OF PROCEDURE, SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES

● Mr. KENNEDY. Mr. President, in accordance with the standing rules of the Senate, I ask that the Rules of Procedure of the Senate Committee on Labor and Human Resources, as agreed to February 26, 1993, be published in the CONGRESSIONAL RECORD.

The rules of the committee follow:

SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES

RULES OF PROCEDURE (AS AGREED TO FEBRUARY 26, 1993)

*Rule 1.*—Subject to the provisions of rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD—430, Dirksen Senate Office Building. The chairman may, upon proper notice, call such additional meetings as he may deem necessary.

*Rule 2.*—The chairman of the committee or of a subcommittee, or if the chairman is not present, the ranking majority member present, shall preside at all meetings.

*Rule 3.*—Meetings of the committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate.

*Rule 4.—(a)* Subject to paragraph (b), one-third of the membership of the committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the committee which is composed of less than a majority of the members of the committee shall include at least one member of the majority and one member of the minority.

*(b)* A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a minority member, the measure or matter shall lay over for a day. If the presence of a member of the minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

*(c)* No measure or matter shall be ordered reported from the committee or a subcommittee unless a majority of the committee or subcommittee is actually present at the time such action is taken.

*Rule 5.*—With the approval of the chairman of the committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

*Rule 6.*—Proxy voting shall be allowed on all measures and matters before the committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The committee may poll any matters of committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

*Rule 7.*—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the committee or subcommittee on any question on which a "yea and nay" vote is demanded, and shall be available for inspection by any committee member. The clerk of the committee, or the clerk's designee, shall have the responsibility to make appropriate arrangements to implement this rule.

*Rule 8.*—The committee and each subcommittee shall undertake, consistent with the provisions of rule XXVI, paragraph 4, of the Standing Rules of the Senate, to issue public announcement of any hearing it intends to hold at least one week prior to the commencement of such hearing.

*Rule 9.*—The committee or a subcommittee shall, so far as practicable, require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the chairman and the ranking minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the committee or a subcommittee. The committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

*Rule 10.*—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition.

*Rule 11.*—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee executive meeting may be held at the same time.

*Rule 12.*—It shall be the duty of the chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

*Rule 13.*—Wherever a meeting of the committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of rule 26.5 of the Standing Rules of the Senate, no person other than members of the committee, members of the staff of the committee, and designated assistants to members of the committee shall be permitted to attend such closed session, except by special dispensation of the committee or subcommittee or the chairman thereof.

*Rule 14.*—The chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within fifteen minutes of the time schedule for such meeting.

*Rule 15.*—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the committee or a subcommittee for final consideration, the clerk shall place before each member of the committee or subcommittee a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added.

*Rule 16.*—An appropriate opportunity shall be given the minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the majority to examine the proposed text prior to filing or publication.

*Rule 17.—(a)* The committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the committee.

*(b)* For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the committee or subcommittee shall constitute a quorum: provided, with the concurrence of the chairman and ranking minority member of the committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

*(c)* The committee may, by a majority vote, delegate the authority to issue subpoenas to the chairman of the committee or a subcommittee, or to any member designated by such chairman. Prior to the issuance of each subpoena, the ranking minority member of the committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the chairman of the committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the committee requesting same, or to any assistant to a member of the committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in

writing as soon as practicable. Upon the request of any member, the chairman of the committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

*(d)* Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

*(e)* No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the committee or subcommittee.

*Rule 18.*—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts—

(I) information relating to employment, education, and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests (parts I and II) shall not be required of (a) candidates for appointment and promotion in the Public Health Service Corps; and (b) nominees for less than full-time appointments to councils, commissions or boards when the committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (part II) shall not be required of any nominee when the committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chairman, with the concurrence of the ranking minority member, waives this waiting period.

*Rule 19.*—Subject to statutory requirements imposed on the committee with respect to procedure, the rules of the committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

*Rule 20.*—In addition to the foregoing, the proceedings of the committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

[Excerpts from the Standing Rules of the Senate]

RULE XXV

*Standing Committees*

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(m)(1) Committee on Labor and Human Resources, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Measures relating to education, labor, health, and public welfare.
2. Aging.
3. Agricultural colleges.
4. Arts and humanities.
5. Biomedical research and development.
6. Child labor.
7. Convict labor and the entry of goods made by convicts into interstate commerce.
8. Domestic activities of the American National Red Cross.
9. Equal employment opportunity.
10. Gallaudet College, Howard University, and Saint Elizabeths Hospital.
11. Handicapped individuals.
12. Labor standards and labor statistics.
13. Mediation and arbitration of labor disputes.
14. Occupational safety and health, including the welfare of miners.
15. Private pension plans.
16. Public health.
17. Railway labor and retirement.
18. Regulation of foreign laborers.
19. Student loans.
20. Wages and hours of labor.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to health, education and training, and public welfare, and report thereon from time to time.

* * * * *

RULE XXVI

*Committee Procedure*

1. Each standing committee,[1] including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration.[2] The expenses of the committee shall be paid from the contingent fund of the Senate upon voucher approved by the chairman.

* * * * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters encumbered in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(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;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloguy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefits, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance of any such meeting, it shall be the duty of the Chair to enforce on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order he shall have the power to clear the room, and the com-

[1] As amended S. Res. 281, 96-2, Mar. 11, 1980 (effective Feb. 28, 1981).

[2] Pursuant to section 68c of title 2, United States Code, the committee on Rules and Administration issues "Regulations Governing Rates Payable to Commercial Reporting Forms for Reporting Committee Hearings in the Senate." Copies of the regulations currently in effect may be obtained from the Committee.

mittee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or nor such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

* * * * *

GUIDELINES OF THE SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES WITH RESPECT TO HEARINGS, MARKUP SESSIONS, AND RELATED MATTERS

*Hearings*

Section 133A*(a)* of the Legislative Reorganization Act requires each committee of the Senate to publicly announce the date, place, and subject matter of any hearing at least one week prior to the commencement of such hearing.

The spirit of this requirement is to assure adequate notice to the public and other Members of the Senate as to the time and subject matter of proposed hearings. In the spirit of section 133A*(a)* and in order to assure that members of the committee are themselves fully informed and involved in the development of hearings:

1. Public notice of the date, place, and subject matter of each committee or subcommittee hearing should be inserted in the CONGRESSIONAL RECORD seven days prior to the commencement of such hearing.

2. Seven days prior to public notice of each committee or subcommittee hearing, committee or subcommittee should provide written notice to each member of the committee of the time, place, and specific subject matter of such hearing, accompanied by a list of those witnesses who have been or are proposed to be invited to appear.

3. The committee and its subcommittee should, to the maximum feasible extent, enforce the provisions of rule 9 of the committee rules as it relates to the submission of written statements of witnesses twenty-four hours in advance of a hearing. When statements are received in advance of a hearing, the committee or subcommittee (as appropriate) should distribute copies of such statements to each of its members.

*Executive Sessions for the Purpose of Marking Up Bills*

In order to expedite the process of marking up bills and to assist each member of the committee so that there may be full and fair consideration of each bill which the committee or a subcommittee is marking up the following procedures should be followed:

1. Seven days prior to the proposed data for an executive session for the purpose of marking up bills the committee or subcommittee (as appropriate) should provide written notice to each of its members as to the time, place, and specific subject matter of such session, including an agenda listing each bill or other matters to be considered and including:

*(a)* two copies of each bill, joint resolution, or other legislative matter (or committee print thereof) to be considered at such executive session; and

*(b)* two copies of a summary of the provisions of each bill joint resolution, or other legislative matter to be considered at such executive session; and

2. Three days prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or subcommittee (as appropriate) should deliver to each of its members two copies of a cordon print or an equivalent explanation of changes of existing law proposed to be made by each bill, joint resolution, or other legislative matter to be considered at such executive session.

3. Insofar as practical, prior to the scheduled date for an executive session for the purpose of marking up bills each member of the committee or a subcommittee (as appropriate) should provide to all other such members two written copies of any amendment or a description of any amendment which that member proposes to offer to each bill, joint resolution, or other legislative matter to be considered at such executive session.

4. Insofar as practical, prior to the scheduled data for an executive session for the purpose of marking up bills, the committee or a subcommittee (as appropriate) should provide each member with a copy of the printed record or a summary of any hearings conducted by the committee or a subcommittee with respect to each bill, joint resolution, or other legislative matter to be considered at such executive session.

*Committee Reports, Publications, and Related Documents*

Rule 16 of the committee rules requires that the minority be given an opportunity to examine the proposed text of committee reports prior to their filing and that the majority be given an opportunity to examine the proposed text of supplemental, minority, or additional views prior to their filing. The views of all members of the committee should be taken fully and fairly into account with respect to all official documents filed or published by the committee. Thus, consistent with the spirit of rule 16, the proposed text of each committee report, hearing record, and other related committee document or publication should be provided to the chairman and ranking minority member of the committee and the chairman and ranking minority member of the appropriate subcommittee at least forty-eight hours prior to its filing or publication.●

## RULES OF THE JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS

● Mr. BOREN. Mr. President, for the interest of my Senate colleagues I hereby submit in the CONGRESSIONAL RECORD the rules of the Joint Committee on the Organization of Congress, which were adopted on January 6, 1993.

The rules of the joint committee follow:

COMMITTEE RULES OF THE JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS

RULE 1. GENERAL

The rules of the Senate and House, insofar as they are applicable, shall govern the Committee and its subcommittees. The rules of the Committee, insofar as they are applicable, shall be the rules of any subcommittee of the Committee.

RULE 2. MEETINGS

The meetings of the Committee shall be held at such times and in such places as the co-chairmen, after consultation with the vice-chairmen, may designate, or at such times as a quorum of the Committee may request in writing, with adequate advance notice provided to all members of the Committee. Subcommittee meetings or meetings of any ad hoc working group or task force established by the chairmen, shall not be held when the full Committee is meeting.

RULE 3. QUORUM

(a) Thirteen members of the Committee shall constitute a quorum for the purpose of conducting any business.

(b) Two members, one from each party, shall constitute a quorum for the purpose of taking testimony.

(c) Ex-officio members shall not be counted for the purpose of ascertaining the presence of a quorum of the Committee.

RULE 4. SUBCOMMITTEES, WORKING GROUPS, AND TASK FORCES

(a) The Committee may establish subcommittees comprised of only members from one House. A subcommittee comprised of members from one House may consider only matters related solely to that House. The respective co-chairman and vice-chairman of the Committee shall serve as the chairman and vice-chairman of the subcommittee considering matters related solely to that House.

(b) The co-chairmen, after consultation with the vice-chairmen, may name appropriate ad hoc working groups or task forces of the Committee as the needs of the Committee may dictate. Any working group or task force so established must be comprised of equal representation from the respective Houses and from the majority and minority parties. The co-chairmen, after consultation with the vice-chairmen, shall designate the chairman and vice-chairman of any working group or task force.

RULE 5. ORDER OF BUSINESS

Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the co-chairmen, after consultation with the vice-chairmen, subject to an appeal to the Committee.

RULE 6. HEARINGS AND MEETINGS

(a) All hearings and meetings conducted by the Committee or subcommittees shall be open to the public except where the Committee or subcommittee, as the case may be, by a majority vote in open session and with a majority present, by roll call vote, orders an executive session.

(b) The chairmanship of hearings and meetings shall alternate between the House and Senate unless the co-chairmen, after consultation with the vice chairmen, make some other arrangement.

RULE 7. WITNESSES

(a) So far as practicable all witnesses appearing before the Committee shall file with the Committee at least 24 hours in advance of the hearing a written statement of their proposed testimony, and their oral testimony shall be limited to brief summaries. Insertions of additional germane material will be received for the record, subject to the approval of a majority of the members present.

(b) The presiding chairman shall provide time for questioning of witnesses by all members, alternating between the chambers and imposing time constraints as necessary, and the rule of relevancy shall be enforced in all hearings.

(c) An accurate stenographic record shall be kept of all testimony and each witness provided with a copy thereof for the purpose of correcting grammatical errors, obvious errors of fact, and errors of transcription. Witnesses shall be allowed 3 days within which to correct and return the transcript of their testimony. If not so returned, the clerk of the Committee may close the record whenever necessary. Each member of the Committee shall be provided with a copy of the hearings transcript for the purpose of correcting

errors of transcription and grammar, and clarifying questions or remarks. If another person is authorized by a Committee member to make his or her corrections, the clerk of the Committee shall be so notified.

(d) Selection of witnesses for Committee hearings shall be made by the co-chairmen and vice-chairmen.

RULE 8. BROADCASTING

Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, unless the Committee or any subcommittee, respectively, by majority vote determine otherwise.

RULE 9. COMMITTEE RECOMMENDATIONS

(a) No recommendation shall be made by the Committee except upon a majority vote of the members representing each House, respectively, a majority from each House being present.

(b) Any recommendation with respect to the rules and procedures of one House which only affects matters related solely to that House may only be made and voted on by the members of the Committee from that House, and, upon its adoption by a majority of such members, shall be considered to have been adopted by the full Committee as a recommendation of the Committee. Once such recommendation is adopted, the full Committee may vote to make an interim or final report containing any such recommendation.

RULE 10. VOTING

(a) A roll call of the members on a question may be had on the request of any member.

(b) No vote by any member of the Committee with respect to any matter, recommendation, or report may be cast by proxy.

RULE 11. RECORD OF COMMITTEE PROCEEDINGS AND ACTIONS

There shall be kept a complete record of all Committee proceedings and actions. The records of the Committee, including the records of any and all recorded votes of the Committee but excluding executive session materials, shall be open to all members of the Committee and shall be available for public inspection. Uncorrected transcripts, however, shall not be available for public inspection until the provisions of Rule 7(c) have been satisfied.

RULE 12. AUTHORITY OF THE COMMITTEE

The Committee, or any duly authorized subcommittee thereof, may—

(a) sit and act at such places and times as the Committee, or any duly authorized subcommittee thereof, determines are appropriate during the sessions, recesses, and adjourned periods of Congress; and

(b) require the attendance of witnesses and the production of books, papers, and documents, administer oaths, take testimony, and procure printing and binding.

RULE 13. COMMITTEE STAFF

The professional and clerical staff of the Committee shall be under the general supervision and direction of the co-chairmen and vice chairmen and under the direct supervision of the staff director. All staff members shall be selected on the basis of their training, experience and attainments, without regard to race, religion, sex, color, national origin, disability, or age.

RULE 14. COMMITTEE CO-CHAIRMEN AND VICE-CHAIRMEN

The co-chairmen and vice-chairmen may be unanimous agreement establish such other procedures and take such actions as may be necessary to carry out the foregoing rules.

RULE 15. CHANGES IN RULES

The rules of the Committee may be modified, amended, or repealed by a majority vote of the members voting at a meeting at which a quorum is present, provided that written notice of any proposed change shall be provided to each member of the Committee not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) before the meeting date on which such change is to be considered.•

## A TRIBUTE TO BLUE GRASS QUALITY MEATS

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to Blue Grass Quality Meats, an outstanding business located in Crescent Springs, KY.

Blue Grass Quality Meats is a 175-year-old company that manufactures processed meats. The company was founded in 1867 by Christopher Rice, a young entrepreneur who provided customers with door-to-door meat service, much like the milkman delivery business. Through the years, the business has remained in the Rice family, and is currently owned by Bill, Glenn, and Jay Rice, the great-grandsons of the founder.

Blue Grass Quality Meats manufactures more than 100 varieties of processed meats including metts, bologna, bacon, wieners, and hams. To manufacture these foods, the company purchases fresh pork, chicken, and beef. The meats are then blended, flavored, cooked, and packaged. Sixty percent of Blue Grass' sales are to supermarkets and delis in Kentucky, Indiana, Ohio, Tennessee, and West Virginia.

Blue Grass executives are currently eyeing a 5-year plan which calls for sales to grow 77 percent by 1997. To achieve this goal, distribution will be expanded to six major cities, including Chicago and Pittsburgh. New products will also be developed, including low-fat meats which appeal to health conscious customers.

I applaud the fine people at Blue Grass Quality Meats for their commitment to growth and expansion. This company serves as an outstanding role model for other Kentucky manufacturers.

Mr. President, I ask that an accompanying story from Covington's Kentucky Post be submitted to today's CONGRESSIONAL RECORD.

The article follows:

BLUE GRASS PACKS DELIS WITH HAMS

(By Mary Friedberg)

When Bill Rice was 12 years old, he remembers wearing a white plant coat and being permitted to blow the factory steam whistle at C. Rice Packing Co. in Maysville.

A lot has changed since then. Bill is now 61 and chairman of the company, which has evolved into Blue Grass Quality Meats.

The meat processing and packaging company, now located in Crescent Springs, has grown to 85 employees and more than $35 million in annual sales.

Blue Grass manufactures more than 100 varieties of processed meats, including hams, bacon, wieners, brats, metts, bolognas and deli meats. Its products are sold under the brand names Blue Grass and KB Brand.

Hams are the biggest sellers, accounting for about 25 percent of sales, said Sam Finch, president since 1990.

The company is owned by Bill and his brothers, Glenn and Jay. Glenn is vice president, and Jay is secretary/treasurer. Three of Bill's children and two of Glenn's work at the company.

Bill, Glenn and Jay are great-grandsons of Christopher rice, who founded C. Rice Packing Co. in Covington in 1867. The company was a door-to-door meat market service, similar to the milkman delivery business.

Finch and David Kegley, vice president of sales and marketing, are the first nonfamily members to run the company. They were brought on board to help develop and implement an ambitious five-year plan.

The plan calls for sales to grow 77 percent by 1997. The company also plans to double the size of its facility on Commerce Drive to 100,000 square feet. The first 25,000 square-foot-expansion is slated for 1995, Finch said.

Blue Grass also plans to expand distribution to six major cities, including Chicago and Pittsburgh. The company's products already are sold in parts of Kentucky, Ohio, Indiana, Tennessee and West Virginia.

Sixty percent of the company's sales are to supermarkets and delis. The remainder are to the food service industry, such as restaurants and hotels.

The company changed its name from Blue Grass Foods last August to reflect the fact that it is a manufacturer, not a distributor, Finch said. The company buys fresh cuts of pork, beef and chicken. Workers blend the raw meat, add flavorings, cook the mixture and package it.

Also in 1992, the company changed its logo and packaging, and introduced two new products; a coney wiener and Virginia brand ham.

Blue Grass plans to roll out at least three new products in 1993, including a 99 percent fat-free barbecue product, Finch said. The shredded beef with barbecue sauce went on sale in January.

Finch believes the company's commitment to quality is the main reason blue grass is still around after 125 years.

The company also strives to keep its products current, he said. One way is by offering low-fat products to appeal to health-conscious consumers. Its premium ham, for example, is 97 percent fat-free, he said.

"Everything we have done and will do is to try to make our products exactly what our consumers want," he said.•

## REJECT THE VANCE-OWEN PLAN

• Mr. DECONCINI. Mr. President, the U.N. Security Council must, at long last, come to grips with the continued armed aggression directed against Bosnia and Herzegovina or be completely discredited. The outcome of these deliberations will have far-reaching implications beyond the borders of Bosnia. As Harry Truman observed at the end of World War II, "It must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures * * *."

For the past 10 months now we have witnessed naked aggression unleashed by Serbia and Serbian-backed forces

against the people of Bosnia and Herzegovina. The Serbs have flagrantly violated each and every one of the basic principles contained in the Helsinki Final Act. The human rights report just issued by the State Department concluded that "so-called ethnic cleansing was practiced by Serbian forces in Bosnia on a scale that dwarfs anything seen in Europe since Nazi times." This does not border on genocide—this is genocide.

We have heard with horror the victims of rape and forced impregnation. We have seen people gunned down while waiting in line for water. How much more must we see? How much more can we stand to see?

The Europeans have been disturbingly shortsighted in their handling, or better yet, mishandling of this crisis. Perhaps they hoped that somehow the situation would settle down. Well it has not.

Efforts to mediate the conflict have failed, and, as a recent Washington Post editorial concluded, we are faced with ugly choices. There are no simple solutions. We want peace, but what kind of peace?

Former National Security Advisory Brzezinski put it succinctly when he concluded that "Peace in Bosnia will not be possible until the aggressors know that the costs of aggression will be higher than the benefits of aggression."

I have had a chance to review the points contained in the interim arrangement for Bosnia and Herzegovina drawn up by Cyrus Vance and Lord Owen. Simply put, the plan amounts to little more than a sellout of the democratically elected Government of Bosnia and Herzegovina. It is a recipe of accommodation and appeasement.

Adoption of the Vance-Owen plan will not bring an end to the hostilities in Bosnia. Furthermore, it sends an extremely dangerous message to would-be aggressors elsewhere in the world.

As the Post editorial notes, the plan contains "so many concessions to aggression and so few assurances of justice * * *."

Adoption of the Vance-Owen plan flies in the face of the objectives we have been working to achieve: democracy, respect for human rights, and rule of law. It boils down to this—if you have the guns behind you, you can do as you wish with impunity.

The plan would replace the Government of Bosnia and Herzegovina with an interim central government made up of three representatives each from the Moslem, Croat, and Serb communities. Suspending portions of the Bosnian constitution and ousting its leadership.

The plan gives the Bosnian Serb leader, the same man accused by the United States of war crimes, the right to choose who will represent the Serbs on the council. As if that weren't bad enough, the Serb leaders would hold a virtual veto over decisions of the council under the Vance-Owen plan.

The proposed cantonizing of Bosnia would deed substantial lands once held by Moslems to Serbs, at best a de facto recognition of the fruits of ethnic cleansing. And here again, the Bosnian Serb leader is given the right to name leaders for each of the 10 proposed provinces.

Finally, the plan is completely silent on the prosecution of war criminals. Not a word.

Some have compared Vance and Owen to Neville Chamberlain, the architect of the infamous Munich Pact. The comparison fails to recognize one critical difference, Hitler, in 1938, had yet to unleash genocide.

I urge the Clinton administration to reject the Vance-Owen plans as a sham and a farce.

Unless the aggressor is stopped, and stopped now, he will strike again, mark my words. If we endorse the Vance-Owen plan we are, among other things, saying that it is acceptable to change borders through the use of force.

In his inaugural address, President Clinton vowed that "When our vital interests are challenged or the will and conscience of the international community is defied we will act—with peaceful diplomacy whenever possible, with force when necessary."

Our geopolitical interests are at stake—unchecked aggression in Bosnia will inevitably spill over elsewhere in former Yugoslavia and perhaps beyond. Peaceful diplomacy has failed. The conscience of the international community has been flagrantly defied. The time to act is now.

I urge my colleagues to cosponsor Senate Resolution 11. The resolution, which enjoys bipartisan support, including the backing of the majority and minorities leaders, calls for implementation and enforcement of U.N. resolutions on Bosnia. My colleague, STENY HOYER, cochairman of the Helsinki Commission, has introduced a similar measure, House Resolution 35, in the House.

In addition to congressional support, the resolution has been endorsed by the American Task Force for Bosnia. Mr. President, I ask that a list of the members of the task force be included in the RECORD.

Mr. President, I urge the administration to reject the Vance-Owen plan as the basis for further negotiations on Bosnia and Herzegovina. Let us recognize the initiative for what it really is

A sellout of democracy;

A sellout to change through peaceful means; and

A sellout of justice.

The list of members follows:

JOINT ACTION ON BOSNIA AND HERZEGOVINA

American Jewish Committee
American Jewish Congress.
American Moslem Public Affairs Council.
American Muslim Council.
American Task Force for Bosnia.
Americans for Freedom in Former Yugoslavia.
Arab American Institute.
B'nai B'rith International.
International Union of Muslim Women.
Maryland Coalition for Bosnia.
National Association of Arab Americans.
National Organization for Victims Assistance.
New Jewish Agenda.
North American Council for Muslim Women.
Solidarity International for Human Rights.
Union of American Hebrew Congregations.•

## A TRIBUTE TO RAYMOND BRADBURY

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

Mr. Bradbury began his mining career at the young age of 18. While most teenagers were enjoying a carefree summer, Bradbury was busy loading coal on the night shift. His dedication and commitment to hard work was soon noticed, and he became known through the mines as a dedicated, honest, and respected worker.

In 1969, Bradbury was given the opportunity to establish a small mine in eastern Kentucky named Martin County Coal. Bradbury accepted the challenge, and in only 2 years underground operations began. Martin County Coal quickly grew, eventually employing 599 people, operating 4 underground mine sites, and furnishing a local power company with over 2 million tons of coal a year.

Bradbury was also known as a leader in the coal mining industry. Under his direction, Martin County Coal began to use diesel-powered equipment, and all new employees at the mine were challenged with a 90-day training program. These and many other practices originated by Bradbury were adopted by other mining operations.

Today, I honor Raymond Bradbury for his honesty, integrity, and dedication to one of Kentucky's premier industries. I wish him health, happiness, and luck in the future.

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

The article follows:

[From the Martin County-Tug Valley Mountain Citizen]

BRADBURY RETIRES FROM MCC

(By Michael Sisco)

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

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

The younger guys should take some notes.

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

So, during the summer of his 18th year, while most other teenagers were having a fun summer, Bradbury began work on the night shift, loading coal by hand. Surprisingly enough, he liked it, and quickly made a name for himself as an honest, dedicated worker, someone who commanded respect.

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

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

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

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

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

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

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

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

## 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 25, 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 (House Concurrent Resolution 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 22, 1993.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, March 1, 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 25, 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 22, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

ROBERT D. REISCHAUER,
*Director.*

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS. AS OF FEB. 25, 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 | 4,108.4 | −352.8 |
| Off-budget: | | | |
| Social Security outlays: | | | |
| 1993 | 260.0 | 260.0 | ..... |
| 1993–97 | 1,415.0 | 1,415.0 | ..... |
| Social Security revenues: | | | |
| 1993 | 328.1 | 328.1 | (2) |
| 1993–97 | 1,865.0 | 1,865.0 | (2) |

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS. SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS FEB. 25, 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 million in budget authority and $6,988 million in outlays in emergency funding.

[2] Includes revision under sec. 9 of the concurrent resolution on the budget.

Note.—Amounts in parentheses are negative.•

## RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

• Mr. ROCKEFELLER. Mr. President, paragraph 2 of rule XXVI of the "Standing Rules of the Senate" requires that committee rules be published in the RECORD in the first year of each new Congress. Pursuant to that provision, I ask that the committee's rules of procedure as amended and adopted by the Committee on Veterans' Affairs in February of this year be printed in the RECORD at this point.

The rules of the committee follow:

RULES OF PROCEDURE OF THE COMMITTEE ON VETERANS' AFFAIRS

(As amended and readopted February 1993)

I. MEETINGS

(a) Unless otherwise ordered, the Committee shall meet on the first Wednesday of each month. The Chairman may, upon proper notice, call such additional meetings as he deems necessary.

(b) Except as provided in subparagraphs (b) and (d) of paragraph 5 of rule XXVI of the Standing Rules of the Senate, meetings of the Committee or a Subcommittee shall be open to the public.

(c) The Chairman of the Committee or of a Subcommittee, or the Vice Chairman in the absence of the Chairman, or the Ranking Majority Member present in the absence of the Vice Chairman, shall preside at all meetings.

(d) No meeting of the Committee or any Subcommittee shall be scheduled except by majority vote of the Committee or by authorization of the Chairman of the Committee.

(e) The Committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the Committee shall immediately notify such designated office.

(f) Written notice of a Committee meeting, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all Committee members at least 72 hours (not counting Saturdays, Sundays, and Federal holidays) in advance of each meeting. In the event that the giving of such 72-hour notice is prevented by unforeseen requirements or Committee business, the Committee staff shall communicate notice by the quickest appropriate means to members or appropriate staff assistants of members and an agenda shall be furnished prior to the meeting.

(g) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless a written copy of such amendment has been delivered to each member of the Committee at least 24 hours before the meeting at which the amendment is to be proposed. This paragraph may be waived by a majority vote of the members and shall apply only when 72-hour written notice has been provided in accordance with paragraph (f).

II. QUORUMS

(a) Subject to the provisions of paragraph (b), seven members of the Committee and four members of a Subcommittee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Four members of the Committee or Subcommittee shall constitute a quorum for purposes of transacting any other business.

(b) In order to transact any business at a Committee or Subcommittee meeting, at least one member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a member, the matter shall lay over for a calendar day. If the presence of a minority member is not then obtained, business may be transacted by the appropriate quorum.

(c) One member shall constitute a quorum for the purpose of receiving testimony.

III. VOTING

(a) Votes may be cast by proxy. A proxy may be written or oral, and may be conditioned by personal instructions. A proxy shall be valid only for the day given except that a written proxy may be valid for the period specified therein.

(b) There shall be a complete record kept of all Committee action. Such record shall contain the vote cast by each member of the Committee on any question on which a rollcall vote is requested.

IV. SUBCOMMITTEES

(a) No member of the Committee may serve on more than two Subcommittees. No member of the Committee shall receive assignment to a second Subcommittee until all members of the Committee, in order of seniority, have chosen assignments to one Subcommittee.

(b) The Committee Chairman and the Ranking Minority Member shall be ex officio nonvoting members of each Subcommittee of the Committee.

(c) Subcommittees shall be considered de novo whenever there is a change in Committee Chairmanship and, in such event, Subcommittee seniority shall not necessarily apply.

(d) Should a Subcommittee fail to report back to the Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such Subcommittee and so notify the Committee for its disposition.

V. HEARINGS AND HEARING PROCEDURES

(a) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(b) At least 1 week in advance of the date of any hearing, the Committee or a Subcommittee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcements of the date, place, time, and subject matter of such hearing.

(c) The Committee or a Subcommittee shall require each witness who is scheduled to testify at any hearing to file 40 copies of such witness' testimony with the Committee not later than 48 hours prior to the witness' scheduled appearance unless the Chairman and Ranking Minority Member determine there is good cause for failure to do so.

(d) The presiding officer at any hearing is authorized to limit the time allotted to each witness appearing before the Committee or Subcommittee.

(e) The Chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committee staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's nonconcurrence in the subpoena within 48 hours (excluding Saturdays, Sundays, and Federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48-hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the members of the Committee. When the Committee or Chairman authorizes a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other member of the Committee designated by the Chairman.

(f) Witnesses at hearings will be required to give testimony under oath whenever the Chairman or Ranking Minority Member deems such to be advisable. At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any member, any other witness shall be under oath.

VI. MEDIA COVERAGE

Any Committee or Subcommittee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using mechanical recording, filming, or broadcasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee members or staff or with the orderly conduct of the meeting or hearing. The presiding member of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.

VII. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the Committee and its Subcommittees.

VIII. PRESIDENTIAL NOMINATIONS

Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this Committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts—

(A) information concerning employment, education, and background of the nominee which generally relates to the position to which the individual is nominated, and which is to be made public; and

(B) information concerning the financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the Ranking Minority Member, waives this waiting period.

IX. NAMING OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES

It is the policy of the Committee that no Department of Veterans Affairs facility shall be named after any individual unless—

(A) such individual is deceased and was—

(1) a veteran who (i) was instrumental in the construction or the operation of the facility to be named, or (ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character;

(2) a member of the United States House of Representatives or Senate who had a direct association with such facility;

(3) an Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(4) an individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans;

(B) each member of the Congressional delegation representing the State in which the designated facility is located has indicated in writing such member's support of the proposal to name such facility after such individual; and

(C) the pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 has indicated in writing its support of such proposal.

X. AMENDMENTS TO THE RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.•

## TRIBUTE TO JERGEN NASH

• Mr. DURENBERGER. Mr. President, nearly everyone who grew up in Minnesota listening to the "Good Neighbor of the North" knows the name and voice of Jergen Nash. For years, Jergen

spoke into the WCCO–AM radio microphone as if he were speaking to each of his listeners, one-on-one. Well, today, that microphone has been turned off. Jergen Nash said farewell to his audience this morning. He will be missed.

Jim Klobuchar, a columnist for the Star Tribune, spoke for all of us who know and appreciate Jergen Nash's contribution to the community when he wrote, "he has been from the beginning a man of generous and good spirit."

Mr. President, I ask that Jim's article be entered into the RECORD in its entirety at this point.

The article follows:

[From the Minneapolis Star Tribune, Mar. 2, 1993]

IT WAS TIME TO LEAVE, BUT HIS FAREWELL NEVER HIT THE AIR

(By Jim Klobuchar)

You couldn't call it a valedictory. It took him only seconds to say Valedictories are supposed to be formal, lathered with eloquence. But all Jergen Nash wanted was to say goodbye.

He wanted to tell those small platoons of people who listen to Sunday morning radio that this was the finish of his lifetime in broadcasting. He'd never slopped around much with theatrics in his years as a news announcer and disc jockey. And he had no trouble avoiding it when he later re-treaded himself as a sort of lefse-munching philosopher, an aging troubadour enjoying his retirement years traveling with his wife. On tape he would noodle for a few minutes on Sunday mornings about the bafflements and nuggets of life in England or, as a matter of fact, in south Minneapolis.

So Sunday on WCCO–AM he finished his 3½-minute taped essay on the phenomenon of salt. That was his subject Salt. Early Sunday morning listeners tend to be tolerant of news about salt.

And after a few moments' pause, he acknowledged to his listeners that he wasn't feeling well and that this would be his last broadcast. He thanked them for bringing him into their homes for so many years, and made this his goodbye.

He didn't say that, at 75, he has cancer that can't be reversed. For an old man in broadcasting for whom professional standards have been important, that would have been much too self-absorbed.

He was simply saying it was time to leave.

But the quirks of the broadcasting business are not always kind. The Jergen Nashes have learned through a career of walking through land mines.

It didn't stun him that his little farewell never reached the listeners. It did unsettle some of his friends.

Nash's personal note, modest as it was, was cut off before it got on the air. It fell victim to one of those small but lurking horrors of the broadcasting business. It happened accidentally and innocently, but there it was. The station's Sunday morning host, Mike Miller, thought the tape was finished and, unaware of its contents, went on to something else.

"We didn't realize what happened until now," a station spokesman told an inquirer from the newspaper. "It was totally inadvertent. Jergen has always been such a treasure around here. He's that kind of fellow, and he's done that much for our listeners."

Partly in contrition but mostly because it's the right and decent thing to do, the station is inviting him back to its studies to chat a little more about Jergen Nash and his life in radio Thursday at 11:30 a.m.

There must be a Scandinavian proverb somewhere at large to explain that out of embarrassing moments sometimes a rough justice emerges. That means that instead of walking away from nearly 50 years in broadcasting with a brief aside heard by no one, Jergen goes out hearing good and affectionate things said about him from those who have been his colleagues and from the more important ones, his listeners.

Jergen Nash was no broadcasting bombshell. He gave the news with a voice that had clarity and authority, and he told musty stories about the Norwegians and Swedes with even more authority. He grew up in the broadcasting business when it was all right to be a little reflective and all right to be a little cornball. For a generation of listeners welded to WCCO's persona as a chummy neighbor and self-promoting town crier, Jergen Nash's voice and random spurts of whimsy were familiar and staple. The superstars like Steve Cannon and Charlie Boone and Roger Erickson and Howard Viken had bigger marquees. But Jergen Nash represented something very sturdy and comfortable for the kind of people attracted to what WCCO gave them day in and day out.

In a business swarming with insecure hotshots, here was a fellow who seemed to have a well-defined sense of place, and it wasn't all Scandinavian. He was lanky and bald, and visitors to the studio often found him pretty formidable at first, but he has been from the beginning a man of generous and good spirit. He wore well with the station and with its audience.

Because I've liked his work for a long time, I called Monday to express my respects. He was asleep. His wife, Mary, told of his illness, the progression of it from the lungs, his chemotherapy and now his care in a hospice program at home. The caretaker, of course, is Mary Nash, the Englishwoman he met while he was in the service in England in World War II.

She talked with love and candor. They may not see another March together, she said. He knows that. For years they had been living part of the year in the English Midlands with her relatives, most of them women. Those visits produced some of the mellower and some of the more incisive of his little Sunday morning vignettes. "He had to deal with this gaggle of women," Mary said, "so he started going upstairs with his typewriter to take refuge. I think he wrote some very listenable things."

That he did. What I've liked professionally about this man is his conduct of his later years in a business so volatile and so ravenous in the way it chews up egos. When it was time to step out of full-time broadcasting, he seemed to do it with acceptance and without resentment. But keeping the connection with his work and his community was important. He found a way to do it with grace and humor and a little self-mockery. And now with an illness limiting his world, he can tell himself that he has done something very fundamentally right in how he has lived and worked.

I don't know of a better way for a broadcaster to sign off.

Mr. DURENBERGER. Mr. President, on behalf of the people of Minnesota, I thank Jergen Nash for his years of public service as a news announcer, and for his sturdy and comfortable persona on the air. We wish him and his wife Mary all the best.•

## A TRIBUTE TO MAJ. GEN. CHARLES M. KIEFNER

• Mr. BOND. Mr. President, on Saturday, March 6, Maj. Gen. Charles M. Kiefner will step down as Adjutant General of the State of Missouri, bringing to a close a career spanning more than four decades of service to his Nation and his State.

Charlie is the dean of the Nation's Adjutants General, having served with only one interruption since 1973. He is also the longest serving Adjutant General in Missouri history.

Our families have been friends for most of this century and Charlie Kiefner and I have been closest of friends for over 20 years. Also, I count him among my closest professional associates.

Since I first appointed Charlie to lead the Missouri Guard in 1973, he has devoted his life to making it the sophisticated, highly trained force that it is today. Not only have Charlie Kiefner and the Missouri Guard been ready at a moment's notice to respond to natural disasters over the past two decades, but they have also responded to the Nation's call—participating in Operations Just Cause, Desert Shield, and Desert Storm.

As Governor, I always knew that I could call upon the Guard to assist with flood relief, to respond to a tornado, or to help eradicate marijuana from our forests. As Senator, I have had the honor of greeting troops returning from overseas deployments, and I have seen first hand that Missouri's troops are truly the Nation's first line of defense.

The Missouri National Guard is a force of which Charlie truly can be proud. He can leave his command knowing that he had done his job well and that he is leaving behind a group of men and women as highly trained and motivated as any the State has ever seen—and most of the credit belongs to Charlie Kiefner.

Charlie has been a tireless advocate on behalf of the Missouri National Guard, constantly working with officials from the local level to Washington to ensure support for the Guard. He certainly has kept me busy. In fact, I have often said that when I was Governor, Charlie worked for me; but since I've been in the Senate, I've worked for Charlie.

Charlie's activities have not been limited only to the State level, however. He has been an active participant in both the Adjutants General Association and the National Guard Association of the United States—serving as its president for 2 years.

During his service as president of the Guard Association, Charlie was the force behind creation of the Senate Na-

tional Guard Caucus. That group, which I chair along with my distinguished colleague, Senator WENDELL FORD of Kentucky, counts more than half the Senate as members and has played a significant role in fighting Guard cuts over the past 4 years. It is yet one more achievement of which Charlie can be proud.

The men and women of the Missouri National Guard, the people of Missouri and of this Nation owe Charlie Kiefner great thanks for his decades of service. He is the kind of military leader who has kept this Nation strong and ensured that we can continue to live in freedom.

And in true military tradition, not only has Charlie served but his family has, as well. He wife, Marilyn, has very much been a part of Charlie's personal and professional support system. Few in the Guard have failed to meet and admire Marilyn. With never a complaint, Marilyn uprooted their family from their comfortable home in Perryville to move from apartment to apartment, finally to a condo and only this year to a permanent home in Jefferson City. The prospect of keeping up with Charlie on his travels, as Marilyn has so often done, is daunting enough; to have made such a warm and loving home regardless of her surroundings is the real measure of this woman.

I wish Charlie and his wife Marilyn the best of luck as they embark upon a well-deserved retirement. Knowing Charlie as I do, I am certain that his contributions to the Guard will change only in form, not in substance.●

## RUSSIA AND THE BALKAN CRISIS

● Mr. D'AMATO. Mr. President, I rise today to warn that old, bloody enemies of human freedom and peace gather again to threaten our future. One specter from the past is Pan Slavism. Another is fascism, and the last is communism. Together, these evils in the opposition threaten Russian democratic reform and Balkan peace.

Most Americans know no more about Pan Slavism today than they knew about Bosnia before the disintegration of Yugoslavia. But one of the key events in the sequence that began World War I was Russian fraternal assistance to its Serbian allies against the Austro-Hungarian empire.

What does this piece of distant history have to do with today's events? Too much for comfort.

Let me explain. Recently, the Speaker of the Russian Parliament, Ruslan Khasbulatov, made ominous statements threatening a Russian break of the international arms embargo against Serbia. There are even reports of a large arms deal recently concluded between Serbia and Russia. In addition, the media has reported that as many as 1,000 Russian volunteers are now fighting in Bosnia on the Serbian side.

These are just some of the more recent, public manifestations of a resurgence of pro-Serbian sentiment in Russia. A great many Russians actually favor aiding their brother Slavs against the Moslems of Bosnia. While President Yeltsin and the Russian Government have been cooperative and helpful to our efforts to achieve a peaceful and just settlement of the war in the former Yugoslavia, other forces in Russia seek to take advantage of that cooperation and use it as a political weapon against Yeltsin and his allies and against Russian reform in general.

Who are those forces? Khasbulatov is one of the leaders of what has been variously called the red-brown of red-black coalition. This coalition is a poisonous and evil combination of reactionary communists and extreme Russian nationalists with a clear fascist cast, not unlike Serbian President Slobodan Milosevic's political allies.

Russian participation—and the precise nature of the Russian role—are very important to the success of international efforts to achieve a just peace in the former Yugoslavia. If Russia can be brought into the peacemaking and peacekeeping process as an active and supportive player, it actually increases the chances of success by reassuring the Serbs that they will not be victimized by the peace process.

However, if Russia is not a constructive player, it will be very difficult for the process to succeed. Clearly, even a small tilt in Russian policy toward Serbia will make embargo enforcement a much more difficult process. A larger tilt could produce Russian vetoes of Bosnia-related initiatives in the U.N. Security Council, stalemating unified international action for peace. Nevertheless, a tilt in any respect could embolden Milosevic, thus further radicalizing him.

Behind the international political cover provided by Russian diplomatic intervention on their side, the Serbian aggressors will press ahead with ethnic cleansing and the creation of Greater Serbia. This course of action could have extremely dire consequences—results that are so evil and bloody that, when examined, many may dismiss them as rhetorical exaggerations and totally improbable.

I tell my colleagues that they are not exaggerations. They are the soberly considered, easily foreseeable products of policies, statements, and actions already underway.

I don't need to tell my colleagues about Kosova and the Serbian desire to cleanse Kosova of its Moslem ethnic-Albanian population—a group that constitutes approximately 90 percent of the total population of that Province. President Bush publicly warned that any such violent Serbian attempt to drive the Moslem ethnic-Albanian population out would be met with a direct United States response.

But when you follow that chain of events just one more step, you find yourself in the middle of a growing regional war—one with the most dire consequences for our own national interests. If Kosova undergoes ethnic cleansing, it is not at all unreasonable to believe that both Albania and Macedonia—both of which share borders with Kosova—would be pulled into the conflict.

Then, Greece, Turkey, and possibly Bulgaria would have to take steps to protect their perceived and stated interests. Turkey would come to the aid of its Moslem coreligionists—President Ozal made a very recent visit to Albania, Macedonia, and Bulgaria. Greece would come to the aid of its Serbian coreligionists.

Once that happened, the conflict could not be contained in the Balkans. It is possible that Greece and Turkey would become engaged in direct hostilities across the Aegean and along their common border, in addition to combat in the Balkans.

Since both Greece and Turkey are NATO members and longstanding United States allies—we have military bases located in both nations—we would be in an extremely difficult position. At a minimum, a Greek-Turkish war would seriously disrupt NATO.

Turkish involvement in a Balkan conflict would make continuation of our Middle East policy very difficult. Turkey is vital to our efforts to contain Saddam Hussein and Iraqi aggression. We support and protect the Iraqi Kurds from Turkish bases. Turkish participation is essential to maintaining the embargo against Iraq.

Finally, going one step further, Turkey's role in central Asia is an important counterweight to radical Iranian fundamentalist ambitions in the former Soviet Republics. With Turkey embroiled in a Balkan conflict and perhaps a direct war with Greece, it would not have the time or the resources to block Iranian ambitions in those Republics.

Additonally, if the embargo against Iraq is broken as a consequence of Turkish military requirements for a secure supply of petroleum and an Iraqi promise that its southern border will be peaceful, Iraq will have defeated the post-Gulf-war measures we orchestrated to contain Saddam Hussein. The Kurds will be swiftly crushed, Kuwait will once again be in peril, Saudi Arabia will be at risk, and the world's petroleum supply will suddenly become uncertain.

Now, let me return to the beginning of this discussion. Russia and Pan Slavism add a dangerous dimension to this situation. In fact, our very highest priority international interest at this time must be to sustain and advance democratic reform in Russia.

If the Russian red-browns gain the upper hand, the cold war will not re-

turn in its past form. There will be no Soviet Western Group of Forces sitting on the inter-German border with credible plans and the military capability to reach the English Channel beaches in a brief and very violent attack. The fall of the Evil Empire, the dismantling of the Warsaw Pact, and pro-Western positions of the Eastern European governments prevent it.

However, we may get something worse—a series of small- to medium-sized hot wars in which Russia plays a part. Remember that there are significant Russian ethnic minorities remaining in many of the former Soviet Republics—and the red-browns will feel the same need to come to their protection that they feel where the Serbs are concerned—only more strongly, since the people in question are actually Russians.

Finally, the political argument over coming to the aid of the Serbs and ethnic Russians outside Russia is simply a strawman for the real debate in Russia—whether to go forward with reform and join the community of civilized nations. The emotional appeal of historical alliances and kinship relations is advanced to attack Yeltsin's policy of cooperation with the West on the Balkans and on other fronts as well.

Yeltsin has had to shift position to the right to fight off these political attacks. His changes of position have already, in my view, slowed down the progress we can make in bringing a just peace to the Balkans. Moreover, these shifts may be perceived as threats by Russia's neighbors.

Already, States on Russia's borders are having to change their thinking—to consider security as well as reform as top national priorities. Such a shift in emphasis would be gradual, but it would threaten many U.S. policy objectives in Europe.

In this regard, I call my colleagues' attention to the issue of arms control. We have CFE and START I to implement and START II to ratify. If a raging Balkan regional war breaks out, what impact will that have on arms control? I believe it would be very negative.

In this case, how would Ukraine feel about a reactionary Russia on its borders? Would it be willing to relinquish its nuclear missiles?

How will the Baltics react? What about Tajikistan? There are clearly too many violent scenarios to consider.

When I talk to people about the Balkans and the war in Bosnia, they are uniformly outraged by the genocidal acts the Serbs have employed as they work to build Greater Serbia. I have in the past called for United States airstrikes on Serbian positions and I continue to believe that only through the use of force will Serbia be persuaded to stop its war against the innocents.

The general reaction to the prospect of deeper United States involvement in the Balkans is to ask, "why us, why not the Europeans?" In addition, people ask me to identify the United States national interest at stake in Bosnia.

Unfortunately, in this age of the sound bite, there is not a short answer to that question. There is an answer, and it is the imperative need to prevent the course of events I have discussed above. But that explanation seems exaggerated, extreme, and not credible to many people.

I suggest that it is now time for my colleagues—and for opinion leaders in this country at large—to think again. The threat to our future is real. It reaches beyond war to promise broad policy defeats affecting everything we have tried to do since World War II.

Temporizing and half measures will not do. Time—and the Serbian aggressors—march on, paying no attention to our domestic debates about the economy or the deficit. The Serbians may even rejoice that we are distracted from their activities and appear unlikely to have the inclination, the will, or the strength necessary to decisively halt their aggression.

Badly handled, the gathering of evil that together drenched the 20th century in blood threatens an encore performance. It will not be an avalanche of mobilizations by major powers whose militaries are on a hair trigger, as happened at the outset of World War I. It will not be a continent-spanning series of aggressions according to a cunning plan, the course Hitler pursued at the start of World War II. It will not be a long twilight struggle with a nuclear-armed superpower adversary driven by a global ambition and inspired by Marxist ideology, that constituted the cold war.

What it could be is a situation in which we do too little, too late, at every critical juncture, allowing aggression to succeed, allowing ethnic cleansing to go unreversed, allowing genocide to go unpunished, allowing the war to widen, and allowing the cost of correcting these developments to continue to escalate beyond the price that we are politically willing to pay at any particular point. Instead of having a new world order, we face the possibility of an increasing world disorder.

President Clinton has ordered an airdrop of humanitarian supplies to persons in danger in Bosnia. I commend this step, but I fear this measure will fall far short of deterring additional Serbian efforts to create by force their Greater Serbia. The first reports show that the drops have not been totally successful. In fact, the first ended up in Serbian hands. How does airdropping food and supplies stop ethnic cleansing?

How do airdrops reverse Serbian gains in Bosnia? How do they deter Serbian attacks on Kosova or Macedonia?

Arguably, they send a signal of U.S. concern. But do they send a signal of meaningful U.S. resolve? Knowing what I know about the history of the Balkans and the nature of the Serbian leaders, I do not think so.

I ask my colleagues to carefully consider this problem—to look into the future and consider the consequences if we do not assume the leadership role that, as the last remaining superpower, is ours. It is vitally important that we—along with our European allies—take decisive steps to prevent the negative course of events I have previously discussed from taking place. Otherwise, our legitimate and pressing concern with our own economy and our budget deficit may cost us far, far more than we now think it may.•

## A TRIBUTE TO FULTON

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the town of Fulton in Fulton County.

Fulton is a small community located in the far southwestern corner of Kentucky. The town sits among gently rolling hills and is bordered by the Mississippi River.

Fulton was first formed in 1861 as a stop along a railroad track. As the years passed, the railroad became the dominant force in the town's history. Fulton eventually became the hub of the Illinois Central Railroad, which meant prosperity for the Kentucky town.

The presence of the railroad brought a special distinction to Fulton. Trains hauling bananas from the Gulf of Mexico stopped in Fulton to have the fruit re-iced before it was shipped across the United States. As a result, Fulton was dubbed, "The Banana Crossroads of the United States." To celebrate the unique title, residents host the International Banana Festival each year. At the festival, visitors can dig into a 1-ton banana pudding.

Today, the railroad still plays an important part in the livelihood of Fulton. Many community members are employed by railroad companies, and Fulton serves as a stop for Amtrak's New Orleans to Chicago route.

I applaud Fulton's dedication to the great American railroad and the efforts of the community to preserve a rich heritage. Fulton truly is one of Kentucky's finest towns.

Mr. President, I ask that a recent article from Louisville's Courier-Journal be submitted in today's CONGRESSIONAL RECORD.

The article follows:

FULTON

(By Mark Schaver)

The first thing newcomers learn about Fulton is that it's not one town. It's two.

Fulton sits on the state line next to South Fulton, Tenn., and the two towns are so close that they even shared the same city manager for a few years.

It's easy to confuse them because there's nothing that sets the towns apart except for a few signs. They just bleed into each other. Downtown Fulton is on one side of the street, and downtown South Fulton is on the other. You can stand on the sidewalk and be in Kentucky, and then enter a building and be in Tennessee.

That can create problems.

Former Fulton Police Chief C.M. Jobe tells of a man who was arrested for public intoxication a decade or so ago in an area known as "skid row."

"He was so drunk that he couldn't move, and he was just leaning up against the wall asleep," Jobe said. "One of our policemen picked him up, and that was challenged in court because they said his feet were in Kentucky, and his body was in Tennessee." The judge threw the case out.

Although the two towns call themselves the Twin cities, their relationship has not always been smooth. For a time, the local high school sports teams had to stop playing each other because, as legend has it, too many fights broke out after games.

"One of the biggest problems this town has is the state line," said John L. Jones, a Fulton dentist. "It drives a wedge between the two towns."

In the last City Commissioner race in South Fulton, the winning slate built its campaign around the promise to pull the town out of a joint Economic Development Corp. They argued that South Fulton could do a better job attracting industry on its own. Some South Fulton merchants are also trying to organize their own chamber of commerce to replace the joint chamber the communities now sponsor.

Both towns could save a lot of money by combining their fire and police departments and other municipal services, but nothing has come of talk along those lines, mostly because the laws of the two states are not compatible.

Differences between Kentucky and Tennessee have influenced the way the towns have grown. The Kentucky sales tax is lower, so most of the retail stores are on the Kentucky side. But there is no income tax in Tennessee so residential development tends to take place there.

It's common for members of the same family to live on both sides of the state line, and for people to live on one side and work on the other. Fulton Mayor Elaine Forrester even has two Tennesseans working in her florist shop, and in most respects, the towns do get along.

"It's like trying to separate you right arm from your left arm. You can't do it," said Kenneth Crews, the president of the City National Bank. "We're the same community."

And Fulton has prospered because it sits on the state line. On your first visit, you might think that the only thing townspeople buy is liquor and lottery tickets. Every store seems to be selling one or the other. That's because the surrounding counties in both states are dry, and Tennessee does not have a lottery.

"They can't even play bingo in Tennessee," said Frank Woolf, the manager and part owner of Buck's Party Mark, which is one of the top sellers of lottery tickets in Kentucky.

(The liquor store is called the Party Mark because of fears that a Paducah liquor store that has the trademark on the Party Mart name would sue if Buck's used it. But Woolf said everyone calls his store the Party Mart anyway.)

Fulton has thrived as a crossroads. Early in the century, people from other counties used to ride into Fulton on a train known as "Whiskey Dick," then ride back home.

"It's always been wet," Jones said, "and there's never been any effort to dry it up." (Other than Prohibition, of course.)

Fulton was established in 1861 as a stop along a railroad track, and the railroad has been the dominant industry throughout the town's history. Even now Fulton is one of the very few towns in Kentucky that has regular passenger rail service via Amtrak. The City of New Orleans stops every night on its trips between Chicago and New Orleans. (The Cardinal, AMTRAK's service between Chicago and Washington, makes several stops in northeastern Kentucky, including Maysville.)

"You can't go anywhere in this town unless you cross a railroad track," said B. Roger Pulley, Fulton's city manager.

By the turn of the century, Fulton has become the hub of the Illinois Central Railroad, North-south and east-west tracks of the railroad converged there, and the town prospered.

In its heyday in the early part of the century, Fulton thrived as few towns in Western Kentucky thrived. It even had its own opera house, the Vendhome, which presented such stars as Sarah Bernhardt, the French actress, and John Philip Sousa, the composer and band leader remembered for his military marches.

At one time, more than 30 passenger trains and 3,000 freight cars rolled through town each day. The trains also carried the mail, so someone who wanted to send a letter to another state could do it overnight.

A few miles northwest of Fulton is the tiny town of Cayce, which was the home of one of the most famous railroad men of all time, Casey Jones, an engineer who drove the Cannon Ball express between Memphis, Tenn., and Canton, Miss.

Jones became a folk hero in 1900 when his passenger train collided with a freight. He could have jumped and saved himself, but he stayed aboard to apply the brakes, sacrificing himself to save his passengers and crew.

Trains earned Fulton a special niche as "the banana crossroads of the United States."

Trains would bring bananas that had been shipped to ports along the Gulf of Mexico from Central and South America. The bananas would be re-iced in Fulton, and then shipped throughout the United States.

In 1963, just as refrigerated trucks were replacing the rail cars, Fulton inaugurated the "International Banana Festival" as a way to celebrate the town's heritage. Every year the festival provokes an orgy of banana jokes, but it is most celebrated for its one-ton banana pudding that is consumed by the thousands who come to see the craft booths, games and entertainment.

In its early years, the festival included guests from Central and South America. One year, W. Averill Harriman, the urbane personification of American diplomacy, made an appearance at the festival. But in recent years, financial constraints have limited the festival, and this year the town worried it wouldn't have any bananas at all until the Dole Food Co. Inc. came through at the last minute.

Fulton is unusual in other ways.

It's a cliche of small-town life to have a place where the older men gather every morning to solve the world's problems. In most towns that takes place in a coffee shop, but in Fulton the men gather in a room at the City National Bank. The bank built the room just so the men would have a place to gather because there is no coffee shop downtown.

"If you take a consensus . . . and go opposite, you'll be ahead," said George Moore, a retired railroad conductor.

The downtown, which has suffered since Kentucky's first Wal-Mart opened in Fulton 20 years ago, is undergoing a transformation. A number of buildings have been torn down, and there are plans to put a park and a senior citizen's center in an almost vacant area between Fulton and South Fulton.

The tracks that once ran through downtown Fulton were pulled up a few years ago, but the railroad still passes through town, although not nearly as often as it used to. Many still work for the railroad, but probably more people these days work at the giant Goodyear tire plant in nearby Union City, Tenn.

Farming remains important too, although the cotton once grown in the county has been supplanted by soybeans and corn (and this year, a farmer even planted rice).

There is optimistic talk of new industries coming to Fulton, but whatever the future brings, townspeople will probably never lose the feeling that they are ignored too often by the rest of the state—a common attitude in the far reaches of Western Kentucky.

"We feel like a stepchild as far as Kentucky government is concerned," said Carbilene G. Bolin, a retired librarian. "We don't feel like they know we're here. We just hang on the edge of the state, and we need someone to jerk us back in."

Population (1990): Fulton, 3,078; Fulton County, 8,271.

Per capita income (Fulton County, 1990): $14,100, or $892 below the state average.

Jobs: Construction, 31; manufacturing, 1,231; transportation/utilities (railroads excluded), 43; wholesale/retail trade, 748; finance/insurance/real estate, 126; services, 423; state/local government, 549.

Big employers: Excel Manufacturing (auto glass), 220 employees; H.I.S. Manufacturing (clothing), 175; UARCO Inc. (business forms), 155.

Education: Fulton Independent Schools, 633; Fulton County Schools, 870.

Transportation Rail—AMTRAK passenger service to Chicago and New Orleans from Central and Norfolk Southern. Air—Fulton Municipal Airport, 2,700-foot runway (nearest scheduled commercial service at Barkley Regional Airport, Paducah, 55 miles). Water—Hickman-Fulton County Riverport on Mississippi River, 11 miles.

Topography: From flat floodplains marked by ponds, sloughs and marshes along the Mississippi River to gently rolling uplands.

FAMOUS FACTS AND FIGURES

Fulton and Fulton County are named for Robert Fulton, the inventor who launched the Clermont, the first commercially successful steamboat.

The first post office at what became Fulton was named Pontotoc, a Muskogean Indian word for "cattail prairie."

A Fulton native, Charles Smith, and his friend, Charles Lindbergh, talked about making a trans-Atlantic airplane flight together, but Smith died in 1925 in an airplane crash at St. Louis. Lindbergh played taps at Smith's funeral in Fulton and flew back the next year to scatter flowers on his grave.

This is how someone quoted in The Fulton Leader described the experience of living through the tornado that struck the town in 1975: "It scared me so bad I got up and put my clothes on."

## COMMENDING GREG A. PAPUGA, JR.

• Mr. BOND. Mr. President, I rise today to pay tribute to Mr. Greg A. Papuga, Jr., of Florissant, MO. He is a member of Boy Scout Troop No. 884 and has attained the prestigious rank and honor of Eagle Scout.

Greg attends Hazelwood Central High School, where he is a member of the young astronaut's club and a student council representative. While in the Cub Scouts, he earned the ranks of Bobcat, Wolf, Bear, and Webelo. He earned all 12 activity pins as a Webelo. Greg also achieved Cub Scouting's highest award, the Arrow of Light. He graduated from the Cub Scouts on April 14, 1988.

On April 14, 1988, Greg joined the Boy Scouts and earned the ranks of Tenderfoot, Second Class, First Class, Star, Life, and Eagle. In addition, he attained 8 skill awards and 22 merit badges. Greg is a veteran camper with over 130 nights of camping experience. He has participated in leadership training classes and has received numerous positions of responsibility and leadership.

Mr. President, I would like to extend my congratulations and best wishes to Mr. Greg A. Papuga, Jr., for his service and commitment to the Boy Scouts of America and hopes for continued success in the future.•

## TRIBUTE TO DR. GIZAW TSEHAI AND FAMILY

• Mr. DURENBERGER. Mr. President, it was with little fanfare that we learned Sunday that 400 Ethiopian political prisoners finally won their freedom. Dateline: Addis Ababa, Ethiopia, February 27—then four small paragraphs in the Washington Post citing the official Ethiopian News Agency as saying that the transitional government released the prisoners on bail after being held for 19 months without trial. The rolls included the names of former ministers of the government of Mengistu Haile Mariam.

Not much to jolt most of us as we perused the newspaper. But, this was long awaited information that sent up shouts of joy in Addis Ababa, Washington, DC, and Minneapolis, MN. Among those held without trial was Dr. Gizaw Tsehai, a man whose only goal is to improve the health care system of his beloved country, Ehtiopia.

Dr. Tsehai, an internationally trained thoracic and general surgeon with no political ties, was drafted by the Mengistus government to serve as the Minister of Health. In May 1991, Dr. Tsehai was detained in a former school in Addis Ababa by the new rebel government. For many long months, Dr. Tsehai waited for some action on his case while his wife Rebecca, his sons Joseph and David and daughter Elizabeth held their lives together and waited.

The family owns a house in Minneapolis, and Joseph has been living there while attending the University of Minnesota. David interrupted his own studies at the University of Minnesota to return home and minister to his father in jail bringing him food and comfort every day. Rebecca was able to bring some of the family's personal property to Minnesota, but was forced to return quickly to Addis Ababa a few months ago to stop the government from confiscating their home. Elizabeth is working for Catholic Relief Services in Washington, DC.

Mr. President, no lengthy, unwarranted detention could squash Dr. Tsehai's dedication to his fellow Ethiopians. He will use his hard-won freedom to continue to provide needed health care in his homeland. I salute Dr. Tsehai and his family for their patience and compassion. And, I pray for the peace in Ethiopia that is long overdue.•

## RECOGNIZING THE HEROIC SACRIFICE OF SPECIAL AGENTS OF ATF IN WACO, TX

Mr. MOYNIHAN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 12, a concurrent resolution to recognize the heroic sacrifice of the special agents of the Bureau of Alcohol, Tobacco and Firearms in Waco, TX, submitted earlier today by Senators DECONCINI, KRUEGER, and others.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 12) to recognize the heroic sacrifice of the special agents of the Bureau of Alcohol, Tobacco and Firearms in Waco, Texas.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 12) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 12

Whereas Special Agents Steve Willis, Robert J. Williams, Conway LeBleu and Todd McKeehan, of the Bureau of Alcohol, Tobacco and Firearms, were killed by hostile gunfire in the performance of a heroic effort to disarm a hostile cult and to protect the lives of innocent persons, including children, living in its compound;

Whereas these men, along with 15 other special agents who were wounded during this confrontation, were members of the Bureau of Alcohol, Tobacco and Firearms elite Special Response Teams, whose members are highly-trained and experienced in the execution of high-risk operations;

Whereas such Special Response Teams have been deployed over 230 times in the past year with no injury to any agent, including during a highly-publicized siege involving a fugitive white supremacist and during the Los Angeles civil disturbances in 1992;

Whereas 182 special agents of the Bureau of Alcohol, Tobacco and Firearms have been killed in the line of duty since Prohibition; and

Whereas the men and women of the Bureau of Alcohol, Tobacco and Firearms mourn the loss of their brother officers, but maintain discipline and a commitment to the protection of our citizens at the risk of their own lives on a daily basis: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That the sacrifice and dedication of the agents of the Bureau of Alcohol, Tobacco and Firearms is a cornerstone of our system of justice and cause for both sorrow and pride.

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

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

The motion to lay on the table was agreed to.

## MEASURE INDEFINITELY POSTPONED

Mr. MOYNIHAN. Madam President, I ask unanimous consent that Calendar No. 4, Senate Resolution 41, a resolution authorizing expenditures by the Committee on Rules and Administration, be indefinitely postponed.

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

## APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, in accordance with Public Law 93–618, as amended by Public Law 100–418, on behalf of the President pro tempore, and upon the recommendation of the chairman of the Committee on Finance, appoints the following members of the Finance Committee as congressional advisers on trade policy and negotiations, and as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements:

The Senator from New York [Mr. MOYNIHAN];

The Senator from Montana [Mr. BAUCUS];

The Senator from Oklahoma [Mr. BOREN];

The Senator from Oregon [Mr. PACKWOOD]; and

The Senator from Kansas [Mr. DOLE].

And as alternate official advisers:

The Senator from New Jersey [Mr. BRADLEY];

The Senator from Maine [Mr. MITCHELL];

The Senator from Arkansas [Mr. PRYOR];

The Senator from Michigan [Mr. RIEGLE];

The Senator from West Virginia [Mr. ROCKEFELLER];

The Senator from South Dakota [Mr. DASCHLE];

The Senator from Louisiana [Mr. BREAUX];

The Senator from North Dakota [Mr. CONRAD];

The Senator from Delaware [Mr. ROTH];

The Senator from Missouri [Mr. DANFORTH];

The Senator from Rhode Island [Mr. CHAFEE];

The Senator from Minnesota [Mr. DURENBERGER];

The Senator from Iowa [Mr. GRASSLEY];

The Senator from Utah [Mr. HATCH]; and

The Senator from Wyoming [Mr. WALLOP].

## APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 86-380, appoints the Senator from North Dakota [Mr. DORGAN] to the Advisory Commission on Intergovernmental Relations, vice the Senator from Virginia [Mr. ROBB].

## ORDERS FOR TOMORROW

Mr. MOYNIHAN. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 8:45 a.m., Wednesday, March 3; and that, when the Senate reconvenes on Wednesday, March 3, the Journal of proceedings be deemed to have been approved to date; the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; I further ask unanimous consent that the time for the two leaders be reserved for their use later in the day; that following the Chair's announcement, there be a period of time for the transaction of routine morning business for not to extend beyond 9:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each, and that the following Senators be recognized for the time limits specified: Senator GRAHAM for up to 15 minutes; Senators DASCHLE, GORTON, and KERREY for up to 10 minutes each.

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

## ADJOURNMENT UNTIL TOMORROW AT 8:45 A.M.

Mr. MOYNIHAN. Madam President, if there is no further business to come before the Senate today, I now move that the Senate stand adjourned in accordance with the previous order until 8:45 a.m., Wednesday, March 3, 1993.

There being no objection, the Senate, at 5:54 p.m., adjourned until Wednesday, March 3, 1993, at 8:45 a.m.

## NOMINATIONS

Executive nominations received by the Secretary of the Senate February 26, 1993, under authority of the order of the Senate of January 5, 1993:

### DEPARTMENT OF STATE

PETER TARNOFF, OF NEW YORK, TO BE UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS, VICE ARNOLD LEE KANTER, RESIGNED.

### DEPARTMENT OF JUSTICE

JANET RENO, OF FLORIDA, TO BE ATTORNEY GENERAL.

Executive nominations received by the Senate March 2, 1993:

### DEPARTMENT OF THE TREASURY

LAWRENCE H. SUMMERS, OF THE DISTRICT OF COLUMBIA, TO BE AN UNDER SECRETARY OF THE TREASURY, VICE DAVID CAMPBELL MULFORD, RESIGNED.

# HOUSE OF REPRESENTATIVES—*Tuesday, March 2, 1993*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As You, O God, have created that first garden of the world where life was full and the human spirit was free, and all Your creation had the potential of greatness so we have used our freedom for good, we have also used it to cause divisions and pain. Forgive us, gracious God, for all we have done with words of hurt or by withholding our bounty from the least among us. Forgive us, correct us, and sustain us by Your Spirit so we will be the people You would have us be and do those good things that honor You and serve people everywhere. In Your name, we pray. Amen.

## THE JOURNAL

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

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

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

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

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

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

The SPEAKER. The gentleman from New York [Mr. SOLOMON] demands a vote on the Speaker's approval of the Journal.

The Chair announces that the vote on this matter will be postponed until the end of the day or until later in the day.

The point of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Florida [Mr. STEARNS] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. STEARNS led the Pledge of Allegiance as follows:

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

## RESIGNATION AS MEMBER OF COMMITTEE ON THE DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following resignation as a member of the Committee on the District of Columbia:

HOUSE OF REPRESENTATIVES,
*Washington, DC, February 22, 1993.*

Speaker THOMAS FOLEY,
*U.S. Capitol.*

DEAR MR. SPEAKER: Because of the heavy load of work this session of the Ways and Means Committee, and the likelihood that there will be even more conflicts this year between meetings of the various subcommittees of Ways and Means and of the Committee on the District of Columbia, I feel it is necessary that I withdraw from service on the Committee on the District of Columbia.

I do so even though I have enjoyed my work on that Committee. It is my understanding that there are other Members of the Caucus who would be willing to accept an appointment in my place.

Therefore, please accept my resignation from the Committee on the District of Columbia.

Respectfully,

SANDER LEVIN.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

## COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER laid before the House the following communication from the chairman of the Committee on House Administration:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
*Washington, DC, February 22, 1993.*

Hon. THOMAS S. FOLEY,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MR. SPEAKER: Pursuant to House Rule 51, clause 7, I have appointed the Honorable Martin Frost as chairman of, and the Honorable William L. Clay to serve on, the review panel established by that Rule for the 103d Congress.

With my very best wishes,

Sincerely,

CHARLIE ROSE,
*Chairman.*

## INTRODUCTION OF THE CONGRESSIONAL ACCOUNTABILITY ACT

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

Mr. MANN. Mr. Speaker, it is with a great deal of pleasure that my first occasion to address this body is to stand to express support for the Congressional Accountability Act, H.R. 349, presented by the gentleman from Connecticut [Mr. SHAYS], cosponsored by myself and over 100 other Members of this body.

This is the act which would make the laws which the Congress adopts apply to the Members of Congress. I feel passionately that this is an important change to the laws of this land.

I have a daughter who is hearing-impaired, and last summer we shared the elation at the coming into effect of the Americans with Disabilities Act. My daughter, Debbie, said to me, "Does this law apply to Congress?" I said, "I do not know. Let me find out."

I came back to her, and I said, "Well, the rules apply, but if a rule is violated by a Member, your recourse is to go before a panel of other Members of the House." My daughter, who is not reluctant to speak her mind, said, "That does not seem fair. Why can I not go to court like any other citizen just because a Member of the House was the person who was faced with a violation?"

Mr. Speaker, it is a simple proposition. The citizens of this land want us to live like them, not like a special class.

I urge that this House act quickly on H.R. 349.

## A FLAWED PLAN

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

Mr. BURTON of Indiana. Mr. Speaker, two of President Clinton's economic supporters, Mr. Allen Sinai, the chief economist for the Boston Co., and Lawrence Chimerine, senior economic counselor with DRI/McGraw-Hill, Inc., have said that President Clinton's promises to cut spending and reduce the deficit are going to fall about $75 billion short of the estimate.

In addition to that, they both said that it is probably going to produce, and get this, job loss over the next few years. The President has said he wanted to stimulate economic growth by raising the taxes on the backs of the American people by the largest amount in American history, $325 billion, plus about $70 billion in hidden taxes in his plan.

Even his economic supporters are now saying it is a flawed plan.

Mr. Speaker, the people of this country have gotten the message, and they

do not like it. Last week, my colleague, the gentleman from Texas [Mr. JOHNSON], held up a sign from one of his constituents that said, "It's spending, stupid"; this week I gave a speech to my constituents in one of my town meetings, in one of my Lincoln Day dinners in Johnson County, IN, and this is what they gave me: The American people have gotten the message, and the message is they do not want more taxes, or the message is that they are sending you is that they do not want more taxes, they want spending cuts.

To my colleagues, on the Democrat side, please, read this.

## THE PEOPLE'S SUPPORT FOR THE CLINTON ECONOMIC PLAN

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

Mr. DERRICK. Mr. Speaker, the more the American people hear about President Clinton's economic package the more they support it.

Last week, a group of business leaders endorsed the President's blueprint for renewal.

Local officials and Governors from both parties have signaled their support.

A national poll published today indicates overwhelming support for the President's package. Three out of five Americans back the Clinton plan.

Even more Americans say it is time to make the tough choices to ensure our children's future.

The majority of Americans think the President's plan is fair to everyone.

We are the leaders of this country. The people who elected us to lead, sent us here to do what is best for our Nation.

Sometimes doing what is best for the country involves difficult decisions and choices. But that is what we were elected to do.

It is up to the Congress to translate the people's support into public policy.

Mr. Speaker, the time has come to do just that.

□ 1210

## PRESIDENT CLINTON, WHERE IS YOUR BUDGET?

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

Mr. STEARNS. Mr. Speaker, let us talk about President Clinton's budget. Where is it? We need to see the details of his budget. But he has not provided those. He has not submitted a budget here to Congress. The law requires that the President submit his budget for the next fiscal year by February 1. Well, it is more than a month late now; no budget in sight.

When is he going to submit the budget?

The American people want action on the economy now. But we really cannot begin until the budget arrives.

Members of the Clinton Cabinet are crisscrossing the country, working to sell the public on the plan. President Clinton could perform a great service for this country by stopping the sales pitch, devoting the time in his administration to producing a budget.

How can we really make progress here in Congress if he does not submit a specific budget? Mr. Speaker, when is he going to submit the budget?

## TRIBUTE TO THE SLAIN ATF AGENTS

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

Mr. EDWARDS of Texas. Mr. Speaker, I am convinced there are still modern day heroes in America. Yesterday, I met seven of them in Hillcrest Hospital in Waco, TX.

All seven were Alcohol, Tobacco and Firearms agents who had been wounded by Branch Davidians, at their Mt. Carmel compound.

Mr. Speaker, these ATF agent's wounds were painful, but their spirits were strong. They serve as an inspiration to all Americans who are deeply grateful for their service to our Nation.

My heart-felt sympathy and prayers go out to the families of the four ATF agents who gave their lives in the line of duty. To Steven David Willis, Robert Williams, Todd W. McKeehan, and Conway LeBleau, we can never adequately repay our Nation's debt of gratitude.

The real heroes go beyond those wounded or killed. Every day, ATF and law enforcement agents all across America quietly but courageously put their lives on the line for us.

In the midst of this terrible tragedy in Texas, I hope that law enforcement agents everywhere will feel a renewed appreciation for their selfless service.

## HEADLINES CAN AND OFTEN DO MISLEAD AND DISTORT

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

Mr. SMITH of Texas. Mr. Speaker, headlines can and often do mislead, especially in regard to public opinion polls. Today's headline in the Washington Post read, "Clinton Plan Enjoys Broad Public Support." Based on the figures, the headline could have been and should have been, "Clinton Weaker than Reagan"; Clinton had a 60-percent approval rate versus a 68-percent approval and 66 approval for Presidents Reagan and Bush at the same point in their Presidencies.

Or the headline could have read, "Clinton Disapproval Twice Reagan's and 2⅓ times Bush's at this Point." It was 33 percent to 16 percent and 14 percent, respectively.

By 53 percent to 31 percent, Americans believe the Clinton plan will hurt their own situation. Or the headline could have read, "Majority of Americans Believe Clinton Plan Went To Far in Raising Taxes on Average Americans, 57 Percent."

Or, "By 8 to 1, Americans Believe Clinton not Cutting Spending Enough, 75 Percent to 9 Percent."

Or, "Three-fifths of All Americans Want Deeper Spending Cuts," 60 percent wanted more and 8 percent wanted less.

Or the headline could have read, "Clinton Fails to Reestablish Trust in Government." The polls showed only 21 percent trust Government today, the lowest level reached in the 35 years the question has been asked.

Finally, the desire for smaller Government is stronger than it was in 1984, the year of Reagan's landslide. That year, 49 percent wanted a smaller Federal Government, while 43 percent wanted it bigger. Today the number is 67 percent smaller, to 30 percent larger. So the country has shifted 18 points more toward a smaller Government and 13 points away from a bigger Government.

It is amazing how a headline can distort. All this data is from the same poll.

## LITTLE PAIN NOW; MUCH GAIN LATER

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

Mr. MILLER of California. Mr. Speaker and Members of the House, in fact the public opinion is very clear: The President's plan receives widespread support among the American public. Where it does not receive support is in the halls of special interests; where it does not receive support is on the Republican side of the aisle. That is, the Republicans who talk about smaller Government but in 12 years were unable to deliver that smaller Government; the Republicans, who talk about more budget cuts but in the last 12 years were unable to deliver those budget cuts; the Republicans talk about how they wanted a balanced budget but in 12 years the Republican President sent no balanced budget to this Congress or ever used his veto to enforce one.

The fact is, right, the American people recognize that this budget that the President has put forth and the economic plan will hurt them to some extent, but they are also saying they are prepared to absorb that pain at this moment so that we can have a stronger

country in the future, so that their children can afford an education, so they can afford a house.

The fact is, more money will be put into the public's pocket as a result of the drop in the interest rates since the introduction of this plan than anything a Republican President or the Congress have offered in the last 12 years.

## H.R. 349, CONGRESSIONAL ACCOUNTABILITY ACT

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

Mr. SHAYS. Mr. Speaker, it is time, in fact it is past time, for Congress to live under the same laws it requires for the executive branch and the private sector.

Currently, Congress is wholly or partially exempt from several major pieces of legislation including: the Fair Labor Standards Act, the Civil Rights Act, the Age Discrimination in Employment Act, the Occupational Safety and Health Act, the Americans With Disabilities Act, and the Family and Medical Leave Act.

I, along with Congressman DICK SWETT of New Hampshire, JAY DICKEY of Arkansas, DAVID MANN of Ohio, ROSCOE BARTLETT of Maryland, and PAUL MCHALE of Pennsylvania, have introduced H.R. 349, the Congressional Accountability Act.

This bipartisan effort, which already has 127 cosponsors, would bring Congress under the same laws for which it is currently exempt.

It maintains the integrity of separation of powers doctrine by establishing a mechanism for internal regulation and enforcement of these laws, while providing employees with the right to appeal an adverse decision to the appropriate district court.

It is easy to be a demagog on this issue, but that is not the point of this effort. We firmly believe Congress will want better laws when it is required to live by the same laws it places on others.

By exempting ourselves from laws, we are depriving ourselves of the opportunity to experience firsthand the effects of the legislation we adopt. And, in turn we are removing ourselves one step further from individual Americans insulating this institution from the needs and frustrations of the people it serves.

I urge Members of this House to cosponsor H.R. 349, the Congressional Accountability Act and work for its passage into law.

## PRESIDENT CLINTON'S PRESCRIPTION FOR RESTORING HEALTH TO THE AMERICAN ECONOMY

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

Mr. MAZZOLI. Mr. Speaker, even though it is galling and bitter and painful, the Clinton prescription for restoring health to the American economy, in the opinion of American business and labor, appears to be the correct medication administered in the correct amount at the correct time.

Everyone knows that lowering the deficit will have the salutory effect of reducing interest rates, lowering bond fees and charges, increasing the production of jobs and spurring business activities throughout the economy. We are already seeing the payoff: 30-year bond yields down below 7 percent, to 6.84 percent; 30-year fixed-rate mortgage interest rates at about 7 percent.

It has been calculated by Harvard Professor Benjamin Friedman, who also is a Louisville native, that a one-half of 1-percent drop in long-term bond rates would yield a 1-percent increase in the gross domestic product, about $60 billion.

The long and short of this is that while the jury is still out on the Clinton plan, at least one juror has already given a verdict of favorable, and that is the American business community.

## CUT THE FEDERAL BUDGET, NOT THE FAMILY BUDGET

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

Mr. COLLINS of Georgia. Mr. Speaker, the people of the Third District of Georgia are choking on the President's complex economic plan. They are tasting the same old fat that has been rammed down their throats before—only this time they will not swallow it.

President Clinton says the polls show the people are behind him. Well Mr. President, the letters and phone calls I am receiving are just the opposite.

Mr. President, I challenge you to spend a half day in my office, read my mail, answer my phone, and hear and see the real truth. In exchange, I will spend a half day in your office, I will read your mail and answer your phone.

Mr. President, the people in the Third District of Georgia have a message for you that is very clear: Let's cut the Federal budget, not the home budget. Economies grow when the people save, spend, and invest their money without Government intervention.

□ 1220

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair reminds Members in debate to address the Chair only.

## WHO ARE THEY WAITING FOR?

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

Mr. MENENDEZ. Mr. Speaker, I rise today to bring my colleagues' attention to the rising tide of support for the President's economic plan from this country's business leaders.

I would like to offer my colleagues my own list of specifics: That is, a specific list of the corporate CEO's who have publicly supported President Clinton's bold agenda. Perhaps my colleagues who have risen to deride the plan will recognize a few of the companies whose CEO's support the plan.

If company names like Anheuser-Busch, ARCO, the American Stock Exchange, and the Ford Motor Co. ring a bell, then you may be starting to get the idea.

Last week I had the opportunity to report to this House the strength of support for the President's plan which was evident in my district in New Jersey. This week I am pleased to have been able to recite that impressive list of corporate supporters.

In light of the support this plan has from the people of this country, and the support this plan has gathered from business leaders, Mr. Speaker, I wonder—if those opposed to this plan cannot offer specifics on how to improve it, perhaps they can at least tell us just who they are waiting to hear from before they get off the dime and get down to business.

## PEROT GOT IT RIGHT

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

Mr. KIM. Mr. Speaker, Ross Perot got it right.

He said today, on "CBS This Morning," Washington is still growing and gloating, while the rest of America is downsizing.

What President Clinton wants in his plan is more Government spending, higher taxes, and the appearance of spending cuts.

What Ross Perot and Republicans want is real spending cuts.

As Perot put it, "We cannot continue massive, dreamlike spending programs until we get this deficit under control."

No matter how he tries to avoid the scrutiny, President Clinton must come clean on his economic recovery package. With the economy now expanding, his first focus should be on deficit reduction.

Mr. Speaker, I urge President Clinton to resist his spending urge, to delay his investment package, and to concentrate first on cutting the deficit with spending reductions.

## GOP DOUBLETALK INSULTS THE INTELLIGENCE OF THE AMERICAN PEOPLE

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute.)

Mrs. COLLINS of Illinois. Mr. Speaker, I guess, if we live long enough, we would see just about anything. Last week on television, I saw all those Republican's talking heads that are continuing to pick at the President's economic package. This time they complained that the President is redefining income to serve political goals. They are unhappy with the support the President has received from the public, so their new tactic is to complain that the formula used to determine income inflates the number of rich people.

Well, if that does not beat all. The formula they are criticizing was developed by the Reagan administration.

However, as you know, Mr. Speaker, last weekend I visited the Steinmetz High School in my district and was absolutely surprised that so many students were concerned about their future and have wholeheartedly embraced the President's economic package, because they see it as an assurance that their lives will be at least as affluent as their parents' and, especially, that their opportunities to have a college education will be more greatly enhanced. These young people are astute, they are politically aware, and they are serious about the impact that our work here in this Congress will have on their lives.

Mr. Speaker, I hope that we can end all these double messages that we are sending to the young people and that we can get on with dealing with the real issues that they have in mind. The GOP talking heads and doubletalk are perpetrating a double insult on the intelligence of the American people and on their children.

## SUPPORT THE CONGRESSIONAL ACCOUNTABILITY ACT

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

Mr. DICKEY. Mr. Speaker, I speak today in strong support of H.R. 349, the Congressional Accountability Act. Passage of this bill is critical to restore the public's confidence in this body. It is hypocritical, Mr. Speaker, for Congress to pass laws which do not apply to Congress. Unfortunately we are continuing this ill-advised precedent. Most recently the Congress passed the Family and Medical Leave Act of 1993, but exempted itself from the judicial enforcement of the provisions of this act. Other examples can be mentioned: the Americans With Disabilities Act and others.

Mr. Speaker, as a businessman in Pine Bluff, AR, I have almost despaired in the past because I have tried to comply with congressional mandates, knowing full well that the people who passed them did not know what the effect was on businesses, like not being able to give employees benefits, stopping expansion, and preventing making needed repairs.

Mr. Speaker, we need to experience firsthand the effects of the laws which we pass. If Congress is subject to the laws it passes, it will pass better laws.

I ask my colleagues to join with me in this bipartisan effort to secure the passage of H.R. 349.

## THINK OF THE MESSAGE

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

Mr. MORAN. Mr. Speaker, of course Ronald Reagan had higher poll numbers after his first State of the Union Message. We do not argue. He had 76 percent.

But think of the message. He told the American people: "I'm going to cut your taxes, I'm going to give you more tax breaks than in your wildest dreams you ever could have imagined, and the only people who are going to pay are poor people."

So, "Wonderful," 76 percent of the American people said, "This is terrific."

Mr. Speaker, my point is that 12 years later, after 12 years of being flimflammed, the American people are looking for leadership, they are looking for courage, and that is what they got in President Clinton's State of the Union Message, and that is why a majority of the American people are saying, "Yes, I do support this plan because I support my country, and I appreciate the fact that we finally have Presidential leadership with the courage to tell us the truth."

## SUBLIMINAL MAN EXPLAINS THE PRESIDENT'S PLAN

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

Mr. DREIER. Mr. Speaker, a couple weeks ago I had the opportunity to take this well and describe how Subliminal Man, that character on Saturday Night Live, would have responded to some of the rhetoric we have heard from President Clinton, things like:

He would say, "Contribution (tax)";

"Investment (spend)"; things like that.

Well, as my colleagues know, the President has been attempting to build this grassroots base of support over the past several weeks for his programs. A number of friends of mine have even gotten calls from the Democratic National Committee encouraging them to call other offices with words of support. Well, not surprisingly, the DNC was able to get through to the studios of Saturday Night Live, but they enlisted the wrong person by getting Subliminal Man to call my office. The message that I got that came in yesterday said to me:

> I urge you to enact the President's plan to stimulate the economy (more spending) and reduce the deficit (middle-class taxes). It's time to break the backs of special interests (American taxpayers) and require the rich (anyone with a job) to pay their fair share. I support the proposed tax on Btu's (beyond taxpayers' understanding) because it will conserve energy (long gas lines), and create jobs (make work). We need a new direction (tax and spend), and the best way all of us can do this is by supporting procedures that prevent partisan debate (closed rules).

The Subliminal Man, Mr. Speaker, could not have made it more clear than if his statement had been written by David Broder.

□ 1230

## WIDESPREAD PRAISE FOR THE PRESIDENT'S ECONOMIC PLAN

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

Mr. FLAKE. Mr. Speaker, I come not representing the subliminal man but the grassroots people.

I have had the opportunity to move throughout my district over the last several weeks, and to my surprise and great joy the people of America have determined that it is time for us to begin to move forward, and they are convinced that the Clinton economic plan moves us in the right direction.

Clearly, the grassroots people of America have determined that this is a Government in which they can share in partnership, as opposed to being viewed as people who have no hope.

The man from Hope has brought hope to all of America, and I think it is time for us to embrace him, simply because his ideas are better than any we have had over the last 12 years and certainly helps us to be able to move in the future in a way that brings America back to the place, to the standard, and to the substance of our being that historically has been ours.

The national service plan, for instance, is one of the greatest introductions of a program that America has seen over the last 20 years. It allows our young people not only to get a good education but then to use it to help make America strong.

Mr. Speaker, this is a good investment, I think this is the man to lead us with this plan.

## PLANNING A RESPONSE FOR FUTURE DISASTERS

(Mr. WELDON asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, I rise to pay my highest respects to the New York City Fire Department. I spent yesterday in downtown Manhattan at the World Trade Center with Commissioner Carlos Rivera, Frank McGarry, the New York State Fire Commissioner, and all of my friends at the New York City Fire Department. Their handling of the situation on Friday was absolutely phenomenal. But it also highlighted some of the problems that we need to deal with in this country relating to the potential of other high-rise disasters.

This in fact was the largest bombing in the history of this country. But there are other problems that we have to look at beyond this particular incident: The communications problem that existed in evacuating the people; the lack of proper smoke control in those stair towers; the fact that government buildings are exempt from most of our life safety requirements; and the media's actions during the height of this disaster in actually telling the inhabitants of the World Trade Center to do the wrong thing.

This whole incident reinforces the need for the Congress and the President to take a comprehensive look at disaster preparedness and response. I repeat my call for President Clinton to establish a Presidential task force to look at this issue once and for all and to make recommendations as to how we can better respond to each and every disaster in this country.

I will be doing a special order today to outline in detail this incident and what we need to do to come together with the Clinton administration to make sure we deal with disasters in a way that protects the lives and the property of the American people.

## CLINTON ECONOMIC PLAN RECEIVES BROAD SUPPORT

(Ms. PELOSI asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, all across America people are talking about the Clinton economic package, and there is good news in that discussion for President Clinton. There is great diversity in the support that has sprung from the debate.

Leaders of business, labor, and the environment have expressed strong support for the President's plan. In addition, a bipartisan collection of Governors, mayors, State legislators, and county officials have voiced their support. Republican Governor Edgar of Illinois applauded the infrastructure initiative to stimulate the economic recovery. William Althaus, the Republican mayor who is the president of the U.S. Conference of Mayors, has told the staff of the conference to go all out in support of the program. Experts in fiscal policy support the plan because it changes 12 years of the Federal Government's sending mandates and not money to our local governments.

But most of all, Mr. Speaker, it is the positive response of the American people that should be encouraging to the President. In large majorities they support his plan because they believe he has begun to break the gridlock, and that he has found the proper balance in the budget plan. The American people have placed a high level of trust in the President. They recognize the merit of his economic plan. It is time for Congress to do so as well.

## EXTENSION OF FAST TRACK NEGOTIATING AUTHORITY

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

Mr. KOLBE. Mr. Speaker, today marks the day that the President's trade negotiating authority effectively expires. Any agreement would have to be submitted to Congress today in order to receive the benefits of fast track consideration before the President's negotiating authority expires in the end of May. Regrettably, the 108 members of GATT [General Agreement on Trade and Tariffs], have not successfully completed the Uruguay round of talks, so vital to a healthy world economy.

It is not an overstatement to say that failure to conclude the Uruguay round would be a disaster for the world trading system and future United States economic growth and security.

In addition, without extended trade negotiating authority, the President would not be able to pursue other bilateral and multilateral trade agreements with countries wishing to accede to the recently completed North-American Free-Trade Agreement.

To restore the President's ability to pursue free trade negotiations, I am today introducing legislation to extend current law giving the President negotiating authority and congressional fast tract consideration of trade agreements.

For the Uruguay round, this legislation would provide an additional 6 months, or until December 1, 1993. President Clinton has said he is committed to a prompt and successful conclusion to the Uruguay round, and our timetable should be short and specific in order to force a successful conclusion to the negotiations.

For other free trade agreements, or accessions to the NAFTA, President Clinton would have an additional 3 years.

Presidents Reagan and Bush had the ability to negotiate and foster free trade for the last 12 years. Today, I submit legislation to give President Clinton the same opportunity, without any of the conditions some Members of Congress would impose.

## NO MORE ICE CREAM SUNDAE DIET

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

Mr. GEJDENSON. Mr. Speaker, the 1980's were, as Mark Shields indicated, the ice cream sundae diet. We had economic policies from the administration that said you could eat ice cream sundaes all day long and you would not gain weight. We know where we are today. We have become a debtor Nation rather than a creditor Nation. We have had some of the toughest economic times this country has had since the Great Depression.

But what is heartening to me is that the American people listened to President Clinton in his substantive State of the Union Address and subsequent addresses which did not give us an ice cream sundae solution for some very tough problems. At least in my district, from workers to small business men and women, there is broad support for his economic plan.

Thomas Jefferson said that if democracy is to work, we cannot make it work by excluding the people: We must inform them. President Clinton in his State of the Union address and his subsequent addresses has talked about the substantive policies, not all of which are painless but all of which address the basic and fundamental economic issues that will help revive our economy and invest in our children and our future.

Mr. Speaker, it is gratifying to me to see that young people and old people, workers and management, all support this program.

## THE BOMBING AT THE WORLD TRADE CENTER

(Ms. MOLINARI asked and was given permission to address the House for 1 minute.)

Ms. MOLINARI. Mr. Speaker, on Friday, February 26, the world became a small place for the employees at the World Trade Center. In a split second a terrorist bomb went off. In a split second five people died including Steven Knapp who lived in my district. In a split second hundreds of New Yorkers received serious injury to their lungs. In a split second, we all realized our vulnerability.

In the moments that followed, however, we also realized that we live among heroes. They are the New York State Police, Fire Department, and Emergency Service. For hours we watched in horror and awe as these men and women battled the smoke put-

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ting aside their own misgivings to bring hundreds to safety.

To these brave individuals, we owe you so much. To the Knapp family we offer our sympathies and the promise to find the killer or killers.

We in Congress and members of the Executive branch should make it our number one priority to hunt down these killers and prosecute them to the fullest extent of current law which clearly states:

Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of an explosive, any building, vehicle, or other real or personal property * * * and if personal injury results shall be imprisoned * * * and if death results shall also be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment as provided * * * (18 USCA 844 (i)).

For the people who are responsible for this treacherous act we as legislators can do no less than find these ruthless criminals who have no consideration for the lives they took and make sure that they are punished.

## INCIDENT AT WACO, TX, POINTS UP NEED FOR GUN LAW

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

Mr. TRAFICANT. Mr. Speaker, a religious cult headed by a man who claims to be the second coming killed four Federal agents at Waco, TX. What is bothering me, though, is that BTF personnel have said that they were not outmanned, outmaneuvered, or outsmarted; they were outgunned. These bums had more firepower.

This is ridiculous. It is easier to get a gun in America than it is to vote. In fact, I would bet you your 1040 that more of these fanatics are registered to own guns than they are to vote.

I think it is time that Congress passed a reasonable gun law before grandma starts packing an Uzi. Congress has had enough of this. Congress has passed it by as a sin of omission. It is a sin of omission in the House of Representatives, and we should all be ashamed of ourselves.

□ 1240

## ENFORCE FAIR TRADE ACROSS THE BOARD

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

Mrs. BENTLEY. Mr. Speaker, the congressional steel caucus held a hearing this morning on the conditions facing the U.S. industry. Testimony on the devastating effect of over a decade of free trade on the heavy industrial base was sobering—U.S. Steel had 500,000 employees in 1980—180,000 in 1993.

These figures represent not only direct losses to foreign subsidized steel imports—and in a number of years foreign steel was being dumped. The figures also are representative of the downstream loss of U.S. market share by domestic producers of automobiles and machine tools, commercial tools and fasteners, representing all manufacturing that uses steel.

At the same time, there is a downstream threat to millions of retirees from the job losses in U.S. companies. Twenty-two thousand workers at Bethlehem Steel now carry the retirement fortunes of 70,000 retirees. If big steel has been impacted by the shutdown of many hundreds of small manufacturing companies, thousands of retirees will be impacted if we lose one more steel producer.

We must stand behind our domestic industries—enforcing fair trade across the board.

## CONGRESS MUST ACT ON THE STIMULUS PACKAGE

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

Ms. DELAURO. Mr. Speaker, some of our colleagues have said that America doesn't need an economic stimulus package. They oppose the President's plan to create jobs. They tell us it is unnecessary. Well, Mr. Speaker, we need not look far to answer these falsehoods.

We need look only as far as the pages of today's New York Times, which reported that unemployment has risen by 818,000 people in the past 21 months and that nationally today, more people than ever, 1 in 10, are receiving food stamps.

We can look to downtown New Haven, the urban center of my district, where yesterday Macy's announced the closing of its New Haven store, laying off more than 200 workers. This in a State that has already lost 200,000 workers over the past 3 years.

Those who would choose to ignore these statistics, to ignore the hundreds losing their jobs, are choosing a path that has already been rejected by the American people.

The American people know the economy has not yet turned the corner. They want a plan that creates jobs, that infuses our economy, that provides hope for the future.

We have an opportunity to act on that plan. For the 818,000 newly unemployed people across America, for the 1 in 10 individuals now on food stamps. For the 250 Macy's employees laid off in New Haven, Congress must act. We must support the President's plan. We cannot afford not to.

## TAX INCREASE WILL STALL RECOVERY

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

Mr. DUNCAN. Mr. Speaker, a CBS-New York Times poll a few days ago found that 84 percent of the American people said they were unwilling to pay even $500 more per year in higher taxes. Yet by the most conservative estimate, the President's tax increase will come to over $1,000 per person. Most people will not see their taxes go up that much, but everyone will see prices go up on everything. The corporations will pass their increased taxes on in the form of higher prices. The rich will buy tax-free bonds or find other loopholes to shelter their incomes.

Taxes, in the end, always come back to the middle and lower middle-income people. They always have and always will, and they will this time, too.

These taxes will not just hit those making over $30,000 per year; they will hit everyone who buys anything. These proposed taxes add up to the largest tax increase in history, and they will really hurt the poor and working people if they are not stopped.

We need to cut spending first. Our Federal Government should be forced to live within its means, just as our families have to. If these tax increases are passed, it will slow or stall our recovery, or, even worse, throw us into another recession.

## WHEN PEOPLE LEAD, LEADERS WILL FOLLOW

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

Mr. KLINK. Mr. Speaker, it is easy to be a flamethrower; it is harder to stand up and back a plan when hard times fall upon us. But a lot of Americans are coming forward to back the President's plan, because it is bold and it is brave.

These are just some of the people who have contacted my office in support of President Clinton's economic plan, and why they support it.

Educators support the Clinton economic stimulus plan, because it targets critical resources to the education and training needs of our Nation's children, youth, and adults.

Specifically, the Clinton plan will invest in chapter 1 programs for the educationally disadvantaged and the Head Start Program for services that students need to succeed in school and to correct the current shortfalls in the Pell Grant Student Aid Program.

Environmentalists have contacted my office in support of the plan.

The environmental community supports the Clinton economic plan because it eliminates subsidies that are

harmful to the environment and will add to the deficit.

The U.S. Conference of Mayors supports the Clinton economic plan because it will provide jobs for America's cities, revenue increases that are fair, and budget cuts that are necessary.

The National Association of Counties supports the Clinton economic stimulus package because it will improve our Nation's infrastructure and allow counties to maintain or increase the levels of services.

Contractors back the Clinton plan because it will bring tens of thousands of unemployed construction workers back to the job-site.

Mr. Speaker, I say when the people lead, it is time for the leaders to follow.

## GET BUDGET DETAILS BEFORE PASSING BUDGET RESOLUTION

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

Mr. BOEHNER. Mr. Speaker, there has been much debate over the last several weeks about the Clinton economic plan, the call for the greatest tax increase in America's history. But we are still waiting for the details on where are the cuts.

Yes, we are aware of some of those cuts, but the fact is, we have not seen a list. We have not seen the details.

Now what is going to happen? In 2 weeks, this Congress is going to be asked to pass a budget resolution that is just a shell, some overall numbers with no details, because the President's plan is not due here until April 5.

What you may not be aware of is when we pass that budget resolution in mid-March, we will be automatically raising the debt ceiling to allow this Government to borrow more and more money, again without any plan in place to restrain continued Federal spending.

I think it is time to cut spending. I think it is time for this Congress to get the resolve to have that debate, and to have the budget and the details before we pass another budget resolution.

Mr. Speaker, I, as one Member of this institution, am not going to buy into any more plans that promise another pig in a poke.

## FAIRNESS FOR HAITIANS

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

Mrs. MEEK. Mr. Speaker, I want to bring to my colleagues' attention legislation I introduced last week to assist Haitians who are here in the United States.

Many of the Haitians currently in the United States are fortunate to be alive. After the military coup, they risked their lives at sea primarily to escape political persecution. Many of these same Haitians are now in various stages of immigration processing. Unfortunately even those who have a legitimate and credible fear of persecution are subject to deportation. I do not believe that Haitians who are currently in the United States should be forced to return to Haiti. The reality is that many Haitians currently in the United States will never go back to Haiti but will, if given a chance, become productive citizens.

My legislation, H.R. 986, will allow Haitians who have been in the United States since January 20, 1993 to adjust their status to permanent residency within a 2-year period. This would not benefit any Haitians not in the United States prior to that date and so would not be a magnet for others. My bill would extend a humanitarian hand to those who have every reason to be designated refugees but that they are Haitians.

Mr. Speaker, I realize that the Haitian refugee crisis in South Florida will only be solved by long-term democratic government in Haiti. But I hope that until that time comes, we will have the courage to see that Haitians are treated with fairness and are even, in some cases, given the benefit of the doubt as is every Cuban who enters the United States.

Mr. Speaker, I would like to invite my colleagues to join me in a special order at the close of business on March 10 to discuss in more detail the Haitian issues in all its aspects.

## GO WITH CLINTON PLAN

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

Mr. WISE. Mr. Speaker, there is a long list of impressive supporters of the Clinton plan, but I would like to share with you my town meeting, one of five that I held over the past week, last night at Hedgesville at the James Rumsey Vocational Institute. I want you to know it was well attended, and I got the blazes kicked out of me.

I had people complaining about talking about taxes, people wondering about the energy tax. They wanted to know the impact of the Social Security increases. They wanted to know where the real cuts were. It was hard hitting. And finally, of course, they wanted to know what is Congress doing to cut its budget.

But do you know, that after all of that, and I was thinking boy, things are looking pretty bad, a lady said I am the spouse of a Federal employee. I would like to know how people feel. And the folks that had been giving me the blazes, well over half of them raised their hands to say they supported the plan.

They supported the plan because they knew it was honest, and it was shared. And in sharp contrast to what my colleagues on the other side of the aisle are offering, they don't want to offer a plan, they just want to complain. They want a B-1 budget. That is one that they can keep secret as long as they can, they cannot define the mission, and when they roll it out of the hangar, they know it will not fly.

Bill Clinton has offered us something that we know we have to go with.

## PRESIDENT'S PROGRAM GETS TOWN MEETING SUPPORT

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

Mr. POMEROY. Mr. Speaker, this weekend I held town meetings across the State of North Dakota to discuss with my constituents President Clinton's plan to get the economy moving and to reduce the deficit.

In general, the North Dakotans I visited with know this economic recovery needs help and they know the financial condition of this country is a mess. They also know addressing these issues will not be easy or painless.

The thrust of what my constituents told me was that they will do their part—even if it means higher taxes—provided that Congress makes meaningful spending cuts and attacks Government waste.

These are reasonable expectations for this body. As we address the President's plan we must not back away from the spending reductions Bill Clinton has advanced.

Rather, we should look further for additional spending cuts and take the deficit down even faster and farther than the President has proposed.

Because President Bill Clinton had the courage to put forward a bold plan for change, Americans have responded positively. I hope this body has the courage to follow through on the President's goals and enact a program of economic recovery and meaningful deficit reduction.

## THE AVIATION INDUSTRY COMMISSION

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

Mr. CLEMENT. Mr. Speaker, I rise today in strong support of H.R. 904, to expand the Aviation Commission established under the 1992 Aviation Authorization Act. In addition, the legislation would expedite its work in reporting back to Congress on recommendations to ensure a strong and competitive aviation industry.

Mr. Speaker, our subcommittee, the Subcommittee on Aviation, held 3 days

of hearings led by our distinguished chairman, Mr. JIM OBERSTAR. Every person who testified agrees that the current financial problems being experienced by the airlines has serious repercussions for the entire American economy.

After selling a record number of tickets in 1992, the industry will lose a record $3 billion. In Nashville, the Girl Scouts made more money selling cookies than the airline industry did selling tickets. The challenge for this Congress, in my opinion, is to take rational steps to halt the airline industry's fiscal free fall.

Anybody who has flown to or through Nashville knows that the home of country music is also home to a first-class airport and hub for American Airlines. The Metropolitan Nashville Airport Authority has recently announced an ambitious expansion plan to handle the anticipated increase in passengers. If the airline industry is under stress, Nashville is no different from any other city which feels the economic sting of airlines cutting back. From trade to tourism, from hotels to airline manufacturers, our country will suffer if the airline industry's current financial woes continue.

Mr. Speaker, once the Commission is appointed, they will hear many suggestions to get the airline industry back on its feet. One thing I believe we should do is to encourage the administration to renegotiate the bilateral trade agreements governing U.S. access to foreign markets. It would not be in our best interest if we were to increase the limit on foreign investment and not get a favorable overseas open market agreement for our carriers. I will be following this one issue particularly closely as the Commission develops its recommendations for Congress.

Mr. Speaker, I urge the passage of this legislation.

## SAM HOUSTON

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

Mr. SPARPALIUS. Mr. Speaker, last night I stood on top of a hill in Lexington, VA, in the snow around a bonfire, and there with me was my colleague, the gentleman from Texas [Mr. BRYANT], former Congressman Bob Eckart, Molly Ivins, Don Kennard, his wife Mary Jo, Tony Korioth, and the great-great-grandson of Sam Houston, as we talked about the life of this great man who was born 200 years ago today. Life is short, but what a mark did he leave us? He was the only man to serve as Governor of two States. He served as Member of this body, as a Member of the Senate across the hall. He served as President for the Republic of Texas. He was a defender of two republics.

On his 43d birthday, he signed the declaration of independence for the State of Texas.

Let the spirit and the fire of Sam Houston, who loved liberty, who loved his country, who loved freedom and who loved life and who loved his Texas continue to burn in the hearts of every Texan and every American.

## THE BIG LIE

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

Mr. BACHUS of Alabama. Mr. Speaker, Bill Clinton has been trying to rewrite the history of the 1980's. He is trying to convince the American people that they are at fault for the deficit and that they must now pay for the prosperity of the 1980's.

President Clinton's false premise is that Republican tax cuts for the rich caused the deficit increases of the 1980's. This kind of historical revisionism is not only misleading; it is downright dishonest.

Fact No. 1: During the 1980's, the American economy experienced the greatest peacetime expansion in U.S. history.

Fact No. 2: Federal revenues grew.

Fact No. 3: The wealthiest Americans paid more in taxes.

Fact No. 4: Congress failed to control spending, so the deficit grew.

Fact No. 5: Throughout the 1980's and for the last 38 years, the Democrats have controlled the House of Representatives.

Now that the Democrats control both the executive and legislative branches, they have the power to pass their tax and spend agenda with impunity.

But let us not blame the American people for the deficit. The truth about the 1980 s is Congress couldn't control its spending habits. I hope President Clinton will have the courage to face the truth then learn the real lesson of the 1980's: Economic growth will not erase the deficit unless we cut wasteful spending.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

## UNCLAIMED DEPOSITS AMENDMENTS ACT OF 1993

Mr. NEAL of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 890) to amend the Federal Deposit Insurance Act to provide for extended periods of time for claims on insured deposits, as amended.

The Clerk read as follows:

H.R. 890

*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 "Unclaimed Deposits Amendments Act of 1993".

**SEC. 2. AMENDMENTS RELATING TO TREATMENT OF UNCLAIMED DEPOSITS AT INSURED BANKS AND SAVINGS ASSOCIATIONS.**

(a) IN GENERAL.—Subsection (e) of section 12 of the Federal Deposit Insurance Act (12 U.S.C. 1822(e)) is amended to read as follows:

"(e) DISPOSITION OF UNCLAIMED ACCOUNTS.—

"(1) CASH DISTRIBUTIONS.—

"(A) IN GENERAL.—If, in connection with any cash distribution under section 11(f)(1) to insured depositors at any insured depository institution, any depositor fails to claim such payment for the depositor's insured deposit from the Corporation before the later of—

"(i) the end of the 3-month period beginning on the date on which the Corporation mailed a notice of the distribution to the depositor at the last-known address for the depositor on the books of the institution; and

"(ii) the end of the 18-month period beginning on the date of the appointment of a receiver for such institution,

the Corporation shall notify the appropriate State and offer to transfer to the custody of such State an amount equal to the insured deposit of such depositor at such institution for disposition by such State in accordance with any State law which provides for the disposition of abandoned or unclaimed property in the State.

"(B) DISPOSITION OF CLAIMS IF STATE DOES NOT ACCEPT CUSTODY.—

"(i) AVAILABILITY TO DEPOSITOR.—If the appropriate State does not accept the custody of the amount of any insured deposit which the Corporation offers to transfer under subparagraph (A), the Corporation shall permit the depositor (on whose behalf such transfer was offered) to make a claim against the Corporation for an amount equal to the insured deposit.

"(ii) TERMINATION OF CLAIM AT END OF RECEIVERSHIP.—If a depositor described in clause (i) fails to make a claim under such clause for the amount of the insured deposit of such depositor at the insured depository institution before the termination of the receivership—

"(I) all rights of the depositor against the Corporation with respect to such insured deposit shall be barred; and

"(II) notwithstanding any provision of State law, the insured deposit shall become the property of the Corporation.

"(C) DISPOSITION OF CLAIMS IF STATE DOES ACCEPT CUSTODY.—If the appropriate State does accept the custody of the amount of any insured deposit which the Corporation offers to transfer under subparagraph (A), all rights of the depositor against the Corporation with respect to such deposit shall be barred as of the date of the transfer.

"(D) REVERSION TO CORPORATION AFTER 10 YEARS AND TERMINATION OF ALL CLAIMS OF DEPOSITOR.—If an insured deposit is transferred to the custody of the appropriate State and is not claimed by the depositor before the

end of the 10-year period beginning on the date of the transfer—

"(i) the deposit shall be transferred back to the Corporation;

"(ii) all rights of the depositor against the State with respect to such insured deposit shall be barred as of the date of the transfer to the Corporation; and

"(iii) notwithstanding any provision of State law, the insured deposit shall become the property of the Corporation.

"(2) TRANSFERRED DEPOSITS.—

"(A) IN GENERAL.—If the Corporation satisfies the Corporation's obligation under section 11(f)(1) by making available to each depositor a transferred deposit in an insured depository institution (including a new bank or bridge bank), all rights of the depositor against the Corporation with respect to the transferred deposit shall be barred as of the date of the transfer except to the extent otherwise provided under subparagraph (B).

"(B) OFFER TO TRANSFER TO STATES.—If any depositor fails to claim a transferred deposit from the insured depository institution to which such transfer was made under section 11(f)(1) before the end of the 18-month period beginning on the date of the deposit transfer to such institution—

"(i) the institution shall transfer the insured deposit back to the Corporation;

"(ii) the Corporation shall notify the appropriate State and offer to transfer to the custody of such State an amount equal to the insured deposit of such depositor at such institution for disposition by such State in accordance with any State law which provides for the disposition of abandoned or unclaimed property in the State; and

"(iii) subparagraphs (B), (C), and (D) of paragraph (1) shall apply with respect to such deposit as of the date the Corporation notifies the appropriate State pursuant to clause (ii).

"(3) APPROPRIATE STATE DEFINED.—For purposes of this subsection, the term 'appropriate State' means, with respect to any insured deposit for which a cash distribution or transferred deposit is made available under section 11(f), the State whose laws providing for the disposition of abandoned or unclaimed property would have applied to such deposit if no conservator or receiver had been appointed for the depository institution (as of the date of the distribution or transfer).".

(b) RETROACTIVE APPLICATION TO UNRESOLVED CASES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal Deposit Insurance Corporation and the Resolution Trust Corporation shall make available to any qualifying depositor an amount equal to the insured deposit or transferred deposit for which the Corporation was liable under section 11(f) of the Federal Deposit Insurance Act, as in effect on the day before the date of the enactment of this Act.

(2) EXCEPTION FOR CLOSED RECEIVERSHIPS.—The requirements of this subsection shall not apply with respect to any insured deposit or transferred deposit from an insured depository institution for which the Corporation has been appointed receiver before the date of this Act's enactment if—

(A) the Corporation was appointed receiver before January 1, 1989; or

(B) all stages of winding up the affairs of the institution, or the liquidation of the institution, has been fully completed before the date of the enactment of this Act, including the termination of any receivership, bridge bank, or new bank or the termination of any conservatorship established for any successor or resulting depository institution in connection with such resolution.

(3) DISPOSITION OF CLAIMS.—

(A) CLAIM BY QUALIFIED DEPOSITOR.—The Corporation shall permit a qualifying depositor to make a claim against the Corporation for the amount referred to in paragraph (1).

(B) CONSEQUENCES OF FAILURE TO CLAIM.—If a qualifying depositor fails to make a claim under subparagraph (A) before the receivership for the insured depository institution in default is terminated—

(i) all rights of the qualifying depositor against the Corporation with respect to such claim shall be barred; and

(ii) notwithstanding any provision of State law, the amount shall become property of the Corporation.

(C) QUALIFYING DEPOSITORS HOLDING RECEIVERSHIP CERTIFICATES OR CLAIMS.—In the case of any qualifying depositor who has filed a claim with the Corporation as receiver for any amount which, by reason of this subsection, is eligible for payment under this subsection, the Corporation shall treat the claim as a claim under subparagraph (A).

(4) SUBROGATION RIGHTS OF THE CORPORATION.—To the extent the Corporation makes payments of amounts under this subsection, the Corporation shall have the subrogation rights provided in section 11(g) of the Federal Deposit Insurance Act with respect to such payments.

(5) RELEASE OF DATA TO STATES.—The Corporation shall provide, at the request of and for the sole use of the appropriate State, the name and last-known address of any depositor whose claim with respect to an insured deposit at any insured depository institution was extinguished pursuant to section 12(e) of the Federal Deposit Insurance Act after December 31, 1988, and before the date of the enactment of this Act.

(6) DEFINITIONS.—For purposes of this subsection—

(A) CORPORATION.—The term "Corporation" means the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, as the case may be.

(B) QUALIFYING DEPOSITOR.—The term "qualifying depositor" means a depositor who did not receive payment of the depositor's insured deposit or transferred deposit as a result of the depositor's failure to claim the insured deposit or to arrange to continue the transferred deposit, as the case may be, within the 18-month period described in section 12(e) of the Federal Deposit Insurance Act, as in effect on the day before the date of the enactment of this Act.

**SEC. 3. AMENDMENTS RELATING TO TREATMENT OF UNCLAIMED DEPOSITS AT INSURED CREDIT UNIONS.**

(a) IN GENERAL.—Section 207(o) of the Federal Credit Union Act (12 U.S.C. 1787(o)) is amended to read as follows:

"(o) DISPOSITION OF UNCLAIMED ACCOUNTS.—

"(1) CASH DISTRIBUTIONS.—

"(A) IN GENERAL.—If, in connection with any cash distribution under subsection (d)(1) to insured accountholders at any insured credit union, any accountholder fails to claim such payment for the accountholder's insured deposit from the Board before the later of—

"(i) the end of the 4-month period beginning on the date on which the Board mailed a notice of the distribution to the accountholder at the last-known address for the accountholder on the books of the credit union; and

"(ii) the end of the 18-month period beginning on the date of the appointment of a liquidating agent for such credit union,

the Board shall notify the appropriate State and offer to transfer to the custody of such State an amount equal to the insured deposit of such accountholder at such credit union for disposition by such State in accordance with any State law which provides for the disposition of abandoned or unclaimed property in the State.

"(B) DISPOSITION OF CLAIMS IF STATE DOES NOT ACCEPT CUSTODY.—

"(i) AVAILABILITY TO ACCOUNTHOLDER.—If the appropriate State does not accept the custody of the amount of any insured deposit which the Board offers to transfer under subparagraph (A), the Board shall permit the accountholder (on whose behalf such transfer was offered) to make a claim against the Board for an amount equal to the insured deposit.

"(ii) TERMINATION OF CLAIM AT END OF LIQUIDATION.—If an accountholder described in clause (i) fails to make a claim under such clause for the amount of the insured deposit of such accountholder at the insured credit union before the liquidation of the credit union is completed—

"(I) all rights of the accountholder against the Board with respect to such insured deposit shall be barred; and

"(II) notwithstanding any provision of State law, the insured deposit shall become the property of the Board.

"(C) BAR ON CLAIMS AGAINST BOARD WHILE STATE RETAINS CUSTODY OF INSURED DEPOSIT.—If the appropriate State does accept the custody of the amount of any insured deposit which the Board offers to transfer under subparagraph (A), all rights of the accountholder against the Board with respect to such deposit shall be barred as of the date of the transfer.

"(D) REVERSION TO BOARD AFTER 10 YEARS AND TERMINATION OF ALL CLAIMS OF ACCOUNTHOLDER.—If an insured deposit is transferred to the custody of the appropriate State and is not claimed by the accountholder before the end of the 10-year period beginning on the date of the transfer—

"(i) the deposit shall be transferred back to the Board;

"(ii) all rights of the accountholder against the State with respect to such insured deposit shall be barred as of the date of the transfer to the Board; and

"(iii) notwithstanding any provision of State law, the insured deposit shall become the property of the Board.

"(2) TRANSFERRED DEPOSITS.—

"(A) IN GENERAL.—If the Board satisfies the Board's obligation under subsection (d)(1) by making available to each accountholder a transferred deposit in an insured credit union (including a new credit union), all rights of the accountholder against the Board with respect to the transferred deposit shall be barred as of the date of the transfer except to the extent otherwise provided under subparagraph (B).

"(B) OFFER TO TRANSFER TO STATES.—If any accountholder fails to claim a transferred deposit from the insured credit union to which such transfer was made under subsection (d)(1) before the end of the 18-month period beginning on the date of the deposit transfer to such credit union—

"(i) the credit union shall transfer the deposit back to the Board;

"(ii) the Board shall notify the appropriate State and offer to transfer to the custody of such State an amount equal to the insured deposit of such accountholder at such credit union for disposition by such State in accordance with any State law which provides

for the disposition of abandoned or unclaimed property in the State; and

"(iii) subparagraphs (B), (C), and (D) of paragraph (1) shall apply with respect to such deposit as of the date the Board notifies the appropriate State pursuant to clause (ii).

"(3) APPROPRIATE STATE DEFINED.—For purposes of this subsection, the term 'appropriate State' means, with respect to any insured deposit for which a cash distribution or transferred deposit is made available under subsection (d)(1), the State whose laws providing for the disposition of abandoned or unclaimed property would have applied to such deposit if no conservator or liquidating agent had been appointed for the credit union (as of the date of the distribution or transfer).".

(b) RETROACTIVE APPLICATION TO UNRESOLVED CASES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the National Credit Union Administration Board shall make available to any qualifying depositor an amount equal to the insured deposit or transferred deposit for which the Board was liable under section 207(d)(1) of the Federal Credit Union Act, as in effect on the day before the date of the enactment of this Act.

(2) EXCEPTION FOR CREDIT UNIONS FULLY LIQUIDATED BEFORE DATE OF ENACTMENT.—The requirements of this subsection shall not apply with respect to any insured deposit or transferred deposit from an insured credit union for which the Board has been appointed liquidating agent before the date of this Act's enactment if—

(A) the Board was appointed liquidating agent before January 1, 1989; or

(B) the liquidation of the institution has been fully completed before the date of the enactment of this Act.

(3) DISPOSITION OF CLAIMS.—

(A) CLAIM BY QUALIFIED DEPOSITOR.—The Board shall permit a qualifying depositor to make a claim against the Board for the amount referred to in paragraph (1).

(B) CONSEQUENCES OF FAILURE TO CLAIM.—If a qualifying depositor fails to make a claim under subparagraph (A) before the Board completes the liquidation of the insured credit union—

"(i) all rights of the qualifying depositor against the Board with respect to such claim shall be barred; and

"(ii) notwithstanding any provision of State law, the amount shall become property of the Board.

(C) QUALIFYING DEPOSITORS HOLDING CERTIFICATES OR CLAIMS AGAINST AN INSURED CREDIT UNION IN LIQUIDATION.—In the case of any qualifying depositor who has filed a claim with the Board as liquidating agent for any amount which, by reason of this subsection, is eligible for payment under this subsection, the Board shall treat the claim as a claim under subparagraph (A).

(4) SUBROGATION RIGHTS OF THE BOARD.—To the extent the Board makes payments of amounts under this subsection, the Board shall have the subrogation rights provided in section 207(e) of the Federal Credit Union Act with respect to such payments.

(5) RELEASE OF DATA TO STATES.—The Board shall provide, at the request of and for the sole use of the appropriate State, the name and last-known address of any accountholder whose claim with respect to an insured deposit at any insured credit union was extinguished pursuant to section 12(e) of the Federal Deposit Insurance Act after December 31, 1988, and before the date of the enactment of this Act.

(6) DEFINITIONS.—For purposes of this subsection—

(A) BOARD.—The term "Board" means the National Credit Union Administration Board.

(B) QUALIFYING DEPOSITOR.—The term "qualifying depositor" means an insured accountholder who did not receive payment of the accountholder's insured deposit or transferred deposit as a result of the accountholder's failure to claim the insured deposit or to arrange to continue the transferred deposit, as the case may be, within the 18-month period described in section 207(o) of the Federal Credit Union Act, as in effect on the day before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. NEAL] will be recognized for 20 minutes, and the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. NEAL].

GENERAL LEAVE

Mr. NEAL of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 890, the bill now under consideration.

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

There was no objection.

Mr. NEAL of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 890, the Unclaimed Deposits Amendments Act of 1993, would protect the insured deposits of persons who may have inadvertently abandoned them. This legislation was originated by our colleague, the gentleman from Massachusetts [Mr. FRANK], and I would like to commend the gentleman from Massachusetts [Mr. FRANK] for his outstanding work on this issue.

Mr. Speaker, under current law, a depositor in an insured financial institution must file a claim for deposit insurance within 18 months of the failure of that insured depository institution. Failure to file the claim converts the insured deposits into a general claim and can result in the depositor losing the entire amount on the deposits.

H.R. 890 would protect depositors, who fail to file claims, by requiring the FDIC and the RTC to offer the unclaimed insured deposits, in failed institutions, to the States, to accept and hold under State abandoned property laws for a period of 10 years. The States would use their established procedures to try to find the owners of these deposits.

After this period, the unclaimed funds would revert back to the FDIC, or the RTC, or its successors, with all further claims to these funds barred.

This bill, therefore, allows depositors up to 10 years to make claims on their insured deposits.

Last fall, the Financial Institutions Subcommittee held hearings on this same topic. At that hearing, we heard how some elderly depositors lost the benefit of deposit insurance by failing to file claims with the FDIC during the 18-month period for filing such claims.

□ 1300

These individuals, who held long-term certificates of deposit that were transferred to new banks, did not realize that they had to file claims. They thought that since they had a long-term CD they did not have to take any action to protect their accounts.

Since those hearings, the gentleman from Massachusetts [Mr. FRANK] has worked hard to develop legislation to protect depositors from losing the benefit of deposit insurance. This legislation removes a trap for unwary depositors.

Last week the Financial Institutions Subcommittee, which I chair, held hearings on H.R. 890. At that hearing, witnesses from the FDIC and the RTC testified in favor of this legislation. They pointed out that the legislation would assist them in meeting their goal of assuring that every insured depositor receive the funds to which he or she is entitled. Following the hearing, the Financial Institutions Subcommittee marked up and adopted an amended version of the legislation.

The amendment accomplishes two things. First, the amendment extends coverage to depositors at failed credit unions. This is a provision which is fully supported by the credit union community. It assures that credit union depositors, like bank and thrift depositors, are fully protected from inadvertently losing the benefit of deposit insurance.

Second, the amendment incorporates technical changes, recommended by the FDIC and the RTC, to assure that the depositor protections of this Act can be implemented efficiently.

Since the subcommittee action, we have made technical changes to satisfy concerns expressed by the Budget Committees.

Mr. Speaker, our Federal deposit insurance pledge is there to protect our Nation's depositors. This bill assures that all insured depositors will be fully protected up to 10 years after an institution fails.

The gentleman from Massachusetts [Mr. FRANK] is to be commended for his foresight and vision in raising this matter and finding a solution to a serious problem. The action by the gentleman from Massachusetts [Mr. FRANK] will save a number of people from severe financial losses. I would like to thank him again for his fine effort.

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

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

Mr. Speaker, we have the opportunity today to move quickly on some

legislation that will help some people out who have had trouble claiming their deposits in failed institutions. As I understand it, unclaimed deposits in receiverships amount to less than one-third of 1 percent of all deposits, but, for those individuals who purchased long-term CD's these deposits are often their life savings. H.R. 890 will replace existing Federal law with provisions that apply the relevant State law on unclaimed property. To assist those who have already lost deposit insurance coverage on their savings, we are including a retroactivity clause that applies to deposits in institutions closed after January 1, 1989.

I would conclude by commending Mr. FRANK for bringing this legislation before us and I urge my colleagues to support this bill.

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

Mr. NEAL of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the gentleman yielding, as I appreciate the expedition and support that he, and the ranking minority member, have shown in dealing with this bill.

I also want to mention an individual who preceded the gentleman from North Carolina as chair of the subcommittee, our former colleague, Frank Annunzio from Illinois, because when this was first brought to my attention last summer, Mr. Annunzio moved very rapidly to let us have a hearing on it and set the stage by having a hearing, but it was too late in the year to legislate, but it helped us to flush out the issue. It got us together with the FDIC and the RTC, and it set the basis by which we were able to move so quickly today.

I think this is a good example of bipartisanship and of flexibility.

The problem is this: Sometime, when they set up the FDIC, they put in a provision that said that if there was no activity, in an account that had reverted to the FDIC, for 18 months, the depositor would lose any rights in that account, and it would revert to the Federal Government. At that point, they had not foreseen, not that we blame them for this, the invention of certificates of deposits.

We had a situation that came to our attention recently when a number of banks, sadly, failed, S&L's and banks, where individuals had certificates of deposit significantly less than $100,000 per depositor, and found that when their bank had failed and they had let more than 18 months go by without doing anything about it, they were told that they had forfeited their certificate of deposit.

From the Federal standpoint, this is financially insignificant. From the standpoint of an individual, who has saved and put $50,000 or $60,000 or $20,000 or $12,0000 into an account, it was devastating. What represents a minuscule fraction of a percentage of Federal funds involved, was very often 100 percent of the savings of individuals. Unfortunately, the FDIC and the RTC took the position that that 18-month loss gave them no flexibility.

A lawsuit was filed with States on behalf of the depositors trying to get the funds for their unclaimed deposit funds. It seemed to us, rather than to let a lawsuit go forward, since everyone agreed that justice dictated that the individuals get their money back, that we act.

So what this bill says, as it has been outlined, and I just want to make it clear again, is in effect, we say if you are a depositor and the bank fails and you have less than $100,000 in that bank, you will not be adversely affected. You will have a route to get your deposit back even if more than 18 months goes by.

Again, in an era of certificates of deposit, if you happen to have a 3-year or a 5-year certificate of deposit, it would not be surprising that you would not have called the bank every 6 months to see how the President was feeling. That is what this does. It does have a retroactivity clause with everybody's agreement, that is, there are some people who lost their money, and this would allow them to get their money. It also, in the future, would have those unclaimed deposits given to the States, because the States, and here I want to congratulate Joe Malone, the State treasurer of Massachusetts, who has been very, very active in this area, and brought this to my attention, the States will be given the responsibility of finding the depositors.

At the end of 10 years, any depositors not located, those deposits will go back to the Federal Treasury, so the Federal Treasury will not be hurt in that sense; the States will not be put to any great expense, because they will get the use of the money; and they will use the State efficient methods for finding the unclaimed depositors.

It is in the overall Federal context a small problem. To an awful lot of individuals, unfortunately, it has become a very major problem. We now have resolved this, and I am very grateful to my friend, the ranking member, and my friend, the chairman, for helping us move very quickly early in the session to get this set up, and I hope that the other body will, as they should more often, follow our example.

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

Mr. NEAL of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from North Carolina [Mr. NEAL] that the House suspend the rules and pass the bill, H.R. 890, as amended.

The question was taken.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

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## ESTABLISHING THE NATIONAL COMMISSION TO ENSURE A STRONG COMPETITIVE AIRLINE INDUSTRY

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 904) 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.

The Clerk read as follows:

H.R. 904

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

**SECTION 1. NATIONAL COMMISSION TO ENSURE A STRONG COMPETITIVE AIRLINE INDUSTRY.**

(a) APPOINTMENT OF MEMBERS.—Paragraph (1) of subsection (e) of section 204 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (49 U.S.C. App. 1371 note) is amended to read as follows:

"(1) APPOINTMENT.—The Commission shall be composed of 15 voting members and 7 nonvoting members as follows:

"(A) 5 voting members and 1 nonvoting member appointed by the President.

"(B) 3 voting members and 2 nonvoting members appointed by the Speaker of the House of Representatives.

"(C) 2 voting members and 1 nonvoting member appointed by the minority leader of the House of Representatives.

"(D) 3 voting members and 2 nonvoting members appointed by the majority leader of the Senate.

"(E) 2 voting members and 1 nonvoting member appointed by the minority leader of the Senate.".

(b) QUALIFICATIONS OF MEMBERS.—Paragraph (2) of subsection (e) of such section is amended to read as follows:

"(2) QUALIFICATIONS.—Voting members appointed pursuant to paragraph (1) shall be appointed from among individuals who are experts in aviation economics, finance, international trade, and related disciplines and who can represent airlines, passengers, shippers, airline employees, aircraft manufacturers, general aviation, and the financial community.".

(c) TRAVEL EXPENSES.—Paragraph (5) of subsection (e) of such section is amended by striking "sections 5702 and 5703" and inserting "subchapter I of chapter 57".

(d) CHAIRMAN.—Paragraph (6) of subsection (e) of such section is amended to read as follows:

"(6) CHAIRMAN.—The President, in consultation with the Speaker of the House of Representatives and the majority leader of

the Senate, shall designate the Chairman of the Commission from among its voting members.".

(e) COMMISSION PANELS.—

(1) IN GENERAL.—Such section is further amended by inserting after subsection (e) the following new subsection:

"(f) COMMISSION PANELS.—The Chairman shall establish such panels consisting of voting members of the Commission as the Chairman determines appropriate to carry out the functions of the Commission."

(2) CONFORMING AMENDMENT.—Subsections (f), (g), (h), (i), (j), and (k) of such section are redesignated as subsections (g), (h), (i), (k), (l), and (m), respectively.

(f) STAFF AND OTHER SUPPORT.—Such section is further amended by inserting after subsection (i) (as redesignated by subsection (e)(2) of this section) the following new subsection:

"(j) STAFF AND OTHER SUPPORT.—Upon the request of the Commission or a panel of the Commission, the Secretary of Transportation shall provide the Commission or panel with staff and other support to assist the Commission or panel in carrying out its responsibilities.".

(g) REPORT.—Subsection (l) of such section (as redesignated by subsection (e)(2) of this section) is amended by striking "6 months" and inserting "90 days".

(h) TERMINATION.—Subsection (m) of such section (as redesignated by subsection (e)(2) of this section) is amended—

(1) by striking "180th day" and inserting "30th day"; and

(2) by striking "subsection (j)" and inserting "subsection (l)".

(i) COMMISSION EXPENDITURES.—Such section is further amended by adding at the end of the following new subsection:

"(n) COMMISSION EXPENDITURES.—Amounts expended to carry out this section shall not be considered expenses of advisory committees for purposes of section 312 of the Department of Transportation and Related Agencies Appropriations Act, 1993.".

(j) PREVIOUSLY APPOINTED MEMBERS.—Such section is further amended by adding at the end the following new subsection:

"(o) PREVIOUSLY APPOINTED MEMBERS.—Any appointment made to the Commission before the date of the enactment of this subsection shall not be effective after such date of enactment.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the Commission which is the subject of this legislation was initiated at the end of the 102d Congress, reported from the Committee on Public Works and Transportation, to give the President and the Congress expert advice on the financial crisis facing the airline industry and the decline in airline competition. The commission idea was recommended by our former Public Works Committee chairman, Bob Roe.

The pending bill amends the legislation enacted in the 102d Congress by expanding the Commission's membership from 7 in current law to 15 voting and 7 nonvoting members appointed as follows: There would be 5 voting and 1 nonvoting members appointed by the President; 3 voting and 2 nonvoting appointed by the Speaker of the House; 2 voting and 1 nonvoting appointed by the House minority leader; 3 voting and 2 nonvoting appointed by the Senate majority leader; 2 voting and 1 nonvoting appointed by the Senate minority leader.

□ 1310

The bill also makes some changes in the qualifications for membership on the Commission. It requires that commissioners be experts in aviation, economics, international trade, and related disciplines.

Commissioners may include persons who are not employees of aviation groups but must be familiar with the positions and concerns of the various aviation groups: shippers, aircraft manufacturers, general aviation, the financial community, State and local government, and persons adversely affected by aircraft noise.

Mr. Speaker, I will have more to say later about the reasons for this approach and the need for this Commission.

Mr. Speaker, I yield such time as he may consume to the chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA].

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

During the past 3 years, the airline industry has suffered unprecedented losses of $10 billion, more than it has earned in all the rest of its history.

During this period, all but one major airline have sustained substantial losses. The financial problems have also caused significant increases in concentration in the industry. Three major carriers have been liquidated in bankruptcy proceedings and three others are trying to reorganize in chapter 11. If financial conditions do not improve soon, other major airlines may be forced into bankruptcy, where about one-fifth of the current industry is now operating.

Furthermore, the current financial crisis of the airline industry is now spilling over into the aircraft manufacturing industry and local economies where billion dollar aircraft orders are being canceled and thousands of jobs are disappearing.

At a time when there is much discussion about stimulating our economy and creating new jobs and the kind of investment that is needed for long-term economic growth, the situation facing the airline industry is bleak—not how many jobs can we add, but how many can we avoid losing. And, the overriding question facing all of us is how much worse is it going to get?

With this in mind, I am pleased that the Committee on Public Works and Transportation, which I am privileged to chair, brings to the House floor today legislation that will build upon a blue ribbon commission established by the Congress to deal with the problems of the aviation industry. Few will dispute that the issues associated with the airlines' condition are complex and, at times, quite contentious. I look to the Commission to be part of developing a consensus as to what is doable and desirable from a policy standpoint. I would also strongly encourage the Commission to draw upon the good efforts of our Subcommittee on Aviation, under the leadership of Mr. OBERSTAR and the ranking Republican member, Mr. CLINGER, which just completed last week 3 days of extensive hearings on the financial condition of our Nation's airlines.

At this time, Mr. Speaker, I wish to state that by unanimous consent I will include in the RECORD a copy of my opening statement at these hearings. It includes some specific suggestions of how we might help solve the aviation financing problem and I would call these to the Members' attention.

Mr. Speaker, while everyone agrees that the basic premise and mission of the Commission established last year is valid, present circumstances dictate that some adjustments be made in the Commission structure. H.R. 904 does that.

First, the Commission membership is expanded to provide more appointees by the President and the Republican leadership in the Congress. This expansion reflects the political change brought about by the November election and the spirit of cooperation that now exists between the executive and legislative branches of our Government, as well as Democrats and Republicans, on this issue.

Second, the legislation requires a shorter timetable for the Commission to report back to the President and the Congress on its recommendations. The airlines' financial crisis continues unabated since Congress took action last fall, making a short 90-day report, instead of one of 180 days, is better suited to present day circumstances.

Given the importance of the airline industry in the Nation's economy, enactment of H.R. 904 is the very least we must do to insure that all necessary steps to restore it to profitability are quickly addressed.

Finally, Mr. Speaker, I applaud the cooperation and industrious work of President Clinton, Secretary Peña, our distinguished subcommittee chair, JIM OBERSTAR, BUD SHUSTER, BILL CLINGER, and everyone else in coming to a quick resolution on how we should proceed on this important matter.

Mr. Speaker, I urge adoption of H.R. 904.

OPENING STATEMENT OF NORMAN Y. MINETA, SUBCOMMITTEE ON AVIATION, FEBRUARY 17, 1993

Tonight President Clinton will present his proposals for stimulating our economy, creating new jobs, and creating the kind of investment that is needed to grow our economy.

In the airline industry, however, we face a much bleaker scene, where the question is not how many jobs we can add, but how many we can avoid losing. The airline industry has lost $10 billion in the past 3 years, more than it made in all the rest of its history. Airline jobs have disappeared, airlines have disappeared, about one-fifth of the industry is now operating under the bankruptcy code, much of the rest of the airlines are described politely as financially troubled, aircraft orders are being cancelled, manufacturing jobs are disappearing, and the question hanging over us all is—how much worse is it going to get? And what, if anything, can we do about it?

The irony here is that the industries we are talking about—airlines and aircraft manufacturing—are not the latest example of industries in decline because they have not kept up and are not competitive. These are not the whale-oil lamp industry or the shoe industry. These are industries where we are at our most competitive and our most technologically advanced.

The better analogy may be to the commercial real estate industry, which over-built and over-expanded, and then got caught in an economic downturn more persistent than anyone foresaw.

Whatever the cause of the problem, the airline and related industries are a real source concern as we try to bring job growth to the overall economy. Whatever we do right in the rest of the economy may be undone by further deterioration in airlines and airline-related manufacturing. These industries could be the millstone around the rest of the economy.

Our task is not just to discuss the problem, but to try to solve it.

The first step is always to understand the problem. In my view the problem is not that the airline industry itself is threatened with extinction. All airline passengers are not going to switch to AMTRAK. The fact is that the biggest and strongest airlines are not going to disappear, but most other airlines are at risk. Zero airlines is not a possible outcome, but 3 airlines, give or take an airline, is. It is the risk of losing those airlines other than the biggest and strongest which must concern us and must be the focus of our efforts.

Some would have us believe that, short of creating a strong economic recovery, there is relatively little we can do. I agree that a strong recovery would be a big help, but I disagree that there is nothing else for us to do.

Let me put a few specifics on the table:

First, airlines and their customers pay more to the federal government in excise taxes than they get back in services or than they need to be paying at this time. Temporarily cutting the airline passenger ticket tax from 10% to 8% would put a billion dollars per year back into this industry, and would not impair our ability to make needed investment from the Trust Fund. This tax cut for passengers will not solve the basic problems of the industry, but will buy us time and help us keep a few of the airlines who would otherwise be at the edge of extinction.

Second, the fact is that while most airlines are losing money, not all money-losing airlines are equal. Some have the wherewithal to survive continuing losses and some do not. That disparity among airlines is due in part to the fact that for nearly a decade airlines have not competed on a level playing field—some have anti-competitive advantages over the rest, most notably in the area of computer reservation systems. This Subcommittee, under the outstanding leadership of Jim Oberstar and Bill Clinger tackled this problem last year when the Administration would not, and got a bill passed by the House. If we want there to be more than 2 or 3 airlines, we will once again have to seek a remedy for these anti-competitive problems that handicap all but the strongest.

Third, government has sometimes put unreasonable burdens on the industry, and we need to remedy those situations. A leading example is the 50% random drug testing requirement. We have in the airline industry a very effective drug testing program consisting of pre-employment testing, probable cause testing, periodic testing, and post-accident testing. But DOT in 1988 required, in addition to all these forms of testing, 50% random testing, an enormously expensive and intrusive undertaking. Even after adding not only flight crews but also baggage handlers, FBO employees, and a great many others to the program, random drug testing has never uncovered drug use in more than a small fraction of one percent of those tested. And for airline flight deck crews there has been virtually no drug use discovered by random testing. The fact is that 50% random testing is a massive amount of effort producing very little benefit. Whatever deterrent effect random testing has could be achieved at far lower cost with a significantly reduced testing rate. A year ago, the DOT quietly reduced its random testing requirement for its own employees, including air traffic controllers, from 50% to 25%, but continued to require all airline employees and others to undergo 50% random testing. DOT now has a rulemaking underway to consider lowering the 50% random testing rate for private industry.

That rulemaking presents a very real opportunity to reduce a largely pointless burden on airlines. I note that the airlines are calling for a reduction to 10% random testing. I would remind the airlines before they dwell on how stupid the government is to persist in such a clearly unproductive requirement, that it was originally the airlines themselves who called for the 50% random testing requirement. This industry has not always been its own best advocate.

Fourth, DOT is moving toward 50% random testing for alcohol, as well as drug use. For the same reasons, that testing rate should be substantially reduced.

Fifth, the world has changed enormously since the late 1980's, and so has the size and nature of the security threat to U.S. airlines. Generals often tend to fight the last war, and nowhere is this more true than in the case of security generals. We no longer have a Cold War. We no longer have hostages in Lebanon. The dimension and nature of the threat has changed.

The security threat began with hijackings to escape the U.S. and go to Cuba. The latest hijackings were to get into the U.S. We need a complete review of security requirements to make sure we are responding fully to today's threat and not wasting money in response to past threats. In particular, the 1989 DOT requirement that airports install elaborate computer-based employee screening systems at approximately 270 domestic airports should be re-evaluated to determine if we are imposing costs of hundreds of millions of dollars, ultimately borne by airlines and their customers, to little or no purpose. many of the airports covered by this rule serve rural areas of less than 50,000 population. This is a clear case for reassessment.

Sixth, one of the new cost burdens imposed on airlines just in the last few years was allowing airports to levy their own airline passenger taxes in addition to federal passenger taxes. A great many worthwhile projects have been built with this money, but a new and largely uncontrolled cost burden has also been put on the airlines at precisely the time they can least afford it. In the past year and a half, five and a half billion dollars worth of PFC projects have been approved. Over five billion dollars worth of additional PFC projects are now seeking approval at FAA. These are not new burdens the airlines and their passengers can sustain without limit. I would strongly suggest to the airport operators that the right to impose PFC's is not the same thing as the power to suspend the laws of economics. You, like we, need to remember that the power to tax is the power to destroy. And once you help destroy a large airline at your airport, you may find that all the PFC's you can impose will not make up the difference. I would urge the FAA to scrutinize the pending PFC projects very closely, with an eye to protecting the public interest. We all need to review the question of how PFC projects can be judged to assure that there are no unnecessary cost burdens put on airlines or their passengers.

And finally, I would like to make a suggestion to the subjects of these hearings, the airlines themselves. No one that I have talked to about your situation in the Congress, or in the new Administration, doubts the seriousness of your financial situation. And no one I have talked to suggests that we should not try to help. But many of us find that when we ask you what it is we can do to help, instead of offering us suggestions as to how we can strengthen the airline industry, you urge us to help you destroy your competitor airlines instead. Some of you seem to be concerned primarily that the plague will recede before killing off your pesky neighbor. It is not at all clear that the industry is unanimous in wanting a cure for the plague, at least not a cure that arrives too quickly.

Some of you now seem to believe that not only should government not help the wounded among you, we should go around and shoot the wounded for your convenience. I have to say that what you see as the solution—the demise of several more airlines—I see as the calamity we are trying to prevent. I do not see our proper role as public officials to be the agents of airline euthanasia. There are real people who work for these airlines, who have families, who depend on these companies for pensions and medical coverage.

Just taking the 3 major airlines now operating under Chapter 11, they have about 75,000 employees. Add the financially troubled airlines, and the number of employees involved more than doubles. That's a lot of people to be throwing out on the street. That's a lot of new burden to put on the Pension Benefit Guarantee Corporation. That's a lot of dead weight to add to an economy still struggling to achieve a real recovery.

I've heard efforts to use changes in the bankruptcy code to kill off weaker airlines. I have heard of attempts to use DOT to revoke the certificates of some airlines. I have heard of efforts to block legitimate investment in other airlines. Yes, you are all vigorous competitors in the commercial mar-

ketplace, and that's exactly what you are supposed to be. But here, before government, you should be making constructive suggestions to help us deal with a threat to the airline industry as a whole, to the employees, communities, and other industries which rely on the airline industry, and to the goal of economic recovery. That is what I want to hear.

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

Mr. Speaker, I rise in strong support of H.R. 904.

This legislation amends section 204 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992, by increasing the number of members on the Commission from 7 to 15, and shortening the reporting deadline from 180 to 90 days.

Late last year Congress passed legislation, signed by the President, to create a seven-member Commission. The Commission was never constituted. The Clinton administration, and particularly Transportation Secretary Secretary Peña, have embraced the Commission proposal but sought changes to shorten the reporting requirement in view of the dire financial straits of the carriers. In addition, the Secretary recommended that the Commission's size be increased.

The air carrier industry is in extreme financial distress. With one exception, all major air carriers suffered record losses last year. During the past 3 years, air carriers have lost more money than they earned since the advent of the industry. Even our largest carriers have seen their net asset value seriously diminished.

Air carriers are literally the lifeblood of American commerce. Businesses rely on air carriers as the primary mode of travel. Over 90 percent of intercity passenger traffic, carried by commercial conveyance, use air carriers.

The underlying causes of the industry's ills are complex and cannot be ascribed to deregulation, to any one actor, or any one set of circumstances. Some have argued that there's too much capacity, that bankrupt carriers are dragging down the healthy carriers, or that a succession of taxes have pushed ticket prices too high. The Commission is charged with answering these and other fundamental questions and making recommendations to help return the industry to profitability, including the efficacy of increasing the amount of foreign investment in a domestic carrier.

Mr. Speaker, as I mentioned previously, H.R. 904 creates a 15-member Commission; 5 appointed by the House; 5 by the Senate; and 5 by the President. Of the five House appointees, three are made by the Speaker and two by the minority leader. The same holds true for the Senate.

In addition, the bill also authorizes the House and Senate to each appoint three nonvoting Members; two by the Speaker and one by the minority leader. The President gets one appointment.

H.R. 904 does not specify that any one group or groups be represented on the Commission. However, the bill does stipulate that commissioners are expected to be appointed from among experts in transportation policy, including representatives of Federal, State, and local governments, as well as organizations representing airlines, passengers, shippers, airline employees, aircraft manufacturers, general aviation, and the financial community. Just as important, it is the intent of this Member—and I'm sure the chairman will agree with me—that at least one commissioner should come from among the ranks of noise affected communities. They have just as much at stake as any other group.

While public attention has focused on the immediate problems of the industry, experts have considerable fear about the ability of carriers to sustain their capital plans over the long term. If carriers are unable to maintain route systems, communities may lose a vital link to our Nation's commerce, and most certainly jobs will be jeopardized. It would be difficult to imagine what would befall our economy if any one or several of our remaining nine major carriers left the market altogether.

Mr. Speaker, I support this legislation and urge all Members to lend their support as well.

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

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. KREIDLER].

Mr. KREIDLER. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of H.R. 904. My district in Washington State includes Boeing Co. headquarters and has more Boeing employees than any other district.

We also have the headquarters of one of the most efficient small carriers in the country—Alaska Airlines. So my concern for the revival of our airline industry, and for secure, high-paying jobs, could not be greater.

The people of my district are victims of a nosedive in the airline industry. Boeing will eliminate 19,000 jobs in Washington State—1 of every 5. Every Boeing job produces three more indirect jobs. It adds up to a staggering loss to Washington State's economy.

As for Alaska Airlines, it had 19 consecutive years of profitability, until its fares were undercut by airlines operating under bankruptcy protection. That is costing another 1,100 jobs.

Restoring the health of the airlines will help not only the workers of my district, but all those Americans who benefit from thriving competition.

I appreciate the concern and leadership of Chairman MINETA and Chairman OBERSTAR, who came to Washington State last month to see Boeing's problems firsthand.

And I know that President Clinton understands these problems and their effects on working families. We were deeply gratified by his visit to our State last week. He showed a depth of understanding, a commitment to action, and the kind of leadership we have needed for a long time.

Today, it is our turn to act. We strengthen the national commission. We require it to get serious. And we require it to bring us its recommendations in 90 days instead of 6 months. Then, we will have to work quickly to revitalize this industry, to restore jobs, and to create economic growth for the future.

I urge my colleagues to support H.R. 904, and bring hope to thousands of working families who need and deserve our help.

□ 1320

Mr. CLINGER. Mr. Speaker, I yield 5 minutes to the ranking Republican member on the full Committee on Public Works and Transportation, the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. My colleagues, I rise in strong support of this legislation today. We have an ironic situation in America in aviation. Over the past 10 years we have had tremendous success in that we have had about a 65-percent increase in the number of people flying, and we have had about a 30-percent reduction in the price of a ticket, adjusted for inflation. This is an enormous success. But at the same time, we have seen a once healthy airline industry go from a strong position to a situation today where it is in crisis and where the very future of the airline industry is in doubt.

So, Mr. Speaker, if there is any time when we need an urgent look at this issue to see what can be done, that time is now. I commend my colleagues for moving this legislation and moving it quickly. Let us do it quickly because it is not going to cause any increase in spending since the payment for this Commission is going to come out of the Department of Transportation budget.

Mr. Speaker, I would say, particularly to my Republican colleagues, that we have actually improved this legislation over the legislation from the past year in that the minority has a clear representation on this Commission. That was not provided for in the previous legislation.

One of the most troubling aspects of the situation today, however, Mr. Speaker, is that, while we are moving to try to address the problems in our aviation industry, we have a proposal before the country now to increase energy taxes, the Btu tax. This tax will cost the airline industry over $1.2 billion a year in increased costs, and that

is the most conservative estimate. This is nearly as much as the airline industry made in profit in its best year.

So, here we are, everyone acknowledging that we face a real crisis in America today, an airline industry which may not survive as we know it, and yet a proposal for a tax increase that will impose upon that airline industry a cost increase, nearly as great as all the profits that they ever made in their most successful years. This exacerbates a situation where we have over 100,000 people laid off—terminated—not working in the airline industry; 28,000 people at Boeing, referred to by the previous speaker; and about 4,000 people at GE out of work. These people are out of work because the airline industry is in deep trouble.

And yet, Mr. Speaker, we have a proposal for a massive tax increase, a cost increase. I hope, and I believe, that this Commission should look at that particular question, along with all the others. How in the world can we expect an airline industry to survive when it is in all the trouble it is in with eight of the nine major airlines hemorrhaging millions of dollars of losses, three of the nine in bankruptcy, and two or three more that are ready to go? How can we help them if we are going to impose upon them the most massive cost increase in the history of the airline industry?

So, Mr. Speaker, I believe this particular issue should be looked at very carefully along with the other issues that are so important, and for that reason I think this is a very timely commission, and I strongly support it, and I would urge its passage.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I want to thank the chairman and commend the quick action of the Public Works Committee. Their speedy response demonstrates that they fully appreciate the dire emergency that today confronts our aviation industry. Never has an industry needed special attention as this one does at this moment.

Since the pioneering days of the Wright brothers at Kitty Hawk, America has led the way in aviation technology. Others around the world look here for innovations in technology. Our companies have built an industry that today connects every point of the globe, provides quick and efficient transportation, and has made our complex society a smaller and more manageable one.

But today, the industry that has grown from its humble beginnings at Kitty Hawk is threatened. The American aviation industry faces unfair competition from overseas competitors. Foreign governments are providing support and financial assistance to the tune of $26 billion to their aerospace consortium—assistance that our industry cannot compete with. The result is to further exacerbate an untenable situation. Our economy, already suffering from recession is now beginning to feel the aftershocks triggered by the troubles in this industry.

Connecticut is a State that is particularly hard hit. Thousands of people are employed by companies that rely on the defense and commercial aviation industry. Pratt & Whitney, a major aviation supplier, last month announced the layoff of more than 5,000 employees. These layoffs aren't the result of Government defense cutbacks. This company had the forethought to move away from reliance on the defense industry. These layoffs are the result of the sagging fortunes of our commercial aviation industry.

At a time when we are searching desperately for the larger answers to our economic crisis, we cannot afford to ignore the problems occurring in this important industry. I applaud the President's actions that have made this problem one of his highest economic priorities. I am encouraged that the committee has acted so quickly to amend and report this legislation that will allow the commission to begin its important work.

For the good of Connecticut's thousands of aviation workers, for the hundreds of thousands of aviation workers across the Nation, and for the strength of our economy, we need to act expeditiously on the proposal before us today. We need to be sure that our aviation industry continues in the tradition of leadership and strength that began more than 93 years ago with the flight of a glider in North Carolina.

Mr. CLINGER. Mr. Speaker, I yield 1½ minutes to the gentleman from New York [Mr. LEVY], a new member of the Committee on Public Works and Transportation and a very valuable member.

Mr. LEVY. Mr. Speaker, I am going to be joining with the gentleman from California [Mr. MINETA], the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Minnesota [Mr. OBERSTAR], and the gentleman from Pennsylvania [Mr. CLINGER] in supporting this bill today, but I must confess that my support is less enthusiastic.

Mr. Speaker, this bill is designed to create a national commission to ensure a strong, competitive airline industry. Originally passed last year as a provision of the Airport and Airway Safety Act, the bill's language calls for expanding the Commission from 7 to 15 members, and I think that is a good thing. But last year's bill required one of the seven members to be a representative of citizens concerned with the issue of jet noise. Well, H.R. 904, which we are about to consider, more than doubles the membership on that commission. We have stopped insisting that the air noise representative be present at the table. That is not only unfair, but I think it is a slap in the face to the millions of Americans who, like many of the people in my district, live near airports and who have to put up with aircraft noise day after day, hour after hour.

Mr. Speaker, a move was made by my friend, the gentleman from New Jersey [Mr. FRANKS], in committee to include a member among the 15 who is concerned with air noise. That effort lost out in the full committee markup on a partisan vote.

Mr. Speaker, as I said, my concern for that issue does not prevent me from voting for this bill; however, I do have to state for the RECORD that I feel that the concerns of those who must confront air noise have been sadly deemphasized.

Mr. CLINGER. Mr. Speaker, I yield 2½ minutes to the gentleman from new Jersey [Mr. FRANKS], another new and very distinguished member of our committee who is indeed concerned about the noise issue and its impact upon competitiveness.

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise in reluctant support of H.R. 904, a bill that would reconfigure the National Commission To Ensure a Strong Competitive Airline Industry.

Mr. Speaker, I will be ultimately voting for this legislation, because I believe this Commission can be effective in offering suggestions and recommendations on how we in Congress can help our ailing domestic airline industry. With all but one of our major airlines suffering financial losses, we can no longer afford to wait for this problem to get better on its own.

Although H.R. 904 is directed at an important concern, this legislation contains a major flaw—a flaw which I tried to rectify in committee. Specifically, this bill weakens current law and Congress' strong commitment to reducing aircraft noise by removing the aircraft noise representative from the Commission. This is reversal from present law. If Congress is indeed serious about combating the aircraft noise problem, we must not allow important provisions of law directed at this problem to be jettisoned.

Mr. Speaker, before the House adjourned last year, Congress passed the law which this bill now amends. Under that law, Congress mandated that the communities affected by aircraft noise would have a representative on the Commission. Now, a scant 5 months later, Congress is flip-flopping on this issue. What is sadly ironic is that even though the aircraft noise representative is being purged from the Commission, the membership of the Commission is being increased from 7 to 15 members under this bill. That makes no sense at all to me. If we can more than double the size of the Commission, surely we can keep that one member who is most concerned about aircraft noise.

I attempted to amend H.R. 904 during its markup, so it would keep an aircraft noise representative on the Commission. Although my amendment failed on a party line vote, we in the minority were successful in gaining report language on this issue. However, that report language still will not fully rectify the problem, nor will it satisfy the millions of Americans who are forced to tolerate unacceptable levels of aircraft noise during all hours of the day and night.

Mr. Speaker, I understand that the purpose of H.R. 904 is to refocus the Commission so it concentrates on our Nation's troubled airline industry more closely. However, I can assure my colleagues that the problem of airport noise has not abated since Congress addressed this issue last fall, and that the need still exists for an aircraft noise representative to be included as a member of the Commission. I urge the other body, when they consider this legislation, to take the necessary steps to ensure that an aircraft noise representative remains on the Commission. Clearly, an expert on this subject is needed if this important issue is to be properly addressed by the Commission.

□ 1330

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise today in strong support of H.R. 904 and urge my colleagues to join me in supporting its enactment.

The U.S. aviation industry has experienced a tremendous downturn. Only 2 of the 22 airlines that entered the industry after deregulation are still operating. Over the past 3 years, U.S. airlines have lost a staggering $8 billion and eliminated thousands of jobs. These difficulties have led to a steep decline in orders from the airlines which have in turn led to massive loss of aerospace jobs. We cannot continue to sit by and watch the elimination of thousands of high-tech, high-wage jobs.

In my district I have seen all too clearly the effects of problems facing the commercial airline industry. United Technology's Pratt & Whitney, headquartered in East Hartford, CT, has undergone a massive restructuring effort which will leave thousands of Connecticut residents out of work. From January 1992 through the end of 1994, Pratt's Connecticut employment will drop from 23,100 to 13,700.

The United States risks losing its edge in the aerospace industry. Expansion of this commission will allow experts to closely examine the issue and suggest the most efficient manner of rectifying the situation.

Congress and the Clinton administration must act as one to ensure steps are taken to revitalize the aviation industry.

Mr. CLINGER. Mr. Speaker, I yield 2 minutes to another new and very dedicated and dynamic member of our committee, the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I wish to thank the ranking member, the gentleman from Pennsylvania [Mr. CLINGER] for this time, and I rise in support of this legislation today. I also wish to commend the chairman of our full committee, the gentleman from California [Mr. MINETA], and the gentleman from Minnesota [Mr. OBERSTAR], chairman of this subcommittee, for their work, for their attention, and for their dedication to this important issue. I also thank them for including language in this report, something that I feel is very important, and that is the impact of regulations, particularly conflicting regulations on the airline industry, and I hope that this Commission does pay attention to the cost and impact to our Nation, to the airlines, and to the manufacturers.

Another issue that I think is important that I would like to raise involves the lack of incentives that Government provides for research and development. As a businessman, I know the importance of research and development in maintaining global competitiveness. Many of the aviation companies and executives with whom I have had an opportunity to speak lately have commented on the lack of incentives for the United States to pursue the necessary research and development in this important industry.

Mr. Speaker, I respectfully request that hopefully we make a part of this record today the request that this commission look at ways in which the Federal Government can encourage much-needed research and development.

Mr. CLINGER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, the gentleman from Pennsylvania [Mr. CLINGER] just said that the airline industry is the lifeblood of American commerce, and I agree with that in large part.

The gentleman from Washington [Mr. KREIDLER] said that Boeing was in difficulty and needed help and he was glad that this Commission was going to be reappointed so this Commission could do its job and really help the airline industry. He said also that President Clinton understands Boeing's problems and the problems of the airline industry, and that he went to Washington and showed that he cared.

I say to my Democrat colleagues whom I love so much that if they really care so much and if the President really cares so much, why is his Btu tax going to add 15 cents a gallon to every gallon of jet fuel they have to buy?

I have talked to airline executives, and they tell me they are going to be put out of business. It is one thing to say today on the floor of the house that you care, but it is quite something else to add 15 cents a gallon for very gallon of jet fuel they have to buy. That does not sound like they care very much to me.

Let me just say that the Democrat Party and the Democrat President giveth with the left hand and then smacketh them in the mouth with the right hand.

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

Mr. OBERSTAR. Mr. Speaker, we have no further speakers on our side, and I will simply close out the discussion of the subject myself.

Mr. CLINGER. Mr. Speaker, in view of the fact that the gentleman from Minnesota [Mr. OBERSTAR] is the final speaker, I yield back the balance of my time.

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

Mr. Speaker, the dire current condition of the airline industry has been well described throughout this debate, but we should remember that in the period of 1985 through 1988, the airline industry was expanding. Growth was exploding throughout the United States, and profits were soaring. In fact, in 1988 the industry enjoyed a record $3.1 billion in operating profits, and $1.1 billion in net profits, more than it had made in the previous several years.

□ 1340

Questions were being raised at that time about whether deregulation really was working, was there enough competition. Fares were starting to rise. Questions were asked about whether competition really was working, because the industry was concentrating into fewer carriers, less competition at the fortress hubs, and fares were starting to rise. Questions were being raised.

Now we see an entirely different picture. The mid-1980's were probably the peak of the profitability of the airline industry in its entire history. Now we are in a trough, where in the last 3 years the industry has lost $8 billion.

Questions have been raised by Members of this body about the viability of deregulation. In fact, hardly a day goes by that I come on the House floor that someone does not ask is it not time to reregulate the airline industry?

That definitely is not the case. We do not want to return to an era of regulation, that is, Government control of market entry and pricing of airline fares.

In fact, airline fares have risen from the period of 1981 through 1993 only 2 percent, while the Consumer Price Index in that same period of time rose 54 percent.

The Brookings Institution estimated that every year consumers are benefiting to the tune of $6 billion in avoided

costs and lower fares because of deregulation and the competition and expanded service that it has brought.

What is facing this industry is more than a triple whammy, powerful economic forces have hit the industry from all sides at once: recession at home, recession in Europe, recession in the Pacific rim; the security fears resulting from the bombing of Pan Am 103 and the war in the gulf. All of which caused a huge falloff in demand at the very time when fuel prices were ignited by the gulf war causing the airlines to pay over $4 billion in additional costs because of the increased price of fuel due to the gulf crisis.

In addition, the airlines themselves added problems. The three largest carriers increased their fleets from 1988 through 1992 by 445 aircraft, adding to the excess capacity in the industry and creating the huge problem of many aircraft flying with not enough passengers to fill the seats.

In the leveraged buyout craze of the 1980s, including the acquisition of new entrant carriers, airlines added so much debt that their costs of interest expense and rental went from $2 billion in 1982 to $8 billion in 1991. These were tremendously increased burdens for an industry which has always been cyclical and has had difficulties even in the best of times.

Now we have further problems created by this lingering period of recession and the excess capacity, as well as the number of carriers in bankruptcy.

Mr. Speaker, I must observe that, while the finger has been pointed at bankrupt carriers, they account for only 18 percent of industry capacity. If the bankrupt carriers disappeared overnight, we still would have excess capacity in this industry. That has to be understood.

The purpose of this commission is to review the status of the airline industry, of aviation in total, and make some conclusions and recommendations, the first of which, I hope, will deal with the preservation of competition. It will be of little value to have a profitable industry with only two airlines operating. It will be of immense value to have a number of solvent airlines competing vigorously for customers at home and abroad.

We want to assure that the competition engendered by deregulation will remain strong and vigorous so American carriers can compete, not only the domestic economy, but in our foreign markets as well. We also want to return this industry to profitability, and we look to this commission to make wise and responsible recommendations.

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

Mr. CLINGER. Mr. Speaker, I ask unanimous consent to reclaim the time of the minority. I have had a Member come to the floor who would like to participate in this debate.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The Chair would advise Members that the gentleman from Pennsylvania [Mr. CLINGER] has 4 minutes remaining, and the gentleman from Minnesota [Mr. OBERSTAR] has 3 minutes remaining.

Mr. CLINGER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington [Ms. DUNN], one of the new active contributing members of the committee.

Ms. DUNN. Mr. Speaker, I rise to lend my strong support of H.R. 904 to establish a commission to assess one of the most vital transportation industries in our country, our commercial aviation industry.

For decades now, that industry has served as a springboard for researching and developing advanced technologies. It has spawned thousands of manufacturing jobs throughout our States.

It is undeniably a crucial thread in our Nation's industrial fabric. However the thread has slowly begun to unravel and will continue unless we initiate some action to restore some stability to this faltering industry.

While more and more carriers fall prey to chapter 11, our manufacturing base continues to erode. This year alone in my home State of Washington, Boeing will be laying off 14,000 people. This will undoubtedly impact the thousands of other jobs around the country, in industries that supply parts and other goods for Boeing and other manufacturers of aircraft.

Mr. Speaker, we must realize that our Nation's airline industry is a vital ingredient in our efforts to retain our competitive edge in the world marketplace.

The Commission which this bill creates, is composed of policymakers and industry experts. They will offer us a way to closely examine the history of this important industry and to see why it is in its current condition.

We must then evaluate their recommendations on how to ensure the future prosperity of the aviation industry based on free and fair trade, free markets, and limited Government interference.

Mr. Speaker, this Commission is a crucial first step in that direction, so I urge my colleagues to give it their full support.

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

Mr. OBERSTAR. Mr. Speaker, just a few concluding observations: First, with respect to the question that has been raised about noise: The House-passed bill last year did not have any seat designated for a specific interest or sector of the aviation industry.

□ 1350

That provision, designating a representative from the noise community, was added by the other body in the final minutes of the 102d Congress. In order to get a bill passed, we just accepted that language with great, great reluctance. And we resolved at the beginning of this Congress, when the new administration wanted to invigorate the Commission and give a different timetable, that we should return to the neutrality of membership on this Commission. That is the reason that no interest grouping is designated for a specific seat on the Commission.

We do urge the administration to appoint people from a wide array of interests, and we do urge that noise interests be given full and fair and adequate and expert representation on this Commission. But it really would be a mistake to designate, in the law, one interest apart from others for special recognition and special seating on the Commission.

Finally, I would like to express my great appreciation to the gentleman from California, Chairman MINETA, for his support of the Subcommittee on Aviation to hold hearings on the financial condition of the airline industry and bring this legislation out so quickly. His longstanding interest as chairman of the Subcommittee on Aviation, for over 8 years, of course, puts him in a very special position of understanding. And we, all of us subcommittee chairs on the Committee on Public Works and Transportation, appreciate the opportunity to manage our own bills on the House floor, which is a practice that he has initiated.

I want to express a special gratitude, again, to my longtime colleague and friend on the committee, the gentleman from Pennsylvania [Mr. CLINGER], for his ever-present attendance and always thoughtful recommendations and insights into the issues with which we deal. It is a great pleasure to work with him. And to our staff for their splendid and vigorous work in bringing this bill and the committee report to the House floor.

I urge enactment of the pending legislation.

Mr. GEJDENSON. Mr. Speaker, I rise today to express my support for H.R. 904 which expands and improves the Aviation Industry Commission. The Commission was formed last October to study the problems of the U.S. airline and aerospace industry and make recommendations to improve the aviation industry's competitiveness. H.R. 904 makes two simple changes to the Commission. First, it broadens the membership of the Commission, and more importantly, it requires it to report its recommendations within 90 days instead of 6 months.

The airline industry is in need of immediate assistance. Since deregulation began, 22 airlines entered the industry. Of those 22, only two are still in operation. Many airlines are operating under the protection of bankruptcy and

two major carriers—Eastern and Pan American—have gone out of business completely. Additionally, the airlines have experienced $8 billion in operating losses during the past 3 years and thousands of airline workers have lost their jobs.

Both the decline of the airline industry and reductions in our Nation's defense spending has had repercussions for the entire aerospace manufacturing industry. United Technologies Corp. [UTC], the largest employer in my home State of Connecticut, anticipates a 21-percent decrease in its commercial airline business this year and has seen a reduction of military fighter engines from 700 in the early 1980's to under 100 in 1993. As a result of this loss of business, UTC has announced the layoff of 6,700 workers in Connecticut by the end of 1994. In a State which has had an unemployment rate higher than the national average for most of 1992 and is experiencing other defense-related layoffs at the Electric Boat Division of General Dynamics, this additional job loss is devastating.

Given the difficult times the aviation industry is facing, the changes H.R. 904 makes to the Commission are desperately needed. The requirement that the Commission make its recommendations to help these industries get back on their feet in 90 days, as opposed to 6 months, is essential when thousands of jobs could be at stake if changes are not made quickly.

For years, America's aviation industry has built state-of-the-art military fighter and commercial planes, and made air transportation safe and efficient. These industries need the assistance of the Commission to help them address the problems they are facing. We must fight to ensure that the aerospace and airline industries can remain competitive and keep dedicated American workers on the job.

I look forward to the Commission's important work and its efforts to address this crisis in America's manufacturing and industrial base.

Mr. GEPHARDT. Two weeks ago, Transportation Secretary Federico Penã called for a 90-day bipartisan review of the problems facing the aviation industry.

H.R. 904 implements this recommendation. It constitutes a National Commission To Ensure a Strong Competitive Airline Industry and directs the Commission to forward its recommendations to President Clinton and the Congress within 90 days. I particularly want to recognize Chairman MINETA and Chairman OBERSTAR, and the ranking members of the Public Works Committee, for their hard work in expediting this legislation.

Nowhere is the need for a comprehensive review more apparent than in our aviation industry. Vital to our economy, this industry suffered neglect at the hands of the administration during the 1980's. Leveraged buyouts saddled carriers with huge debts. Congressional efforts to level the playing field among airlines met with administration opposition. And subsidies to Airbus were not taken as seriously as they should have been.

Partly as a result of this, the U.S. airline industry has suffered $8 billion in losses in 3 years. Once proud airlines like Pan Am and Eastern are gone, 60,000 people have lost their jobs. Airlines like TWA and Northwest, whose existence is vital to vigorous competition, face a difficult future. Even the largest carriers have suffered enormous losses.

These problems in turn have led to $16 billion in aircraft order cancellations. The cost: nearly 50,000 jobs at McDonnell Douglas, Boeing, and Pratt & Whitney. It now appears that the problems in the airline industry, by reducing demand for civilian aircraft, threaten the efforts of aerospace-dependent communities to diversify beyond defense production.

We are at a crossroads. The hands-off policies of the 1980's have left major companies perched on brink of ruin, jeopardizing the very competition that has made travel affordable for Americans and contributed so much to the strength of our economy.

This legislation is of vital importance to Missouri, which is home to McDonnell Douglas and TWA. TWA, for example, expects to emerge from bankruptcy later this spring, and its 25,000 employee owners—13,000 of them in Missouri—are working hard to turn things around. Customer complaints are down. On time performance is better than ever. Nevertheless, they face a difficult future unless we enact policies that enable the industry to recover.

Our task must be to restore stability to the industry in a manner that preserves choice for consumers and creates a fair playing field for our companies and workers.

A strong recovery will help restore growth to the industry, and so quick action on the President's economic plan will be critical. Beyond this, the Commission's recommendations will provide us with a needed road map. The Commission will consider short-term measures needed to prevent further hemorrhaging. And it will address in a thoughtful manner the long-term measures needed to fully restore the industry's health.

I urge support of this legislation so that we may begin work without delay.

Mr. MCKEON. Mr. Speaker, I rise today in support of H.R. 904. The Subcommittee on Aviation, on which I serve, recently completed 3 days of hearings on issues confronting our domestic aviation industry. These hearings demonstrated the urgency and necessity for quick and decisive action to address issues such as industry debt, carriers operating under chapter 11 bankruptcy proceedings, and agreements involving domestic and international air carriers.

Mr. Speaker, I am a businessman and would like to state that I do not see a commission as a panacea to the very serious problems facing the aviation sector of our economy. My colleagues should be aware, however, that the Commission proposal was originally endorsed by former President Bush, and instead of allowing 180 days to complete its report, the legislation before us calls for the Commission to make its recommendations within 90 days. In addition, no new expenditures are required under H.R. 904 since the Commission will be funded using existing Department of Transportation dollars.

Mr. Speaker, our airline industry is the most cost efficient in the world but today stands at a crossroads. Domestic carriers and aviation manufacturers are facing increased competition from foreign governments which promote and often subsidize their carriers and manufacturers, as the largest air market in the world, the United States must ensure that our aviation industry maintains a healthy presence both here and abroad. This legislation is supported by both the airlines and the Air Transport Association and I urge its adoption today.

Mr. TRAFICANT. Mr. Speaker, as a member of the Committee on Public Works and Transportation, I rise in strong support of H.R. 904 which amends the 1992 Aviation Authorization Act to broaden participation in the Aviation Commission established under the act and to ensure that the work of the Commission is finished expeditiously.

Mr. Speaker, like so many industries in America, the U.S. aviation industry has been devastated over the past few years. Aviation giants such as Eastern and Pan American have gone out of business. Several airlines are currently on the ropes, operating under the protection of U.S. bankruptcy laws. In fact Mr. Speaker, of the 22 airlines that entered the industry following airline deregulation, only two are still operating—the rest having either gone under or merged with other carriers.

Over the past 3 years, airlines in the United States have lost a total of $8 billion—resulting in tens of thousands of layoffs. These problems have also had a severe impact on U.S. aircraft manufacturers. A falloffs in orders for new aircraft combined with stiff competition from heavily subsidized foreign manufacturers has resulted in more lost American jobs.

The latest victim: Boeing Corp. which recently announced that it would reduce its work force by some 28,000 employees.

What do all these statistics mean? For the American worker it means pain. The pain of losing a job, losing a home, losing health benefits, and—tragically—losing hope. H.R. 904 is a small, but necessary step, toward examining the financial problems of the American airline and aircraft manufacturing industry. Under the bill the Commission would be required to report to the Congress and the President within 90 days its recommendations on how to revive the U.S. aviation industry and make it competitive worldwide.

Mr. Speaker, this legislation and this Commission by itself won't save the U.S. aviation industry. This country needs to embrace tough trade policies that ensure that America's trading partners fully open up their markets to U.S. products and that they engage in fair trade practices. This country also needs to adopt tax policies that provide real incentives for American manufacturers to invest in America and create jobs.

Most importantly, we need to bring together the best and brightest minds in the country to examine the problems of American industries and develop real solutions and initiatives that the Federal Government can implement to get us on the right track.

H.R. 904 is a prudent first step that will provide the Congress and the President with real answers to real problems in a short time frame. I commend my colleague from Minnesota, Mr. OBERSTAR, for the lead role he has taken on this initiative and urge all of my colleagues to support the bill.

Ms. CANTWELL. Mr. Speaker, the bill before us is critical to hundreds of thousands of workers in my district and across the country. H.R. 904 establishes a commission to study

the problems of U.S. airlines and aircraft manufacturers.

Last week, members of the Aviation Subcommittee heard from the Boeing Co. that the sustained financial difficulties of the airline industry have forced Boeing to reduce production rates on all aircraft models over the next 18 months. As a result, the Puget Sound region can expect massive layoffs at Boeing. I'm extremely concerned about the impact on Puget Sound workers and the possibility of significant job loss in the subcontracting and consumer services that support Boeing.

The aviation industry is one place where America has a competitive edge. Boeing is the largest exporter in this country and leads the world in commercial aircraft manufacturing.

Mr. Speaker, the most important thing we can do to help the airline and aircraft industry is to get our economy back on track. However, I believe that the creation of this Commission comes at an important juncture and should examine ways that we can build new partnerships between Government and the private sector to enhance our ability to compete in the international marketplace. It's time that the Federal Government recognize the critical importance of aviation to our economy and conduct a comprehensive study of the financial condition of the airline industry, the adequacy of competition in the airline industry and legal impediments to a financially strong and competitive airline industry. I'm pleased that the Commission will operate on a fast track and must report to Congress within 90 days of its establishment.

The health of the airline industry is not only vital to our region, but to the Nation. As I mentioned, a financially sound domestic airline and aircraft industry is essential to our economy and our national defense. We depend upon airlines for the safe movement of people and goods across the country and the world.

Mr. Speaker, I urge my colleagues to support the aviation industry and pass this legislation.

Mr. DICKS. Mr. Speaker, I want to take this opportunity to express my strong support for this important legislation. The United States has a long and proud tradition as the world's leader in aerospace technology. Aerospace exports provide more than $43 billion annually toward a positive balance of trade for the United States. In fact, between 1980 and 1983 net aerospace trade has produced a surplus for the United States of $230 billion. Only agriculture can even approach this stunning record. In addition, aerospace technological advances have invaluable applications in other fields and help drive our quest to maintain our competitive position in the world economy.

We are also blessed with the most comprehensive aviation transportation structure in the world that provides a critical component of the business operations in virtually every field.

But the aerospace aviation and aerospace industry face a crisis today that jeopardizes our enviable position and demands our immediate attention. Over the last 3 years U.S. airlines have registered losses approaching $10 billion. As a result they are canceling increasing numbers of orders, and deferring delivery of those aircraft they still intend to purchase.

This has had a devastating impact on the aircraft manufacturing firms. The seriousness of the situation was brought home in the last few weeks as Boeing announced that it will be cutting back its production by one-third and reducing its employment by 28,000 in the next 3 months, with 21,000 of these dismissed employees in Puget Sound.

I know that this crisis is a priority concern for Public Works Chairman MINETA and for the chairman of the Aviation Subcommittee, Mr. OBERSTAR. This is evident by the fact that the Aviation Authorization Act enacted by the Congress last October included the establishment of a national Commission to study the problems of U.S. airlines and the aircraft manufacturing industry.

But since October the situation has taken a turn for the worse and the expert advice of the Commission is needed even more, and more quickly so that the Congress can expedite steps to make the Federal Government a positive force in dealing with the problems.

As a result the Public Works Committee leadership, along with the majority leader and our new Secretary of Transportation Peña, have determined to expand the membership of the Commission to assure that the full range of expertise is brought to bear on the problem, and to direct it to report its findings in 90 days rather than in 6 months as originally proposed. That is what this bill before us today will accomplish.

I do not envy the Commission in having to come to grips with airline issues that range from suggestions for changes in bankruptcy laws, revisions in the rules for foreign investment in airlines, adjustments in the airline ticket tax and the impact that the Btu tax could have on an already fragile industry. Addressing a more level trade environment in the aviation industry is another difficult issue that will have to be addressed.

No one should be misled to think that the Commission can by itself resolve these issues. The real tough decisions are going to have to be made by the Congress and the administration. But the Commission can serve as an invaluable source of expert advice and as a forum to develop consensus opinions by those most directly impacted by the issues involved. The Commission is a good first step toward meeting the challenge of maintaining our leadership in aerospace and aviation. I for one look forward to moving out smartly to take the actions that will be necessary to follow through on the guidance that the Commission will provide.

Mr. GALLO. Mr. Speaker, I rise today in reluctant support of H.R. 904, authorizing the National Commission To Ensure a Competitive Airline Industry.

While I support the merits of creating such a Commission and understand the problems that the airline industry is having, I cannot support the committee's decision not to include language that would have provided representation for the thousands of Americans plagued with aircraft noise.

Last year when Congress passed the Aviation Reauthorization Act—Public Law 102–581—it included language to provide for such representation. However, this year, even in spite of expanding the Commission's membership, the Public Works and Transportation Committee felt that such a specific seat was not needed.

Over the past 5 years, New Jersey has been plagued with a severe air noise problem. The New Jersey congressional delegation has been trying for many years to work with the Federal Aviation Administration [FAA] and the airline industry to come to an equitable solution to this pressing problem. But, after repeated attempts, we still have not arrived at a solution that will provide the needed relief to the citizens of New York and New Jersey.

Since the Commission has been charged with looking at the airline industry, aviation policy and any other items that affect the industry, I believe it would only be fair to have a representative for one of the largest growing citizen groups in New York and New Jersey—the air noise advocacy group. I sincerely hope that while the Commission deliberates and draws conclusions, it will give careful consideration to any changes that will affect citizens who live in the busiest airspace in the world.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Minnesota [Mr. OBERSTAR] that the House suspend the rules and pass the bill, H.R. 904.

The question was taken.

Mr. CLINGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

## GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just under consideration.

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

There was no objection.

## CONSUMER PROTECTION TELEMARKETING ACT

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 868) to strengthen the authority of the Federal Trade Commission to protect consumers in connection with sales made with a telephone, and for other purposes, as amended.

The Clerk read as follows:

H.R. 868

*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 "Consumer Protection Telemarketing Act".

**SEC. 2. FINDINGS.**

The Congress makes the following findings:

(1) Telemarketing differs from other sales activities in that it can be carried out by sellers across State lines without direct contact. Telemarketers can also be very mobile, easily moving from State to State.

(2) Interstate telemarketing fraud has become a problem of such magnitude that the resources of the Federal Trade Commission are not sufficient to insure adequate consumer protection from such fraud.

(3) Consumers and others are estimated to lose $10 billion a year in telemarketing fraud.

(4) Consumers are victimized by other forms of telemarketing deception and abuse.

(5) Consequently, Congress should enact legislation that will offer consumers necessary protection from telemarketing deception (including fraud) and abuse.

**SEC. 3. TELEMARKETING RULES.**

(a) IN GENERAL.—

(1) The Commission shall prescribe rules prohibiting deceptive (including fraudulent) telemarketing activities and other abusive telemarketing activities.

(2) The Commission shall include in such rules respecting deceptive telemarketing activities—

(A) a definition of deceptive telemarketing activities, and

(B) criteria that are symptomatic of deceptive telemarketing as distinguished from ordinary telemarketing business practices.

(3) The Commission shall include in such rules respecting other abusive telemarketing activities a requirement that telemarketers may not undertake a pattern of unsolicited telephone calls which the reasonable consumer would consider coercive or abusive of such consumer's right to privacy. In prescribing the rules described in this paragraph, the Commission shall consider—

(A) including a requirement that goods or services offered by telemarketing be shipped or provided within a specified period and that if the goods or services are not shipped or provided within such period, a refund be required, and

(B) including, where practicable, authority for a person who orders a good or service through telemarketing to cancel the order within a specified period.

(b) RULEMAKING.—

(1) The Commission shall prescribe the rules under subsection (a) within 270 days after the date of enactment of this Act. Such rules shall be prescribed in accordance with section 553 of title 5, United States Code.

(2) A rule issued under subsection (a) shall be considered a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act.

(c) ENFORCEMENT.—Any violation of any rule prescribed under subsection (a) shall be treated as a violation of a rule under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) regarding unfair or deceptive acts or practices.

(d) SECURITIES AND EXCHANGE COMMISSION RULES.—

(1) PROMULGATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 6 months after the effective date of rules promulgated by the Commission under subsection (a), the Securities and Exchange Commission shall promulgate, or require any national securities exchange or registered securities association to promulgate, rules substantially similar to such rules to prohibit deceptive and other abusive telemarketing activities by persons described in paragraph (2).

(B) EXCEPTION.—The Securities and Exchange Commission is not required to promulgate a rule under subparagraph (A) if it determines that—

(i) Federal securities laws or rules adopted by the Securities and Exchange Commission thereunder provide protection from deceptive and other abusive telemarketing by persons described in paragraph (2) substantially similar to that provided by rules promulgated by the Commission under subsection (a); or

(ii) such a rule promulgated by the Securities and Exchange Commission is not necessary or appropriate in the public interest, or for the protection of investors, or would be inconsistent with the maintenance of fair and orderly markets.

If the Securities and Exchange Commission determines that an exception described in clause (i) or (ii) applies, the Securities and Exchange Commission shall publish in the Federal Register its determination with the reasons for it.

(2) APPLICATION.—

(A) IN GENERAL.—The rules promulgated by the Securities and Exchange Commission under paragraph (1)(A) shall apply to a broker, dealer, transfer agent, municipal securities dealer, municipal securities broker, government securities broker, government securities dealer, investment adviser or investment company, or any individual associated with a broker, dealer, transfer agent, municipal securities dealer, municipal securities broker, government securities broker, government securities dealer, investment adviser or investment company. The rules promulgated by the Commission under subsection (a) shall not apply to persons described in the preceding sentence.

(B) DEFINITIONS.—For purposes of subparagraph (A)—

(i) the terms "broker", "dealer", "transfer agent", "municipal securities dealer", "municipal securities broker", "government securities broker", and "government securities dealer" have the meanings given such terms by paragraphs (4), (5), (25), (30), (31), (43), and (44) of section 3(a) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4), (5), (25), (30), (31), (43), and (44));

(ii) the term "investment adviser" has the meaning given such term by section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(11)); and

(iii) the term "investment company" has the meaning given such term by section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(a)).

(e) COMMODITY FUTURES TRADING COMMISSION RULES.—

(1) APPLICATION.—The rules promulgated by the Commission under subsection (a) shall not apply to persons described in subsection (f)(1) of section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 15, 13b, 9a).

(2) PROMULGATION.—Section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 15, 13b, 9a) is amended by adding at the end the following new subsection:

"(f)(1) Except as provided in paragraph (2), not later than 6 months after the effective date of rules promulgated by the Federal Trade Commission under section 3(a) of the Consumer Protection Telemarketing Act, the Commission shall promulgate, or require each registered futures association to promulgate, rules substantially similar to such rules to prohibit deceptive and other abusive telemarketing activities by any person registered or exempt from registration under this Act in connection with such person's business as a futures commission merchant, introducing broker, commodity trading advisory, commodity pool operator, leverage transaction merchant, floor broker, or floor trader, or a person associated with any such person.

"(2) The Commission is not required to promulgate rules under paragraph (1) if it determines that—

"(A) rules adopted by the Commission under this Act provide protection from deceptive and abusive telemarketing by persons described under paragraph (1) substantially similar to that provided by rules promulgated by the Federal Trade Commission under section 3(a) of the Consumer Protection Telemarketing Act; or

"(B) such a rule promulgated by the Commission is not necessary or appropriate in the public interest, or for the protection of customers in the futures and options markets, or would be inconsistent with the maintenance of fair and orderly markets.

If the Commission determines that an exception described in subparagraph (A) or (B) applies, the Commission shall publish in the Federal Register its determination with the reasons for it.".

**SEC. 4. ACTIONS BY STATES.**

(a) IN GENERAL.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has engaged or is engaging in a pattern or practice of telemarketing which violates any rule of the Commission under section 3, the State may bring a civil action on behalf of its residents in an appropriate district court of the United States to enjoin such telemarketing, to enforce compliance with such rule of the Commission, to obtain damages, restitution, or other compensation on behalf of residents of such State, or to obtain such further and other relief as the court may deem appropriate.

(b) NOTICE.—The State shall serve prior written notice of any civil action under subsection (a) upon the Commission and provide the Commission with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil action, the Commission shall have the right (1) to intervene in such action, (2) upon so intervening, to be heard on all matters arising therein, and (3) to file petitions for appeal.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this Act shall prevent an attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(d) ACTIONS BY THE COMMISSION.—Whenever the Commission has instituted a civil action for violation of any rule prescribed under section 3, no State may, during the pendency of such action instituted by the Commission, institute a civil action under subsection (a) against any defendant named in the Commission's complaint for acts or omissions alleged in the complaint for violation of any rule as alleged in the Commission's complaint.

(e) ACTIONS BY OTHER STATE OFFICIALS.—

(1) Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

(2) In addition to actions brought by an attorney general of a State under subsection (a), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State for protection of consumers and who are designated by the Commission to bring an action under subsection (a) against persons that the Com-

mission has determined have or are engaged in a pattern or practice of telemarketing which violates a rule of the Commission under section 3.

**SEC. 5. ACTIONS BY PRIVATE PERSONS.**

(a) IN GENERAL.—Any person adversely affected by any pattern or practice of telemarketing which violates any rule of the Commission under section 3 or an authorized person acting on such person's behalf may, within 3 years after discovery of the violation, bring a civil action in an appropriate district court of the United States against a person who has engaged or is engaging in such pattern or practice of telemarketing if the amount in controversy exceeds the sum or value of $50,000 in actual damages for each person adversely affected by such telemarketing. Such an action may be brought to enjoin such telemarketing, to enforce compliance with any rule of the Commission under section 3, to obtain damages, or to obtain such further and other relief as the court may deem appropriate.

(b) NOTICE.—The plaintiff shall serve prior written notice of the action upon the Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the person shall serve such notice immediately upon instituting such action. The Commission shall have the right (A) to intervene in the action, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.

(c) ACTIONS BY THE COMMISSION.—Whenever the Commission has instituted a civil action for violation of any rule prescribed under section 3, no person may, during the pendency of such action instituted by the Commission, subsequently institute a civil action against any defendant named in the Commission's complaint for violation of any rule as alleged in the Commission's complaint.

(d) COSTS AND FEES.—The court, in issuing any final order in any action brought under subsection (a), may award costs of suit and reasonable fees for attorneys and expert witnesses to the prevailing party.

(e) CONSTRUCTION.—Nothing in this section shall restrict any right which any person may have under any statute or common law.

**SEC. 6. CLEARINGHOUSE.**

(a) IN GENERAL.—The Commission shall establish a clearinghouse for inquiries made to Federal agencies concerning telemarketing. The clearinghouse will provide information (other than information which may not be disclosed under section 552(b) of title 5, United States Code, or under regulations prescribed by the Commission to implement such section) to anyone making inquiries respecting persons engaged in telemarketing or direct such inquiries to the appropriate Federal or State agency.

(b) LIABILITY FOR PROVIDING INFORMATION.—No person who provides information to the clearinghouse established under subsection (a) shall be liable for damages for the provision of such information unless such person provided such information knowing it to be false.

**SEC. 7. ADMINISTRATION AND APPLICABILITY OF ACT.**

(a) IN GENERAL.—Except as otherwise provided in sections 3(d), 3(e), 4, and 5, this Act shall be enforced by the Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.). Consequently, no activity which is outside the jurisdiction of that Act shall be affected by this Act.

(b) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating a rule of the Commission under section 3 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person who violates such rule shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

**SEC. 8. REVIEW.**

Upon the expiration of 5 years following the date of the enactment of this Act, the Commission shall review its implementation of this Act and its effect on deceptive telemarketing activities and report the results of the review to the Congress.

**SEC. 9. DEFINITIONS.**

For purposes of this Act:

(1) The term "attorney general" means the chief legal officer of a State.

(2) The term "Commission" means the Federal Trade Commission.

(3) The term "State" means any State of the United States, the District of Columbia, Puerto Rico, the Northern Marianas Islands, and any territory or possession of the United States.

(4) The term "telemarketing" means a plan, program, or campaign which is conducted to induce purchases of goods or services by significant use of one or more telephones and which involves more than one interstate telephone call. The term does not include the solicitation of sales through the mailing of a catalog which—

(A) contains a written description or illustration of the goods or services offered for sale,

(B) includes the business address of the seller,

(C) includes multiple pages of written material or illustrations, and

(D) has been issued not less frequently than once a year,

where the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls takes orders only without further solicitation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. OXLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, this legislation, to protect consumers from fraudulent, deceptive, and abusive telemarketing activities, is the product of many hours of constructive work by consumer and business groups, and the State attorneys general. It is also an example of Congress at its best, of Members working in a bipartisan manner to achieve this important result. I especially want to thank Chairman DINGELL and the ranking minority members of the full committee and subcommittee, Representatives MOORHEAD and OXLEY for their unstinting labors in the passage of this legislation.

Regulating legitimate, mutually beneficial telemarketing activities is not the purpose of this legislation. What this legislation goes after are those unscrupulous telemarketing activities where no one benefits but the perpetrator.

The telephone has become a powerful weapon in the hands of those with a persuasive message and a desire to steal. From a boilerroom operation perhaps thousands of miles away, a long hand can reach out and into a consumer's pocket. Fraudulent telemarketers have already gotten past the consumer's front door and into their homes every time they make a phone call. When the day of reckoning comes, and consumers discover they have been ripped off, all too often the fraudulent telemarketer has left behind a rented room, a few phone lines, and no forwarding address.

And it is not only consumers, but businesses and financial institutions that suffer loss. At a hearing before my subcommittee, MasterCard and VISA in a joint statement outlined the problem:

> MasterCard and VISA believe that telemarketing fraud losses will continue to mount without an effective federal legislative response to this national problem. State and local enforcement agencies * * * have initiated actions against fraudulent telemarketers only to be frustrated by state law jurisdictional limits. These jurisdictional limits make it difficult to prosecute or obtain relief from fraudulent telemarketers who locate their operations outside the states in which their victims are located or move frequently to avoid detection and prosecution under state law.

The National Consumer's League—which administers a telemarketing coalition of over 80 industry associations and law enforcement agencies—states that reported losses due to telemarketing fraud now amount to $15 billion per year. The Federal Trade Commission estimates that actual losses may run as high as $40 billion per year. The National Consumers League has sent a letter to every Member urging support of this legislation. The National Association of Attorneys General have also written stating the support of all 50 State attorneys general for this legislation. I quote from their most recent letter, dated March 1 of this year:

> We urge you to vote for this legislation which is critically needed to help state law enforcement officers take effective action

to stop fly-by-night unscrupulous telemarketers from preying on unwary consumers.

H.R. 868 reflects the concerns of law enforcement agencies, consumer groups, and affected financial institutions. This legislation directs the FTC to undertake a rulemaking to prohibit fraudulent, deceptive, and abusive telemarketing activities. It will also allow State attorneys general and certain other State consumer agencies to use the powers of this act to target fly-by-night telemarketers who make deceptive long-distance telemarketing calls and then skip across State lines before State authorities are able to stop them under State law. The bill also allows private rights of action in limited circumstances, and directs the FTC to establish a clearinghouse of information so that consumers can better protect themselves.

An additional protection has also been added to this bill. Working with the Agriculture Committee, and the Telecommunications and Finance Subcommittee on Energy and Commerce, an amendment has been added to require the Commodity Futures Trading Commission and the Securities Exchange Commission to promulgate telemarketing rules for the broker-dealers under their jurisdiction and therefore exempting them from the FTC telemarketing rule. Dual regulation is rarely justified, and I do not believe that dual regulation would be helpful in combating problems with telemarketing fraud and deception. The expertise for policing broker-dealers selling financial instruments regulated by the CFTC or SEC is clearly with those agencies. Having said that, the record is clear that telemarketing abuses are pervasive and they must be dealt with. This amendment creates a clear legislative obligation for the SEC and CFTC to seriously and substantively address this issue. I want to thank Mr. DE LA GARZA, Mr. ENGLISH, Mr. ROBERTS, and Mr. COMBEST of the Agriculture for working so constructively with members of the House Energy and Commerce Committee in furthering this legislation, and include letters of support and clarification.

And this is good legislation. It is necessary legislation for consumers who lose billions every year to telemarketing fraud; for the Federal Trade Commission and our State legal officers who need the tools in this bill to ferret out these telemarketing boiler rooms; and for legitimate businesses who are being exploited by fraudulent and deceptive telemarketers. I strongly urge my colleagues to support this important consumer legislation, H.R. 868, the Consumer Protection Telemarketing Act.

COMMITTEE ON ENERGY AND COMMERCE,
*Washington, DC, February 23, 1993.*

Hon. E DE LA GARZA,
*Chairman, Committee on Agriculture, Longworth Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: Today, the Committee on Energy and Commerce marked up and favorably reported the bill H.R. 868, the Consumer Protection Telemarketing Act. We intend to file the Committee report on the bill tomorrow and to seek to have the bill listed on the suspension calendar early next week.

As you will recall, the same legislation was adopted by the Committee on Energy and Commerce during the 102nd Congress (H.R. 3203, H.Rpt. 102-688). Prior to consideration of the bill by the full House last year, I sought and received the cooperation of the Committee on Agriculture to include an appropriate amendment to the bill that provided commensurate rulemaking authority to the Commodity Futures Trading Commission (FTC) as that provided to the Securities and Exchange Commission under section 3 of the legislation, as amended.

As we agreed last year, we would be pleased to include such a CFTC provision in the suspension vehicle we bring to the floor next week so that commodities transactions will be treated no less favorably or more favorably than securities transactions. In doing so, we of course recognize the jurisdiction of the Committee on Agriculture with respect to the CFTC provision.

I trust this process will allow our Committees to bring the bill, as amended, to the floor next week and hopefully will give our Committees the opportunity to complete action on this legislation with the other body in the near future. We greatly appreciated the full cooperation and assistance we received from the Committee on Agriculture last session and look forward to a prompt and successful resolution of this matter.

With best wishes.

Sincerely,

JOHN D. DINGELL,
*Chairman.*

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COMMITTEE ON AGRICULTURE,
*Washington, DC, March 1, 1993.*

Hon. JOHN D. DINGELL,
*Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: This is in response to your letter regarding H.R. 868, the Consumer Protection Telemarketing Act, and the inclusion in that bill of an amendment regarding the regulation of telemarketing in the commodity markets. As you know, clause 1(a)(18) of Rule X of the Rules of the House of Representatives provides that the Committee on Agriculture has sole jurisdiction over commodity exchanges. I believe that the amendment enclosed herewith—developed through consultations between our Committees—will serve as a valuable addition to the important legislation reported by the Committee on Energy and Commerce. As you mentioned, the amendment would accomplish the purpose of our agreement relating to similar legislation considered in the 102nd Congress.

H.R. 868, as ordered reported, requires that the Federal Trade Commission (FTC) issue rules prohibiting deceptive (including fraudulent) telemarketing activities and other abusive telemarketing activities. As you know, section 2(a)(1)(A) of the Commodity Exchange Act (CEA) provides that the Commodity Futures Trading Commission (CFTC) has exclusive jurisdiction with respect to transactions involving contracts of sale of a commodity for future delivery.

Last year Congress passed legislation reauthorizing the CEA which was enacted as the Futures Trading Practices Act of 1992 (P.L. 102-546). Section 204 of that Act consists of a provision recommended by the Committee on Agriculture in recognition of the need to provide protections against certain telemarketing practices. Under section 204, each registered futures association is required to establish guidelines to protect the public interest relating to telephone solicitations of new futures and options accounts.

In January the CFTC approved supervisory guidelines submitted by the National Futures Association addressing futures industry registrants' telephone solicitation of new accounts. While these guidelines have yet to be fully implemented by the industry, the Committee on Agriculture will support including the enclosed amendment in H.R. 868 to further ensure that customers targeted by entities registered under the CEA will be afforded any necessary regulatory protections from deceptive and abusive telemarketing activities.

Specifically, the enclosed amendment provides that rules promulgated by the FTC under the bill are not to apply to persons who are futures market participants registered or exempt from registration under the CEA. In addition, it adds a new section 6(f) to the CEA to require that not later than 6 months after the promulgation of telemarketing rules by the FTC, the CFTC is required to promulgate rules that prohibit deceptive and abusive telemarketing activities by any entity acting in his or her capacity as a registrant subject to regulation under the CEA. The rules promulgated by the CFTC are required to be substantially similar to the rules promulgated by the FTC. An exception is included to provide that the CFTC is not required to promulgate a new rule if it determines that its existing rules are sufficient, or that such a rule is not necessary or appropriate in the public interest or for the protection of customers in the futures and options markets.

The Committee on Agriculture supports the incorporation of the enclosed amendment in H.R. 868 and will support your request that the bill, as modified, be eligible for consideration under a motion to suspend the rules. Of course, it would be our expectation that members of the Committee on Agriculture would be appointed to serve as conferees regarding this provision and any provision passed by the Senate which relates to the regulation of commodity exchanges. In the event that amendments between the Houses are addressed without the appointment of a conference committee, I would expect the Agriculture Committee to be included in discussions regarding the process of disposing of such amendments, as has been the practice between our committees in the past.

I am grateful for your cooperation and assistance in this matter and commend you and the Members of the Committee on Energy and Commerce for your efforts on this important legislation.

Sincerely,

E (KIKA) DE LA GARZA,
*Chairman.*

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AN AMENDMENT TO H.R. 868 OFFERED BY MR. DE LA GARZA

At the end of section 3 of the bill add the following new subsection:

"(e) COMMODITY FUTURES TRADING COMMISSION RULES.—

"(1) APPLICATION.—The rules promulgated by the Commission under subsection (a) shall

not apply to persons described in subsection (f)(1) of section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 15, 13b, 9a).

"(2) PROMULGATION.—Section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 15, 13b, 9a) is amended by adding at the end the following new subsection:

'(f)(1) Except as provided in paragraph (2), not later than 6 months after the effective date of rules promulgated by the Federal Trade Commission under section 3(a) of the Consumer Protection Telemarketing Act, the Commission shall promulgate, or require each registered futures association to promulgate, rules substantially similar to such rules to prohibit deceptive and other abusive telemarking activities by any person registered or exempt from registration under this Act in connection with such person's business as a futures commission merchant, introducing broker, commodity trading advisor, commodity pool operator, leverage transaction merchant, floor broker, or floor trader, or a person associated with any such person.

'(2) The Commission is not required to promulgate rules under paragraph (1) if it determines that—

'(A) rules adopted by the Commission under this Act provide protection from deceptive and abusive telemarketing by persons described under paragraph (1) substantially similar to that provided by rules promulgated by the Federal Trade Commission under section 3(a) of the Consumer Protection Telemarketing Act; or

'(B) such a rule promulgated by the Commission is not necessary or appropriate in the public interest, or for the protection of customers in the futures and options markets, or would be inconsistent with the maintenance of fair and orderly markets.

If the Commission determines that an exception described in subparagraph (A) or (B) applies, the Commission shall publish in the Federal Register its determination with the reasons for it.'"

Amend section 7 by striking "sections" and inserting "sections 3(e),".

Amend section 9 by striking "the implementation" and inserting "its implementation".

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

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

Mr. Speaker, I want to commend our subcommittee chairman, the gentleman from Washington State [Mr. SWIFT] our committee chairman, the gentleman from Michigan [Mr. DINGELL], and our ranking Republican, the gentleman from California, for their prompt movement of this bipartisan legislation through the committee.

This bill addresses the fight against the defrauding and deception of American consumers by unscrupulous telemarketers—a loss that is now at least $10 billion annually. The legislation provides for new rules to be developed by the Federal Trade Commission to identify and target fraudulent and deceptive telemarketing practices. The bill also strengthens the partnership of State law enforcement agencies and the Federal Trade Commission by empowering State attorneys general to enforce the FTC telemarketing regulations in Federal court.

This is the same approach to joint State-Federal enforcement contained in the FTC provisions of the Telemarketing Disclosure and Dispute Resolution Act reported by this committee and enacted last fall to deal with abuses in the pay per call or 900 number industry.

Under this bill, the State attorneys general and the FTC can forge an even stronger partnership to deal with fraudulent and deceptive telemarketing operations that frequently operate across, and flee across, State lines.

By taking legislative action here, we are not only helping to protect American consumers, but also helping to maintain the integrity of a highly productive and growing industry.

Telemarketing, like all information-based technologies, helps to increase productivity by separating work from location. Telephone shopping provides consumers increased convenience, lower costs, and a wider variety of choices. But all of these advantages depend upon the public's being able to relay upon the integrity of the telemarketing process. That is a key role of this legislation, H.R. 868.

Finally, I want to commend our committee and subcommittee leadership for assuring through technical changes to this bill that there will not be any overlap or duplication of effort between the jurisdiction of the Federal Trade Commission on the one hand, and the antifraud authority of the Securities and Exchange Commission and the Commodities Futures Trading Commission, on the other.

I strongly support this legislation and urge its prompt approval.

□ 1400

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

Mr. SWIFT. Mr. Speaker, I yield 3 minutes to the gentlewoman from Arkansas [Ms. LAMBERT], who is a cosponsor of the legislation and a member of the subcommittee.

Ms. LAMBERT. Mr. Speaker, I want to commend Chairman SWIFT and ranking member OXLEY for the energy they and their staffs have put into this legislation. Their efforts have given us an outstanding chance to break the backbone of fraudulent telemarketers by voting in favor of H.R. 868, the Consumer Protection Telemarketing Act.

The backbone I want to break is the financial incentive involved in illegal telemarketing. Through additional cooperation between the Federal Trade Commission [FTC] and State attorneys general, midnight bandit telemarketers could have their operations shut down and their finances seized quickly. Elimination of financial incentives will go a long way toward eradicating this pervasive crime from our society.

Some may be asking why do we need this additional legislation? The answer is in the existence of these common criminals. The typical fraudulent telemarketer is making phone calls across State lines talking the innocent victim into releasing their credit card number. Once the card number is given, the game is over. The criminal processes the credit card, gets the money, and moves on. It is just that simple. But shutting the bandits down is not as simple as the crime.

When attorneys general shut down these thieves, the offenders quickly set up shop in another State usually leaving only rented phone lines and office equipment as proof of their existence. Generally though, the attorney general cannot cross his State line to get these criminals. As you have heard, the overhead is low and the potential is as big as your local phone book.

In my home State of Arkansas, we have an active consumer affairs division. Throughout the past year, the division collected over 3,000 grievances and filed 25 lawsuits, which did not even dent the problem. These crimes have touched the majority of our constituents. There is not a single demographic group who has not suffered the financial loss and humiliation brought on by this fraud.

Telemarketing fraud is so out of control that Winston Bryant, the attorney general of Arkansas, calls telemarketing fraud elimination "the biggest consumer protection issue." Don't get me wrong, I am not professing that this bill is the end-all for the elimination of fraud. Rather, I do believe this legislation is a necessary first step in the correlation of efforts between State and Federal agencies. Hopefully, this venture will provide a model for future Federal and State coordination.

Last but certainly not least, I want to thank the legitimate telemarketing industry. Prior to and throughout our hearings on this matter, lawful operators have been forthright in providing their assistance to find a solution to this problem. I know first hand that the legitimate companies provide vital services especially to such rural areas as the First District of Arkansas.

Mr. Speaker, I believe our colleagues are ready to give State attorneys general the ability to provide the relief our constituents desire. I strongly urge a vote in favor of H.R. 868, the Consumer Protection Telemarketing Act.

Mr. Speaker, I include for the RECORD an article entitled "Telemarketers in LR, Fort Smith, Tulsa get wake-up call from FTC."

TELEMARKETERS IN LR, FORT SMITH, TULSA GET WAKE-UP CALL FROM FTC

(By D.R. Stewart)

FORT SMITH.—Four telemarketing "boiler room" operations in Little Rock, Fort Smith and Tulsa have been closed by a federal district court order following federal and state investigations of allegedly deceptive prize schemes.

The Arkansas and Oklahoma operations are part of two "major clusters" of Las Vegas, Nev.-based telemarketing companies that are charged by the Federal Trade Commission with engaging in deceptive prize-promotion schemes. The federal agency filed its complaints under seal in U.S. District Court for the District of Nevada, in Las Vegas, on Monday. The seal was lifted Wednesday.

The court ordered company officers and employees to halt the challenged sales practices, froze defendants' assets and ordered them to appear at a hearing on the FTC's motion for a preliminary injunction on March 1.

In Little Rock, Sierra Pacific Marketing Inc. operated a 50-phone telemarketing center at Suite 212, 9108 Rodney Parham Road.

Jim DePriest, assistant Arkansas attorney general, said about 30 employees were engaged in telephone sales when state officials closed the telemarketer Wednesday.

"Office Manager Mr. Sonny Blair told me they had been in business since March 1992," DePriest said. "The room was equipped with close to 50 telephone stations. They had been calling all over the U.S. except for 10 states, including Arkansas."

Bonnie Jansen, representative for the Federal Trade Commission in Washington, said Sierra Pacific had been in the telemarketing business since 1987.

Employees of Sierra and the other companies named in the court order typically called people from purchased lists or out of the phone book and told them they had won valuable prizes, Jansen said. The telemarketers then used a variety of misrepresentations to get consumers to purchase cosmetics, vitamins, "environmentally safe" cleaning products, water purifiers and other products, she said.

Sierra and the other companies also aided other telemarketers engaging in similarly deceptive sales practices, Jansen said. The schemes have been particularly successful in victimizing elderly consumers, she said.

The federal district court order follows a 1992 FTC case against a third major Las Vegas-based group of telemarketing companies that allegedly used a similar prize-promotion scheme. The defendants in that scheme, led by Pioneering Enterprises Inc., recently agreed to halt the practices challenged by the FTC and to pay $1.5 million to consumers bilked by the operation.

"This reflects a new approach by the FTC toward combating fraud," Jansen said. "There are hundreds of telemarketing boiler rooms around the country that can shut down in a moment's notice when they find out they are being investigated. What we have found is that the larger organizations supply these boiler room operations with everything they need to engage in deceptive or fraudulent schemes—scripts that sales persons can use when they call consumers to try and get them to bite, postcards they send to consumers to entice them, credit card processing and a variety of other services.

"The FTC has found that by going after the larger organizations, you can shut down all the boiler rooms in one fell swoop. We call it the dandelion and root theory. We go after the root rather than picking off the dandelion flower."

Also closed Wednesday by representatives of the Arkansas and Oklahoma attorneys general were boiler room operations in Fort Smith and Tulsa.

The Fort Smith operation was located at Suite 180, 5111 Rogers Ave. It was operating when it was closed, and state officials are examining company files, said Robert Schroeder, assistant regional director of the Seattle office of the FTC.

Schroeder said only one of two telemarketing offices in Tulsa was in use when they were sealed Wednesday. That was at Suite 119, 8228 E. 61st St. Another operation at 6111 E. Skelly Dr., Suite 100, had been abandoned.

Cooperating in the investigation of Sierra Pacific Marketing Inc. and a cluster of companies known variously as S.E.C. Enterprises Inc., National Health Care Associates, Future World Inc., and American Health Associates Inc. were the FTC, the Federal Bureau of Investigation, the Arkansas attorney general and the attorneys general of Oklahoma, Louisiana, Texas, California, Arizona, Idaho and Oregon, officials said.

According to FTC complaints filed in the cases, the defendants mailed consumers "Certificate(s) of Award Guarantee" or made unsolicited telephone calls, or both, in which they stated that recipients had been selected to receive one of four or five prizes as part of a special promotion. At that point, officials said, the defendants allegedly began a deceptive pitch to entice the consumers to purchase various types of merchandise in order to receive their prizes.

In the course of the sales pitches, telemarketers allegedly misrepresented the values of the awards or told the consumers they had won the most valuable prize. Often, consumers were told they had won a car or other prize worth thousands of dollars, FTC officials said.

Consumers who cooperated with the phone sales scheme initially spent $399 or more, but officials said some spent thousands of dollars, the FTC complaint said.

After considering the FTC complaints, the court granted temporary restraining orders halting the allegedly deceptive marketing practices and freezing the defendants' assets pending hearings on the FTC's motions for preliminary injunctions. The preliminary injunctions would prohibit the companies from reopening the boiler rooms or opening other such operations until after the trial.

Mr. SANTORUM. Mr. Speaker, I rise in strong support of the Consumer Protection Telemarketing Act which will strengthen the ability of the Federal Trade Commission to establish and enforce laws against fraudulent and illegal telemarketing practices.

Many illicit telemarketing firms are virtual boiler-room operations, moving from State to State just one step ahead of law enforcement officials. Yet, so long as telemarketers do not commit mail fraud or violate other Federal laws, they can be nearly immune from prosecution. This bill will make it much more difficult to escape State and Federal action.

According to a 1992 National Consumer League survey, more than 92 percent of adult Americans received fraudulent solicitations over the previous 2 years. I believe this number is not an exaggeration, because I am frequently asked by my constituents whether a particular offer is legitimate.

At one gathering held in West Mifflin, PA, a retiree stayed after the meeting to ask my opinion about a prize that he and his wife had been offered. Although they depended largely on their modest Social Security benefits for income, both he and his wife had been nearly coerced into paying $2,000 to accept their prize.

This is outright fraud, and I strongly support H.R. 868 to reign in the activities of unscrupulous telemarketing firms who prey on the most vulnerable of the American population, our elderly and our poor.

Mr. MOORHEAD. Mr. Speaker, I want to commend our committee chairman, Mr. DINGELL, the subcommittee chairman Mr. SWIFT, and the subcommittee's ranking member, Mr. OXLEY, for their diligent work on this bipartisan legislation.

Fraudulent and deceptive telemarketing practices are exacting a multibillion-dollar toll from American consumers and businesses. They prey heavily on the elderly, the young, and those whose disabilities prevent them from employing other means of shopping.

Not only does this small minority of bad apples in telemarketing harm its own customer victims, such fraudulent operations also undermine the integrity and credibility of that vast majority of legitimate businesses who use the telephone as a helpful marketing and sales tool. I am therefore pleased to support this legislation, which is intended to give State and Federal authorities the tools they need to go after fraudulent and deceptive telemarketing operations on a comprehensive basis.

We in California especially appreciate the need for a concerted, multi-State offensive against these con artists. Thousands of Californians have been victimized by boiler room operations based in neighboring States—beyond the reach of our State authorities. I am therefore pleased that a major theme of this bill is a broad-based partnership of the Federal Trade Commission with State attorneys general to attack telemarketing scams wherever they may be based.

This enforcement partnership between the FTC and the State attorneys general will help assure that the limited resources at both the State and Federal levels are used to produce the greatest possible returns.

Mr. SLATTERY. Mr. Speaker, I rise in support of H.R. 868, the Consumer Protection Telemarketing Act. I want to compliment Chairman SWIFT and his staff on their fine work in putting together this piece of legislation, which will help to prevent the billions of dollars of telemarketing fraud taking place every year.

This bill would empower the Federal Trade Commission [FTC] to establish rules prohibiting fraudulent, deceptive, and abusive telemarketing practices. The FTC would also create an information clearinghouse on telemarketing activities. Private citizens, including credit card companies and banks acting on behalf of groups of private citizens, would be allowed to sue telemarketers under the provisions of this legislation. Finally, this bill would allow State attorneys general to take action in district court against fraudulent telemarketers, even those based in other States.

Kansas attorney general, Robert Stephan has been a strong supporter of H.R. 868. He believes strongly that State attorneys general should be able to go after dishonest telemarketers, who often pack up their bags and disappear before overburdened attorneys at the FTC can get after them. He is especially supportive of the provisions allowing credit card companies and banks to go after telemarketers, because several Kansas institutions have run into such problems.

I am pleased that the Energy and Commerce Committee, of which I am member, has

taken such quick action on this legislation in the 103d Congress, and I urge its adoption.

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

Mr. SWIFT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and pass the bill, H.R. 868, as amended.

The question was taken.

Mr. OXLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

## EMERGING TELECOMMUNICATIONS TECHNOLOGIES ACT OF 1993

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 707) to establish procedures to improve the allocation and assignment of the electromagnetic spectrum, and for other purposes.

The Clerk read as follows:

H.R. 707

*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 "Emerging Telecommunications Technologies Act of 1993".

**SEC. 2. AMENDMENT TO THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION ORGANIZATION ACT.**

The National Telecommunications and Information Administration Organization Act is amended—

(1) by redesignating part B as part C; and

(2) by inserting after part A the following new part:

**"PART B—EMERGING TELECOMMUNICATIONS TECHNOLOGIES**

**"SEC. 111. FINDINGS.**

"The Congress finds that—

"(1) the Federal Government currently reserves for its own use, or has priority of access to, approximately 40 percent of the electromagnetic spectrum that is assigned for use pursuant to the Communications Act of 1934;

"(2) many of such frequencies are underutilized by Federal Government licensees;

"(3) the public interest requires that many of such frequencies be utilized more efficiently by Federal Government and non-Federal licensees;

"(4) additional frequencies are assigned for services that could be obtained more efficiently from commercial carriers or other vendors;

"(5) scarcity of assignable frequencies for licensing by the Commission can and will—

"(A) impede the development and commercialization of new telecommunications products and services;

"(B) limit the capacity and efficiency of the United States telecommunications systems;

"(C) prevent some State and local police, fire, and emergency services from obtaining urgently needed radio channels; and

"(D) adversely affect the productive capacity and international competitiveness of the United States economy;

"(6) a reassignment of these frequencies can produce significant economic returns; and

"(7) the Secretary of Commerce, the President, and the Federal Communications Commission should be directed to take appropriate steps to correct these deficiencies.

**"SEC. 112. NATIONAL SPECTRUM PLANNING.**

"(a) PLANNING ACTIVITIES.—The Assistant Secretary and the Chairman of the Commission shall meet, at least biannually, to conduct joint spectrum planning with respect to the following issues—

"(1) the future spectrum requirements for public and private uses, including State and local government public safety agencies;

"(2) the spectrum allocation actions necessary to accommodate those uses; and

"(3) actions necessary to promote the efficient use of the spectrum, including spectrum management techniques to promote increased shared use of the spectrum that does not cause harmful interference as a means of increasing commercial access.

"(b) REPORTS.—The Assistant Secretary and the Chairman of the Commission shall submit a joint annual report to the Committee on Energy and Commerce of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Secretary, and the Commission on the joint spectrum planning activities conducted under subsection (a) and recommendations for action developed pursuant to such activities.

"(c) REPORTING REQUIREMENTS.—The first annual report submitted after the date of the report by the advisory committee under section 113(d)(4) shall—

"(1) include an analysis of and response to that committee report; and

"(2) include an analysis of the effect on spectrum efficiency and the cost of equipment to Federal spectrum users of maintaining separate allocations for Federal Government and non-Federal Government licensees for the same or similar services.

**"SEC. 113. IDENTIFICATION OF REALLOCABLE FREQUENCIES.**

"(a) IDENTIFICATION REQUIRED.—The Secretary shall, within 24 months after the date of the enactment of this part, prepare and submit to the President and the Congress a report identifying bands of frequencies that—

"(1) are allocated on a primary basis for Federal Government use and eligible for licensing pursuant to section 305(a) of the Act (47 U.S.C. 305(a));

"(2) are not required for the present or identifiable future needs of the Federal Government;

"(3) can feasibly be made available, as of the date of submission of the report or at any time during the next 15 years, for use under the Act (other than for Federal Government stations under such section 305);

"(4) will not result in costs to the Federal Government, or losses of services or benefits to the public, that are excessive in relation to the benefits that may be obtained by non-Federal licensees; and

"(5) are most likely to have the greatest potential for productive uses and public benefits under the Act.

"(b) MINIMUM AMOUNT OF SPECTRUM RECOMMENDED.—

"(1) IN GENERAL.—Based on the report required by subsection (a), the Secretary shall recommend for reallocation, for use other than by Federal Government stations under section 305 of the Act (47 U.S.C. 305), bands of frequencies that span a total of not less than 200 megahertz, that are located below 6 gigahertz, and that meet the criteria specified in paragraphs (1) through (4) of subsection (a). The Secretary may not include, in such 200 megahertz, bands of frequencies that span more than 20 megahertz and that are located between 5 and 6 gigahertz. If the report identifies (as meeting such criteria) bands of frequencies spanning more than 200 megahertz, the report shall identify and recommend for reallocation those bands (spanning not less than 200 megahertz) that meet the criteria specified in paragraph (5) of such subsection.

"(2) MIXED USES PERMITTED TO BE COUNTED.—Bands of frequencies which the Secretary's report recommends be partially retained for use by Federal Government stations, but which are also recommended to be reallocated to be made available under the Act for use by non-Federal stations, may be counted toward the minimum spectrum required by paragraph (1) of this subsection, except that—

"(A) the bands of frequencies counted under this paragraph may not count toward more than one-half of the minimum required by paragraph (1) of this subsection;

"(B) a band of frequencies may not be counted under this paragraph unless the assignments of the band to Federal Government stations under section 305 of the Act (47 U.S.C. 305) are limited by geographic area, by time, or by other means so as to guarantee that the potential use to be made by such Federal Government stations is substantially less (as measured by geographic area, time, or otherwise) than the potential use to be made by non-Federal stations; and

"(C) the operational sharing permitted under this paragraph shall be subject to coordination procedures which the Commission shall establish and implement to ensure against harmful interference.

"(c) CRITERIA FOR IDENTIFICATION.—

"(1) NEEDS OF THE FEDERAL GOVERNMENT.—In determining whether a band of frequencies meets the criteria specified in subsection (a)(2), the Secretary shall—

"(A) consider whether the band of frequencies is used to provide a communications service that is or could be available from a commercial carrier or other vendor;

"(B) seek to promote—

"(i) the maximum practicable reliance on commercially available substitutes;

"(ii) the sharing of frequencies (as permitted under subsection (b)(2));

"(iii) the development and use of new communications technologies; and

"(iv) the use of nonradiating communications systems where practicable; and

"(C) seek to avoid—

"(i) serious degradation of Federal Government services and operations; and

"(ii) excessive costs to the Federal Government and users of Federal Government services.

"(2) FEASIBILITY OF USE.—In determining whether a frequency band meets the criteria specified in subsection (a)(3), the Secretary shall—

"(A) assume such frequencies will be assigned by the Commission under section 303 of the Act (47 U.S.C. 303) over the course of not less than 15 years;

"(B) assume reasonable rates of scientific progress and growth of demand for telecommunications services;

"(C) determine the extent to which the reallocation or reassignment will relieve actual or potential scarcity of frequencies

available for licensing by the Commission for non-Federal use;

"(D) seek to include frequencies which can be used to stimulate the development of new technologies; and

"(E) consider the immediate and recurring costs to reestablish services displaced by the reallocation of spectrum.

"(3) ANALYSIS OF BENEFITS.—In determining whether a band of frequencies meets the criteria specified in subsection (a)(4), the Secretary shall consider—

"(A) the extent to which equipment is or will be available that is capable of utilizing the band;

"(B) the proximity of frequencies that are already assigned for commercial or other non-Federal use; and

"(C) the activities of foreign governments in making frequencies available for experimentation or commercial assignments in order to support their domestic manufacturers of equipment.

"(4) POWER AGENCY FREQUENCIES.—

"(A) ELIGIBLE FOR MIXED USE ONLY.—The frequencies assigned to any Federal power agency may only be eligible for mixed use under subsection (b)(2) in geographically separate areas and shall not be recommended for the purposes of withdrawing that assignment. In any case where a frequency is to be shared by an affected Federal power agency and a non-Federal user, such use by the non-Federal user shall, consistent with the procedures established under subsection (b)(2)(C), not cause harmful interference to the affected Federal power agency or adversely affect the reliability of its power system.

"(B) DEFINITION.—As used in this paragraph, the term 'Federal power agency' means the Tennessee Valley Authority, the Bonneville Power Administration, the Western Area Power Administration, or the Southwestern Power Administration.

"(d) PROCEDURE FOR IDENTIFICATION OF REALLOCABLE BANDS OF FREQUENCIES.—

"(1) SUBMISSION OF PRELIMINARY IDENTIFICATION TO CONGRESS.—Within 12 months after the date of the enactment of this part, the Secretary shall prepare and submit to the Congress a report which makes a preliminary identification of reallocable bands of frequencies which meet the criteria established by this section.

"(2) CONVENING OF ADVISORY COMMITTEE.—Not later than the date the Secretary submits the report required by paragraph (1), the Secretary shall convene an advisory committee to—

"(A) review the bands of frequencies identified in such report;

"(B) advise the Secretary with respect to (i) the bands of frequencies which should be included in the final report required by subsection (a), and (ii) the effective dates which should be established under subsection (e) with respect to such frequencies;

"(C) receive public comment on the Secretary's report and on the final report; and

"(D) prepare and submit the report required by paragraph (4).

The advisory committee shall meet at least monthly until each of the actions required by section 114(a) have taken place.

"(3) COMPOSITION OF COMMITTEE; CHAIRMAN.—The advisory committee shall include—

"(A) the Chairman of the Commission and the Assistant Secretary, and one other representative of the Federal Government as designated by the Secretary; and

"(B) representatives of—

"(i) United States manufacturers of spectrum-dependent telecommunications equipment;

"(ii) commercial carriers;

"(iii) other users of the electromagnetic spectrum, including radio and television broadcast licensees, State and local public safety agencies, and the aviation industry; and

"(iv) other interested members of the public who are knowledgeable about the uses of the electromagnetic spectrum.

A majority of the members of the committee shall be members described in subparagraph (B), and one of such members shall be designated as chairman by the Secretary.

"(4) RECOMMENDATIONS ON SPECTRUM ALLOCATION PROCEDURES.—The advisory committee shall, not later than 36 months after the date of the enactment of this part, submit to the Secretary, the Commission, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, a report containing such recommendations as the advisory committee considers appropriate for the reform of the process of allocating the electromagnetic spectrum between Federal and non-Federal use, and any dissenting views thereon.

"(e) TIMETABLE FOR REALLOCATION AND LIMITATION.—

"(1) TIMETABLE REQUIRED.—The Secretary shall, as part of the report required by subsection (a), include a timetable that recommends immediate and delayed effective dates by which the President shall withdraw or limit assignments on the frequencies specified in the report.

"(2) EXPEDITED REALLOCATION OF INITIAL 30 MHZ PERMITTED.—The Secretary may prepare and submit to the President a report which specifically identifies an initial 30 megahertz of spectrum that meets the criteria described in subsection (a) and that can be made available for reallocation immediately upon issuance of the report required by this section.

"(3) DELAYED EFFECTIVE DATE.—The recommended delayed effective dates shall—

"(A) permit the earliest possible reallocation of the frequency bands, taking into account the requirements of section 115(1);

"(B) be based on the useful remaining life of equipment that has been purchased or contracted for to operate on identified frequencies;

"(C) be based on the need to coordinate frequency use with other nations; and

"(D) take into account the relationship between the costs to the Federal Government of changing to different frequencies and the benefits that may be obtained from commercial and other non-Federal uses of the reassigned frequencies.

**"SEC. 114. WITHDRAWAL OF ASSIGNMENT TO FEDERAL GOVERNMENT STATIONS.**

"(a) IN GENERAL.—The President shall—

"(1) within 6 months after receipt of the Secretary's report under section 113(a), withdraw the assignment to a Federal Government station of any frequency which the report recommends for immediate reallocation;

"(2) within such 6-month period, limit the assignment to a Federal Government station of any frequency which the report recommends be made immediately available for mixed use under section 113(b)(2);

"(3) by the delayed effective date recommended by the Secretary under section 113(e) (except as provided in subsection (b)(4) of this section), withdraw or limit the assignment to a Federal Government station of any frequency which the report recommends be reallocated or made available for mixed use on such delayed effective date;

"(4) assign or reassign other frequencies to Federal Government stations as necessary to adjust to such withdrawal or limitation of assignments; and

"(5) transmit a notice and description to the Commission and each House of Congress of the actions taken under this subsection.

"(b) EXCEPTIONS.—

"(1) AUTHORITY TO SUBSTITUTE.—If the President determines that a circumstance described in paragraph (2) exists, the President—

"(A) may substitute an alternative frequency or band of frequencies for the frequency or band that is subject to such determination and withdraw (or limit) the assignment of that alternative frequency or band in the manner required by subsection (a); and

"(B) shall submit a statement of the reasons for taking the action described in subparagraph (A) to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(2) GROUNDS FOR SUBSTITUTION.—For purposes of paragraph (1), the following circumstances are described in this paragraph:

"(A) the reassignment would seriously jeopardize the national defense interests of the United States;

"(B) the frequency proposed for reassignment is uniquely suited to meeting important governmental needs;

"(C) the reassignment would seriously jeopardize public health or safety; or

"(D) the reassignment will result in costs to the Federal Government that are excessive in relation to the benefits that may be obtained from commercial or other non-Federal uses of the reassigned frequency.

"(3) CRITERIA FOR SUBSTITUTED FREQUENCIES.—For purposes of paragraph (1), a frequency may not be substituted for a frequency identified by the report of the Secretary under section 113(a) unless the substituted frequency also meets each of the criteria specified by section 113(a).

"(4) DELAYS IN IMPLEMENTATION.—If the President determines that any action cannot be completed by the delayed effective date recommended by the Secretary pursuant to section 113(e), or that such an action by such date would result in a frequency being unused as a consequence of the Commission's plan under section 115, the President may—

"(A) withdraw or limit the assignment to Federal Government stations on a later date that is consistent with such plan, except that the President shall notify each committee specified in paragraph (1)(B) and the Commission of the reason that withdrawal or limitation at a later date is required; or

"(B) substitute alternative frequencies pursuant to the provisions of this subsection.

"(c) LIMITATION ON DELEGATION.—Notwithstanding any other provision of law, the authorities and duties established by this section may not be delegated.

**"SEC. 115. DISTRIBUTION OF FREQUENCIES BY THE COMMISSION.**

Not later than 1 year after the President notifies the Commission pursuant to section 114(a)(5), the Commission shall prepare, in consultation with the Assistant Secretary when necessary, and submit to the President and the Congress, a plan for the distribution under the Act of the frequency bands reallocated pursuant to the requirements of this part. Such plan shall—

"(1) not propose the immediate distribution of all such frequencies, but, taking into

account the timetable recommended by the Secretary pursuant to section 113(e), shall propose—

"(A) gradually to distribute the frequencies remaining, after making the reservation required by subparagraph (B), over the course of a period of not less than 10 years beginning on the date of submission of such plan; and

"(B) to reserve a significant portion of such frequencies for distribution beginning after the end of such 10-year period;

"(2) contain appropriate provisions to ensure—

"(A) the availability of frequencies for new technologies and services in accordance with the policies of section 7 of the Act (47 U.S.C. 157); and

"(B) the availability of frequencies to stimulate the development of such technologies;

"(3) address (A) the feasibility of reallocating spectrum from current commercial and other non-Federal uses to provide for more efficient use of the spectrum, and (B) innovation and marketplace developments that may affect the relative efficiencies of different spectrum allocations; and

"(4) not prevent the Commission from allocating bands of frequencies for specific uses in future rulemaking proceedings.

**"SEC. 116. AUTHORITY TO RECOVER REASSIGNED FREQUENCIES.**

"(a) AUTHORITY OF PRESIDENT.—Subsequent to the withdrawal of assignment to Federal Government stations pursuant to section 114, the President may reclaim reassigned frequencies for reassignment to Federal Government stations in accordance with this section.

"(b) PROCEDURE FOR RECLAIMING FREQUENCIES.—

"(1) UNALLOCATED FREQUENCIES.—If the frequencies to be reclaimed have not been allocated or assigned by the Commission pursuant to the Act, the President shall follow the procedures for substitution of frequencies established by section 114(b) of this part.

"(2) ALLOCATED FREQUENCIES.—If the frequencies to be reclaimed have been allocated or assigned by the Commission, the President shall follow the procedures for substitution of frequencies established by section 114(b) of this part, except that the notification required by section 114(b)(1)(A) shall include—

"(A) a timetable to accommodate an orderly transition for licensees to obtain new frequencies and equipment necessary for its utilization; and

"(B) an estimate of the cost of displacing spectrum users licensed by the Commission.

"(c) COSTS OF RECLAIMING FREQUENCIES; APPROPRIATIONS AUTHORIZED.—The Federal Government shall bear all costs of reclaiming frequencies pursuant to this section, including the cost of equipment which is rendered unusable, the cost of relocating operations to a different frequency band, and any other costs that are directly attributable to the reclaiming of the frequency pursuant to this section. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

"(d) EFFECTIVE DATE OF RECLAIMED FREQUENCIES.—The Commission shall not withdraw licenses for any reclaimed frequencies until the end of the fiscal year following the fiscal year in which the President's notification is received.

"(e) EFFECT ON OTHER LAW.—Nothing in this section shall be construed to limit or otherwise affect the authority of the President under sections 305 and 706 of the Act (47 U.S.C. 305, 606).

**"SEC. 117. DEFINITIONS.**

As used in this part:

"(1) The term 'allocation' means an entry in the National Table of Frequency Allocations of a given frequency band for the purpose of its use by one or more radiocommunication services.

"(2) The term 'assignment' means an authorization given to a station licensee to use specific frequencies or channels.

"(3) The term 'commercial carrier' means any entity that uses a facility licensed by the Federal Communications Commission pursuant to the Communications Act of 1934 for hire or for its own use, but does not include Federal Government stations licensed pursuant to section 305 of the Act (47 U.S.C. 305).

"(4) The term 'the Act' means the Communications Act of 1934 (47 U.S.C. 151 et seq.).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. OXLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I yield myself as much time as I may consume.

This piece of legislation, Mr. Speaker, is really the first jobs bill to come on to the floor of the House of Representatives in the Clinton era. It is a piece of legislation which will free up at least 200 megahertz of radio spectrum for use by telecommunications, computer, other high-technology industries over the next decade.

Just for a little bit of history so people know what it is we are talking about, back in 1968 the U.S. Government reallocated 50 megahertz of the spectrum, just 50, and from that 50 was created the entire cellular phone industry, creating tens of thousands of jobs in the American economy. Here today on the floor of the House we are about to reallocate 200 megahertz of the spectrum which has the potential of creating hundreds of thousands of new jobs in the American economy, in my opinion the most exciting and the most critical part of the additions that can be made to the improvement of efficiencies in the American economy over the next 3, 4, 5 years, up toward the year 2000 because it unleashes the extraordinary creativity of the hybrid technologies that can be created by the most brilliant scientists, computer software, satellite geniuses within our society.

We can talk about wireless computer faxes, digital assistance, smart computer phones. We can be talking about, before the year 2000, that mythical Dick Tracy two-way wrist radio that we used to read about and think was only the fantasy of cartoon drawers or of science fiction writers. We will have them in our lives by the year 2000 if we work smart and give this kind of incentive to the new industries which are out there in our country.

So this piece of legislation is going to move very swiftly. We have moved it out of the committee, and out here on to the floor so that there can be a companion piece of legislation which we work with in the Senate. As well, we have to work on subsequently a concomitant piece of legislation which will deal with the subject of what kind of revenues we will derive from the spectrum as entrepreneurs, larger companies, individuals begin to utilize it. It has a tremendous potential as a budget-solving part of the 1993 fiscal crisis, and also as a private sector entrepreneurial-driven technology-based set of programs which I think has the potential of being one of the major new additions to our economy over the next 6 to 8 years.

So I recommend this bill wholeheartedly to all Members out there in their offices listening. We passed it in the last Congress. Unfortunately, it was stymied at the end of the session. But we hope this year to be able to put it on a fast track so that we can deal with all of the other attendant issues that will be dealt with as we look at them and how we derive revenues from this reallocation.

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

Mr. DINGELL. Mr. Speaker, I rise in strong support of the bill H.R. 707, the Emerging Telecommunications Technologies Act. This represents the third time that the Committee on Energy and Commerce has brought this bill to the House. It has passed the House twice, each time by unanimous voice vote. I hope that, in this case at least, the third time is the charm, and that this bill can finally be sent to the President for his signature.

Two years ago, when the committee marked up H.R. 531, I stated that this was probably the most important piece of communications legislation that would come before us. Since that time, I have become even more convinced that this is true.

We have seen extraordinary developments in high definition television. Personal communications services are now in the experimental stages. New technologies on the horizon will revolutionize the way Americans communicate and conduct their daily lives.

But many of these technologies can only be made available to the American people if the Government allocates a sufficient amount of spectrum. Without additional frequencies, new wireless technologies will remain in the laboratories.

Other countries have realized that spectrum availability is critical to leadership in wireless technologies. They have moved swiftly—in many cases, much faster than the United States—to make sure that their manufacturers have spectrum available for new products and services.

Unless we do likewise, America's leadership in radio technologies will be at risk.

H.R. 707 is a good bill. It will help to make our Government more efficient in its use of the spectrum, freeing up 200 megahertz for new technologies. It will help to alleviate congestion, so that services such as public safety will be better able to serve the public. I hope that all of the members of this committee will join

me in supporting this legislation, so that we can send it to the President expeditiously.

The legislation is supported by nearly every user of the radio spectrum. Among its supporters are the Association of Public Safety Communications Officials, the National Association of Business and Educational Radio, and the National Association of Broadcasters. Virtually everyone agrees that this bill should be signed into law.

Before yielding back my time, I would like to address the issue of spectrum auctions. The primary reason that this bill is not law is because of the insistence of the last administration that it be joined with a proposal to permit the FCC to auction spectrum. Many of us felt that this legislation was too important to be held hostage to the auction proposal, and that the manner in which this spectrum is disposed of should be considered separately. In fact, had the bill not been held hostage, the processes contained in the legislation would have been completed. The FCC would be making decisions to allocate Government spectrum to new technologies today.

Two weeks ago, President Clinton submitted his comprehensive economic plan to the Congress. Included in his proposal is that the FCC be given authority to auction spectrum.

We will deal with this proposal. Many of us have questions about how the public interest will be protected if auctions are permitted. It is my hope that we can craft a response that will satisfy the President, without simply selling the Nation's airwaves to the highest bidder.

But in the meantime, we ought to move forward. There is too much demand for spectrum to delay further the implementation of this landmark bill. I urge my colleagues to join me in supporting this legislation, and working with me in the coming months to address the issue of auctions

□ 1410

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

Mr. Speaker, I rise in strong support of H.R. 707, the Emerging Telecommunications Technologies Act of 1993. It is critical that Congress enact this legislation into law this year to avoid a serious impending spectrum crisis.

Like all resources, the radio spectrum is finite in future and must be cautiously distributed. All agree that the radio spectrum is crowded just from existing technologies. Failure to make spectrum available for new and emerging technologies creates the risk of delaying or inhibiting the development and deployment of vital new telecommunications services in America.

Everyone recognizes that our domestic telecommunications industry competes in an increasingly competitive global marketplace. In this market, innovation and responsiveness to customer demand will determine who succeeds and who fails. Thus, this bill is about jobs, U.S. competitiveness, and the future of our telecommunications industry.

H.R. 707 helps to ensure that we do not hamstring our own domestic telecommunications industry, and thereby threaten our future competitiveness.

The bill is substantially similar to legislation adopted by this committee and the full House last year. It requires the Secretary of Commerce and the Commerce Department's National Telecommunications and Information Administration [NTIA], as the Government's spectrum coordinator, to identify 200 megahertz of spectrum to be turned over to the FCC. The FCC is then directed to allocate that spectrum to commercial users, either to expand existing technologies, if necessary, or to make room for new ones.

I commend the full committee chairman, Mr. DINGELL, for his leadership on this important issue. I also commend the subcommittee chairman, Mr. MARKEY, the ranking minority members of the full committee and subcommittee, Messrs. MOORHEAD and FIELDS, respectively, for their significant efforts as well. I believe this bill meets an important need of a critical U.S. industry.

I am pleased to note that I have received assurances during the Energy and Commerce Committee's consideration of H.R. 707 that the committee will consider spectrum auction legislation such as I have introduced. I am also gratified that the Clinton administration has endorsed the concept of auctions. I would like to propound a question to my good friend, the subcommittee chairman, Mr. MARKEY.

Mr. Speaker, my question is this: As the chairman knows, once this bill is passed and the spectrum is available, the next question occurs then as to how that spectrum is allocated in the private sector. As the gentleman also knows, I have introduced legislation that would call for replacing the current lottery system that many find, I think, abhorrent, to a more equitable system which would distribute through the auction process.

I also understand, as a result of my forbearance in offering the amendment in committee, that the chairman is prepared to recognize our efforts with hearings and the like, and I would just simply ask for confirmation from my good friend, the gentleman from Massachusetts.

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

Mr. OXLEY. I am happy to yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, we genuinely do appreciate the gentleman's forbearance at the committee level, notwithstanding the fact that his amendment would have lost. But the commitment that we have made to the gentleman remains intact, which is that in 1981–82, when there was an institution of the lottery system, without question a mistake, a disgrace was perpetrated upon the telecommunications policy history of our country. I opposed the lottery as it was proposed and instituted from 1981 and 1982 on, and I do think we need a complete reformation, looking at the entire licensing scheme.

On the one hand, we do not want the frequency speculators to be out there as they were in the lottery process, without any relationship whatsoever to the benefits which this society could, in fact, derive from a more thoughtful process being adopted.

On the other hand, for the smaller entrepreneurs, for the individuals who may want to participate in this process, there is no such thing as a spectrum fairy out there that ensures that the smaller company also is benefited.

So we have to make sure that it is not just the largest companies with the deepest pockets who are going to be able to purchase the entire spectrum through some auction process.

So the gentleman from Ohio whose name is so inextricably linked with this whole proceeding, the Oxley auction already part of the lexicon of telecommunications history, that we will have a parallel piece of legislation which we will be moving later on this year, but with the intent of ensuring that there is a proper set of safeguards which are built in to ensure that universal service, localism, and diversity remain at the heart of our telecommunications policy while still advancing the goals which the gentleman from Ohio has been pushing correctly and aggressively over the last couple of years through Congress.

Mr. OXLEY. Mr. Speaker, I thank the chairman for his remarks and for his incisive dealing with that issue.

I know both of us are pleased that the new administration has indicated that they support the auction concept and that, in potential terms, as much as over $4 billion in potential revenue to the Federal Treasury is one of the major reasons, I am sure, why they are supportive of that, and so I think we can work to that end.

I might ask the chairman, while he is still standing, if he would engage in a colloquy with me so that the record could reflect an issue that is of some importance to my home State, and I appreciate that.

I want to commend the distinguished chairman of the subcommittee, Mr. MARKEY, as well as the distinguished chairman of the full committee, Mr. DINGELL, for their leadership on this important piece of legislation. In the 2 years since the House last acted on this Federal spectrum initiative to promote new technologies, the Federal Communications Commission [FCC] has engaged in a rulemaking proceeding to reallocate the commercial 2 Ghz band for emerging technologies, including personal communications services. This controversial FCC proceeding has underscored the urgent need for liberating Federal Government spectrum.

On the one hand, current users of the 2 Ghz band, including our Nation's rail-

roads, electrical utilities and safety officials, have raised very legitimate concerns about jeopardy to the safe and reliable operation of their equipment and facilities in the event of a disruptive relocation to different spectrum. On the other hand, the computer and PCS industries have forcefully pointed out the need to move quickly on making spectrum available for their revolutionary products, the deployment of which could provide a major boost to America's international competitive position.

The one thing upon which virtually all parties to the FCC proceeding agree, however, is that freeing up Federal spectrum could go far to accommodate these competing concerns. For example, the record before the FCC makes clear that it would facilitate immediate deployment of emerging technologies if Federal spectrum between 1710 and 1850 Mhz were made available either as a situs for PCS or as a reasonable situs for relocating current users of the 2 Ghz band. While this is only one example, it is my understanding that such reassignment of Federal spectrum is possible under H.R. 707.

Is that the understanding of the chairman?

Mr. MARKEY. Mr. Speaker, if the gentleman will yield further, his understanding is correct. The Commission's 2 Ghz proceeding initiated last year along with other petitions for new services that are pending have provided concrete evidence of the great need for Federal spectrum to facilitate deployment of PCS and other new technologies.

We must find a way to harmonize the need to maintain the reliability and safety of our existing infrastructure with the need to spur the growth of the new telecommunications infrastructure of the 21st century.

The Commission is able to act in this manner under current law today. Enactment of this legislation should not be viewed as addressing FCC actions regarding current spectrum management plans. Indeed, under H.R. 707, the FCC continues to have broad discretion to administer the spectrum and, therefore, the gentleman is correct to state that under the bill, the FCC could assign liberated Federal spectrum to new technology licensees or to licensees displaced from the 1-gigahertz band under the Commission's reallocation plan or other uses, since all of these approaches would further the purposes of the act.

Mr. OXLEY. Mr. Speaker, I thank the chairman for his explanation and for getting that on the record for the legislative history.

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

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 707 and would like to engage the chairman of the subcommittee in a short colloquy.

During the hearing on H.R. 707, representatives of the broadcasting industry expressed concern about the FCC's policies regarding the development of new technology, specifically digital audio broadcasting [DAB] and high-definition television [HDTV]. In the case of DAB, broadcasters are concerned about the development of satellite-delivered DAB which would or could harm our system of licensing radio frequencies to local communities.

In addition, the HDTV development timetable proposed by the FCC seems to be somewhat arbitrary and fixed.

□ 1420

These two issues may be solved to the benefit of all parties; but I want to call your attention to section 115 of H.R. 707 which establishes the guidelines by which the FCC shall distribute newly available frequencies. This section contemplates that the distribution of frequencies from Government reserves as well as frequencies available from the relocation of current commercial spectrum users. Is section 115 drafted to accommodate the FCC's policies regarding the development of DAB and HDTV?

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

Mr. SWIFT. I am happy to yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman for yielding.

Mr. Speaker, in response to the question of the gentleman from the State of Washington, section 115 of H.R. 707 was not drafted with the intention of addressing proposals made by the FCC concerning the development of DAB or HDTV. Enactment of this legislation should not be viewed as either endorsing or opposing FCC actions regarding current spectrum management plans. This bill is proposed to address current demands on the spectrum. I do not believe the Congress is in a position to address the concerns raised by the broadcast industry in this bill.

It is my view that continued availability of spectrum is needed for the full operation of universal, over-the-air broadcast services, consistent with these stations obligations to service the local public interest. It is possible that the future demands of over-the-air broadcast service is for more, not less spectrum. Advanced television and DAB may possibly require new spectrum.

I would encourage the continued efforts of the Commission and the broadcast industry to achieve a consensus on the amount of spectrum that will be adequate for the terrestrial provision of advanced television.

Mr. Speaker, I think we can, on the concerns of Mr. OXLEY, continue to work on a parallel track on these issues to see that the gentleman's concerns are dealt with.

Mr. SWIFT. Mr. Speaker, I thank the gentleman for his observations; they are very helpful.

Mr. Speaker, I urge support of H.R. 707.

Mr. MARKEY. I thank the gentleman for all of his assistance on this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. SYNAR].

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

Mr. Speaker, I rise today to support H.R. 707, the Emerging Telecommunications Technology Act of 1993. This legislation is critical to free up much needed radio spectrum for private use. Emerging technologies such as HDTV, and the continuing growth of current spectrum users like cellular and mobile radio, will require larger and larger amounts of spectrum during the coming decades. This bill takes a big step toward providing that additional spectrum by requiring the Commerce Secretary of identify and recommend for commercial reassignment at least 200 megahertz of the spectrum currently used by Government.

This bill also sets up a number of rational, cost-effective criteria for the Secretary to follow in selecting those portions of the Government's spectrum for reassignment. These criteria are especially important with regard to the transfer of spectrum currently assigned to Federal power marketing agencies. Approximately 1,100 public power systems and rural electric cooperative purchase power generated by Federal power facilities. By law, the ratepayer consumers who buy electricity through the Federal power agencies would be required to bear all of the substantial costs incurred by the power agencies if they are required to move to new spectrum. Many of these customers reside in rural areas like my own district. Moreover, many are poor, or on a fixed income, and cannot afford a rate increase in their electric bill. Fortunately, this bill provides the National Telecommunications and Information Administration the flexibility to ensure that the impact of the bill on these consumers will be minimized.

It is critical that in our rush to embrace new technologies we do not ignore the basic needs of our less fortunate citizens. I believe H.R. 707 achieves this goal and I strongly urge my colleagues to adopt the measure.

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

Mr. Speaker, I rise in full support of this bill. It is an important first step toward making America more competitive by encouraging the development of new telecommunications technologies.

However, as I mentioned during the full committee markup, I am concerned that the public service work of amateur radio operators may be adversely impacted by this legislation.

In my State of Washington, there are almost 20,000 amateur radio operators. In fact, we rank in the top 10 in number of operators per State. Our operators have formed the Washington State Amateur Radio Emergency Service, an organization that is ready at all times to assist local and State law enforcement agencies in times of emergency. These citizens perform vital services throughout our State and they deserve our gratitude and support.

This emergency service was particularly helpful in January during the wind storms that hit the entire western portion of the State, including my district. The Washington State Emergency Service worked with each county's department of emergency management to keep communications intact, including maintaining 911 services and assisting with communications at hospitals and clinics.

In addition, they worked with the Red Cross and other relief organizations to ensure that victims of the storms were located and helped. Some operators also went above and beyond the call by assisting with damage assessment efforts.

Ninety-five percent of the spectrum used by amateur radio operators is allocated on a primary basis for Federal use. Under H.R. 707, some of these frequencies may be reallocated for new technologies, resulting in a loss of spectrum for amateur operators.

I have raised this concern with the distinguished chairman of the committee, Mr. DINGELL, who assured me that this legislation is not intended to harm amateur operators. I look forward to working with him and our colleagues on the Senate side to ensure that amateur radio operators are protected from further erosion of their spectrum availability.

Mr. Speaker, I will vote for H.R. 707, and I encourage others to do the same.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume, just to say, in summation, that the gentleman from Washington [Mr. KREIDLER] raises a very important point.

We intend to work with the gentleman. Ham operators are an important part of the fabric of the telecommunications network of the country and as we move forward we will continue to take into account the very real concerns raised by the gentleman on the floor this afternoon.

In addition I would also like to point out that the NTIA have the authorization to reallocate spectrum right now. We want to encourage NTIA to do so, without feeling that they will be penalized because the allocation that they may make during this time frame would not be counted against their 200 MHz; that they would be required to transfer under the pressure of the hammer of this legislation. We want them to know that we are going to be very flexible, looking at whatever they may do during this timeframe so that we do not invoke the law of unintended consequences, and they actually delay in the transfer of the spectrum, which should be out there and should be in the process of being reallocated so that the entrepreneurial spirit of the country may be engaged as quickly as possible.

In conclusion I would like to thank the chairman of the full committee, Mr. DINGELL. Mr. DINGELL, his staff, Dave Leach working with my staff, Gerry Waldron, and Colin Crowell, have worked very, very hard over the last several years to bring this legislation on to the floor. It offers the potential of $50 billion, $60 billion, $70 billion boom in this area if we can get this 200 MHz reallocated from governmental defense uses over to the private sector.

Mr. DINGELL and his staff ought to be complimented. The gentleman on the minority side, the gentleman from Ohio [Mr. OXLEY], the gentleman from California [Mr. MOORHEAD], and the gentleman from Texas [Mr. FIELDS], the ranking minority member on the committee are also to be complimented as well as the staff of the minority.

Mr. Speaker, I recommend this bill to the full House with the highest of recommendations. I believe this is good legislation, a jobs bill, one that can also potentially serve as the precursor in helping to reduce the deficit as well.

Mr. MOORHEAD. Thank you, Mr. Speaker. I rise in strong support of this legislation.

To put it simply, our radio spectrum is too congested. With the Federal Government controlling approximately 40 percent of available spectrum, commercial users, along with State and local users, are expected to squeeze on to the remaining 60 percent of available spectrum.

For many years, the supply of spectrum adequately satisfied the demand. However, with the revolution in telecommunications today, demand far outweighs supply. The availability of the newest wireline technologies, such as personal communications services and wireless computing, is dependent upon additional spectrum being reallocated to commercial users. Without reallocation, many of these vital, innovative technologies will go undeveloped.

This bill, Mr. Speaker, will free up much needed spectrum. It directs the President to reallocate 200 megahertz of spectrum from the Federal Government to commercial users. The FCC will be specifically responsible for determining which commercial users get the new spectrum. To be sure, the bill does not dictate which technologies will benefit. Instead, the bill merely recommends that the Commission give favorable consideration to emerging technologies.

I want to add that the bill also ensures that national security and general public health and safety will not suffer as a result of withdrawing spectrum assignments from the Federal Government. The bill specifically authorizes the President to substitute any withdrawal that he believes will threaten national security or generally disserve the public interest.

Again, I strongly urge my colleagues to join me in supporting this important piece of legislation.

Mr. KIM. Mr. Speaker, I have strong reservations about H.R. 707.

At a time when our country is facing a growing deficit of over $300 billion and national debt of over $4 trillion, we should look at this bill as an opportunity to reduce the deficit and promote free enterprise. Therefore, I have the following concerns about how well this measure addresses these goals.

First, why are we reallocating 200 MHz of Federal radio bands through a lottery system? I say that we auction off new frequencies to the highest bidder. Selling them through a lottery is unthinkable, when millions more could be raised through auctioning. It's ridiculous that on one hand we're jeopardizing economic recovery with new taxes, yet, on the other hand, we're ignoring a far more acceptable way of increasing Federal revenues. Even President Clinton favors auctioning over lottery.

Second, while it appears that there is more than ample radio spectrum to release, I am really concerned that there is no clearly defined statement as to the price the Government would have to pay, should it need to reclaim bands in the future. The cost could be in the billions.

Third, the bill fails to provide for reimbursement of the Federal Government's cost in vacating bands currently being used.

I realize that radio spectrums are urgently needed for private and commercial use with the new technologies of today, and I strongly support making the bands available to private industry in the most responsible and cost effective manner.

My message is clear. We should be supporting free enterprise and deficit reduction through an auction and not a lottery. I urge the other body and the administration to address this serious issue before final enactment.

Mr. HASTERT. Mr. Speaker, as my other colleagues have done, I rise in support of H.R. 707, the Emerging Telecommunications Technologies Act of 1993. This bill, like its predecessors in previous Congresses, has received considerable bipartisan support. The support from both sides of the aisle is warranted for this vital piece of legislation.

H.R. 707 will free up critically needed radio spectrum which can be put to new uses for the benefit of the American public. The reallocation of 200 megahertz of spectrum will also give American manufacturers an opportunity to develop and employ new technologies which will create new jobs in this country and, in turn, encourage the export of more American services and products overseas.

Mr. Speaker, the radio spectrum, as scarce as it is, should be available to any U.S. company. This bill makes the reallocated spectrum available to any entity that can demonstrate it has developed a new technology or will provide a new service. Such open eligibility will

promote vigorous competition among U.S. firms which will inure to the benefit of the American consumer and strengthen U.S. firms for the competition they will face here and abroad.

My concern about open eligibility was alleviated in discussions I had with the gentleman from Massachusetts [Mr. MARKEY], chairman of the Telecommunications and Finance Subcommittee, during the markup of H.R. 707 in the subcommittee.

In the personal communications services [PCS] docket before the Federal Communications Commission [FCC], which is still under review, the FCC has suggested that open eligibility may not be appropriate. The FCC is considering barring cellular carriers and telephone companies from eligibility for PCS licenses in those areas where they currently provide cellular or telephone service. I believe such restrictions will impede the development of PCS. A majority of the comments in the PCS docket support my position. Respected economists submitted testimony demonstrating the benefits to be derived from the participation of cellular carriers and telephone companies as PCS licensees. These economists also demonstrated that the participation of cellular carriers and telephone companies in PCS would promote a competitive environment.

Mr. Speaker, I believe the American economy will benefit most from the use of the reallocated 200 megahertz of spectrum if no American entity is barred from bidding for the use of this precious resource. In this regard, I hope we can move quickly to consider legislation to provide for auctions in connection with the release of this new spectrum. Such open eligibility in the assignment of this new spectrum will reap new ideas, new services, and new jobs.

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

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

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 707.

The question was taken.

Mr. OXLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

## LIMITED PARTNERSHIP ROLLUP REFORM ACT OF 1993

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 617) to amend the Securities Exchange Act of 1934 to protect investors in limited partnerships in rollup transactions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 617

*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 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 subsections (a) and (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; and*

*"(vii) such other matters deemed necessary or appropriate by the Commission.*

*"(E) provide that such soliciting materials contain or be accompanied by an opinion on the fairness of the proposed transaction to holders of each security which is subject to the proposed transaction that—*

*"(i) includes such information, representations, and undertakings with respect to the analysis of the transaction, scope of review, preparation of the opinion, and basis for and methods of arriving at conclusions as the Commission may require in such rules; and*

*"(ii) is prepared by a person—*

*"(I) who does not receive any compensation that is contingent on the transaction's approval or completion;*

*"(II) who meets such additional standards of independence from the person or persons proposing the rollup transaction as shall be required in the rules prescribed by the Commission;*

*"(III) who has been given access by the issuer to its personnel and premises and relevant books and records; and*

*"(IV) who has represented to have undertaken an independent analysis of the fairness of the proposed rollup transaction to holders based upon the information obtained through such access and upon other independently obtained information;*

*"(F) 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 (vi) of subparagraph (D) and a summary of the matter referred to in subparagraph (E)), with the risks of the limited partnership rollup transaction set forth prominently in the forepart thereof;*

*"(G) 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*

*"(H) contain such other provisions as the Commission determines to be necessary or appropriate for the protection of investors in limited partnership rollup transactions.*

*"(2) EXEMPTIONS.—The Commission may, consistent with the public interest, the protection of investors, and the purposes of this Act, 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 OF LIMITED PARTNERSHIP ROLLUP TRANSACTION.—As used in this subsection, the term 'limited partnership rollup transaction' means, except as provided in paragraph (5), 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 FROM DEFINITION.—As used in this subsection, the term '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.*

*"(6) DEFINITION OF PARTNERSHIP.—The term 'partnership' includes such other entity having a substantially economically equivalent form of ownership instrument as the Commission determines, by rule consistent with the purposes of this subsection, to include within this definition.".*

*(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 the following: (i) an appraisal and compensation, or (ii) if the association finds that granting the rights under clause (i) of this subparagraph would be infeasible or not in the financial interest of the dissenting limited partners, other comparable rights designed to protect dissenting limited partners, which may include the rights set forth in subparagraph (B);*

*"(B) when the association determines it to be necessary to the protection of such rights, the use of a committee that is independent, as determined in accordance with rules prescribed by the association, of the general partner or sponsor and that would have the authority to protect the interest of limited partners, including (but not limited to) the authority (but not the obligation) to hire independent advisors to represent all limited partners at the partnership's expense, to negotiate the proposed transaction with the general partner or sponsor on behalf of the limited partners, and to make a recommendation to the limited partners with respect to the proposed transaction, but not the authority to provide consents or authorizations to the proposed transaction on behalf of limited partners;*

*"(C) the right not to have their voting power unfairly reduced or abridged;*

*"(D) the right not to bear an unfair portion of the costs of a proposed rollup transaction that is rejected; and*

*"(E) 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 the following: (i) an appraisal and compensation, or (ii) if the exchange finds that granting the rights under clause (i) of this subparagraph would be infeasible or not in the financial interest of the dissenting limited partners, other comparable rights designed to protect dissenting limited partners, which may include the rights set forth in subparagraph (B);*

*"(B) when the exchange determines it to be necessary to the protection of such rights, the use of a committee that is independent, as determined in accordance with rules prescribed by the exchange, of the general partner or sponsor and that would have the authority to protect the interest of limited partners, including (but not limited to) the authority (but not the obligation) to hire independent advisors to represent all limited partners at the partnership's expense, to negotiate the proposed transaction with the general partner or sponsor on behalf of the limited partners, and to make a recommendation to the limited partners with respect to the proposed transaction, but not the authority to provide consents or authorizations to the proposed transaction on behalf of limited partners;*

*"(C) the right not to have their voting power unfairly reduced or abridged;*

*"(D) the right not to bear an unfair portion of the costs of a proposed rollup transaction that is rejected; and*

*"(E) 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 the following: (i) an appraisal and compensation, or (ii) if the association finds that granting the rights under clause (i) of this subparagraph would be infeasible or not in the financial interest of the dissenting limited partners, other comparable rights designed to protect dissenting limited partners, which may include the rights set forth in subparagraph (B);*

*"(B) when the association determines it to be necessary to the protection of such rights, the use of a committee that is independent, as determined in accordance with rules prescribed by the association, of the general partner or sponsor and that would have the authority to protect the interest of limited partners, including (but not limited to) the authority (but not the obligation) to hire independent advisors to represent all limited partners at the partnership's expense, to negotiate the proposed transaction with the general partner or sponsor on behalf of the limited partners, and to make a recommendation to the limited partners with respect to the proposed transaction, but not the authority to provide consents or authorizations to the proposed transaction on behalf of limited partners;*

*"(C) the right not to have their voting power unfairly reduced or abridged;*

*"(D) the right not to bear an unfair portion of the costs of a proposed rollup transaction that is rejected; and*

*"(E) 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 and shall apply to any security resulting from a partnership rollup transaction (as such term is defined in section 14(h)(4) of the Securities Exchange Act of 1934) that is issued on or after the date of enactment of this Act.*

□ 1430

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. OXLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

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

Mr. Speaker, this subject is, on the one hand, very complex, but, on the other hand, quite easily understood by millions of investors in the United States who, during the 1980's, were among those 7 million Americans who participated in limited partnership investments that ultimately came under a cloud, a new and very dangerous phenomenon which began to develop where general partners began to roll up limited partners into investments which they had absolutely no intention of participating in, but, because the general partners had developed financial problems of their own in investments, separate from the limited partnership's investment, the general partners began to use the limited partners as a personal piggybank to bail out the general partners from the financial woes which were besetting them across the country. Over the last few years, the dream of limited partnership turned into a nightmare of rollups and clampdowns as upward of 1.2 million Americans were confronted with the threat and ultimate reality of being rolled up financially into deals which they had no intention, from the get-go, of having ever been participants.

Now, these 75 rollup transactions ultimately accounted for $7.3 billion, and ultimately affected 1,800 partnerships, including 1.2 million American investors. Overall, 510,000 investors, 510,000 Americans, mostly ordinary Americans; we are not talking about the big players here. Limited partnerships, were thought of, in a way, as the small economic player, not the high roller, but the ordinary individual who could select just this small oil, or gas, or real estate investment, to put a part of their life savings into it in order to get a sure return because they were absolutely confident that the deal that they were going into was going to be successful. They saw themselves, 510,000 of these people, rolled into deals which they had absolutely no intention of participating in.

The losses: $1.7 billion to these 500,000 people. Meanwhile the general partners and others earned $200 million in fees and reimbursements on those very same transactions.

Now listen to this for a horror story for American investors: In the first year of trading, rollup securities often dropped 70 percent below the value assigned to the securities at the time of the transaction. In other words, on day one, the transaction is worth a hundred cents on the dollar. A month later, it may only be worth 30 cents on the dollar, even though their insight as to the value of the original investment was still valid, only that it had depreciated in value as it was being commingled with the other economic investments which have been made by the general partners. On average, 45 percent of the value of the limited partnership was lost on the first day of trading. That is on day one, the day before the transaction transpired. The value of the limited partnership was $1. On the day after, it was worth 55 cents, with absolutely no recourse on the part of the limited partnerships to extract themselves from the transaction.

What have we done in this legislation? In order to protect the limited partnerships, Mr. Speaker, we give them dissenters' rights. We give them the right to be able to be compensated fairly for the original value of their limited partnership, before it was rolled up. We give them the right to a fairness opinion so that they can get an independent evaluation of the value of their limited partnership, so that there is not just an arbitrary decision made by the general partners as to what they should be given as compensation. We also ensure that there be some comprehensible financial disclosure. Oftentimes the disclosure which is given by the general partner to the limited partner is 300, 400, 500 pages long. This is just a small investor given 500 pages of legalese. The only thing productive that the investor could use that disclosure for was for a doorstop because they would have to pay more in legal fees in order to finally be able to extract the relevant information for themselves, and meanwhile the rollup continues. We ensure that there be a simplification of the information which is transmitted to the individual investor so that they can make an intelligent, informed decision right from the get-go.

As well, Mr. Speaker, we ensure that there be a protection which is given that the already existing reforms which have been instituted by the regulators, and by the exchanges, be locked into permanent law. We want to make sure that as the exchanges, as the regulators, have been responding to the activities of our committee, that we lock that permanently into law and we not lose the gains which have already been made.

We ensure that the prospectuses that are given provide third-party opinions analyzing the fairness of the transaction. We ensure that there be a highlighting made of the risks, or the conflicts of interest, that may exist between any of the parties that are being consulted in the rollup. We also ensure that there be no way in which there be an escape hatch which is constructed so that by not using the NASD, a general partner escapes the provisions which are now being put on the books and are on the books at a regulatory level, at an exchange level, and so there not be a back door around which there be no escape.

And we also ensure that the broker dealers cannot be paid differentially as they solicit proxy votes. That is, they cannot be paid more to get a yes vote than they are to get a no vote. The proxy process, in order to have integrity, must ensure that there be a full protection which is given to the integrity of the process by ensuring that there be no differentiation in terms of conversation given to proxy solicitors as they are out there compiling the votes which are going to be used to determine whether or not a rollup should occur.

Mr. Speaker, there are 7 to 8 million estimated limited partners out in the country. This is needed legislation to give them the protection against rapacious, avaricious needs of general partners desperate for their own financial reasons to use the limited partners as their personal piggybank. That should not be the case. Limited partners make narrow, specific investment decisions which have to be respected. This legislation is a bill of rights for those limited partners, to protect them against the practices which ran rampant in the 1980's.

Mr. Speaker, we passed this legislation in the last Congress on a bipartisan basis. Unfortunately, as with so many of the financial reform packages

which were sent over to the Senate, they died a slow, but certain, death in the final, waning days in the system of holes which is still indecipherable to the limited cerebral mechanism capacity of those of us in the House. This year, we are going to move ever more aggressively to ensure that those rights are protected over on the Senate side as well.

Senator DODD and Senator RIEGLE have done wonderful work on this subject. We are going to continue to work with them and Senator D'AMATO.

On the House side, the gentleman from Michigan [Mr. DINGELL] once again performed yeoman's work in this area, moving it forward. He absolutely has been a stalwart in ensuring that these rights are protected. The gentleman from Oklahoma [Mr. SYNAR] has worked from day one to ensure that this legislation is drafted procedurally, and that protections are put on the books.

□ 1440

On the minority side, the gentleman from Texas [Mr. FIELDS], the ranking minority member, working with the gentleman from Ohio [Mr. OXLEY], the ranking minority member, the gentleman from California [Mr. MOORHEAD], and the staff of the minority, have made this possible.

The gentleman from Oregon [Mr. WYDEN], the gentleman from Oklahoma [Mr. SYNAR], the gentleman from Tennessee [Mr. COOPER], the gentleman from Kansas [Mr. SLATTERY], on our side, and others on both sides, have worked intensively now over a 3-year period to bring this legislation to fruition. It is a good piece of legislation, long overdue, and I recommend it to the full House.

Mr. Speaker, today the House is considering legislation to reform the regulatory treatment of mergers and reorganizations of limited partnerships, known on Wall Street as rollups.

I am pleased to have joined with Representative JACK FIELDS, the ranking Republican member of the subcommittee, Chairman JOHN DINGELL, and Representatives WYDEN, SYNAR, COOPER, and SLATTERY in sponsoring this legislation.

Since 1980, over 150 billion dollars' worth of limited partnership securities have been marketed to the public. For the more than 8 million people who invested, these limited partnerships seemed to provide a way for the little guy to realize the American dream of financial success by participating in the ownership of shopping centers, commercial office buildings, or oil and natural gas production.

Over the last several years, however, this dream turned into a nightmare for the over 1.2 million small investors who were faced with proposals to roll up their limited partnerships. Since 1985, nearly 75 rollup transactions have been registered with the SEC, involving 1,800 limited partnerships valued at approximately $7.3 billion.

Virtually all of the transactions which were approved during this period resulted in devastating financial losses for investors. For example, according to an analysis by the American Association of Limited Partners of 18 major real estate and oil and gas rollups completed over the last decade, over 510,000 investors lost an estimated $1.7 billion, while general partners and others earned up to $200 million in fees and reimbursements. In the first year of trading rollup securities often drop 70 percent below the values assigned to the securities at the time of the transaction, with first trading day losses averaging 45 percent.

The tragedy is that even those investors who voted against the deal get rolled up if a simple majority consents to the transaction. On Wall Street, this is called a cram down because it crams often worthless rollup securities down the throats of unwilling investors.

The subcommittee has received hundreds of letters from investors around the country who have been victimized by rollups. During our hearings, we heard testimony from many small investors who saw the value of their limited partnerships plunge after unfair or abusive rollups that they were either unfairly pressured to support or were powerless to oppose. We have heard from:

Steven Santoro of Tewksbury, MA, who lost over 65 percent of the $25,000 he invested in the Concord Limited Partnership in a rollup that granted the general partners nearly 10 percent of the stock in the new company and nearly $1 million in annual salaries and compensation;

Frank Freiler of Los Osos, CA, who was improperly prevented from getting access to investor lists he sought to alert fellow investors to abusive features of the Krupp Limited Partnership rollup, and then watched his $125,000 inheritance plummet nearly 40 percent in value after the rollup went through;

Anne Petrocci of Midland Park, NJ, who was shoved, threatened, subpoenaed, and harassed after she went to an investor meeting and tried to organize opposition to a rollup of her Equitec limited partnership, and then watched her $4,000 investment drop 97 percent in value after the rollup;

Eleanor Foerster, of Porterville, CA, who was pressured by the general partner who told her that she would lose all of her $120,000 investment if the rollup wasn't approved, only to see her investment drop 65 percent in value after the rollup; and,

Bruce Wertz, of Hurst, TX, who was misled into believing his partnership would go bankrupt without a rollup, and then witnessed his $10,000 investment drop 97 percent in value after the rollup.

The devastating financial losses these investors experienced are directly attributable to the unfairness of most rollup transactions. In all too many cases, we have seen rollups which are clearly the result of blatant self-dealing by the general partners who have disregarded their fiduciary duties to the limited partners.

In the past, regulatory scrutiny of rollup transactions by the Commission and by the self-regulatory organizations often has been inadequate. The subcommittee's investigations revealed:

Incomprehensible rollup disclosure documents 300 to 700 pages long that never should have been declared effective by the SEC;

Abusive differential compensation practices which were not reined in until after the subcommittee began examining them;

Certain stock exchanges waiving their listing standards in order to list rollup securities which later plummeted in value;

Shortcomings in SEC proxy rules which inhibited efforts by limited partners to communicate with their fellow investors regarding an abusive rollup; and,

Inadequate direct legal mandate for the Commission, the NASD, and the exchanges to respond to manifestly unfair rollup transactions rife with self-dealing and conflicts of interest.

After the committee shined a spotlight on the abuses of rollups, the SEC and the NASD took steps to improve regulatory scrutiny of rollups. However, major gaps still exist that could allow abusive rollups to continue. SEC rules do not require rollup sponsors to get an independent fairness opinion and the NASD's proposed rollup rules contain significant loopholes that would allow rollup sponsors to avoid providing dissenting investors with a financial alternative to a cramdown—even if it were feasible to do so. Moreover, NASD's rules only apply to rollups involving NASD members or listed on the NASDQ system. As we discovered in our hearings, without Federal legislation nothing would prevent an unscrupulous operator from putting together a rollup without participation of any NASD member and then listing it on the New York or American Stock Exchanges. If we are to give limited partners the full range of protections they need, we need to pass this bill.

H.R. 617, the Limited Partnership Rollup Reform Act of 1993, would both lock in the limited reforms already undertaken by regulators, close certain loopholes in existing or proposed rules, and supplement these rules with more comprehensive investor protections. The legislation will:

Assure that wherever feasible, dissenting investors are afforded with a financial alternative to the rollup and are no longer forced to accept cramdown securities;

Require that all rollup prospectuses be accompanied by an independent third-party opinion analyzing the entire fairness of the transaction to investors in each partnership;

Improve rollup disclosures to prominently highlight any risks and conflicts of interest and assure that rollup disclosure documents are more clear, concise, and comprehensible;

Prevent rollups from being utilized to make certain changes in corporate governance, unfair changes in fees paid to the general partner, and unfair transaction charges for failed transactions;

Make it easier for limited partners to fight abusive rollups by assuring they get access to investor lists and can communicate with other investors;

Assure investors have adequate time to review a rollup proposal by setting a 60 day minimum solicitation period; and finally,

Bar broker-dealers or other proxy solicitors from being paid for "yes" votes but not for "no" votes, in order to reduce financial incentives for engaging in abusive boiler room solicitation practices.

This bipartisan reform legislation neither bans rollups, nor does it violate the sanctity of

contracts—as certain opponents of this legislation have claimed. What H.R. 617 will do is prevent general partners from forcing limited partners into what amounts to an unconscionable contract of adhesion that leaves the general partners rolling in cash and the limited partners realizing that they've just been rolled.

I urge my colleagues to join with us in supporting this important legislation to protect the estimated 8 million limited partners who today are at risk of being subjected to an abusive rollup.

Mr. DINGELL. Mr. Speaker, today the House considers, under suspension of its rules, the bill H.R. 617 to curb abuses in limited partnership rollups.

I would observe to my colleagues that not all rollup transactions are bad. Sometimes such transactions are the only way to provide investors in nontraded limited partnerships with any liquidity by which to cash out of their holdings. However, a number of scoundrels have taken advantage of these situations to engage in abusive practices and ripoffs, which are fully documented in our hearings and the hundreds of complaint letters we have received from constituents across the Nation. These abuses must be stopped.

Publicly available documents show dramatically what happened in one rollup in terms of share values immediately before and after conversion, and currently.

Partnership: Hollywood Realty Partners (Equitec).

Day before: $1 (Nov. 1, 1990).

Day after: 22 cents.

One February 1: 3 cents.

In the past year, the SEC and the NASD instituted reforms in this area. Our modest bill would lock in these protections and require them to be reflected in the rules of other self-regulatory organizations, as well as require rules that would provide the public with independently prepared fairness opinions and important dissenters' rights.

To be sure, there are iniquitous forces blowing around the Hill who would seek to overturn our efforts and those of our distinguished colleague Senator DODD. We intend to prevail.

I urge my colleagues to support the interests of the American people, and not evil special interests, in this matter.

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

Mr. Speaker, I rise in support of this legislation designed to prevent abusive limited partnership rollup transactions.

The rollup market is a significant one. In the last 7 years, the marketplace has seen approximately 1,800 rollup transactions with an estimated exchange value of $7.1 billion. These rollups have involved almost 1.2 million investors.

However, hearing testimony has indicated that general partners frequently use unfair tactics to organize rollups for their own financial gain.

In many cases, rollups have been structured to allow the general partners and others to collect exorbitant fees while leaving the limited partners with a significantly different and diminished investment.

The SEC reports that in the 20 rollups that took place in 1991, the value of the securities in the entities created by the transactions dropped an average of 50 percent from the exchange value assigned by the sponsors prior to the deal.

Most investors involved in rollups are smaller investors who can ill afford such dramatic financial losses.

Congressional attention has led to recent initiatives by the SEC and the NASD in the area of rollup reform.

For example, new SEC proxy rules facilitate investor communication and improve information requirements.

The NASD has adopted a rule prohibiting payments to brokers only for votes in favor of a rollup and awaits approval of a comprehensive rollup rule package.

In addition to codifying these rule changes, H.R. 617 contains other important measures designed to protect investors.

For example, the bill requires independent fairness opinions, enhanced dissenters' rights, and, when necessary, the appointment of a committee independent of the general partner or sponsor to review or negotiate a proposed rollup on behalf of the limited partners.

In conclusion, H.R. 617 provides a comprehensive and balanced Federal framework for reform of the rollup process. This legislation will ensure that rollups are fairly organized and structured and restore investor confidence in an important marketplace.

Mr. Speaker, I wish to thank the gentleman from Massachusetts [Mr. MARKEY], the chairman of the subcommittee, as well as the full committee, for their fine work on this, as well as my good friend, the gentleman from Texas [Mr. FIELDS], and the staffs on both sides for putting together what I think is a very effective and fair piece of legislation.

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

Mr. MOORHEAD. Mr. Speaker, I support H.R. 617 in its effort to curb unfair practices associated with limited partnership rollup transactions and restore credibility in this important market.

Abuses in limited partnership rollups have occurred with alarming regularity. In far too many cases, general partners have ignored their fiduciary duties and used abusive measures to organize self-interested transactions.

Some of these unfair tactics include inadequate disclosure, artificial barriers to legitimate communication among limited partners, differential compensation practices and disregard of dissenters who oppose the transaction.

H.R. 617 will help to ensure that rollup transactions are organized and structured in a fair manner for all participants.

Among other things, the bill will increase the amount of information rollup sponsors must disclose to investors, it will provide dissenting limited partners with meaningful alternatives, and it will require an independent assessment of the rollup's overall fairness.

H.R. 617 is substantially similar to a rollup reform bill which last Congress passed the House by voice vote under suspension. That bill ultimately died in conference.

However, rollup abuses have not gone away. H.R. 617 addresses the problems associated with rollup transactions in a balanced and responsible manner and ensures their fairness, especially to smaller investors.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. SYNAR], who since June 1990, when we began this investigation, has been in the forefront of the desire of this Congress to overhaul this entire area.

Mr. SYNAR. Mr. Speaker, let me take this opportunity to thank the gentleman from Michigan [Mr. DINGELL] and the gentleman from Massachusetts [Mr. MARKEY], as well as the gentleman from Ohio [Mr. OXLEY], for the excellent job in getting this legislation through so quickly so that we can proceed back on schedule as we did last session to correct this problem.

Mr. Speaker, as the gentleman from Massachusetts [Mr. MARKEY] has pointed out, this is a problem which is very clear and very simple to understand. We have the unfair treatment of literally hundreds of thousands of investors throughout this country as limited partners that literally are in jeopardy of losing hundreds of millions of dollars. That problem, now identified, offers a very simple solution, a simple bill of rights for limited partners in this country, which includes compensation for their losses, a fairness opinion so that they can make better decisions, comprehensive disclosure so they can understand the dealings of their general partners, and, finally, integrity in the proxy voting as decisions are made.

Mr. Speaker, that seems to be a very good case to make, that once we find a problem, then we can find the solution, that we can move quickly in the U.S. Congress. So I want to join with my colleagues in commending this to my fellow Members, because this will go a long way toward correcting a problem which for too long has existed in this country with respect to this financial problem.

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

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume, only to conclude by asking unanimous consent to insert the statement of the distinguished chairman of the Committee on Energy and Commerce.

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I thought I heard the gentleman from Massachusetts [Mr. MARKEY] request unanimous consent, and I would reserve the right to object in order to make a short statement.

Mr. Speaker, first of all, this has nothing to do with the great esteem

that I hold for the subcommittee, its chairman, and ranking member. But for the fifth consecutive rule now, the Committee on Rules has just put out a closed modified rule which gags Members on both sides of the aisle, 435 Members, who will not have their constitutional right to take this floor and participate in meaningful debate on upcoming legislation.

Mr. Speaker, for the fifth consecutive time this has happened now. It is not going to continue to happen, because we are not going to be pushed around by dictatorial policies of the Democrat leadership.

Mr. Speaker, let me just say that there have been five votes ordered, or will be as soon as this one is called. I regret that there has to be votes on these five noncontroversial issues today. There also is a rollover vote on the approval of the Journal earlier.

Mr. Speaker, we just have to put you on notice, the gentleman from Washington [Mr. FOLEY], the gentleman from Missouri [Mr. GEPHARDT], the gentleman from Michigan [Mr. BONIOR], and the rest of the Democratic leadership, that we are not going to just lay down and take what you want to give us. You are going to treat us fair, or else.

Mr. Speaker, let me just read this statement by the gentleman from Massachusetts [Mr. MOAKLEY], whom I have a great deal of respect for, who is my counterpart on the Committee on Rules.

Mr. Speaker, the gentleman from Massachusetts [Mr. MOAKLEY] said back on August 5, 1989, and I will quote from a little brochure I made up called Cooking Up the Rules, Boston-style, Boston-style I will say to my good friend from Massachusetts [Mr. MARKEY].

The gentleman from Massachusetts [Mr. MOAKLEY] said:

> I think we should all be distressed by the rising number of rules requests that seek restrictions for no justifiable political reasons.

Mr. Speaker, the gentleman goes on to say:

> I don't do any of these things in a vacuum. I consult with my committee, and, you know, we try to do the best thing for mankind.

The gentleman goes on to say:

> On the big bills, we have called the Republicans, sat down with them, listened to their problems. And we gave them some of the things they wanted, rather than the old style of saying, "Hey, we've got the votes. Let's vote. Screw you."

Mr. Speaker, the gentleman goes on to say:

> You know, I don't play that game because we have an old Irish proverb—the people you meet on the way up the ladder are the same people you meet on the way down. I would like to be treated by some of these people the way I think I am treating them.

Mr. Speaker, I would ask the gentleman from Massachusetts [Mr. MOAKLEY] what happened to the statement, and a like statement by the gentleman from Washington [Mr. FOLEY], our Speaker, which took place about 3 days later. Where is the fairness around here?

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

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

Mr. Speaker, I have the highest regard for the gentleman from New York [Mr. SOLOMON]. I work with the gentleman on a wide range of issues, but most notably in the human rights and nonproliferation area.

What I would say to the gentleman here is that right now the gentleman is making basically an undifferentiated attack on the rules process. Here we have a situation where the legislation that we are dealing with passed unanimously through the House of Representatives last year. This is exactly the appropriate process to be used for this legislation.

Similarly, the legislation that we considered and voted favorably upon 5 minutes ago dealing with the reallocation of the spectrum, that legislation as well passed unanimously last year. In fact, it would be a waste of the time of the House of Representatives to have granted open rules on these measures.

Mr. Speaker, just so the listening public on C-SPAN understands, there is no objection on this legislation, there is no request to make these rules open, and if the gentleman does have specific objections about specific legislation, it seems to me that that is where the gentleman should be lodging his complaint.

□ 1450

I think it leaves a misimpression, as the gentleman is asking for a rollcall on every one of these suspensions today, that there is great controversy which is being hidden. In fact, here we have truths that are found to be self-evident embodied in every one of these bills that we are dealing with today with no real controversy, and the gentleman is bringing in a complaint he may have about other debates which are ongoing.

God knows, with my name ending in a "y," as does the gentleman who is the chairman of the full Committee on Rules, I do appreciate Boston rules. And I understand what it is that the full committee chairman was referring to. But on the other hand, it is not the legislation that is pending before the House right now, and the point which the gentleman is making is more rhetorical than relevant to what it is that we are now considering.

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

Mr. MARKEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I am glad the gentleman brought up that point because I certainly would not want anyone to think that this is a controversial bill. As a matter of fact, I intend to vote for the gentleman's bill, and I hope it passes unanimously with a recorded vote so that we can make our point about what is happening with unfairness around here.

Mr. MARKEY. Mr. Speaker, reclaiming my time, and again, just to conclude, the gentleman from the Committee on Rules, I think, the chairman of that committee is without question one of the wisest Members to sit in the House. And in his infinite wisdom, in meeting with the other Committee on Rules members, they make determinations on the appropriate rules for each bill.

Here he has, once again, in his infinite wisdom, made the correct decision. I have to, once again, tip my hat to the gentleman from Massachusetts [Mr. MOAKLEY], because I invariably find myself supporting his judgments, as they are issued. My feeling here is that this bill is long overdue. Millions of Americans are right now locked into limited partnerships.

They could, in fact, be violated at any point in time without laws being passed by general partners who will continue to feel the pressures of an overleveraged 1980's in many of their various and sundry economic, financial, real estate, oil, gas deals.

Limited partners, who did not make those decisions, should not have to suffer the pains of the general partners of poor economic decisions. This legislation should pass.

The gentleman from New York, the minority, working hand-in-hand to put this together, the minority counsel, Steve Blumental, our counsel, Mr. Duncan and Ms. Daly, along with the full committee counsel, Consuela Washington, have worked long and hard in concert. This is good legislation. I hope that the House, in its wisdom, accepts it here today.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 617, as amended.

The question was taken.

Mr. OXLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

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## GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members

have 5 legislative days in which to revise and extend their remarks, and include therein extraneous material, on H.R. 617, as amended, the bill just considered.

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

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today, in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 890, by the yeas and nays; H.R. 904, by the yeas, and nays; H.R. 868, by the yeas and nays; H.R. 707, by the yeas and nays; and H.R. 617, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

## UNCLAIMED DEPOSITS AMENDMENTS ACT OF 1993

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 890, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. NEAL] that the House suspend the rules and pass the bill, H.R. 890, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 1, not voting 20, as follows:

[Roll No. 43]

YEAS—409

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Bunning
Burton
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NAYS—1

Taylor (MS)

NOT VOTING—20

Barton
Becerra
Brooks
Brown (FL)
Bryant
Callahan
Castle
Cox
Dooley
Evans
Fields (TX)
Ford (TN)
Henry
McDade
Owens
Rostenkowski
Roukema
Serrano
Wilson
Young (AK)

□ 1518

Mr. TAYLOR of Mississippi changed his vote from "yea" to "nay"

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

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to improve the procedures for treating unclaimed insured deposits, and for other purposes."

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

## ESTABLISHING THE NATIONAL COMMISSION TO ENSURE A STRONG COMPETITIVE AIRLINE INDUSTRY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 904.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. OBERSTAR] that the House suspend the rules and pass the bill, H.R. 904, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 367, nays 43, not voting 20, as follows:

[Roll No. 44]

YEAS—367

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bunning
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Knollenberg
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff

NAYS—43

Allard
Archer
Armey
Baker (CA)
Ballenger
Bartlett
Boehner
Burton
Castle
Coble
Crane
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Gekas
Herger
Huffington
Hunter
Hyde
Johnson, Sam
Klug
Kolbe
Lightfoot
Manzullo
Moorhead
Nussle
Packard
Paxon
Pombo
Rohrabacher
Royce
Santorum
Sensenbrenner
Smith (MI)
Stump
Sundquist
Taylor (NC)
Walker
Zimmer

NOT VOTING—20

Barton
Becerra
Brown (FL)
Bryant
Callahan
Cox
Dooley
Evans
Fields (TX)
Ford (TN)
Hancock
Henry
Jefferson
McDade
Minge
Rostenkowski
Roukema
Serrano
Wilson
Young (AK)

□ 1526

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

So, (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## CONSUMER PROTECTION TELEMARKETING ACT

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The pending business is the question of suspending the rules and passing the bill, H.R. 868, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and pass the bill, H.R. 868, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 3, not voting 16, as follows:

[Roll No. 45]

YEAS—411

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver

Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NAYS—3

Hancock
Penny
Smith (MI)

NOT VOTING—16

Barton
Bryant
Callahan
Cox
Dooley
Evans
Fields (TX)
Ford (TN)
Henry
Hinchey
McDade
Rostenkowski
Roukema
Serrano
Wilson
Young (AK)

□ 1534

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

Mr. SMITH of Michigan changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## EMERGING TELECOMMUNICATIONS TECHNOLOGY ACT OF 1993

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The pending business is the question of suspending the rules and passing the bill, H.R. 707.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 707, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 5, not voting 15, as follows:

[Roll No. 46]

YEAS—410

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NAYS—5

Herger
Hoke
Lightfoot
Pombo
Zeliff

NOT VOTING—15

Barton
Bryant
Callahan
Cox
Dooley
Evans
Fields (TX)
Ford (TN)
Henry
McDade
Rostenkowski
Roukema
Serrano
Wilson
Young (AK)

□ 1545

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

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

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## LIMITED PARTNERSHIP ROLLUP REFORM ACT OF 1993

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The pending business is the question of suspending the rules and passing the bill (H.R. 617), as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 617, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 6, not voting 16, as follows:

[Roll No. 47]

YEAS—408

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NAYS—6

DeLay
Kingston
Pombo
Royce
Sundquist
Walker

NOT VOTING—16

Barton
Bryant
Callahan
Cox
Dooley
Evans
Fields (TX)
Ford (TN)
Henry
McDade
Rostenkowski
Roukema
Serrano
Torricelli
Wilson
Young (AK)

□ 1553

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, a motion to reconsider is laid on the table.

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I respectfully reserve the right to object just to alert the House that today the Committee on Rules met on the Hatch Act that will be on this floor tomorrow.

The Committee on Rules saw fit to put out another modified closed rule, depriving Members of this House from a meaningful debate on germane amendments. This is the fifth time this year that it has happened. We have only had five rules. All five have been restricted.

Mr. Speaker, I just want to read a statement to the House from 1989.

The gentleman from Washington [Mr. FOLEY] said on June 6, 1989, and I read this out of respect to the Speaker, he said,

I will do what I can, every day that I serve in this office, to insure that the rights and privileges of each Member of the House are respected, and to insure that the procedure is fair to all.

He went on to say,

* * * I understand the responsibility of the Speaker of the House, as other Speakers have understood it and practiced it, to be a responsibility to the Whole House and to each and every individual Member, undivided by that center aisle.

Mr. Speaker, you went on to say,

I look forward to working with you (Bob Michel) in a spirit of cooperation and increased consultation as we address the problems facing this House and the nation.

Mr. Speaker, we are not addressing the problems of this House and this Nation when Members on both sides of the aisle are gagged, as were Democrats today, and as were Republicans today. I would ask the Speaker not to bring more restricted rules before this House. Be fair, Mr. Speaker, you are the Speaker of the entire House.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, a motion to reconsider is laid on the table.

There was no objection.

## THE JOURNAL

The SPEAKER pro tempore. The pending business is the question on the Chair's approval of the Journal.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 252, noes 155, not voting 23, as follows:

[Roll No. 48]

AYES—252

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden

Houghton
Hoyer
Hughes
Hutto
Hyde
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velázquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—155

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Huffington
Hunter
Hutchinson
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mfume
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—23

Barton
Bryant
Callahan
Cox
Deutsch
Dooley
Edwards (TX)
English (OK)
Evans
Fields (TX)
Ford (TN)
Gilchrest
Glickman
Henry
Hoke
Horn
Lancaster
McCurdy
McDade
Rostenkowski
Roukema
Wilson
Young (AK)

□ 1613

So the Journal was approved.

The result of the vote was announced as above recorded.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 20

Mr. RAMSTAD. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 20.

The SPEAKER pro tempore (Mr. CHAPMAN). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

## HOUR OF MEETING ON TOMORROW

Mr. KOPETSKI. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on tomorrow.

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

There was no objection.

## THE IMPACT OF THE PRESIDENT'S PROPOSALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, President Clinton, in his State of the Union Message, talked about his plan to deal with the deficit, and the Republican Study Committee, which I chair, spent the entire weekend studying President Clinton's budgetary proposals and what kind of an impact it would have, either positive or negative, on the United States of America.

Here is what we found: There were $325.5 billion in tax increases, the largest tax increase in U.S. history by more than 60 or 70 percent. The largest before that was around $184 billion. In addition to that, there are $70 billion in hidden fee and, get this, they are called spending cuts. They have got $70 billion in fees in there that are called spending cuts when that is actually more money coming out of taxpayers' pockets.

When you talk about spending cuts, he has been telling America about this; there are spending cuts totaling $91.7 billion, but there are spending increases totaling $185.9 billion for a net increase of $94.2 billion. So when he tells you he is going to cut spending, the fact of the matter is we are not cutting domestic spending. We are increasing it by over $94 billion.

On top of that, there are $395 billion in new taxes and hidden fee increases.

The only spending cuts in his budgetary proposal that we can find are in the area of defense, and those cuts were going to take place anyhow, and that is $112 billion.

So the deficit reduction plan he is talking about is not coming from spending cuts. It is coming out of the hides of the American taxpayer.

Now 2 years ago when we had the budget summit agreement and President Bush erroneously, I believe, signed on to that agreement with the Democrat majority in both the House and the Senate, we raised taxes on the backs of the American people to the tune of $182 billion.

□ 1620

And that tax increase cost us thousands and thousands of jobs and put this country into an economic recession that we are just now coming out of.

The tax increases President Clinton is talking about, in my view, are going to cost at least 250,000 jobs in the next year to 18 months, and it is going to put this country into an economic decline much worse than what we have seen in recent years.

Now I was talking to one of my Democrat colleagues today and I promised I would not use his name because he was sorry he said this, but he meant it. Here is what he said with smile: "Any tax you pass is going to put somebody out of business." And that is the problem.

These huge tax increases are going to put a lot of marginal business people over the brink and they are going to go bankrupt.

Today out in the hall just 5 or 10 minutes ago I talked to members from the Farm Bureau. Do you know what they told me? The Btu tax, the energy tax, which I call the "big time unemployment tax," the Btu tax is going to cost them so much that many of them will go out of business because they cannot pass those increased costs on to the consumer because of the way the agricultural markets work on the Commodities Exchange. They cannot pass that on.

So a lot of small farmers and medium-sized and large farmers are going to go out of business if we pass the Btu tax.

In addition, I just had a bunch of people call me who are in the foundry

business. They rely on energy to make the molds and make the products that most of us in this country use. It is one of the biggest industries in America. They tell me that many foundries are going to go out of business if we pass this Btu tax.

Then we come to the airline industry, and I am only going to mention three tonight, but I can go on and on and on. But the airline industry is going to be hit with a 15 cents per gallon jet fuel increase and many of those airlines, if you have been reading in the papers, are on the brink of bankruptcy now. They are trying to cut deals with British Airways and other foreign airlines just to stay above water.

Here we are going to load on the backs of the airlines, one of the most important parts of commerce in this country, another 15 cents per gallon fuel tax? I guarantee it is going to put a lot of them out of business.

Every one of these companies that go out of business has employees. When they go out of business, their employees lose their jobs, and when they lose their jobs, that increases the unemployment rolls.

For each 1 percent of unemployment, when you add in all of the benefits they get, that costs the taxpayers and the Treasury $42 billion. This one little phase of his economic recovery program is a recipe for economic disaster.

So I am telling my friends across this country who say, "Well, we have to do something, we have got to do something, we want to cut that deficit, cut the debt." That is absolutely true. When President Clinton stood up here and he said to the American people it is not what is important for me, it is what is important for us, meaning the entire Nation, he was absolutely correct.

But the solution is not these humongous tax increases which will make us less competitive with our foreign trading partners, will drive business out of this country and take jobs along with it, take money out of the taxpayers' pockets without which they cannot buy products, and if they do not buy the products, they do not produce products, and if they do not produce products, people lose their jobs and unemployment goes up.

The solution is to cut Government spending. Ten years ago we were bringing in $500 billion a year in tax revenues. It is now $1.2 trillion. We have almost tripled the amount of tax revenues coming in in the last 10 years and yet we are still running deficits of about $350 to $400 billion per year.

So what is the answer? The answer is not more taxes out of your hide, America; the answer is to cut spending.

Now how do you do that? President Clinton challenged the Republicans, saying, "If you are going to complain, be specific. I have got a plan and you don't." Well, we do have a plan, many of us have a plan; it is called freezing spending at last year's level. Do not increase Government spending.

Some people say, "well, you have got to increase some programs." OK; let us increase them 1 or 2 percent, but not the 23-, 24-, 25-percent increase we have seen in entitlement programs in the last couple of years. Freeze Government spending at no more than last year's spending and if we cannot, 1 or 2 percent higher. If we can do that actuarily, we can look at a trend chart, we can see what a freeze would do over 5 years, what a 1-percent growth rate would do over 5 years and a 2-percent growth rate would do over 5 years, and just come up with a program that will get us to a balanced budget in 5 years plus the freeze, whatever we can live with, defense cuts and cutting out the pork and waste in Government—and there is a lot of that. We can get to a balanced budget without these humongous tax increases and it will not hurt the economy and drive jobs out of this country and put people on the unemployment lines.

President Clinton I think in his speech made some good points and the American people really responded. Seventy-nine percent said they really agreed with him and they thought that sacrifice was the answer and that they were willing to do it. That is something we ought to commend the American people for because they are willing to share this pain in order to get control of this deficit so that the national debt will not go out of control and our kids, at least, will have some chance to live the kind of life that we have been able to have.

I think that is great. But the recipe that he is proposing is a recipe for economic disaster, higher deficits, higher debts, and more problems down the road.

Some people say, "DANNY, you are kidding. That is not really the case." Let me give you a case in point. Two years ago when we raised taxes $182 billion they said it was going to be used for tax reduction. Since that tax increase of $182 billion, do you know how much we have spent for every dollar of tax we raised? We have spent $2.70. For every $1 of that $182 billion in new taxes that we raised, we spent $2.70.

So tax increases do not cut the Government deficit, the only thing that cuts the deficit is intestinal fortitude in this body saying that we are going to cut that spending and we are going to control the rise in the budget. That is what has to be done, not more taxes.

So if the President happens to be watching, Mr. Speaker, or any of his supporters, I hope they will go back to the drawing board and look at this program in its totality to see what it is going to do to every part of America. It is going to hurt agriculture, it is going to hurt the airline industry, going to hurt the foundry industry and many, many others and cause a lot of unemployment.

Let us get down to the business of doing what has to be done, and that is cutting Government spending. Then after we do all that, if I am wrong, then we will go back and talk about taxes.

But I really believe that the American people want us to take a meat cleaver to spending first before we start taking more money out of their pockets.

With that, Mr. Speaker, I yield to my very good friend and colleague, the gentleman from Florida, who wants to talk about a very important subject to all Americans but particularly to those in southern Florida who are of Cuban-American heritage.

I yield to my colleague.

Mr. DIAZ-BALART. Mr. Speaker, I commend the gentleman for reminding us of the perils of excessive taxation to the American economy and to the world economy, because a healthy American economy is indispensible to a healthy world economy, and of course vice-versa. And we do not achieve economic revitalization by taxing the economy to a point where it stumbles after it has already begun a remarkable comeback and has grown in the last couple of quarters at almost a 5-percent rate, almost an unparalleled rate in the world today.

So I again thank the distinguished gentleman from Indiana [Mr. BURTON] for yielding at this time.

HUMAN RIGHTS VIOLATIONS IN CUBA

Mr. Speaker, at this time, in Geneva, Switzerland, the Human Rights Commission of the United Nations is considering and carefully examining violations of elemental human rights in a number of places on this Earth.

The genocide being perpetrated upon ethnic minorities in Bosnia has been the subject of much discussion and condemnation—and rightfully so. Necessarily so.

The administration is to be commended for its humanitarian effort to bring food to vast areas of Bosnia where people have not had access to sufficient food in months.

In addition, in Geneva, the United States is getting ready to introduce a resolution expressing deep concern for the arbitrary arrests, beatings, imprisonment, harassment, and governmentally organized mob attacks upon the internal opposition to the Castro dictatorship in Cuba.

The resolution notes with particular concern that the Cuban dictatorship increased its repression against human rights monitoring groups in Cuba precisely on U.N. Human Rights Day last December 18.

Terror, Mr. Speaker, that is the essence of the Castro dictatorship: A regime of terrorists and thugs that made it a point to publicly increase the

bloody violence perpetrated upon its unarmed dissidents and opponents in the country precisely on U.N. Human Rights Day.

The U.S. resolution refers to the appointment of the special rapporteur by the U.N. Human Rights Commission last year.

In 1992, March 3, to be exact, the U.N. Human Rights Commission took the great step of appointing that official a Swedish diplomat, to personally investigate the human rights violations in Cuba and report back to the United Nations.

Castro himself declared at that time that he would obey "not so much as one paragraph, nor so much as one sentence, nor so much as one comma of the resolution of the U.N.," and he refused entry into Cuba of the U.N. official.

There again we can discern the essence of the Castro dictatorship: In the flaunting of contempt for international public opinion and the total disrespect for international law and all civilized norms of conduct.

So the United States resolution in Geneva calls upon the Cuban dictatorship to permit the special rapporteur the opportunity to fulfill his mandate by allowing him to enter the country.

The resolution expresses particular concern that the Government of Cuba—which incredibly, Mr. Speaker—is a member of the United Nations Human Rights Commission * * * the resolution expresses particular concern that a member State of the Human Rights Commission of the United Nations can so flagrantly fail to carry out its most basic commitments to the United Nations Charter.

And the United States resolution affirms and extends the mandate of the special rapporteur for 1 year to permit him to further investigate the systematic violations of human rights, including arbitrary detention and torture, by the Cuban dictatorship.

So the U.S. resolution, though a modest statement, is obviously rooted in good faith and support for human dignity. It is as though the judge has already found a lot of evidence against the defendant, and in fact the defendant did not even let the judge in the courtroom, the U.S. resolution asks that the judge be given more time and resources to do a good job.

Mr. Speaker, one of the latest reports received from Cuba relates to the arrest, on February 6 of this year, of Rafael Gutierrez, president of the trade union of Cuban workers.

And also last month, following the formation of the National Commission of Independent Unions (Comision Nacional de Sindicatos Independientes), union materials and publications were seized and the following leaders were detained: Juan Guarino, Javier Troncoso, Jorge Lopez Bonet, Eduardo Ruiz, Roberto Varo, Omar Fernandez, and Lazaro Cor.

The dictatorship's security forces warned these men that they would be "crushed like cockroaches" if they persisted in their union activities.

Mr. Speaker, I want to publicly commend the personal interest taken by President Lane Kirkland of the AFL-CIO in the well-being of these brave Cuban trade unionists who, at this moment, are bearing the full force of the ruthlessness of the Castro dictorship.

In a letter to the Cuban dictator dated February 17, Mr. Kirkland wrote:

On behalf of the AFL-CIO, we request the immediate release of Rafael Gutierrez, who has proven to be a true labor leader, willing to risk his own life in the defense of workers' rights. His acts of courage are worthy of admiration, not incarceration.

We therefore wish to convey our solidarity and concern for Rafael Gutierrez's well-being and that of all human rights activists presently enduring hardships under your regime. Further, we are issuing a formal protest before the United Nations and its bodies, as well as the democratic labor movement worldwide, since the only 'crime' being committed by these activists is to exercise their right as established in the Universal Declaration of Human Rights.

Well said, Mr. Kirkland. Once again, as in so many prior examples, the American labor movement is standing tall and on the side of an oppressed people, as opposed to simply standing idly by while a tyrant terrorizes an unarmed people.

But the wrath of the Cuban dictatorship's evil is not limited to workers and labor leaders.

Mr. Speaker, I would like to bring up the history of one of my constituents, Mr. Eugenio De Sosa.

Mr. De Sosa, now in his seventies, is today a successful businessman in Miami.

Eugenio De Sosa, as a young man, attended schools in Cuba, the United States, Great Britain, and Switzerland, and studied diplomatic and consular law at the University of Havana. He was a member of the board of directors of the daily newspaper Diario de la Marina, and was successful in business. In December 1959 he was arrested for conspiring to depose the Castro regime and was sentenced to 20 years in jail. Over the following years, he was confined to several prisons, including the Isle of Pines and La Cabana. He was one of the plantados prisoners who refused to participate in so-called reeducation programs or wear the uniform of common prisoners.

In 1977, after 17 years in prison, Mr. De Sosa was taken from Combinado del Este Prison to state security headquarters at Villa Marista to be interrogated on information he allegedly passed to counterrevolutionary exiles in 1963, 14 years earlier. He was stripped and placed in solitary confinement in a small, unlit cell. Psychotropic drugs were mixed in with his food; when he discovered a half-dissolved tablet in his food, he stopped eating.

One day, he was interrogated by a state security officer, who told him that one of his daughters, whom he had not seen in over 15 years, and his granddaughters were flying in from Texas to visit him. The officer told him that the visit was a gesture of mercy of the Castro government before his execution.

A few days later, Mr. De Sosa was taken to the barber and given clean clothes. When he entered the room, however, he found not his family but the same state security officer, who told him that there had been a terrible accident involving the plane, and that his daughter and granddaughters were dead. Mr. De Sosa later discovered that both the visit and the death of his family were a hoax. Enraged, he struck the state security officer. As Mr. De Sosa later put it, "When I was told of the 'tragedy,' I believed it. I wanted to die." The guards beat him savagely, telling him he would be shot the next day at La Cabana Prison.

That night, however, he instead was taken from Villa Marista and driven through Havana. He was forced to lie down on the floor of the car. When he was removed from the car, he discovered that he had been transferred to the Havana psychiatric hospital, known as Mazorra. Mr. De Sosa later described Mazorra as a "snakepit writhing with the violent and insane."

There were about 80 men in this ward, all violently disturbed. The smell of urine and excrement was sickening. There would be brawls among the patients every so often and shattered, bloody bodies had to be carted out. During my stay there, five patients were killed in brawls.

One day, several young boys, the oldest of whom probably was no more than 16, were brought into the ward:

The boys had been caught writing anti-government graffiti on some building walls, and a "judge of the people" declared that to do such a thing they must be insane and in need of psychiatric treatment. Before the day was over, all the boys were systematically raped by more than 30 patients in the ward. To this day I can hear their cries for help and see their bloody bodies as I stood by in rage, unable to help. Not a single staff member intervened.

During his time in Mazorra, Mr. De Sosa was subjected to 14 sessions of electroconvulsive therapy. As he later described, most electroshocks were applied with no regard for the health or safety of the patient:

My first encounter with group electroshock treatments occurred one night when I saw a team of four men, directed by a man named Mederos who was dressed as an orderly, enter the ward. Six patients were grabbed and rubber pieces stuffed into their mouths. They were thrown to the floor in a row, side by side. Right there, on the floor, the electrodes were applied to both sides of their heads and the shocks were applied. Six bodies started to contort one by one the shocks were applied to the temples of the patients, but to me they applied most of the shocks to the testicles instead.

He later related that electroshocks "felt like thunder, an explosion."

After 5 months, Mr. De Sosa was returned to Combinado Del Este, where he remained until his release on November 15, 1979. He arrived in the United States on January 18, 1980. He now is a hard-working and successful independent associate with an engineering firm in Miami, FL.

My friend and constituent, Eugenio De Sosa, Mr. Speaker, is not untypical of tens of thousands of former political prisoners of Castro's Cuba.

They are a source of admiration for us all, as are the thousands of victims of Castros firing squads or the incalculable number of human beings who have been lost at sea attempting to escape the nightmare of Communist Cuba.

And even though the special rapporteur appointed by the United Nations has not been allowed into Cuba by Castro, Mr. Speaker, he has managed to gather very accurate evidence of other extraordinary violations of human rights by the dictatorship.

In a number of very specific categories—trial and sentencing; threats and intimidation; temporary detentions; loss of jobs for political activity; conditions in the prisons; and the right to leave the country, the United Nations official special rapporteur's report is specific concerning many unconscionable actions which have not been able to be hidden from the international community's knowledge in recent months.

For example, the special rapporteur lists a substantial number of prisoners who are serving sentences for political offenses and are constantly denied medical care for diabetes, tuberculosis, duodenal ulcers, et cetera.

In several known cases, lack of medical care has led to death.

For example, Rodolfo Gomez Ramos, 42 years old, died in prison in Havana, at the Micro 4 de Alamar Prison, in March 1992, after being denied medical care while serving a sentence for attempting to leave the country illegally.

Yes, Mr. Speaker, in Cuba it is a crime to attempt to leave the country without permission, despite the fact that Cuba is a signatory state to the Inter-American Convention on Asylum and the International Covenant on Civil and Political Rights, which protects the right to leave one's own country, and despite article 13, paragraph 2 of the Universal Declaration of Human Rights, to which Cuba is also a signatory, which provides that, "Everyone, has the right to leave any country, including his own, and to return to his country."

Well, in view of Mr. Gomez Ramos' serious medical condition, caused by an ulcer, he repeatedly asked to be moved to a hospital. His requests went unheeded. Instead, arrangements were made to transfer him to a stricter prison in the province of Matanzas. While he was being moved, he died.

On February 1, 1992, Francisco Diaz Mesa, 24 years old, also died in prison. He was denied medical treatment after contracting pneumonia. Shortly before he died, he tried to get the attention of the guards. They gave him a severe beating, and he died shortly afterwards without receiving medical attention.

Bienvenido Martinez Bustamante. He was severely beaten on June 8, 1992, for criticizing the government. He had bruises all over his body, his face was disfigured and he had lost consciousness. Nevertheless, he received no medical attention whatsoever.

Ibelise Camejo Moleiro was brutally beaten on May 4, 1992, at Guanajay Prison because he had written a letter to the authorities complaining about being in solitary confinement, having no water for personal hygiene and being denied correspondence.

Mr. Speaker, I could go on and on.

This is the reality facing the Cuban people today.

This is the reality that is being discussed today in the United Nations Human Rights Commission in Geneva.

As the head of the U.S. delegation to the United Nations Commission on Human Rights said earlier today in Geneva:

> The price for advocating peaceful political change in Cuba is imprisonment. The price for forming a human rights group in Cuba is a government-organized mob surrounding your home, breaking down your door, and beating you senseless. The existence of Cuba's omnipresent security apparatus underlies the fear the Cuban Government has of permitting free and fair elections, the right of assembly, or even the visit of the U.N. envoy.

Thugs, gangsters, and terrorists hold total power over a people only 90 miles from our shores.

And the only sanction existing in the entire world against those thugs and their brutal acts of repression is our American policy of not trading with those thugs and terrorists. And as of a few months ago, upon passage of Congressman TORRICELLI's Cuban Democracy Act, our companies' subsidiaries abroad cannot profit from trade with those henchmen either.

As Congressman TORRICELLI has eloquently stated, Mr. Speaker, U.S. policy toward the Castro dictatorship is bipartisan and crystal clear.

We will not trade with Cuba while the regime remains in power that utilizes every dollar it can get a hold of to oppress its people even further.

The United Nations has confirmed the nature of the Castro dictatorship in this report by the Swedish diplomat, Ambassador Groth.

What further proof do they need to impose sanctions, international sanctions, on the Cuban tyranny than their own proof, the proof in this U.N. document?

And yet, all too often we hear criticism of our policy of not trading with Castro, which is the only sanction in the world against the grave human rights violations that the United Nations admits Castro is committing.

Some insist upon maintaining that our policy of not trading with Castro has destroyed Cuba's economy, while nothing can be further from the truth.

During the decades of mind-boggling subsidies of the Cuban economy by the Soviet Union, the economy of the island was also in shambles, and the Cuban people faced hardship and rationing of the most elemental needs of daily life.

And today, still today, while Castro and his apologists throughout the world rant and rave about our unilateral embargo, Castro has just found the money to buy 2 billion dollars' worth of Russian weapons, including two new submarines, Mr. Speaker, and he has spent another billion dollars forcing the Cuban people to build tunnels throughout the island to prepare for a U.S. invasion.

A demented, violent personality who should be straitjacketed and locked up in an asylum is instead the totalitarian ruler of a country of 11 million people 90 miles from our shores.

That, Mr. Speaker, is shameful.

And those who still argue against our policy of not trading with Castro can no longer hide their true intentions.

Mr. Speaker, article 39 of chapter 7 of the U.N. Charter provides that the U.N. Security council "shall determine the existence of any threat to the peace, breach of the peace, or act of aggression, and shall make recommendations, or decide what measures shall be taken * * * to maintain or restore international peace and security." Those sanctions can involve an international embargo, withdrawal of Ambassadors from a country, even military action.

In the past, the United Nations has determined that massive and systematic violations of human rights may constitute a "threat to peace" under article 39, and has imposed sanctions due to such violations of human rights in the cases of the former Rhodesia, South Africa, Iraq, and the former Yugoslavia.

Some weeks ago I received a letter from the distinguished chairman of the Committee on Governmental Operations addressed to President Clinton, requesting that the United States seek U.N. Security Council sanctions against the Haitian dictatorship.

I signed that letter to the President and wrote to the gentleman from Michigan that:

> I will soon be introducing a resolution requesting that the United States propose and seek, in the United Nations, an international embargo against the Cuban dictatorship along the lines sought in the letter to President Clinton with regard to Haiti.
>
> Just as we must act promptly and with energy to restore freedom to the people of Haiti, we must act decisively to help free the Cuban people. There can be no double standard with regard to democracy and human rights in our hemisphere.

I respectfully request that you and all Members of Congress join me in cosponsoring my resolution, demonstrating solidarity with a people who have suffered at the hands of a brutal dictatorship for 34 years. The Cuban people deserve to be assisted in a decisive manner to bring their totalitarian nightmare to an end. Your cosponsorship of the resolution seeking to accelerate their liberation would demonstrate your rejection of double standards and your sincere commitment to freedom throughout our hemisphere.

Mr. Speaker, it is time for the double standards to end.

I seek and will continue to seek the help of all my colleagues to ask the world community to join us in accelerating the liberation of the Cuban people, a people who have suffered far too much, for far too long.

A people who will soon thank us, Mr. Speaker, when their nightmare of oppression and terror is over, for the solidarity of the United States of America, liberator of an entire continent not once but twice this century.

I have seen the seemingly endless seas of awesome white crosses and Stars of David in the hallowed resting grounds of our brave servicemen in Europe.

And I know of the greatness, of the valor, and the character of the people of this land—repository of human dignity and solidarity.

□ 1640

Mr. BURTON of Indiana. Mr. Speaker, let me just say that I have not until this time tonight heard my good friend and new colleague, the gentleman from Florida [Mr. DIAZ-BALART] speak, and I am very impressed. The gentleman makes a case for the Cuban people in a very clear and salient way. He has made very salient points, and I appreciate it.

Mr. Speaker, I have worked with the gentlewoman from Florida [Ms. ROS-LEHTINEN] and the Cuban-American Foundation down in Florida a long time trying to keep the heat on Fidel Castro because he is such a tyrant. He is the last Stalinistic leader in the world and uses Stalin's tactics to try to keep people oppressed.

My good friend, Armando Valladares, who wrote the book "Against All Hope," spent 25 years in a Cuban prison. He illuminates the issue very clearly, much like the gentleman did tonight, in his book, and I wish everyone in America would read it. I read it while on the plane, his talking about the torture, pain, and suffering taking place in the prisons in Cuba.

Mr. Speaker, can you imagine spending 25 years in a prison like the gentleman just talked about? Yet Armando spent some 25 years there, and I think only his Christian beliefs and principles kept him sane and kept him going. I know they are thinking about making a movie about that, and I hope they make that movie and everyone in the world gets a chance to see it and to read his book, because it really points out very vividly how bad Castro is.

□ 1650

And for the world to even think about taking the heat off this guy would be a tragic mistake. We need to keep every amount of pressure we possibly can on him until there is freedom and democracy in Cuba. And hopefully, one day all three of us will be able to walk on the beaches of Havana and maybe have a Coke together or a margarita, maybe, and talk about the old days when this tyrant was in power.

I know one thing for sure, if the people of Cuba are free and the chains of communism are removed from them, with their industry and their insight into how to get an economy moving, I think that would be one of the bright spots in the Caribbean. I think we would have such tremendous industrial production and economic growth, it would not be funny. So I am with you.

I am going to stick with you and the Cuban-American Foundation and ILEANA until we get freedom down there.

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman from Indiana for those kind words and most of all for his support and his assistance and his help and his solidarity on this issue.

What the gentleman says is true. Cuba will be free, and the reason that it has not been free earlier is because the only country in the world that has done anything to express solidarity with the Cuban people is the United States. Yet we hear criticism of our policies, as though we were the bad guys, when the only country that has maintained a policy of not trading with the thugs that are exploiting and oppressing the Cuban people, the only Government that has done that, the only people that have done that, because of the traditional historic links of friendship that the American people have had with Cuba, is the United States.

But what we have got to do, and this is why I thank the gentleman from Indiana [Mr. BURTON] for cosponsoring my resolution, just like the gentlewoman from Florida [Ms. ROS-LEHTINEN], the gentleman from New Jersey [Mr. MENENDEZ], and the gentleman from New Jersey [Mr. TORRICELLI], and so many others, is that we have got to go to the world and say, no more double standards. If other illegitimate regimes have been declared illegitimate by the world community, like in the case of South Africa and world pressure has been put to bear on regimes like that and has brought apartheid to its knees in South Africa and other instances, no more double standards.

It has been 34 years. Too much suffering, too long. We will not accept double standards, and we have to insist that the world, especially our allies, join us in imposing a true embargo, a worldwide embargo to once and for all help those people free themselves of the totalitarian nightmare.

Mr. BURTON of Indiana. Before I yield to the gentlewoman from Florida, let me just say that communism failed in the Soviet Union. It collapsed of its own weight because they were trying to keep their people under wraps. They were trying to build a huge military machine, all of the things that Castro is doing, and he cannot long endure. It is only a matter of time until he falls. We are all awaiting that day.

Mr. Speaker, I yield to my dear friend, the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding to me. I would like to thank him for all of the tireless effort that he has given to the cause of a free Cuba. One of the first Members who called me, after I won my election 3 years ago, was the gentleman from Indiana. We spoke for a great length of time about the need that we have here in the U.S. Congress to further enlighten the international community about the human rights violations and the great role that each and every one of us can have in bringing about the liberation of the Cuban people.

I am very proud to join with him in this special order tonight to further that cause along. I agree with the gentleman's remarks about our wonderful new colleague, the gentleman from Florida [Mr. DIAZ-BALART], who has been such a sterling addition to this body, because the gentleman from Florida [Mr. DIAZ-BALART] brings with him a great love of his native Cuba and a great understanding of the democratic process. And with his intelligence, with his sharpness and his clear focus on the task at hand, I believe that that day will come even sooner for us. So I thank the gentleman for always helping and doing everything that he can to further enlighten us on the true path to liberate our native homeland, because certainly the Cuban people have been yearning for freedom for over 30 years due to the oppressive dictatorship of Fidel Castro. And their cries have grown louder day by day.

More and more of my Cuban brothers and sisters in my native island of Cuba have decided to jump into the Atlantic Ocean, risking their lives and in many cases their children's lives in makeshift rafts. They hope to reach the United States of America seeking the freedom, justice, and liberty that they never enjoyed in Communist Cuba.

Just last night, in our local newscast in Miami, FL, we saw a very sadly symbolic image of a makeshift raft, which held five refugees from Cuba. Unfortunately, by the time that raft

reached the shores of freedom in the United States, only one person had survived. When they asked the families of that young man, they said that, yes, they were very glad that he was here but they cried for the others and the countless others who have not come and who died in this journey of mercy, in this journey of freedom. How many countless others, nameless, faceless, have been punished by those cruel seas? But there are growing voices in the international community that are renouncing the human rights violations in Communist Cuba. And certainly, in these past few years, especially Cuba's small community of human rights activists and political dissenters have been subjected to even more cruel and more regular crackdowns and hundreds of others have been jailed or placed under house arrest.

Many others have been assaulted in the streets and in their homes by plainclothes police and the rapid action brigades, which are nothing more than mobs organized by the state security committees for the defense of the revolution.

Since 1990, the International Committee of the Red Cross has been denied access to the prisoners in Cuba. Their testimonies from Cuban rights activists, who have stated that there are more than 100 prisons and prison camps and between 200, 300, who knows how many hundreds of political prisoners exist in Cuba today. Many are examples of human rights violations that have been recently reported in the mass media and continue to be reported day by day.

In Castro's Cuba, a different political ideology from the one-party Communist doctrine is outlawed. That, in and of itself, is a crime against the state. Many are in prisons because they have tried to hold illegal meetings, which are all meetings. Many are accused of defaming state institutions, which means that they are prodemocracy. And these tragic trumped-up charges are monthly, daily occurrences.

In November 1992, domestic rights groups stated there were more than 300 human rights activists in prisons in Cuba. In 1991, and again in 1992, the United Nations voted to assign a special representative on human rights in Cuba, but the Cuban Government has repeatedly refused to cooperate.

As my colleague, the gentleman from Florida [Mr. DIAZ-BALART] has pointed out in his remarks, Castro has said that he will not honor even one comma of any of these resolutions against him. But let us all work hard here in the U.S. Congress in a bipartisan manner, liberals and conservatives alike, to do all that we can to bring freedom and justice and liberty to my native homeland.

Let this be the year that democracy will flourish once again in Cuba.

There are many groups that are helping to bring about this proud day. As the gentleman from Florida [Mr. DIAZ-BALART] pointed out, the AFL-CIO has a very active free Cuba committee, and those individuals, including many from my own congressional district such as Pepe Collado, Jack Otero, Marty Urra, and Mike Ruano and many others have worked tirelessly to bring world attention to the plight of Cuban workers who are continually harassed because of their subversive, that is prodemocracy, views.

I am confident that if we all continue to focus world attention on this human tragedy that the Cuban people have to live through every day, change will came about. It is up to each and every one of us to make a difference in the lives of thousands of enslaved Cubans.

Let us not be fooled by shams that Castro always puts out to the world.

For example, just a few days ago he had a sham of an election which supposedly took place, but there was only one slate of candidates, all of them Castro's Communist lackeys, all of them his thugs. There was no real election.

Let the world not be fooled. But Castro was not able to fool anyone. He did not get the boost that he so much needed from the international community after this sham of the elections.

□ 1700

Ojala que sea (I hope that it will be).

Mr. BURTON of Indiana. All I can say to both of my colleagues from Florida is "Viva free Cuba."

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 20, FEDERAL EMPLOYEES POLITICAL ACTIVITIES ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-24) on the resolution (H. Res. 106) providing for the consideration of the bill (H.R. 20) to amend title V, 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, which was referred to the House Calendar and ordered to be printed.

## LESSONS FROM THE WORLD TRADE CENTER DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 60 minutes.

Mr. WELDON. Mr. Speaker, I am pleased to have this opportunity to address this body and the American people through this body on the concerns that I have relative to my experience yesterday in spending the bulk of the day in New York City at the World Trade Center. I went up to New York City with Frank McGarry who is the State fire administrator for the State fire marshal for New York State, and in cooperation with Frank was able to secure meetings with the commissioner of the New York Fire Department, Carlos Rivera, the fire chief of New York City's Fire Department, Tony Fusco, the chief of fire for the city and the highrise expert for the city of New York, and the commanding fire officer for all of Staten Island, Chief Gene Dockter, the fire prevention chief of the New York City Police Department, John Hodgens, the Manhattan chief and the commanding officer, Ken Cerrera, the operations officer for the Port Authority and the owners of the World Trade Center, Fred Stinner, and the onsite agent in charge of ATF working for Charlie Thompson, Malcolm Brady.

The purpose of my visit was in my role as the founder and the ongoing cochairman of the congressional fire and emergency services caucus to continue to allow this body and the 427 members of our caucus to better understand the issue of the disasters and emergency responses in this country, and to come back and perhaps make some recommendations as to how we could improve our ability to respond to situations not just like the one in New York that occurred this past weekend, but also other disasters that have occurred in California with the Loma Pietra earthquake, in Florida with Hurricane Andrew, in Sioux City, IA, responding to the crash of a DC-10, in Long Island, NY, in responding to the crash of the Avianca plane, in Yellowstone in the Western States in response to the wildlands fires there, and all of the other disasters that this country has had and will continue to have. We all know that we have an ongoing need to look at the issue of emergency response and preparedness, and I think there are many lessons that we can learn from the experiences there, and that is exactly what happened yesterday. In the meetings that I held with the officers of the New York Department and with the command personnel, there are experiences that I would like to outline here today.

Mr. Speaker, as we heard from the agents at the Alcohol, Tobacco and Firearms onsite location right outside the World Trade Center was the description of this explosion as being the largest of its kind in the history of America in terms of damage and impact. Let me first of all extend my heartfelt sympathy to all of the agents in ATF and the families of those individuals who were killed in the line of duty down in Waco, TX. We heard this description of the explosion as being the largest of its kind in the history of America in terms of damage and im-

pact, and yet I would say that because it happened in America, and in a complex that during the day houses almost 100,000 people, the loss of life was kept to a minimum, and it was kept to a minimum because of our building code standards, because of our construction design features, and because of the security control measures that were in fact in place at the World Trade Center.

I want to also add my praise to the New York City Fire Department and emergency medical services as well as the New York City Police because they did a fantastic job in responding to and controlling what could have become an absolutely overwhelming disaster. Keeping the loss of life down to, at this point in time, five individuals is nothing short of a miracle, and that was certainly because of the skill, and the training, and coordination of all of the emergency responders as well as the cooperation of the Port Authority and the personnel involved with Port Authority security and control of the operation of the World Trade Center itself.

While we praise the New York City Fire Department for its success, there were problems, and those problems were some of the focus that we hit upon yesterday with the officials of the New York City Department and Carlos Rivera.

The fire itself was not a problem in the World Trade Center. As a matter of fact, the fire chief and command officers on the scene told us that in fact it was a oneline fire, they were able to extinguish and control the fire with only one hose line, and the massive amount of equipment and apparatus and personnel were not called there to fight the fire, but rather to deal with the aftermath of the explosion. The fire itself was basically contained and confined to the vehicles that were in the actual garage, the tires, the gasoline tanks, and the automobiles. The fire did not in fact extend into the hotel, nor into the World Trade Center.

However, what was a major problem was the communications system, and in fact, either ironically or deliberately, and I think we will find this out after the ATF and the FBI fully investigate this explosion and this incident, evidently the vehicle or the actual source of the explosion was strategically right next to the heart and soul of this huge World Trade Center complex located at the B-2 level, several floors below ground, below grade. The force of the explosion knocked out the entire command and control center for all of the buildings in the World Trade Center complex, not just World Trade Center I and II, but also the other mid- and low-level buildings that housed the Customs Service and some of the other operations that are in World Trade Center buildings. All of the entire operation in terms of electric, water supply, control of the elevators, fire alarm systems, detectors, sprinklers, as well as the heating, ventilating, and air-conditioning system were all immediately shut down by the force of this explosion.

Now that does not sound like much, but when you are talking about a complex that had up to 100,000 people in it, and the fact that you immediately cut off the power for 260 separate elevators with no idea where in fact these elevators were located in a 100-story series of 2 complexes, it begins to bring to mind the size of the problem that the New York City emergency responders had when they arrived on the scene of the World Trade Center complex. And added to this frustration of all of the electricity being out was the total lack of a viable communications system within the complex. The fire department was not able to communicate with any of the floors because not only was there no power, but in addition there was no portable type of communications system that could be put into place immediately.

□ 1710

While there were literally thousands of people on these upper floors of this complex, there was no way to get to them to reassure them that, in fact, things were OK. As a matter of fact, one of the second problems that came about because of this disaster was with all the communications being knocked out, the people on the upper floors, the inhabitants of the complex, really were not sure whether or not they were safe.

And because the bulk of the TV stations in New York City have their transmitting antenna towers on top of the World Trade Center, all but one of these TV stations was, in fact, knocked out of service. What occurred during the early hours of this disaster was one of the local TV stations in New York City transmitting information to inhabitants of the World Trade Center, those trapped on the upper floors, telling them to knock out windows, which was very, very much against what the recommendation was of the New York City Fire Department and which, in fact, caused serious problems for those people on the ground as the panes of glass, up to ½-inch thick, fell out and onto the street below and, in fact, cut people and caused severe lacerations.

There have been articles in the media, one of which I would like to insert in the RECORD, that outline what is, in fact, in my opinion, irresponsible reporting on the part of a television station during the height of a emergency in terms of giving out the wrong information, and that was a problem in this case.

Commissioner Rivera spoke of that problem publicly, and I would hope that that is something that we would look at in any highrise building disaster of this type in the future in terms of making recommendations for operational efficiency in the future.

A third problem, and perhaps one that was most pronounced through the local TV stations, was that of the inability to control the smoke. I mentioned that the fire was, in fact, not the problem, that it was contained and controlled fairly quickly. But because the elevator shafts in the World Trade Center traverse through the entire complex 100 stories high and because the 3 stair towers are directly adjacent to those elevator shafts, the explosion blew out holes into the lobby of the World Trade Center I and allowed the smoke and the heat to actually be siphoned up through the elevator shafts and their stair towers very quickly acting almost as a chimney flue. This caused severe problems for those people who were trying to exit World Trade Center I, and, in fact, as many of us saw on the nightly news that evening, there were scores of people coming out of the lobby area of the World Trade Center with soot on their faces and in a state of hysteria because they had to come down through these stair towers and, in fact, were greeted with this heavy smoke and this hot gas caused by this explosion in the parking level below the Vista Hotel and below the World Trade Center complex. Smoke control is an absolutely overwhelming problem in any highrise complex, and there are lessons to be learned in this situation in terms of future highrise incidents.

Most highrise buildings are required by code today in most of our cities to have positive pressure so that the stair towers themselves are pressurized to keep smoke and heat out of that area where the inhabitants are expected to be able to exit the building. I do not necessarily think that would have helped in this case even if it had been in place, because the explosion caused the walls of the stair tower below grade to be breached, and even if there had been positive pressure there, I do not think the smoke would have, in fact, been kept out of those stair towers. However, that is a concern that has to be addressed in all highrise disasters.

A fourth problem is the fact that, and we have alluded to this many times in this body, that all governmental buildings in this country are exempted from local building codes. As you all know, we exempt governmental installations from OSHA regulations and, in fact, building codes in local cities are not enforceable with governmental buildings, because we have exempted them from those provisions. In my opinion, this is wrong. It is an issue that we have to look at in this Congress.

If a city fire department official and a building code inspector decide they want to have a certain set of regulations in place to control the construction and the fire protection and life

safety requirements of a complex, then it is my opinion that all buildings within that jurisdiction should be made to comply with the same standards. I think it is a crazy situation when we have a dual standard. In effect, what we say is that the lives in a public building are perhaps not going to be covered with the same standards that those lives are covered in a private building. That is an egregious wrong that we have to deal with at this level of government and something that I hope we can address in this session of Congress.

The last problem that occurred in the New York City World Trade Center disaster, as told to me by the New York City fire officials, was that of a lack of a strategic and coordinated command center. I find it hard to believe that New York City, which in this case actually struck a full 5 alarms, and to give you some idea of the numbers that would be involved in a 5-alarm situation of this type, we are talking about 63 engines, 48 ladder trucks, 5 rescue vehicles, and almost 1,000 firefighters from all over the city. Despite that huge contingent of emergency response people along with hundreds of rescue personnel, emergency medical personnel, there was, in fact, no mobile command center to coordinate the communication among all of these agencies. That is absolutely an issue that needs to be addressed, and it is an issue that caused problems for the emergency response effort and the coordination of that effort in this particular situation.

Those are some issues that were addressed to me by the leaders, and I have made some proposals that I would like to outline to the House this evening and would ask my colleagues to consider supporting me both legislatively and administratively on the requests that I have put forward.

First of all, let me get back to the whole issue of disasters in America. This Congress and this particular body and the other body have been very critical in the way the Federal Emergency Management Agency oversees disasters in America. There was a great deal of criticism following Hurricane Hugo; there was criticism following the Loma Prieta earthquake and following Hurricane Andrew, saying that FEMA just did not have its act together, that it was more of a fallout-shelter agency designed for civil defense response and not for emergency response in terms of natural and manmade disasters. Part of that criticism, I have said publicly, is justified.

FEMA needs to be reorganized, but part of the problem also lies in the fact that we in the Congress have put 20 separate committees in oversight responsibility with FEMA. So FEMA is pulled in 20 different directions by the committees and subcommittees of this institution and the other body, attempting to provide direction and leadership in terms of how to respond and plan for disasters in America. We need to step back and, instead of criticizing FEMA and saying that perhaps the military should be brought in earlier, regardless of what the disaster is in this country, this country needs to sit back, bring in the experts who respond to disasters like the World Trade Center, like the hurricanes, the tornadoes, the large fires and conflagrations, we need to bring them in, get testimony from them, and then come out with a report to the administration and the Congress as to how we can streamline emergency planning preparation and response in this country. That is absolutely the first step and the most vital step we should be taking on behalf of the American people.

Now, how do we accomplish that? Well, we could try it legislatively. In fact, in the last session of Congress, my colleague, the gentleman from New Jersey [Mr. ANDREWS], and I introduced legislation to create a Select Committee on Disaster Preparedness and Response, but with our efforts in this body to cut back on overhead and administrative expense, which I happen to support, the idea of another select committee, even one that has sunset provisions, is not going to go anywhere.

So what we have done now, instead of requesting a select committee to look at these issues, is we have written to President Clinton and asked the President to designate a Presidential task force that, in fact, within 1 year would look at and then make recommendations on how we can better respond to disasters, preplanning and response, all across this country; perhaps tell us whether or not FEMA should be kept in its current state, should be reorganized, placed in some different Federal department or agency, or perhaps give more of the responsibility to the military. But there has to be a clear pattern, a logical pattern set up to allow this process to move forward.

Most importantly, the emergency response community needs to be a part of that process. Coming up with a new, revised emergency planning and response effort in this country is no good if we do not involve the International Association of Firefighters who represent the paid firefighters in our cities, the National Volunteer Fire Council that represents 85 percent of the 1.5 million men and women who service our 50 States, the International Association of Fire Service Instructors that trains these people, the National Fire Protection Association, the Ambulance Association, and all of those organizations, the Chiefs' Association, and all of those other organizations that are involved in life safety in this country.

Mr. Speaker, in fact, there are almost 60 national associations who, day in and day out, are involved in planning for disasters that occur every day in this country. From the single-family-house fire to the World Trade Center explosion, these emergency responders have as the basis of their mission the need to plan and prepare for what they know will eventually happen and that is a disaster.

□ 1720

We have not been as supportive as we should be at the Federal and State levels and the local level of government. What I am proposing is that President Clinton should really set the tone here in this country and convene a bipartisan multifaceted task force that will look at this issue once and for all, bringing in all of the insight of these various parties so that we can finally deal with the correct way to plan for and respond to natural and manmade disasters all across the country.

I would hope that my colleagues would support me in this request of the new administration. I am pleased that Vice President AL GORE for the last 3 years has been one of my cochairs of the fire and emergency services caucus. So I know the Vice President's ear is with us on this issue.

My reports coming in from Arkansas, from the emergency response community, is that President Clinton likewise wants to be responsive to the needs of the emergency responders in this country, the people that I call our domestic defenders.

We owe that type of support and response to these people.

I would ask, through your office, Mr. Speaker, and through this body that we plead with the President to convene this panel sometime during this session of Congress.

A second recommendation that I bring back to my colleagues deals specifically with New York and with the high-rise problem.

Some would think that perhaps New York is the only city in America where we have a high-rise exposure, whether there in fact is the potential for the kind of thing that we saw at the World Trade Center or other major losses of life from a high-rise incident. But in fact if we look at the record, that is not the case. As a matter of fact, just in the last several weeks we had a loss of life of an individual in another high-rise fire, I believe it was in White Plains, NY. A year or so ago we lost three firefighters in a high-rise fire in Philadelphia. We have had similar instances of loss of life in Los Angeles. We had the terrible fire in Las Vegas, where there was a multiple loss of life of ordinary citizens because of a high-rise disaster.

We know these situations will occur again. Yet, what I found in talking to the experts on high-rise buildings in New York, and most specifically here I am talking about Chief Gene Dockter, perhaps New York's greatest expert on high-rise buildings, we really need to

sit back and establish a coordinated plan looking at the lessons that can be learned from the World Trade Center, that we can take across the country and provide to every city in America with high-rise buildings, so that we do not have the loss of life in future instances that we know are going to occur.

As a matter of fact, Gene Dockter was one of the individuals who gave me some of the ideas regarding the need of a state-of-the-art communication in high-rise buildings, using a coaxial cable system, a technology that could be installed for a cost of between $8,000 and $10,000 per high-rise building in every building in America that would give the emergency response personnel instant access to every floor of the high-rise building regardless of what happened at the command center.

That communication system could be activated immediately.

That is something that we need to be talking about to every city that has this kind of exposure.

So, what I am proposing today and what I am asking my colleagues, especially from New York and across the country, to join me on is a request to the Federal Emergency Management Agency, the U.S. Fire Administration, to fund a grant through the U.S. Fire Administration and FEMA, using discretionary grants to the New York City Fire Department and the State fire marshal's office, headed up by Frank McGarry, that would allow New York, under the leadership of Chief Gene Dockter, to come up with a national high-rise response model, a model in terms of the problems of command and control, communication, smoke control, dealing with the media, dealing with the situation where command centers are knocked out, so that this model, in the form of a manual, could be provided to every city in the country with high-rise buildings.

I do not expect the cost of this to be excessive. I think it is within the current budgetary limitations of FEMA, and I would hope my colleagues would join me in this effort so that perhaps we could use New York as the example of how we could in fact deal with some of the concerns raised by the New York fire officials as a result of the World Trade Center explosion and disaster this past weekend.

This recommendation needs to be looked at immediately. I will be circulating a Dear Colleague letter to Members of the House, asking them to sign on, and will be in touch with FEMA this week, as early as tomorrow, discussing the details with them as to how we could put this kind of initiative through. I think it is very important that we send a signal now that the focus of the American people is centered on the World Trade Center, that we want to provide the ultimate safety factor for them, whether they work or visit a high-rise building in America.

New York City alone has 800 high-rise buildings, where hundreds of thousands and millions of people everyday work, earn their living, visit various operations.

We need to make sure that these people are properly protected.

So I would bring this suggestion to my colleagues and ask them to support me in this effort. Mr. Speaker, it was very inspirational to me to see the New York City emergency response people at their finest over this past weekend. we sometimes in this country take for granted those men and women who, day in and day out, deal with the terrible tragedies that we have. We take for granted the life-threatening situations that they expose themselves to. We only pay attention for 1 or 2 days following a disaster, when it make the nightly news or when "Nightline" focuses on it. And we then lose interest until the next disaster occurs.

What we are trying to do, through our caucus, is to make this an ongoing, everyday issue, to let these men and women know that we are going to give them the best equipment, the best technology and the best support that they need to respond to life safety concerns that we all have in our cities, our towns across America.

It is the least we can do for them. After all, many of these people in our suburban and rural areas are volunteers, they are not paid for their services, while in most of our cities they are in fact paid people who perform these services. but we need to make sure that we give them the tools. If we were to compare the support that we give to our military, to the support we give to our domestic defenders, there really is no comparison. Our military were so successful in Desert Storm and Somalia because we gave the best training, the best equipment, the best state-of-the-art technology that money can buy.

I support that effort as a member of the Committee on Armed Services. I am also saying that we owe that same level of responsibility to the 1.5 million men and women who serve us domestically, for all the disasters we have in this country.

In the past we have not been supportive of their effort at all levels of government as aggressively as we should be.

We need to look at ways to give them better access to public buildings, make our buildings comply with standard regulations; we ought to give them better protection systems in the form of sprinklers as we did in the last two sessions by passing sprinkler bills; we need to give them better support for arson investigation to reduce the threat that arson poses all across the country.

We have to give them the tools and the resources to protect the lives and property of the American people. It is absolutely outrageous that America, with its record of industrialization, has the worst loss-of-life record of any country in the world: 6,000 people each year die in fires and disasters. On an average, 120 emergency respondents are also killed in the line of duty.

The two suggestions that I have brought to this body tonight and will be taking to my colleagues this week in the House and in the other body also this week are that we need to get this administration, the President, to focus on this issue, not just now while it is in the news, but so that a year from now we are ready to put into place a new emergency response network, a follow-on to FEMA, perhaps a revision of FEMA, perhaps a new agency. I do not know what that final agency structure will look like.

I do know that there are glaring problems that we have to address. We have to address them in a logical manner.

I would also say in that process again that we in the Congress have to remove the excessive committee oversight of the new emergency response agency, whatever it might be. It is just unwieldy to have 20 separate committees of this body and the other body oversee disaster preparedness and response in America. That is one of the reasons why FEMA has a clear lack of direction, because it is being pulled in all different directions.

Added to that the special one-shot study of high-rise buildings and the specific problems they pose and how we can deal with those problems I think will allow us to deal with the disasters that we know are going to occur in this country.

So I am here to ask my colleagues to support these measures. Once again, I pay my respects, I know on behalf of all my colleagues, to all those brave New York men and women who have done such a great job and who are on the scene tonight searching through the rubble trying to find the cause and the origin of this just unbelievable disaster in the heart of our largest city.

□ 1730

Mr. Speaker, at this point I include for the RECORD the article that I referred to:

[From Newsday, Mar. 1, 1993]

'IRRESPONSIBLE' WORDS—REPORTER, UNION CHIEF HIT

(By William Murphy)

A local television station and a fire union official made "irresponsible" comments about fire safety during the World Trade Center tragedy, Fire Commissioner Carlos Rivera has charged.

Rivera directed his criticism at WCBS-TV, its reporter Marcia Kramer and Richard Brower, president of the Uniformed Fire Officers Association.

Brower appeared on station broadcasts several times Friday after the Trade Center explosion. He said the Fire Department might not be able to respond to every fire that day

because 40 percent of its equipment citywide had been sent to the scene of the disaster.

He also said the Fire Department was not responding to some street alarm boxes and urged people to call 911 or their borough fire dispatchers in an emergency.

Kramer said on the 11 p.m. news broadcast Friday that "it's probably better to call 911 or your local borough fire dispatcher to report fires tonight."

The broadcast then cut to a live/remote interview between Kramer in the studio and Rivera at the Trade Center.

"What I'm really here for is to really refute the statements you have made this afternoon," Rivera said. "I thought that those statements were irresponsible. They certainly were incorrect in respect to the fire coverage.

"At all times we had at least 50 percent availability," of firefighting equipment, Rivera said. "So I don't understand what people are saying, yourself and so-called union officials . . ."

Kramer then interrupted to say she was just trying to tell the public the best way to get in touch with the Fire Department in case of an emergency.

"It sounded to me like it was like scare tactics. It was just an alarmist viewpoint and . . . a disservice to the people of the City of New York," Rivera replied. He reiterated his criticism Saturday in an interview with New York Newsday.

A spokesman for WCBS said yesterday that the station stood by its report and noted that Kramer and other WCBS reporters had praised firefighters for the job they had done during the disaster.

"We thought it was fair reporting and we gave him [Rivera] an opportunity to comment," said Martin Blair, station spokesman.

Brower said he only wanted to point out that "no city could handle this kind of response and still have enough equipment to cover the city."

But a department spokesman, Harry Ryttenberg, said yesterday that the department called in firefighters on overtime, activated reserve equipment and responded to every alarm at the height of the Trade Center effort.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. ROUKEMA (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness.

Mr. MCDADE (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness.

Mr. EVANS (at the request of Mr. GEPHARDT), for today, on account of illness.

Mr. CALLAHAN (at the request of Mr. MICHEL), for today, on account of a death in the family.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. DIAZ-BALART) to revise and extend their remarks and include extraneous material:)

Mr. WELDON, for 60 minutes, today.

Mr. DIAZ-BALART, for 60 minutes, today.

Mrs. BENTLEY, for 60 minutes each day on March 30 and 31 and April 1, 14, 20, 21, and 22.

Mr. SOLOMON, for 60 minutes, on March 3.

The following Members (at the request of Mr. KOPETSKI) to revise and extend their remarks and include extraneous material:)

Mr. MILLER of California, for 5 minutes, today and on March 3 and 4.

Mr. GLICKMAN, for 5 minutes, on March 3.

Mrs. COLLINS of Illinois, for 5 minutes, each day, on March 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 23, 24, 25, 26, 29, 30, and 31.

Mr. LIPINSKI, for 5 minutes each day, on March 9, 16, 23, and 30.

Mr. UNDERWOOD, for 5 minutes on March 5.

Mr. BONIOR, for 60 minutes each day on March 2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, 30, 31, and April 1, 14, 15, 20, 21, 22, 27, 28, and 29.

Mr. CONYERS, for 60 minutes, today.

Mr. POSHARD, for 60 minutes each day, on March 2, 3, and 4.

Mr. SKELTON, for 60 minutes, on March 11.

Mr. OWENS, for 60 minutes each day, on March 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 23, 24, 25, 26, 29, 30, and 31.

Mr. LIPINSKI, for 60 minutes each day, on March 4, 11, 18, and 25.

The following Members (at the request of Mr. BURTON) to revise and extend their remarks and include extraneous material:)

Ms. LONG, for 5 minutes, on March 3.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. DIAZ-BALART) and to include extraneous material:)

Mr. OXLEY.
Mr. GILMAN.
Mr. SOLOMON, in two instances.
Mr. HYDE.
Mr. COX.
Mr. ROTH.

The following Members (at the request of Mr. KOPETSKI) and to include extraneous matter:)

Mr. MILLER of California.
Ms. HARMAN.
Mr. MINETA.
Mr. CLAY.
Mr. VENTO.
Mr. NEAL of Massachusetts in two instances.
Mr. MONTGOMERY.
Mr. STARK in two instances.
Mr. BRYANT.
Mr. WILLIAMS.
Mr. WISE.

## ADJOURNMENT

Mr. WELDON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 3, 1993, at 12 noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

816. A letter from the Secretary, Housing and Urban Development, transmitting the Department's seismic safety property standards report, pursuant to Public Law 101-625, section 947(d) (1), (2) (104 Stat. 4417); to the Committee on Banking, Finance and Urban Affairs.

817. A letter from the Chairman, Federal Housing Finance Board, transmitting the Board's report on comparability of pay and benefits, pursuant to Public Law 101-73, section 1206, (103 Stat. 523); to the Committee on Banking, Finance and Urban Affairs.

818. A letter from the President, Thrift Depositor Protection Oversight Board, transmitting the Board's report pursuant to section 21A(k))(9) of the Federal Home Loan Bank Act, as amended; to the Committee on Banking, Finance and Urban Affairs.

819. A letter from the Acting Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

820. A letter from the Acting Director of Public Affairs and Press Secretary, Department of Agriculture, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552; to the Committee on Government Operations.

821. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

822. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b; to the Committee on Government Operations.

823. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

824. A letter from the National Endowment for Democracy, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

825. A communication from the President of the United States, transmitting his designation as emergency requirements the extension of emergency unemployment compensation to October 2, 1993, pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on Government Operations.

826. A letter from the Special Counsel, U.S. Office of Special Counsel, transmitting a re-

port of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

827. A letter from the Acting Director, United States Information Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

828. A letter from the Secretary, Department of the Interior, transmitting the 22d annual report of the actual operation during water year 1992 for the reservoirs along the Colorado River; projected plan of operation for water year 1993, pursuant to 43 U.S.C. 1552(b); to the Committee on Natural Resources.

829. A letter from the Chairman, Prospective Payment Assessment Commission, transmitting the Commission's report on issues affecting health care delivery in the United States, pursuant to Public Law 101-508, section 4002(g)(1)(B) (104 Stat. 1388-36); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MINETA: Committee on Public Works and Transportation. H.R. 490. A bill to provide for the conveyance of certain lands and improvements in Washington, DC, to the Columbia Hospital for Women to provide a site for the construction of a facility to house the National Women's Health Resource Center (Rept. 103-23). Referred jointly, to the Committees on the District of Columbia, Government Operations, and Public Works and Transportation.

Mr. DERRICK: Committee on Rules. House Resolution 106. Resolution providing for the consideration of the bill (H.R. 20) 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 (Rept. 103-24). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BILIRAKIS (for himself and Mr. SHAYS):

H.R. 1163. A bill to amend the Internal Revenue Code of 1986 to allow employers a tax credit for hiring displaced homemakers; to the Committee on Ways and Means.

By Mr. BRYANT (for himself and Mr. PORTER, Mr. OLVER, Mr. PETE GEREN, Mr. TORRES, Mr. RAVENEL, Mr. BLACKWELL, Mr. PAYNE of New Jersey, Mr. NADLER, Mr. COLEMAN, Mr. CONYERS, Mr. HAMBURG, Mr. CARDIN, Mr. MACHTLEY, Mr. STARK, Mr. POSHARD, Mr. BERMAN, Mr. FILNER, Mr. DELLUMS, Mr. MORAN, Mr. WALSH, Ms. NORTON, Mr. BEILENSON, Mr. WAXMAN, Mrs. KENNELLY, Mr. HENRY, Mr. ANDREWS of Texas, Mr. FROST, and Ms. MALONEY):

H.R. 1164. A bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974, the Federal Land Policy and Management Act of 1976, the National Wildlife Refuge System Administration Act of 1966, the National Indian Forest Resources Management Act, and title 10, United States Code, to strengthen the protection of native biodiversity and to place restraints upon clearcutting and certain other cutting practices on the forests of the United States; jointly, to the Committees on Natural Resources, Agriculture, Merchant Marine and Fisheries, and Armed Services.

By Mr. COYNE:

H.R. 1165. A bill to provide that the 10-percent additional tax on early distributions from qualified retirement plans shall not apply to distribution from certain plans; to the Committee on Ways and Means.

By Ms. DELAURO:

H.R. 1166. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for middle-income taxpayers by increasing the personal exemption amount and to provide additional revenues by increasing the taxes paid by high-income individuals and corporations; to the Committee on Ways and Means.

By Mr. GORDON:

H.R. 1167. A bill to amend the Higher Education Act of 1965 to prevent an institution from participating in the Pell Grant Program if the institution is ineligible for participation in the Federal Stafford Loan Program because of high default rates; to the Committee on Education and Labor.

H.R. 1168. A bill to amend the Higher Education Act of 1965 to prevent the awarding of Pell Grants to prisoners; to the Committee on Education and Labor.

By Mr. GOSS:

H.R. 1169. A bill to amend the formula for determining the official mail allowance for Members of the House of Representatives; to prevent Members from using the franking privilege to send congressional newsletters; to require that unobligated funds in the official mail allowance of Members be used to reduce the Federal deficit; and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KOLBE:

H.R. 1170. A bill to extend until June 1, 1996, the authority of the President to enter into certain trade agreements and to apply congressional "fast track" procedures to bills implementing such agreements; jointly, to the Committees on Ways and Means and Rules.

By Mr. LIPINSKI (for himself, Mr. BURTON of Indiana, and Mr. TOWNS):

H.R. 1171. A bill to allow holders of unclaimed Postal Savings System certificates of deposit to file claims for such certificates; to the Committee on Post Office and Civil Service.

By Mr. McDERMOTT (for himself, Mr. MATSUI, Mr. MINETA, Mrs. MINK, Mr. WASHINGTON, Mr. CLAY, Mr. BERMAN, Mr. EDWARDS of California, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Ms. PELOSI, Ms. NORTON, Mr. STARK, Mr. COLEMAN, Mr. DELLUMS, Mr. FROST, Mr. HOAGLAND, Mr. MORAN, Mr. FAZIO, Mr. McCLOSKEY, Mr. SKAGGS, Mr. CARDIN, Mr. LEWIS of Georgia, Mr. SANDERS, Mr. PENNY, Mr. PRICE of North Carolina, Mr. ANDREWS of Maine, Mr. KOPETSKI, Mr. WALSH, Mr. RANGEL, Mr. WATT, Mr. DICKS, Mr. HAMBURG, Ms. WOOLSEY, Mr. BRYANT, Ms. WATERS, Mr. KREIDLER, Mr. LEHMAN, Mr. SWIFT, Mr. SCHUMER, Mr. BLACKWELL, Mrs. MORELLA, Mr. DE LUGO, Mr. FILNER, Mr. BONIOR, Mr. DEFAZIO, Mr. STOKES, Mr. HINCHEY, Mr. NEAL of Massachusetts, Ms. SLAUGHTER, Mrs. MALONEY, Mrs. COLLINS of Illinois, Mrs. UNSOELD, Mr. TOWNS, Mr. YATES, Ms. ROYBAL-ALLARD, Mrs. MEEK, Mr. JOHNSTON of Florida, Miss COLLINS of Michigan, Mr. ACKERMAN, Mr. REYNOLDS, Mr. BECERRA, Mr. ANDREWS of New Jersey, Mr. JEFFERSON, Mr. KLEIN, Mr. WYDEN, Mr. FOGLIETTA, Mr. WYNN, Mr. NADLER, Ms. E.B. JOHNSON, and Mr. DIXON):

H.R. 1172. A bill to amend the Civil Rights Act of 1991 with respect to the application of such act; jointly, to the Committees on Education and Labor and the Judiciary.

By Mr. MILLER of California (for himself, Mr. FORD of Michigan, Mr. BERMAN, and Mr. COLEMAN):

H.R. 1173. A bill to amend the Migrant and Seasonal Agricultural Worker Protection Act to make such act applicable to all agricultural workers and for other purposes; to the Committee on Education and Labor.

By Mr. OBERSTAR (for himself and Mr. CLINGER):

H.R. 1174. A bill to amend title 5, United States Code, to provide that service performed by air traffic second-level supervisors and managers be made creditable for retirement purposes; to the Committee on Post Office and Civil Service.

By Mr. OBEY:

H.R. 1175. A bill to amend the Public Health Service Act to establish authorities and protections regarding the transplantation of human fetal tissue; to the Committee on Energy and Commerce.

By Mr. POMEROY:

H.R. 1176. A bill to amend chapter 17 of title 38, United States Code, to establish a program of rural health-care clinics, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of Oregon:

H.R. 1177. A bill to authorize the Secretary of the Interior to charge entrance or admission fees at the National Historic Oregon Trail Interpretive Center at Flagstaff Hill in Baker City, OR; to the Committee on Natural Resources.

By Mr. STENHOLM (for himself, Mr. ALLARD, Mr. ANDREWS of Maine, Mr. ARMEY, Mr. BAKER of Louisiana, Mr. BARRETT of Nebraska, Mr. BARTLETT, Mr. BEREUTER, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONILLA, Mr. BREWSTER, Mr. BROWDER, Mr. BROWN of California, Mr. BRYANT, Mr. BURTON of Indiana, Mr. CAMP, Mr. CHAPMAN, Mr. COLEMAN, Mr. COMBEST, Mr. CONDIT, Mr. COSTELLO, Mr. CRAMER, Mr. DOOLEY, Mr. DORNAN, Mr. DUNCAN, Mr. EMERSON, Mr. EWING, Mr. FIELDS of Texas, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GALLEGLY, Mr. GIBBONS, Mr. GLICKMAN, Mr. GOODLING, Mr. GORDON, Mr. GUNDERSON, Mr. HALL of Texas, Mr. HAMILTON, Mr. HANCOCK, Mr. HANSEN, Mr. HASTERT, Mr. HASTINGS, Mr. HEFNER, Mr. HUTCHINSON, Mr. HUTTO, Mr. HYDE, Mr. INHOFE, Mr. JOHNSON of South Dakota, Mr. KLECZKA, Mr. KOLBE, Mr. KOPETSKI, Mr. KYL, Mr. LANCASTER, Mr. LEHMAN, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Ms. LONG, Mr. McCLOSKEY, Mr. McCRERY, Mr. MONTGOMERY, Mr. NEAL of North Carolina, Mr. NUSSLE, Mr. OBERSTAR, Mr. OXLEY, Mr. PACKARD, Mr. PAXON, Mr. PENNY, Mr. PICKETT, Mr. POMEROY, Mr. ROTH, Mr. ROWLAND, Mr. ROYCE, Mr. SARPALIUS, Mr. SEN-

SENBRENNER, Mr. SHAW, Mr. SHAYS, Ms. SLAUGHTER, Mr. SMITH of Michigan, Ms. SNOWE, Mr. STUMP, Mr. SWIFT, Mr. TANNER, Mr. TORRES, Mr. TOWNS, Mrs. UNSOELD, Mr. UPTON, Mrs. VUCANOVICH, Mr. WALSH, Mr. WILSON, Mr. WYNN, Mr. YOUNG of Alaska, Mr. ZELIFF, and Mr. ZIMMER):

H.R. 1178. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow licensed veterinarians to order the extra-label use of drugs in animals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SWIFT:

H.R. 1179. A bill to authorize appropriations for the Federal Election Commission for fiscal year 1994; to the Committee on House Administration.

By Mr. WASHINGTON:

H.R. 1180. A bill to amend title II of the Social Security Act to authorize State and local governments to use Social Security account numbers for jury selection purposes; to the Committee on Ways and Means.

By Mr. WILLIAMS (for himself, Mr. SMITH or Oregon, Mrs. SCHROEDER, and Mr. LAROCCO):

H.R. 1181. A bill to increase the Federal payments in lieu of taxes to units of general local government, and for other purposes; to the Committee on Natural Resources.

By Mr. WISE (for himself, Mr. BORSKI, Mr. ABERCROMBIE, Mr. BARCIA, Ms. DANNER, Mr. MANN, Ms. KAPTUR, Mr. MCCLOSKEY, Mr. HINCHEY, Mrs. BYRNE, Mr. SUNDQUIST, Mrs. MINK, Mr. PETERSON of Minnesota, Mr. BLUTE, Mr. FILNER, Mr. HUGHES, Mr. CLINGER, and Mr. LANCASTER):

H.R. 1182. A bill to improve budgetary information by requiring that the unified budget presented by the President contain an operating budget and a capital budget, distinguish between general funds, trust funds, and enterprise funds, and for other purposes; jointly, to the Committees on Government Operations, Rules, and Public Works and Transportation.

By Mr. DOOLITTLE:

H.J. Res. 125. Joint resolution designating May 1993 as "National Community Residential Care Month"; to the Committee on Post Office and Civil Service.

By Mr. GILMAN (for himself and Mr. NADLER):

H.J. Res. 126. Joint resolution to designate the weeks of April 25 through May 2, 1993, and April 10 through 17, 1994, as "Jewish Heritage Week"; to the Committee on Post Office and Civil Service.

By Mr. KLEIN:

H.J. Res. 127. Joint resolution to authorize the President to proclaim the last Friday of April 1993 as "National Arbor Day"; to the Committee on Post Office and Civil Service.

By Mr. OBERSTAR (for himself, Mr. BURTON of Indiana, Mr. COLLINS of Georgia, Mr. EMERSON, Mr. INGLIS, Mr. LIPINSKI, Mr. MAZZOLI, Mr. PACKARD, Mr. POSHARD, and Mr. WALSH):

H.J. Res. 128. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life: to the Committee on the Judiciary.

By Mr. PASTOR (for himself, Mr. STARK, Mr. LAFALCE, Mrs. MINK, Mr. UNDERWOOD, Mr. FILNER, Mr. BARRETT of Wisconsin, Ms. PELOSI, Mr. GUTIERREZ, and Mr. CLEMENT):

H. Con. Res. 56. Concurrent resolution expressing the sense of the Congress that access to basic health care services is a fundamental human right; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. FROST:

H. Res. 107. Resolution providing amounts from the contingent fund of the House for the expenses of investigations and studies by certain committees of the House in the 1st session of the 103d Congress; to the Committee on House Administration.

By Mr. GOSS:

H. Res. 108. Resolution requiring Members of the House of Representatives to pay $600 from the official expenses allowance for each instance of extraneous matter printed in that portion of the CONGRESSIONAL RECORD entitled "Extensions of Remarks"; to the Committee on House Administration.

By Mr. KING (for himself and Mr. LEVY):

H. Res. 109. Resolution to establish a Select Committee on POW and MIA Affairs; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOOLITTLE:

H.R. 1183. A bill to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Co.; to the Committee on Natural Resources.

By Mr. EDWARDS of Texas:

H.R. 1184. A bill for the relief of Jung Ja Golden; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. KING.

H.R. 104: Mr. SAM JOHNSON.

H.R. 109: Ms. SLAUGHTER, Mr. BLACKWELL, Mr. VALENTINE, Mr. HUGHES, Mrs. BYRNE, and Mr. FROST.

H.R. 146: Mr. LEWIS of Florida and Mr. SENSENBRENNER.

H.R. 159: Mr. LEVY.

H.R. 170: Mr. GINGRICH and Mr. DOOLITTLE.

H.R. 212: Mr. STEARNS.

H.R. 256: Mr. VALENTINE.

H.R. 340: Mr. BROWN of California, Mr. HENRY, Mrs. SCHROEDER, Mrs. MEYERS of Kansas, Mr. SANGMEISTER, Mr. ACKERMAN, Mr. GREENWOOD, Mr. ALLARD, Mr. WALSH, Mr. BACCHUS of Florida, Mr. BAKER of Louisiana, Mr. ZELIFF, Mr. SKEEN, Mr. WHEAT, Ms. MOLINARI, Mr. KOLBE, and Mr. BARTLETT.

H.R. 348: Mr. DEUTSCH, Mr. YOUNG of Florida, Mr. EVERETT, Mr. LEACH, Mr. NEAL of Massachusetts, Mr. STUDDS, Mr. ROSE, and Mr. KLECZKA.

H.R. 349: Mr. FRANK of Massachusetts.

H.R. 356: Mr. EMERSON and Mr. JEFFERSON.

H.R. 357: Mr. LIGHTFOOT, Mr. MCHUGH, and Mr. EMERSON.

H.R. 388: Mr. LEVY and Mr. KNOLLENBERG.

H.R. 406: Ms. NORTON and Mrs. MEEK.

H.R. 425: Mr. ANDREWS of New Jersey, Mr. BILIRAKIS, Ms. ESHOO, Mr. FILNER, Mr. GENE GREEN, Mr. GUTIERREZ, Mr. HASTINGS, Mr. INGLIS, Ms. E.B. JOHNSON, Mrs. LLOYD, Mr. MCCANDLESS, Ms. MOLINARI, Mr. MOLLOHAN, Mr. PASTOR, Mr. SCOTT, Mr. STUPAK, and Mr. WYNN.

H.R. 426: Mr. ACKERMAN, Mr. FILNER, Mr. GUTIERREZ, Mr. HANSEN, Mr. KING, Mr. MAZZOLI, Mrs. MORELLA, Mr. OXLEY, and Mr. BATEMAN.

H.R. 427: Mr. ANDREWS of New Jersey, Mr. BILIRAKIS, Ms. ESHOO, Mr. FILNER, Mr. GENE GREEN, Mr. GUTIERREZ, Mr. HASTINGS, Mr. INGLIS, Ms. E.B. JOHNSON, Mrs. LLOYD, Mr. MCCANDLESS, Mrs. MEEK, Ms. MOLINARI, Mr. MOLLOHAN, Mr. PASTOR, Mr. SCOTT, Mr. STUPAK, Mr. THOMAS of Wyoming, Mr. TORKILDSEN, and Mr. WYNN.

H.R. 479: Mr. BLACKWELL, Mr. FRANK of Massachusetts, Mr. DORNAN, Mr. COLEMAN, Mr. SANDERS, and Mr. LANCASTER.

H.R. 490: Ms. DELAURO, Ms. DUNN, Ms. CANTWELL, and Mr. WYNN.

H.R. 493: Mr. CLINGER and Mr. LEVY.

H.R. 509: Mr. FIELDS of Texas and Mr. DREIER.

H.R. 513: Mr. PACKARD, Mr. MILLER of Florida, Mr. SMITH of Texas, Mr. MAZZOLI, Mr. STENHOLM, Mr. BONILLA, Mr. CLINGER, and Mr. LINDER.

H.R. 526: Mr. FILNER and Mr. WYNN.

H.R. 535: Mr. NEAL of Massachusetts, Mr. GINGRICH, Mr. TRAFICANT, Mrs. MEEK, Mrs. FOWLER, Mr. BACCHUS of Florida, Mr. BROWDER, Mr. ROWLAND, Mr. HEFNER, Mr. CRAMER, Mr. VOLKMER, Mrs. THURMAN, Mr. GIBBONS, Mr. MORAN, Mr. MCCURDY, Mr. FROST, Mr. ABERCROMBIE, Mr. YOUNG of Florida, and Mr. GILCHREST.

H.R. 544: Mr. JOHNSTON of Florida, Mr. NADLER, and Mrs. MEEK.

H.R. 546: Mr. INSLEE, Mr. FILNER, Ms. CANTWELL, and Mr. HUTCHINSON.

H.R. 554: Ms. DUNN.

H.R. 558: Mr. LIPINSKI, Mr. KOPETSKI, Mr. TORKILDSEN, Mr. DEUTSCH, Mr. BACCHUS of Florida, Mr. LANCASTER, Mr. KING, Mr. FILNER, Mr. PICKETT, Mr. LEWIS of California, and Mr. PARKER.

H.R. 569: Mr. CLAY and Mr. BLACKWELL.

H.R. 635: Mr. BILIRAKIS.

H.R. 649: Mr. MAZZOLI and Mrs. MALONEY.

H.R. 667: Mr. LIVINGSTON.

H.R. 725: Mr. WALSH.

H.R. 726: Mr. GILMAN.

H.R. 727: Mr. BLACKWELL, Mrs. BYRNE, Mr. GUTIERREZ, Mr. HILLIARD, Mr. KILDEE, Mr. KOPETSKI, Mrs. MALONEY, Mr. MORAN, Ms. NORTON, Ms. PELOSI, Mr. RAHALL, Mr. REED, Mr. WATT, and Ms. WOOLSEY.

H.R. 760: Mr. CLEMENT.

H.R. 762: Mr. KYL and Mr. JEFFERSON.

H.R. 772: Mr. KOPETSKI, Mr. TORKILDSEN, Mr. GUNDERSON, Mr. ZIMMER, Mr. GALLEGLY, Mr. SHAYS, Mr. FAWELL, and Mr. RAHALL.

H.R. 776: Mr. MACHTLEY, Mr. KOLBE, Mr. HAYES of Louisiana, Mr. PACKARD, Mrs. MEEK, and Mr. LEVY.

H.R. 784: Mr. OBERSTAR, Mr. SCHUMER, Mr. FAWELL, Mr. NEAL of North Carolina, and Mr. KOLBE.

H.R. 786: Mr. SCHAEFER.

H.R. 790: Ms. SLAUGHTER and Mr. POSHARD.

H.R. 799: Mr. DICKEY.

H.R. 827: Mr. CRAMER, Mr. REED, Mr. BACCHUS of Florida, Mr. MACHTLEY, Mr. SHAYS, Mr. HINCHEY, Mr. SABO, Mr. FRANK of Massachusetts, Mr. HOLDEN, Mr. LIGHTFOOT, Mr. BROWN of Ohio, Mr. REYNOLDS, Mr. MCHUGH, Mr. HANCOCK, Mr. SARPALIUS, Mr. PETERSON of Minnesota, Mr. HUGHES, Mr. RAVENEL, and Mr. CLINGER.

H.R. 831: Mr. GILCHREST and Mr. BONILLA.

H.R. 863: Mr. THOMAS of Wyoming, Mr. ARMEY, Mr. PACKARD, Mr. KLUG, Mr. FAWELL, and Mr. INGLIS.

H.R. 875: Mr. BAKER of Louisiana.

H.R. 894: Mr. NEAL of North Carolina.

H.R. 899: Mr. HANCOCK, Mr. CLYBURN, Mr. INGLIS, Mr. HOBSON, Mr. CUNNINGHAM, Mr. OXLEY, Mr. GREENWOOD, Mr. KOLBE, Mr. BOEHNER, Mr. DORNAN, Mr. KLECZKA, Ms. SNOWE, Ms. MOLINARI, Mr. RAMSTAD, Mr. SANTORUM, Mr. ARMEY, Mr. BALLENGER, Mr.

PETE GEREN, Mr. KOPETSKI, Mr. DELAY, Mr. CAMP, Mrs. ROUKEMA, Mr. SENSENBRENNER, Mr. GINGRICH, Mr. GUNDERSON, Mr. EWING, Mr. RIDGE, Mr. GRAMS, Mr. BAKER of California, Mr. FRANKS of Connecticut, Mr. BARTON of Texas, Mr. DOOLITTLE, Mr. ALLARD, Mr. GILCHREST, Mr. ZIMMER, Mr. BLUTE, Mr. BARRETT of Wisconsin, Mr. UPTON, Mr. SAXTON, Mr. BURTON of Indiana, Mrs. MORELLA, Mr. FAWELL, and Mr. BARRETT of Nebraska.

H.R. 901: Mr. GILCHREST, Mr. LIVINGSTON, Mr. FAWELL, Mr. COX, Mr. PACKARD, Mr. DOOLITTLE, Mr. BONILLA, Mr. SMITH of Texas, and Mr. BAKER of California.

H.R. 916: Mrs. COLLINS of Illinois and Mr. SANDERS.

H.R. 924: Mr. BACCHUS of Florida, Mr. FAWELL, Mrs. CLAYTON, Mr. VALENTINE, and Mr. MCMILLAN.

H.R. 929: Mr. BATEMAN, Mr. DOOLITTLE, Mr. FAWELL, Mr. BARTLETT, Mr. EMERSON, and Mr. SAXTON.

H.R. 947: Mr. GENE GREEN and Mr. STUPAK.

H.R. 960: Mr. BARTON of Texas, Mr. WILLIAMS, Ms. DUNN, and Mr. DOOLEY.

H.R. 966: Mr. FORD of Michigan, Mrs. MORELLA, and Mr. BARCIA.

H.R. 983: Mrs. MEEK.

H.R. 999: Mr. YOUNG of Alaska, Mr. POSHARD, Mr. ARCHER, Mr. TORKILDSEN, Mr. LEWIS of Florida, and Mr. BEILENSON.

H.R. 1007: Mr. FROST.

H.R. 1013: Mr. DEFAZIO, Mrs. LLOYD, and Mr. KOLBE.

H.R. 1026: Mr. SHAYS, Mr. STUPAK, Mr. TORKILDSEN, Mr. BAKER of Louisiana, Ms. DANNER, and Mr. MCHALE.

H.R. 1032: Mr. SPENCE.

H.R. 1048: Mr. SCHUMER, Mr. MURPHY, Mr. SMITH of Texas, Mr. BARRETT of Wisconsin, and Mr. REGULA.

H.R. 1051: Mr. WASHINGTON, Mr. TUCKER, and Mr. WHEAT.

H.R. 1067: Mr. MCCANDLESS, Mr. OXLEY, Mr. HYDE, Mr. DOOLITTLE, and Mr. CUNNINGHAM.

H.R. 1078: Mrs. MEYERS of Kansas and Mr. FIELDS of Texas.

H.R. 1079: Mrs. MEYERS of Kansas and Mr. FIELDS of Texas.

H.R. 1080: Mrs. MEYERS of Kansas, Mr. FIELDS of Texas, and Mr. CHAPMAN.

H.R. 1081: Mrs. MEYERS of Kansas and Mr. FIELDS of Texas.

H.R. 1082: Mrs. MEYERS of Kansas, Mr. FIELDS of Texas, and Mr. CHAPMAN.

H.R. 1083: Mrs. MEYERS of Kansas and Mr. FIELDS of Texas.

H.R. 1090: Mr. LEWIS of Georgia and Ms. MCKINNEY.

H.R. 1121: Mr. BUNNING.

H.R. 1151: Mr. FRANK of Massachusetts, Mr. MARKEY, Mrs. BYRNE, Mr. TOWNS, and Mr. SCOTT.

H.J. Res. 10: Mr. PRICE of North Carolina, Mr. PACKARD, Mr. STUMP, Mr. BROWN of Ohio, Mr. GONZALEZ, Mr. WYDEN, Mr. MATSUI, Ms. DELAURO, Mr. MURTHA, and Mr. PETERSON of Florida.

H.J. Res. 22: Mr. HANCOCK and Mr. ROGERS.

H.J. Res. 67: Mr. CLINGER and Mr. FAWELL.

H.J. Res. 75: Mr. FALEOMAVAEGA, Mr. FROST, Ms. MCKINNEY, Mr. FILNER, Ms. E.B. JOHNSON, Mr. HUGHES, and Mr. MCDERMOTT.

H.J. Res. 78: Mr. ACKERMAN, Mr. BATEMAN, Mr. BREWSTER, Mr. CARDIN, Mr. DE LUGO, Mr. DOOLITTLE, Mr. DUNCAN, Mr. FIELDS of Texas, Mr. FILNER, Mr. FROST, Mr. GALLEGLY, Mr. GEJDENSON, Mr. GORDON, Mr. HOUGHTON, Mr. HUGHES, Mrs. JOHNSON of Connecticut, Mrs. KENNELLY, Mr. KLECZKA, Mr. LEWIS of Florida, Mr. MCDADE, Mrs. MEEK, Mr. MINETA, Mr. MOAKLEY, Mr. ROMERO-BARCELÓ, AND Mr. STARK.

H.J. Res. 88: Mr. HUGHES, Mr. FROST, Mr. FILNER, and Mrs. MEEK.

H.J. Res. 94: Mr. PASTOR, Mr. HALL of Texas, Ms. NORTON, Mr. ANDREWS of New Jersey, Mr. TOWNS, Mr. FALEOMAVAEGA, Ms. E.B. JOHNSON, Mr. LEHMAN, Mr. KENNEDY, Mrs. MINK, Mr. GEPHARDT, Mr. COYNE, Mr. NEAL of Massachusetts, Mr. HEFNER, Mr. MCDERMOTT, Mr. HYDE, and Mr. MICHEL.

H. Con. Res. 14: Mr. STOKES, Mr. OWENS, Mr. FAZIO, Mr. DELLUMS, Mr. SHAYS, Mr. COX, Mr. BERMAN, Mr. SCHIFF, Mr. BOEHNER, Ms. NORTON, Mr. TORRES, Mr. SLATTERY, Mr. KLUG, Mr. SAWYER, Mr. MCDERMOTT, Mr. WYDEN, Mr. MONTGOMERY, Mr. FRANK of Massachusetts, Mr. PENNY, Mr. KOPETSKI, Mr. WILLIAMS, Mr. OBERSTAR, Mr. HUTTO, Mr. OLVER, Mr. RAHALL, Mr. KOLBE, Mr. MCCLOSKEY, Mr. BUNNING, Mr. HEFNER, Mr. GALLO, Mr. PRICE of North Carolina, Mr. CLYBURN, and Mr. WISE.

H. Con. Res. 15: Ms. ESHOO, Mr. LEVIN, Mr. PAYNE of New Jersey, Mr. ENGEL, Ms. MCKINNEY, Mr. FLAKE, and Mr. STUPAK.

H. Con. Res. 18: Mr. INHOFE, Mr. HANCOCK, Mr. GLICKMAN, Mr. BLUTE, and Mr. CLINGER.

H. Con. Res. 19: Mr. HANCOCK.

H. Con. Res. 36: Mr. SCHIFF.

H. Con. Res. 38: Mr. BURTON of Indiana, Mr. DORNAN, Mr. ROHRABACHER, Mr. MCCOLLUM, Mr. KING, Mr. KIM, Mr. MCHUGH, Mr. CALVERT, Mr. KNOLLENBERG, Mr. MCKEON, Mr. BONILLA, Mr. POMBO, Ms. PRYCE of Ohio, Mr. HOEKSTRA, Mr. HUTCHINSON, Mr. GRAMS, Mr. HUFFINGTON, Mr. MILLER of Florida, Ms. DUNN, Mr. ISTOOK, Mr. EVERETT, Mr. CRAPO, Mr. BARTLETT, Mr. TORKILDSEN, Mrs. FOWLER, Mr. LAZIO, Mr. HOKE, Mr. BACCHUS of Florida, and Mr. BACHUS of Alabama.

H. Con. Res. 54: Mr. HORN, Mr. KING, Mr. TALENT, Mr. HOEKSTRA, Mr. POMBO, Mr. MCKEON, Mr. KINGSTON, Mr. EVERETT, Mr. GINGRICH, Mr. FAWELL, Mr. EWING, Mr. CANADY, Mr. HUTCHINSON, Mr. KIM, Mr. BAKER of California, Mr. UPTON, Mr. DELAY, Mr. COX, Mr. RAMSTAD, and Mr. BLUTE.

H. Res. 40: Mrs. CLAYTON.

H. Res. 41: Mr. SCOTT.

H. Res. 47: Mr. RAMSTAD, Mr. BARTON of Texas, Mr. BOEHNER, Mr. DIAZ-BALART, Mr. SOLOMON, Mr. SMITH of Texas, Mr. STEARNS, Mr. BURTON of Indiana, Mr. SHAYS, Mr. COLLINS of Georgia, Mr. KIM, Mr. HUTCHINSON, Mr. COBLE, Mr. ZIMMER, Mr. BALLENGER, Mr. HANCOCK, Mr. DOOLITTLE, Mr. BUNNING, Mr. BAKER of California, Mr. HOBSON, Mr. EWING, Mr. WALKER, and Ms. MOLINARI.

H. Res. 53: Mr. MOORHEAD and Mr. SMITH of Oregon.

H. Res. 83: Mr. ZIMMER and Mr. DOOLITTLE.

# EXTENSIONS OF REMARKS

## TRIBUTE TO KIM YOUNG-SAM, 14TH PRESIDENT OF REPUBLIC OF KOREA AND FIRST CIVILIAN PRESIDENT IN 30 YEARS

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. SOLOMON. Mr. Speaker, Mr. Kim Young-Sam was recently inaugurated the 14th President of the Republic of Korea, making him South Korea's first civilian President in 30 years.

Mr. Speaker, I know I speak for many other Members when I take this occasion to wish President Kim well, and all the support possible from the United States. Again speaking for many other Members, I would like to pay tribute to the outgoing President Roh Tae Woo, who I considered a personal friend as well as an outstanding leader of a brave and productive people.

And finally, Mr. Speaker, it is today my privilege to place in the RECORD the inaugural address by President Kim Young-Sam, in which he outlines his hopes and dreams for the Korean people.

(Inaugural address by President Kim Young-Sam)

TOGETHER ON THE ROAD TO A "NEW KOREA"

My 70 million fellow Koreans at home and abroad, President Roh Tae Woo, other former Presidents and distinguished guests,

Today, we gather here to open a new era of democracy under civilian government, the climax of our long and tireless pursuit. We have had to wait for this moment for 30 long years. At last we have established a government by the people and of the people of this land. The Government that is coming into being today has its foundation in the burning desire and great sacrifices of the people for democracy.

Standing before Our National Assembly, I am deeply moved. For this has long been the scene of my difficult and passionate struggle for democracy. The Korean people truly are a great people and I extend my deep gratitude to you. May the Glory of our nation be with you forever. Today, I join you all in paying tribute to those who nobly sacrificed themselves in the struggle for democracy and thus cannot be with us today.

Fellow citizens, as I assume the presidency, I am acutely aware of our historic mission to build a new homeland. The spirit of renewal is now rising in this land. In the past, the Korean people have enjoyed luxuriant summers, but have also suffered withering winters. Today, this spirit of national advancement represents the hope of a new spring.

This new season demands that we make a fresh start with renewed determination. Deep in my heart, I have a vision of a "New Korea." The "New Korea" will be a freer and more mature democratic society. Justice will flow like a river throughout this land. This "New Korea" will be a sharing community, working and living together in harmony. A higher quality of life will flourish and the dignity of the individual will be upheld. The divided Korean people will become one and live in peace in a unified land.

The "New Korea" will stand tall and proud on the center stage of a new and civilized world, making a vital contribution to global peace and progress. The "New Korea" will inspire all to work enthusiastically and will make our children proud to be Korean. Let us all share in this vision. We are a people who have already worked a miracle, rising from the ashes of a savage war that followed devastation by colonial rule. Now we must build again and move forward to face the challenges of the future.

My fellow citizens, we must realize, however, that as we face these challenges conditions are not necessarily favorable. In this post-Cold War world that is moving headlong into intense economic and technological competition, old enemies are being transformed into new friends and old rules and practices no longer apply. If we fail to adapt to the changing times, we will only become bogged down at the threshold of the developed world. If we do not charge forward, we will only be left behind. This is a grave matter of national survival.

It is at this time that we should be building our strength to create a "New Korea" and yet, we seem to have become debilitated. We are sick with what has been termed the Korean disease. Our industriousness and ingenuity—long the envy of the world—seem to be evaporating. Our society faces decay if our values continue to erode. The Korean people seem to have lost confidence in themselves. This is the heart of our problem.

If we are in a crisis, it is not due to challenges from the outside. It is due to a feeling of defeatism that comes from within. We cannot let things go on like this. We must renew ourselves.

We must shake off our frustration and lethargy and break through to establish a new era of courage and hope. We must replace bigotry and inertia with open-mindedness and vitality, strife and confrontation with dialogue and cooperation, and mistrust with trust. We must stop considering narrow self-interests and build a society which sees us not only live together but also truly care about each other. These goals are the very root of the change and reform I advocate. It is not only our institutions but also our way of thinking and behaving that must be changed. If we hide from change and reform, we will be forsaken by history.

Fellow citizens, the reforms we need must begin with three essential tasks: First, misconduct and corruption must be rooted out. Second, the economy must be revitalized. Third, national discipline must be enhanced.

Misconduct and corruption are the most terrifying enemies attacking the foundations of our society. There cannot and will not be any sanctuary for those who oppose the fight against corruption. No sanctuary at all. We will stamp out all manner of improprieties and graft. Immediate reform will start at the very top. Yet it will not be possible, however, to completely weed out corruption unless each and every citizen strives to achieve this goal. My fellow citizens, a truly honorable society will only be realized with the full commitment of all of you.

Next, we must restore economic vitality. To that end, the Government will do away with unwarranted controls and protection and instead guarantee self regulation and fair competition. Private initiative and creativity will thus be allowed to flourish.

The Administration will be the first to tighten its belt. Our citizens must also conserve more and save more. Extravagance and wastefulness must be eliminated.

Workers must work harder. Businesses must make bold technological innovations to be winners in the international marketplace. Only when the Government and the people, and labor and business work together with enthusiasm will it be possible to turn our economy around. This is my vision of a new Korean economy.

Fellow citizens, we have grown lax and we must restore national discipline. When power is grabbed by foul means, governmental legitimacy is lost and law and order is bound to break down. This gives currency to the immoral notion that the end justifies the means. There must be an end to the dark political night.

Respect for authority must be reestablished wherever necessary. Freedom must serve society. As the freedom fighter Pack Bum once said—the true meaning of freedom is in using that freedom to plant a flower in the park rather than pick a flower from the park. Ethics, which have been so flouted must be made to prevail. To this end, education must henceforth cultivate wholesome character and unwavering democratic belief, as well as equipping our young people for the future with knowledge and skill in science and technology. This is my vision of new education.

Fellow citizens, the Government that serves you from today will be a different kind of Government. Chong Wa Dae (the presidential office and residence) will work tirelessly to protect the lives and property of the people and to promote security and prosperity for our nation. Chong Wa Dae will be your good neighbor. I will be with you where you work and will be by your side in good times and bad. We will share joy and pain because the more that joy is shared the greater it becomes and the more that pain is shared the lesser it becomes.

The nature of our politics must also change. Politics should not serve the politicians, rather it must bring hope and happiness to the people. Politics must address our citizens' grievances; it must reflect their spoken and unspoken wishes. When our Government and our politics are reformed, so too will a genuine stability through change and reform take root in this land.

Fellow citizens, let us throw open the door to a new era based on justice and reconciliation. In the past, we have been divided from within by class strife, regional animosities, generational differences and ideological conflict. We must break down these barriers within our own society.

We must resolve all legitimate grievances and remove resentment. Too many of you have been denied your place in the sun and

we must assist you in joining the mainstream of society. Those who have more should give more. Those who are powerful should yield more. Let us not demand our share too greedily. We must give greater consideration to the larger common good. When we make the rice cake larger, so too must everyone's share become bigger.

My 70 million fellow Koreans at home and abroad, this I pledge: I will do my very best to fulfill the people's call and the historic mandate for national reconciliation and unification. Yet, at this juncture, regarding unification, we must acknowledge that what is needed is not emotionalism but a reasoned national consensus on achieving this crucial goal.

To President Kim Il-sung I say this: We must be genuinely willing to cooperate with each other. The world is moving away from confrontation and into an era of peace and cooperation. We see cooperation expanding among different peoples and countries and yet, none of these nations can have more reasons to care and share than we do—for we are members of the same ethnic family. No ideology or political belief can bring greater happiness than national kinship.

If, President Kim, you really care about the Korean people and desire genuine reconciliation and unification between our brethren in the South and North, we can meet at any time and in any place to discuss this dream. It could be at the foot of Mt. Hallasan in the warm spring or on the shores of Chonji Lake atop Mt. Paektusan in summer. Let us open our hearts and discuss the future of the Korean people. In this spirit, I truly believe that we, as one people, will be able to resolve the issues that divide us.

To our five million fellow Koreans overseas who live in many parts of the world but who hold fast to their pride in their national heritage, I say this:

Your motherland will be unified before the present century is over and will eventually become a land of freedom and peace. Let all of us, at home and abroad, join forces to open an era in which the proud Korean people will play a major international role and discharge their obligations to the global community.

Fellow citizens, no one else will bring us this "New Korea." Only we can build it together. Today, many "New Koreans" are here. Workers who labor with sweat on their brow, farmers who venture to grow new kinds of crops, students who strive to expand their knowledge, scientists who explore new frontiers, businessmen who scout the world for new markets, small industrialists who have succeeded in developing new products, members of the armed services who defend the country day and night, and public officials who diligently work for our people. They are the key builders and leaders of the "New Korea"—those who consistently strive to do their best whatever they pursue.

Especially to our young people, I say this: Now is the time for you to look out into the world and look to the future; to cast off your apathy and fully commit yourselves; to move from unproductive criticism to creative new solutions. The future is yours. The "New Korea" will be yours.

Fellow citizens, let us all have a vision and hope for the future. Let us create a "New Korea". Neither the President alone nor the Administration alone can build this "New Korea." There should be no "us" and "them" in the endeavor to achieve this goal. There should be only "us." We must work together as one.

Our "New Korea" cannot be achieved overnight. It will take patience and time. It will take sweat and tears. It will be a painful task. Yet, when we all share the pain, we will realize our dream. And we must.

Let us start again with hope and vision. Let us all march forward. Let no one fall behind.

Thank you.

## "THE CREATION"—A MASTERPIECE FROM THE SPRINGFIELD, MA, SYMPHONY ORCHESTRA

### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. NEAL of Massachusetts. Mr. Speaker, on Saturday, February 1, 1993, the Springfield Symphony and Chorus gave a brilliant rendition of Haydn's Oratorio, the Creation, at the Springfield Symphony Hall in Springfield, MA.

In recent years, the Springfield Symphony and Chorus have developed a reputation and following second to none for a city of comparable size.

Maestro Raymond Harvey is currently serving in his seventh year with the Springfield Symphony Orchestra and during this period he has earned critical acclaim for the symphony with a variety of works from the 18th, 19th, and 20th centuries.

In addition to his responsibilities as music director for the Springfield Symphony, Maestro Harvey has also found an increasing demand for his talents, as he has appeared on the orchestra podiums of Indianapolis, Detroit, Minnesota, North Carolina, Buffalo, and Pusan, South Korea.

The Springfield Symphony Orchestra Chorus has also made remarkable gains in recent years under the direction of Lucinda J. Thayer. More than 100 voices strong, the chorus now performs a varied program throughout each season with the Springfield Symphony Orchestra and at an annual recital of great choral works. Ms. Thayer, who also serves as the director of choral music at Smith College, has brought a sense of spirit and enthusiasm to the symphony chorus which has been recognized by both critics and audiences alike in the western Massachusetts area.

Mr. Speaker, I would like to enter into the CONGRESSIONAL RECORD the review written by Mr. Clifton J. Noble, Jr., of the most recent performance by the Springfield Symphony and Chorus. I believe that this review clearly reflects the type of excellence in music to which the patrons of the symphony have become accustomed. The efforts of the symphony orchestra, the symphony chorus, music director, Raymond Harvey, and choral director, Lucinda Thayer, should not go unnoticed, and I would like this recognition of their accomplishments to become a permanent part of the history of the United States.

SYMPHONY BRINGS 'CREATION' TO LIFE

(By Clifton J. Noble, Jr.)

SPRINGFIELD.—Haydn's oratorio "The Creation" received a bright-eyed, enthusiastic reading Saturday evening by the Springfield Symphony Orchestra and Chorus, directed by Maestro Raymond Harvey.

Music from the classical period often elicits Harvey's greatest strengths, engaging to their greatest good his senses of order, refinement, and elegance. Saturday's "Creation" exulted without boisterousness. It lingered without miring itself in false austerity. Harvey drew the music from the page simply, without draping it in mannerism.

The accounts of the formation of the earth and its inhabitants, taken from the book of Genesis and from Milton's "Paradise Lost," were transmitted in the sincerity and wonder with which they were set.

Soloists Andrea Matthews (soprano), William Watson (tenor), and Herbert Eckhoff (bass-baritone) were well chosen. Watson's sweet, bright and dynamically flexible voice was particularly well suited to the classical style. His caressed declamation of "the silver moon through the silent night * * *" was unforgettable.

Matthews brought a hint of romantic opera to her "With verdure clad" and "On mighty pens" arias, but this enhanced rather than intruded upon the texts and music, unabashedly pictorial as they were. SSO principal clarinet Michael Sussman and principal flute William Wittig proved to be able avian imitators as the lark and nightingale of the latter aria.

Eckhoff gave a fine rendition of "Rolling in foaming billows," and crept, "with sinuous trace" to a crystal-clear low D on the sixth day, recounting the emergence of the "worm."

The three soloists balanced each other well, effecting a beautiful blend in their three trios. Eckhoff and Matthews also forged a sonorous vocal partnership as Adam and Eve in the final third of the piece.

Equally stellar contributions were made to the success of Saturday's performance by Lucinda Thayer's superbly prepared Springfield Symphony Chorus. The singers stood in mixed formation rather than discreet sections, making for a better blend and more precise intonation. The most precise details had been attended to—such as cutoffs on the beat or half-beat, and exaggerations of initial and final consonants to cut through the orchestra.

Harvey was able to wield the choral sound like a single voice, commanding a full dynamic range from a crisp pianissimo to an explosive forte with every gradation of crescendo in between.

The SSO strings were in top form, whether seething in the primal C-minor void, bounding and leaping as a "flexible tiger" or "nimble stag," or grumbling in the depths of the sea as a great whale. A blissful pair of horns accompanied Adam and Eve into the garden and, as noted, the SSO woodwinds impersonated birds with aplomb.

## FINANCIAL REPORTS ON SOME MANAGED HEALTH CARE FIRMS: NOT MY IDEA OF REFORM

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. STARK. Mr. Speaker, in the health care debate, there are some who think that if we could just get more HMO's and other managed health care firms involved and encourage/make everyone join them, all our problems would be solved.

I don't think so.

Let's take a look at some recent SEC filings of managed care health firms.

UNITED HEALTHCARE CORP.

United HealthCare Corp. was started in 1977 in Minnesota. To quote from its SEC filing.

United is a national leader in health care cost management and has offered services to health care purchasers and providers since 1974. The company serves over 1.5 million members through its owned and managed health plans * * * [and at end of 1991] employed 3,200 persons.

On 1991 revenues of $847 million, it had net earnings from operations of $115 million.

The Company's continued emphasis on strong underwriting practices and continued medical cost management efforts contributed to an improvement in the owned health plans' medical loss ratio for 1991, which was 80.7%* * *compared to the 1990 ratio of 83.6%.

In other words by trying to insure—underwrite—only the healthy, they managed to spend only about 81 cents of every premium dollar on health care.

The managed health plans experienced average commercial premium rate increases of over 12% on renewing employer groups * * *

Imagine, Mr. Speaker, only 12 percent a year inflation. This is the answer to the Nation's health care crisis? For this, the company's top five executive officers received $2,377,388 in compensation, with Dr. McGuire, the president and CEO receiving $1,055,353.

OXFORD HEALTH PLANS, INC.

Oxford Health Plans, Inc. is a managed care company providing health benefit plans in the greater New York metropolitan area. The Company's product line includes its point-of-service Freedom Plan, traditional health maintenance organizations, third-party administration of employer-funded benefit plans and dental plans.

In 1991, for every 100 cents in premiums, the company spend 71.8 cents on health care services, 21.7 cents on marketing, general, and administrative expenses.

The medical-loss ratio declined because revenue per member per month increased at a greater rate than medical expenses per member per month * * * per member per month medical expenses increased 11.7% * * * in 1991 from * * * 1990.

Mr. Speaker, medical expense inflation of only 11.7 percent. We will really be able to compete with the Japanese and Europeans with this kind of health cost moderation.

The primary areas of increased expense were staffing increases, payroll and benefits expense, broker commissions and marketing expenses. Payroll and benefits expense increased approximately $3.8 million due to the net addition in 1991 of 73 new employees (primarily in sales, marketing and member services), salary increases and accrued bonuses.

In 1991, the president and CEO, Stephen Wiggins, received $367,636 in cash compensation.

PACIFICARE HEALTH SYSTEMS, INC.

Pacificare Health Systems, Inc. is a leading managed health care company with over 950,000 commercial and Medicare members in its health maintenance organization operations. Through its six wholly-owned HMOs, located in California, Oklahoma, Oregon, Texas, and Washington, the Company arranges for the delivery of a comprehensive range of health care services to its members * * * As of September 30, 1992, the Company had 2,186 full and part-time employees.

In the 1992 fiscal year, the company had $1,686 million in revenues, and net income of $43.6 million. Its medical loss ratio—health care services as a percent of premium revenue—declined steadily from 86.8 percent in fiscal 1989 to 83.2 percent in 1992.

Average rate increases of ten percent accounted for 28% of the increase in the commercial program [in fiscal 1992] * * * [for fiscal year 1991] average premium rate increases of 13 percent * * *

Mr. Speaker, health reform will not work if we simply rely on organizations which spend about 18 percent of their income on non-health expenses and, even when working to insure only the healthy, inflate health care expenditures at more than 10 percent a year.

## TO SECURE THE FIRST LINE OF DEFENSE

### HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. HYDE. Mr. Speaker, President Clinton's economic plan calls for a $76 billion cut in defense spending between 1994 and 1997. Although the details of how these cuts will be achieved have yet to be nailed down, intelligence capabilities will almost certainly be hard hit. Yet, as Congressman LARRY COMBEST, ranking Republican on the House Permanent Select Committee on Intelligence, forcefully argued recently in the Washington Times, large-scale cuts of intelligence budgets are both counterproductive and dangerous. As we draw down our Armed Forces, intelligence assumes an even more important role as our Nation's first line of defense.

I commend Mr. COMBEST'S op-ed, "To Secure the First Line of Defense," to my colleagues.

TO SECURE THE FIRST LINE OF DEFENSE

The Democrats have arrived in Washington, eager to correct the perceived mistakes of the last 12 years of Republican administration. Based on candidate Bill Clinton's campaign promise to concentrate on domestic issues ("The Economy, Stupid"), his temptation to cut the defense and intelligence budgets as "Cold War relics" will be great.

Increased budget deficit projections make the large Defense Department budget an even more tempting target from which to gain a "peace dividend." Indeed, some of President Clinton's Cabinet nominees were quoted in the media as favoring large-scale cuts to the military and intelligence budgets. While these pronouncements may be politically appealing, history shows that we have cut too deeply in the past, and have usually paid a much more expensive price in the long run.

Contrary to what historian Francis Fukuyama claims, history did not end with the Cold War. History may have been frozen during the Cold War, but it is now thawing with a vengeance. The nationalist, ethnic, religious and border disputes that communist totalitarianism kept at bay now threaten stability around the globe. Political and economic reform in Russia are threatened by reactionary nationalism, former Soviet republics are in anarchy; and 30,000 nuclear missiles are now "controlled" by four republics known more for their mutual antagonisms than for their cooperation. Weapons of a nuclear, chemical and biological nature, as well as the weapons of terrorism and the insidious nature of narcotics trafficking threaten our stability. These threats to U.S. security are intelligence-collecting priorities. In short, we live in a much more complex and dangerous world than the neatly bipolar Cold War.

So then, what is the role of intelligence in this post-Cold War world? Clearly the intelligence community, as always, has to be in a position to understand the present forecast and the future, responding to the clear needs of policy-makers. In the post-Cold War, there is more, not less, demand on the intelligence community. Nobody a year ago would have predicted a U.S. troop deployment to Somalia. Will NATO allies Greece and Turkey be feuding as a result of a Serbian incursion into Kosovo or Macedonia this year? Will the Baltic States attempt to push out the remaining Russian troops by force? Will the United States need to support a United Nations "peace-making" force in Angola?

Above, all, in this kind of environment, intelligence needs to maintain the flexibility to respond to unforeseen challenges.

The notion that our intelligence gathering resources can be significantly reduced in the wake of the Cold War is certainly prevalent, but is probably mistaken. As we have seen, the world is if anything more complicated and dangerous than before. Keep in mind that between 1967 and 1980 the intelligence community lost 40 percent of its people and 50 percent of its budget. By the end of the 1970s, Congress (largely as a result of the failure to predict the Iranian Revolution) decided that intelligence capabilities needed to be rebuilt. Rebuilding human and technical capabilities takes time and is enormously expensive; the benefits of the early 1980s buildup were seen in the Gulf War of 1991. We should not repeat past mistakes by again making deep and ill advised cuts.

As director of central intelligence, Robert Gates oversaw probably the most revolutionary period of change in the intelligence community during this past year. He established more than 15 task forces, which looked at a wide range of issues and problems, and implemented virtually all their recommendations.

Intelligence entities at the Defense Department have been reorganizing on their own for the past two years. Thus, the intelligence community is changing, refocusing priorities to better meet policy-makers' needs. Amid the refocusing, their budget has also been cut, according to Mr. Gates, by 10 percent in resources, and by 18 percent in personnel.

In his confirmation hearings, Les Aspin stated that as defense secretary, he would be quicker to recommend the use of U.S. military force in a wider variety of shapes and sizes than the Bush administration. Mr. Aspin foresees more flexibility for incremental use of U.S. military force in regional trouble spots such as Iraq. Yet, it is arguable whether U.S. troops would deploy anywhere before our intelligence agencies have reported on what to expect. What will permit Defense Secretary Aspin to support these small-scale troop deployments to different regions is good intelligence. The cost of bad intelligence is measured in lives.

In an era of budget austerity, and given the reduction of U.S. troop levels, intelligence

assumes an even more important role as our nation's "first line of defense." Recognizing the increased complexity of intelligence collection in the post-Cold War period, cuts to collection capabilities may result not only in lost lives, but lost policy opportunities and greater military expenditures. Since the Intelligence Community only months ago implemented its task force recommendations, we should allow for gradual—not impetuous—change. I have always advocated evolution instead of revolution.

Working closely with the intelligence community, we can make some responsible, informed cuts where appropriate, always mindful not to hurt capabilities. The Democrats have arrived in Washington sorely tempted to make deep cuts to intelligence; I sincerely hope that prudence, reality and a sense of history will prevent them from doing so. Let us hope they do not repeat past mistakes. As statesman and scholar Abba Eban wrote: "Men and nations behave wisely once they have exhausted all the other alternatives."

## NEWSPAPER'S RETRACTION BROUGHT TO THE ATTENTION OF THE HOUSE

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. LANTOS. Mr. Speaker, in its February 26–March 4 issue, the Atlanta Business Chronicle issued a front page retraction and apology to Mr. Edward Weidenfeld, an attorney in Washington, DC. The Chronicle had implied in an op-ed piece dated November 27, 1992, that Mr. Weidenfeld had engaged in misconduct while dealing with the Department of Housing and Urban Development [HUD].

Earlier, the Subcommittee on Employment and Housing, which I chaired in previous sessions of the Congress, conducted a serious and thorough investigation of waste, fraud, abuse, and political influence-peddling at HUD under former Secretary Samuel Pierce.

In pursuing stories as fast-moving and complicated as the HUD scandal, newspapers and other media sometimes make mistakes. To the Chronicle's credit, it has admitted that it erred in its editorial about Mr. Weidenfeld's dealings with HUD in this matter. In the interest of fairness, I would like to bring to the attention of my colleagues the Chronicle's retraction.

RETRACTION

We wish to retract any suggestion in a November 27, 1992, op-ed piece entitled "Jack Kemp's Difficult Choice," that Washington, D.C. attorney, Edward L. Weidenfeld, or Akron, Ohio developer, Steven M. Botnick, engaged in any misconduct or used political influence in their dealings with the Department of Housing and Urban Development (HUD). The op-ed piece involved a HUD/FHA-insured loan with respect to a project in Savannah developed by a partnership involving Messrs. Weidenfeld and Botnick. the op-ed piece was based on incomplete information from HUD documents, and neither Messrs Weidenfeld and Botnick nor the HUD officials with the most complete information about this matter were interviewed prior to publication. Since the publication date, HUD sources have told the Chronicle that the project does not involve any issue of fraud, waste or breach of ethics and that most of the partnership's difference with HUD have been resolved in favor of Mr. Weidenfeld and Mr. Botnick. Any statements in the op-ed piece that may have given the impression that Mr. Weidenfeld or Mr. Botnick engaged in misconduct or that political influence was brought to bear on HUD were in error and are now retracted.

It is not the Chronicle's policy to publish front page corrections, but in this instance the Chronicle was furnished incomplete information we now believe was misleading. the Chronicle apologizes to Mr. Weidenfeld and Mr. Botnick.

## WHY WE HAVE A "CREDIT CRUNCH"

### HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. COX. Mr. Speaker, I recently received a copy of the following letter, which was sent to my constituents by a local commercial bank. Can there be any wonder Americans are outraged at the unnecessary redtape and bureaucracy that attend applying for a loan?

DECEMBER 28, 1992.

Re: Phase I Site Assessment Report.

Mr. PAUL BENDER,
*Hobby Shack,*
*Fountain Valley, CA.*

DEAR PAUL: Our Environmental Services Department has reviewed your Phase I Site Assessment Report and has raised several issues. Most of them relate to the standard CNB guidelines for conducting preliminary site assessments. The following items need to be addressed before we can finalize our evaluation of the subject site.

(1) The CNB project numbers are missing from the front cover of the report and, therefore, it is difficult to correlate the report to the appropriate file. In fact, report is missing a front cover altogether and is not even bound for ease of handling. The report needs to be resubmitted with a cover page with the appropriate project numbers, as specified above, and the report should be bound.

(2) There is no Executive Summary to summarize and highlight any pertinent points from the investigation. Also, due to a lack of section headers, the report is difficult to follow. The report must be resubmitted with a one-page Executive Summary highlighting important aspects of this investigation.

(3) There is no "Table of Contents" to indicate where each section is in the report. The new report must have a "Table of Contents".

(4) There is no List of Figures, Tables and Appendices. The new report must have a List of Figures and Tables.

(5) There is no information on the previous owners of the site (if any) and, in fact, there was no historical investigation conducted into the Chain of Ownership of the subject site. Further investigation is warranted.

(6) There is no information on the storage and handling of flammable liquids, such as the fuel for model airplane engines. It is required by CNB guidelines that the storage and handling of hazardous materials be reviewed at the subject site and comments made as to the adequacy of the procedures in place at the subject site. Further information is necessary, with photographs showing the storage areas for hazardous materials, if any.

(7) Some of the lists that were reviewed for this report have been updated and renamed; this Consultant should update his reports to reflect such changes in the industry. For example, the Bond Expenditure Plan sites were known as BEP sites. This list has now been renamed to the Annual Work Plan. Also, the Abandoned Sites Program Information System, formerly known as ASPIS, is now called Calsites. The new report should be amended to reflect these changes.

(8) A brief reference is made to reviewing aerial photographs; however, the specific dates, flight numbers, and the specific visual observations made from each photograph is not included. The information on the older photographs viewed is also missing. If a full historical investigation was not made, important information on sporadic illegal uses of the site can be missed. Further investigation is warranted.

(9) There was no mention of research into the Well Investigation Program (WIP) to determine if any of the wells, within a one-mile radius, were known to be contaminated. Further investigation is warranted.

(10) There was no research conducted into the types of crops grown on the subject site, the years they were grown, and the types of pesticides used during those years. The report states that ". . . the only possible soil contaminate at the property would have been pesticide residue. However, the grading . . . would have aerated the soil and caused the residue (if any) to dissipate". However, there is no indication in the report that research was conducted to determine whether the types of pesticides, that were used on the site, are the types of pesticides that dissipate with aeration. Further investigation is warranted.

(11) A comprehensive asbestos bulk survey was required for full appraisal of the property. The Consultant has only sampled the roofing systems, roofing sealant mastic, and suspended ceiling tiles. The report references several types of suspect vinyl floor tile and mastic. In order to fully evaluate the presence of asbestos at the subject site, a full asbestos bulk survey must be completed. The different types of vinyl floor tile and mastic must be sampled. In addition, the drywall material, drywall butt joint compound, and the drywall corner joint compound must be tested for asbestos content. Also, the base flashings on the roof do not appear to have been tested. We need the new base flashing and old base flashing to be tested separately, to determine which materials (if any) contain asbestos. Finally, the sample locations are not shown on the site drawing. These items need to be addressed in the new report, including the sample references on a site drawing.

(12) Of a lesser concern are the spelling mistakes and omissions from the report. On Page 1 there is an "s" missing from the word "material"; this statement is referring to the materials used in the construction of the building. The word is used in the singular form, whereas a building is built with many different types of material"s". Also, from the same paragraph, the word "site" is missing from the last line. The sentence ends ". . . which could impact the subject." It should end as ". . . the subject site." On Page 2, the asbestos type and concentration is stated and the type of asbestos is misspelled. The word is spelled "Chyrsotile" when it is, in fact, spelled "Chrysotile". On Page 6, the word "site" is once again missing from the end of the paragraph and the sentence ends ". . . effect upon the subject." These errors need to be addressed in the new report.

(13) The background information on PCB on Page 4 states that the criteria being considered is 50 PPM (parts per million). This is true for Federal Regulations; however, no mention is made of the California Regulations that have a criteria of 5 PPM as being PCB containing. Title 22, California Code of Regulations (CCR) §66699 has classified PCB's as a hazardous waste when the concentrations of this substance are equal to, or greater than, 5mg/l (5 PPM) in liquids or when the total concentrations are equal to, or greater than, 50 mg/kg (50 PPM) in nonliquids. The new report should be updated to indicate these items.

These issues need to be addressed as quickly as possible to facilitate finalization of our analysis. Therefore, immediate attention to these issues would be greatly appreciated.

Sincerely,

BANK VICE PRESIDENT.

## OUTING JULIUS CAESAR

### HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. CLAY. Mr. Speaker, across our Nation the debate is raging over President Clinton's plan to issue an Executive order rescinding the military ban on homosexuals.

One columnist, writing for the St. Louis Post Dispatch went so far as to accuse me of trying to "out" Julius Caesar after I indicated that two of the greatest generals in history were homosexuals. Apparently, the columnist, Bill McClellan, was awfully anxious to prove Julius Caesar was a heterosexual, and BILL CLAY was wrong about gays in the military. McClellan relied on some pretty bad sources as he sought to prove his position, and later admitted some of his own fallacies.

I would like to reiterate my point. History reveals that homosexuals are as good at soldiering as heterosexuals. There is no fair reason for denying homosexuals the opportunity to serve in the military. Below is the text of a letter which Mr. George Hyram of St. Louis wrote to Mr. McClellan after the columnist seized the issue and attempted to sensationalize on my remarks about the historic role of gays in military service. I believe Mr. Hyram's statement is very valuable in setting the record straight.

Mr. BILL MCCLELLAN,
*Journalist, St. Louis Post-Dispatch, St. Louis, Missouri.*

DEAR BILL. I really believe you owe Congressman Clay a public apology. You accused him, in a recent article, of "outing" Julius Caesar, and implied that there was no justification—either in history or in common decency for the Congressman's having done so.

The fact is, many of his contemporaries knew the young Julius Caesar as a "rake" who apparently took his sexual pleasures extravagantly from both sexes and with uncommon frequency.

Clearly, then, your knowledge of ancient history is narrower than I would have thought. I call your attention to the well-known work of no other than Will Durant who, in his THE STORY OF MANKIND, Vol. III, on "Caesar and Christ," had this to say relative to that great Roman general and statesman—the precursor of a whole line of imperial Caesars and whose very name became synonymous with the title, "king" or "emperor" (Kaiser, Czar, etc):

Page 167: "The youth [Caius Julius Caesar] took readily to oratory and almost lost himself in juvenile authorship. He was saved by being made military aide to Marcus Thermus in Asia. Nicomedes, ruler of Bithynia, took such a fancy to him that Cicero and other gossips later taunted him with having 'lost his virginity to a king."

Page 168: "When Cornelia died, he [Caesar] married Pompeia, granddaughter of Sulla. As this was a purely political marriage, he did not scruple to carry on liaisons in the fashion of his time; but in such number and with such ambigendered diversity that Curio (father of his later general) called him 'omnium mulierum vir et omnium virorum mulier'—the husband of every woman and the wife of every man. He would continue these habits in his campaigns, * * *"

The historical source for Will Durant's quotations cited above are given by him in that same volume—in numbered notes—as: "Julius" by Suetonius, a Roman biographer and historian who, as private secretary to the Emperor Hadrian, had access to imperial documents and was able to verify the facts in his works. Suetonius' biographies about the twelve rulers of Rome, from Julius Ceasar to the Emperior Domitian, contain information that is found nowhere else—much of it in the form of scandalous anecdotes.

Clearly, then, Congressman Bill Clay cannot be accused justifiably of "outing" someone who had already been "outed" approximately two thousand years ago by his own contemporaries and later by a historian not too far from his times. Without doubt, the great Ceasar's bi-sexuality was, apparently, quite well known to many in ancient Rome. We are told, he was widely and deeply hated for its excessiveness. Certainly, references to such ambivalence and the extravagance thereof have come down to us in history and in historical commentaries such as Will Durant's.

So, Congressman Clay said no more than what every serious student of ancient history can hardly help learning. He cannot, therefor, be faulted either for historical inaccuracy or for current inappropriateness since this very trait exhibited by Ceasar so long ago is now being held up by many as an obvious deterrent to military morale, discipline, and effectiveness.

Bill Clay, in citing this historical fact, did no more than what has become a hallmark of his representation in Congress—that is—to try to set the record straight in matters of great controversy and which have far-reaching national and social significance. This time, as in so many others, he succeeded!

Bill, I believe you are big enough to let the public know in one of your forthcoming columns that you erred in accusing Bill Clay of "outing" a great man long dead and thus unable to defend himself.

Very sincerely,

GEORGE H. HYRAM

## CHELSEA'S CHOICE

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. CRANE. Mr. Speaker, I find it laudable that President Clinton has uncategorically endorsed the concept of school choice. It is a bold step to support a policy that Members of his own party have voted down time and time again.

But by choosing to send his young daughter, Chelsea, to a private junior high school rather than to one run by the District of Columbia, he has provided a shining example of why all American parents should be given the right to decide where their children go to school. He believes that she will receive a better education in the setting of a private school than she would in the District school system. Unquestionably, he should have that right.

As her parents, the President and First Lady can and should evaluate their options and decide which school best serves Chelsea's needs. Whether it is public or private, religious or secular, they are completely within their rights to enroll their daughter where they wish.

Unfortunately, many other parents do not have that same ability. Forced to pay taxes to support public schools, they often cannot afford to also pay tuition at a private institution. Without a choice, their children must then attend a local public school, simply because of its geographic proximity, with no attention whatsoever to whether it meets their needs and desires. It is high time that we correct this unfair double standard.

The President's family is lucky to have the wherewithal which allows them to choose schools without concern about the cost of tuition. Whether through magnet schools, vouchers, or other school choice programs, all Americans should be given that same choice.

I am submitting an editorial from the Orange and Blue Observer, a student run newspaper at the University of Illinois, which makes a convincing argument in favor of school choice. I hope both opponents and proponents of choice programs will read the article. As it so eloquently points out, when choosing schools for our children, we should all have the same options enjoyed by our President.

CHELSEA'S CHOICE

On Inauguration Day, it is appropriate to reflect upon an aspect of the new Administration that is of interest to all University of Illinois students: its views on education. For the past couple months, president-elect Bill Clinton has enjoyed the 'honeymoon' period customary to incoming presidents. From the media's viewpoint the new president represents 'change.' Unfortunately, his education policies can be described as 'business as usual.'

The glaring example which illustrates the hypocrisy of liberals is the issue of school choice. Chelsea Clinton, daughter of our new president, will attend the prestigious Sidwell Friends School in northwest Washington. It is supposed to be one of the best schools in the area, and should be, considering that tuition is about $10,600 annually. The controversy revolves around the fact that Bill Clinton spent the better part of 1992 claiming that he was a great believer in the public school system. During the Democratic primaries, he chastised some of his challengers because they sent their kids to private schools, whereas Chelsea then attended a public school in Little Rock. The junior Senator from Illinois, another booster of public education (for others), plans to enroll her son in a private school as well.

There is no real reason that the Clintons (or Braun) should not send their child to a private school. The school system in Wash-

ington D.C. is one of the worst in the country, so it makes sense that she attend a private school. This is where the hypocrisy comes in. Most Democrats, including Clinton, oppose a system of true school choice, which would include nonpublic alternatives. For those unfamiliar with the subject, such a plan would give every family a voucher for each child, to be used for primary or secondary education. Each family could shop around for the best school for their child. If the local public school were unsafe or no good, they could use a voucher to send their kid to another school, public or private. Public schools would be forced to compete for students and funds. If nobody wanted to go to a substandard school, it would have to shut down.

Consider one success story of America—higher education. Students from all over the world come to American institutions. Public and private, religious and secular institutions all draw students. Needy students receive financial aid. And most importantly, there exists a broad range of options. Now imagine if the university system were run like the public schools. All students from southern Illinois would attend school at SIU, students in Chicago would all go to UIC, et cetera. That would not make sense; nor does the present arrangement for primary and secondary education. A school choice program would be limited geographically, of course, but the concept is the same.

The main argument opponents use against vouchers is that they would benefit rich families, while making many struggling public schools weaker, hurting poor students as the public schools become even worse. This logic is fallacious. In fact, the opposite would happen. Poor students would not be forced to go to a nearby public school if it is shoddy. They could use their voucher (paid for by the same tax dollars that fund the current system) to attend a different school, public or private, that would educate them. The voucher system is designed to help poor families. Rich families like the Clintons already have school choice.

Another argument is that vouchers will cause racial separation. All the white kids will flee the public schools as soon as they can. It is hard to make the case that inner city schools are currently integrated, but this again is flawed thinking. Vouchers would be handed out to everybody, regardless of color. This would make Asian-Americans, African-Americans, European-Americans, Hispanic-Americans, Native-Americans, and non-citizens equal because the vouchers would be in the same amount. The average Washington, D.C. kid might not be able to afford the $10,600 tab at Sidwell Friends when the average voucher would be around $3,750. But that does not mean that the voucher could not be used for a less expensive private, parochial, or public school. It does mean that the government will no longer tell poor families where they must send their kids to school. Students and parents who are serious about getting an education, poor or affluent, will gravitate toward the better schools. The other schools must then get their act together or go out of business.

Most University of Illinois students are lucky that their high schools provided enough of an education to prepare them for college. Unfortunately, most inner city kids do not have that option. Many inner city schools are riddled with drugs and violence. Many adults complain that the kids who drop out deserve poverty. They say that these kids should stay in school, get a diploma, and pull themselves up by their bootstraps. The problem is that many of the inner city schools are very poor, because of discipline problems and other reasons not necessarily under the control of the teachers. That is why a large percentage of the teachers in the Chicago public school system send their kids to private schools. They know, as do the Clintons, that private education works. The fact that so many private schools exist in the face of competition from 'free' public schools is prima facie proof of their success. A person who happens to live in a bad school district should not be forced to receive a bad education if he wants to get ahead. School choice means that all those who want to succeed will have a chance.

During his acceptance speech at the Democratic National Convention, Bill Clinton said he wanted change. He also said he believed in a place called Hope. If he really believes in change and instilling 'hope' in the American youth, he will confront the teachers unions (who donated to Clinton and vigorously oppose choice) and propose a school voucher system open to all schools. This country is moving toward privatization for many government monopolies such as waste disposal and road cleaning. This has made the services cheaper and more efficient. The same could happen to public schools. The money spent will be used more efficiently and the service will become better. A voucher system may change the nature of public schools as we know them, but it will make our education system stronger. In time, all willing students will be able to graduate from high school well-educated.

## THE JUSTICE FOR WARDS COVE WORKERS ACT

### HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. McDERMOTT. Mr. Speaker, we are here today to once again try to provide justice to the 2,000 Asian Pacific American and Native Alaskan workers to whom justice was ironically denied in the Civil Rights Act of 1991.

Seventy of my colleagues and I are reintroducing the Justice for Wards Cove Workers Act. We introduced this legislation in the last session of Congress, and when the session ended, it was awaiting a vote in the Senate and in two House committees. This legislation is very straightforward: It would strike section 402(b), the special interest provision in the Civil Rights Act of 1991, that exempts the pending case of Wards Cove Packing Co. versus Atonio from coverage under the act. Our bill will restore the spirit and meaning of civil rights to the Wards Cove workers who have been fighting for justice for 19 years and did not deserve the discriminatory treatment that they got from their Government. This is an extremely unfair and incredible exemption that applies to one company only in the entire United States, the Wards Cove Packing Co., a company which has fought relentlessly to avoid a court case on the merits.

One of the plaintiffs in this case, Frank Atonio, is my constituent. Let me tell you a little bit about his struggle and this case. In 1974, Mr. Atonio and other seasonal cannery workers at the Wards Cove Packing Co. in Alaska filed suit charging discrimination in hiring by the company for skilled noncannery jobs. Practically all of the cannery workers were minorities, but most of the higher paid noncannery workers were white. Three years before, in 1971, the Supreme Court had ruled in the landmark decision, Griggs versus Duke Power, that employment practices which had a disparate impact on minorities violated the Civil Rights Act of 1964 if an employer could not justify them in terms of business necessity.

When the Federal district court failed to apply the Griggs standard to most of Wards Cove's discriminatory practices, the court of appeals reversed the decision and ordered the district court to require the company to justify them. Those practices included hiring for cannery and noncannery jobs through separate channels, requiring employees to wear racially coded identification tags to maintain segregation, and maintaining segregated housing and eating facilities at the canneries. If the Wards Cove Packing Co. had been able to show adequate justification, the case would have been tried on the merits and we would not be here today. But, instead of trying to justify its practices, the company appealed the case to the Supreme Court. The Supreme Court's 1989 ruling in favor of Wards Cove changed the standards for disparate-impact cases, and led to a national effort to codify the employment discrimination standards of Griggs versus Duke Power, and other Supreme Court decisions prior to Wards Cove versus Atonio.

The Civil Rights Act of 1991 was intended to reverse that decision and others that had restricted the ability of workers to fight against discrimination in the workplace. The act was meant to protect workers just like those at Wards Cove, and it does so. However, a last minute amendment, added to the Senate bill, excluded the 2,000 Asian Pacific American and Native Alaskan workers who brought this case and who have fought 19 years for justice. The amendment serves to protect the defendant, Wards Cove Packing Co., in this case at the expense of the workers, and that is simply wrong.

There is no justification for this exemption. The lawyers for Wards Cove argue that they should be exempt because otherwise their case will be a test case tried under a new legal standard. However, the reality is that their case would be tried under the original Griggs standard that they have fought so long and so hard and spent so much money trying to evade. Their case would be tried under the standard that existed and applied in 1974 when Frank Atonio first began this case—and that standard that has applied since the Civil Rights Act of 1991 was signed into law. The lawyers for the Wards Cove Packing Co. do not want this case tried under that standard because they know what Justice Stevens said about conditions at the cannery in 1974—that they bear an unsettling resemblance to aspects of a plantation economy.

Removal of the Wards Cove exemption by this legislation neither ends the litigation in favor of the workers, nor interferes with the larger question of the retroactivity of the Civil Rights Act of 1991. The Supreme Court has recently decided to take cases to decide the question of retroactivity.

If we do not remove this exemption, the message we send to Frank Atonio and all workers throughout this country is that we believe in civil rights, but not if you work for a company that is rich enough and powerful enough to keep your case tied up for 19 years, to persuade Senators to give you special exemptions, and to hire lobbyists to argue your cause here in Washington, DC.

Frank Atonio and his fellow workers have waited 19 years for justice. They have heard a lot of excuses from the last administration and Congress about why it has been denied to them. But there are no more excuses today. In his campaign, President Clinton made a commitment to support the repeal of the Wards Cove exemption. President Clinton's continuing support is set forth in a letter he has sent to us today. A copy of the President's letter follows these remarks. I thank President Clinton for his support and for putting civil rights before politics.

We are here today to tell Mr. Atonio and his fellow workers that their faith in Government and their country is not misplaced, and that we will do everything we can to right this egregious wrong and restore the principles of fairness and equal justice under the law.

Since the beginning of my efforts to strike section 402(b) from the Civil Rights Act of 1991, the help and involvement of other Members of Congress has been invaluable. I would especially like to thank Representative Don EDWARDS, chairman of the House Judiciary Committee's Subcommittee on Civil and Constitutional Rights, for all that he has done. I would also like to thank Representatives ROBERT MATSUI, NORMAN MINETA, PATSY MINK, NEIL ABERCROMBIE, ENI FALEOMAVAEGA, and CRAIG WASHINGTON for the leadership roles they have taken in working for the successful passage of this legislation.

I would also like to thank all of the civil rights groups and Asian Pacific American organizations who have supported this legislation and have worked tirelessly to bring this issue to the attention of all Americans. In particular, my thanks to Stephen Chin of the National Asian Pacific American Bar Association, Karen Narasaki of the Japanese-American Citizens League, and Daphne Kwok of the Organization of Chinese Americans.

The letter follows:

THE WHITE HOUSE,
*Washington, March 2, 1993.*

Hon. JIM MCDERMOTT,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE MCDERMOTT: I am writing to express my strong support for the "Justice for Wards Cove Workers Act," which you are re-introducing today. This important piece of legislation will overturn the unfair exemption of the original plaintiffs in the *Wards Cove Packing Co. v. Antonio* case from coverage under the Civil Rights Act of 1991.

The Civil Rights Act of 1991 was passed to overturn a series of controversial Supreme Court decisions that made it more difficult for victims of discrimination to challenge employers' discriminatory practices. Congress found that the decision weakened the scope and effectiveness of Federal civil rights protection. Chief among these decisions was *Wards Cove Packing Co. v. Antonio*, yet the Act exempts the very 2,000 Americans who sought relief in the original case.

America is a nation of great diversity, founded on the principle of equality before the law. It is contrary to all of our ideas to exclude any American from the protection of our civil rights laws.

I am committed to removing this exemption. I appreciate your hard work on this issue.

Sincerely,

BILL CLINTON.

## JEWISH HERITAGE WEEK

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. GILMAN. Mr. Speaker, once again I am pleased to have the opportunity to sponsor legislation commemorating "Jewish Heritage Week." The bill recognizes the rich culture, heritage, and traditions of Jewish Americans, and notes the many contributions made by American Jews to this Nation.

The legislation designates April 25 through May 2, 1993, and April 10 through April 17, 1994, as "Jewish Heritage Week," noting in particular the celebration of Israel's Independence Day during these periods. The months of April and May are of particular significance in the Jewish calendar, in which the ancient celebration of Passover as well as other dates of importance take place.

This year, the long awaited Holocaust Memorial Museum will open near the Mall here in Washington, DC. This effort has evolved over more than a decade, and construction is nearing completion. For the first time, the "Days of Remembrance" ceremony will take place at the museum soon after it opens to the public in April, rather than in our Capitol rotunda as has been the practice.

Additionally, this year commemorates as well the 50th anniversary of the Warsaw ghetto uprising, in which so many valiant men and women courageously deterred the Nazi's liquidation of the Warsaw ghetto. Despite insurmountable odds, they were able to hold off these forces of evil for several weeks, and their courage in the face of such evil is most deserving of special recognition. Indeed, the theme of Jewish Heritage Week this year is the anniversary of the uprising.

Mr. Speaker, it is troubling that we continue to witness anti-Semitism and violence against foreigners in parts of Europe. Such activities have no place in the United States. Commemoration of Jewish Heritage Week will place Congress and the American people squarely on the side of tolerance and intergroup understanding. Accordingly, I urge my colleagues to join in sponsoring this measure, and insert the text of the resolution, in full, at this point in the CONGRESSIONAL RECORD:

H.J. RES. —

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.*

Whereas April 26, 1993 and April 14, 1994 mark the forty-fifth and forty-sixth anniversaries of the founding of the State of Israel;

Whereas the months of April and May contain events of major significance in the Jewish calendar, including Passover, the fiftieth anniversary of the Warsaw Ghetto Uprising and the opening of the Holocaust Memorial Museum in 1993 in Washington, DC, Holocaust Memorial Day and Jerusalem Day;

Whereas the Congress recognizes that an understanding of the heritage of all ethnic groups in the Nation contributes to the unity of this Nation and,

Whereas understanding among ethnic groups in this Nation may be advanced further through an appreciation of the culture, history and traditions of the Jewish community and the contributions of the Jewish people to this Nation: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That, the weeks of April 25 through May 2, 1993, and April 10 through 17, 1994, are designated as "Jewish Heritage Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States, departments and agencies of State and local governments, and interested organizations to observe such week with appropriate ceremonies activities, and programs.

## ATHAN "SOCO" CATJAKIS—PUBLIC SERVANT

### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. NEAL of Massachusetts. Mr. Speaker, I take this opportunity to pay tribute to one of the finest public servants I have been fortunate to know during my years as an elected official. He is Athan Catjakis of Springfield, MA. "Soco" Catjakis, as he is known to everyone, has had a long and interesting career in politics in the Springfield area. Earlier this year he retired as the State representative in the general court of the Commonwealth of Massachusetts from the Ninth Hampden District, which includes my neighborhood in Springfield. It has been an honor to have Soco Catajakis as my State representative.

In his 8 years as a representative, and also during the 5 years he served as executive assistant to former Representative Arthur McKenna from the same seat, Soco Catjakis became known for outstanding constituent service. In fact, helping people has been a lifelong concern of Soco's. He has been involved with community activities all his life and served 5 years (1973–78) as the top aide to former Springfield Mayor William C. Sullivan.

Mr. Speaker, Soco Catjakis provided constituent service far beyond what is required or expected. For example, he personally got involved in housing cases and would not rest until he found a decent place for a needy person to live. He often gave rides to Boston from Springfield for people going to a hospital for medical tests. If a constituent dropped into his statehouse office, Soco would often leave his desk so that the person could use the phone. No one who ever called his home, at any hour, was ever told that it was a bad time to call. His wonderful wife, Helen, shares Soco's enthusiasm for the details of constituent service. There are hundreds of similar stories about Soco Catjakis. He is truly a public servant who stays close to his roots. Many public officials view constituent service as a type of drudgery necessary for reelection; not Soco

Catjakis—he found joy in doing the smallest of things for the people he served. Although he is now out of elected office, I am sure that people are continuing to call Soco for assistance in a wide range of areas. Additionally, Soco continues to serve on the board of a number of community organizations. His voice will continue to be heard in Springfield and the surrounding area.

Soco Catjakis was also much more than a fine provider of constituent service. He also made his mark in Boston as a legislator. He served as vice chairman of the Health Care Committee and has spent the past few years examining the problem of skyrocketing health costs. The expansion and improvement of Springfield's Mercy Hospital also received Socos's day-to-day attention. His service on the Ways and Means Committee helped him express the tax concerns of the Ninth District to those in Boston.

Mr. Speaker, when paying tribute to a someone you know in public life, there is the temptation to merely list the accomplishments of that person. I have tried to present an outline of Soco's life here, but it is difficult to give you a real feel for the man. Let me say simply that Soco Catjakis is the most genuine person I have encountered in public life. He truly cares about people and everyone he has touched will never forget him. I am honored to call Soco Catjakis my friend. I wish Soco, Helen, and sons Christopher and Charles the best of luck in the years ahead.

## THANKS TO VADEN RIGGS

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. STARK. Mr. Speaker, today I would like to take a few minutes to recognize Vaden Riggs' distinguished career of service to the people and children of San Lorenzo, CA.

Mrs. Riggs accomplished much over her 35½ years of dedicated service to the San Lorenzo Unified School District.

For the past 12 years she served as the assistant principal for the San Lorenz Adult School. Mrs. Riggs has helped many "at risk" students and students over the age of 18 return to school to obtain a high school diploma. She was also the administrator in charge of independent studies and home school alternative programs. For several years, she has served the Association of California School Administrators as chairperson for the region awards committee.

Prior to serving the San Lorenzo Adult School, she spent 23½ years as an English teacher at San Lorenzo High School, encouraging students to master and appreciate the English language.

The people of San Lorenzo will sorely miss this dedicated woman who spent her life serving the educational needs of society with her expertise of the English language, and counseling abilities.

## CLEARCUTTING OUR NATIONAL FORESTS CLEARLY HAS TO STOP

### HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. BRYANT. Mr. Speaker, today, I am reintroducing legislation which I sponsored in the 102d Congress. The Forest Biodiversity and Clearcutting Prohibition Act of 1993 would—like its predecessor H.R. 1969—prohibit clearcutting and other methods of even-age management, the most devastating systems of continuous logging ever devised. Even-age causes heavy soil erosion, nutrient loss, reduction of native diversity and inner-forest wildlife, and impairment of recreation activities, hunting and fishing.

There is general consensus that the devastation wrought by clearcutting rainforests around the world particularly in the world's largest remaining rainforest—the Amazon—is appalling. Every year, forested acreage the size of Pennsylvania is clearcut in Brazil.

But we also clearcut right here in our own national forests and on other public lands. Last year, the Forest Service allowed 283,061 acres in our national forests to be clearcut.

Most Americans probably have the same misconception I once did—that the U.S. Forest Service's mission is to protect and conserve our national forests. In fact, it is a timber plantation management agency. Under its plan, every tree on every acre of national forest land not protected by Federal legislation or regulation will be clearcut within an estimated 16 to 24 years.

This is true despite substantial evidence that selection management—selective cutting of individual trees, leaving the canopy and undergrowth relatively undisturbed—is more cost-efficient and has a higher benefit/cost ratio than clearcutting and replanting. Studies show that selection management produces more sawlogs per acre, higher incomes, and more jobs for lumbermen. Clearly we would have more abundant forests with selection management than clearcutting permits.

The Forest Biodiversity and Clearcutting Prohibition Act would ban clearcutting in its various forms, including heavy salvage, large group, seed tree and shelterwood logging. Last year, 12 days before the hearing on my bill, the chief of the Forest Service directed a reduction of 70 percent in clearcutting, but permitted the other forms of even-age to continue. A mere shift from clearcutting to other forms of even-age management produces the same harmful results.

My proposal is aimed at protecting the diversity in our Nation's forests, and the habitats they provide to wildlife, while allowing reasonable forest management activities to achieve this end.

New features in this year's bill include:

First, a provision to reactivate the committee of scientists to provide independent scientific advice to the Secretary of Agriculture on forest biodiversity and on logging systems. Members of the committee would be appointed from the private sector, other than the timber industry.

Second, a ban on the construction of roads in roadless areas currently designated under the Second Roadless Area Review and Evaluation program of 1979, in order to neutralize the impact of any new road construction in shifting from clearcutting policies to selection management in roadless areas.

Third, a repeal of section 701(b) in the Federal Land Policy and Management Act of 1976 that made the remedies of that act subordinate to the looser provisions of prior laws, particularly those governing Oregon and California Railroad Revested Grants Lands.

The Environmental Policy Institute, Friends of the Earth and numerous grassroots groups and Audubon chapters support this legislative initiative. Last year, the Sierra Club permitted its regional groups to endorse my bill, which many did. In addition, the attached list of business groups, hunting clubs and conservation groups make up the Save America's Forests Coalition, who—along with the Forest Reform Network of Texas—has made my bill one of their top priorities.

I hope you will join me in supporting this important bill.

SAVE AMERICA'S FORESTS COALITION MEMBER GROUPS AND BUSINESSES, FEBRUARY 2, 1993

GROUP MEMBERS

Wrangell Resources Council, AK.
Concerned Citizens of Hot Springs, AR.
Defenders of the Ouachita Forest, AR.
Eager Beavers, AR.
Malvern Earth Day Committee, AR.
Mena Nature Club, AR.
Newton County Wildlife Association, AR.
Ouachita Garden Club, AR.
Scott County Organization to Protect the Environment, AR.
Green Fire Project, AZ.
Sky-Island Alliance, AZ.
Wildlife Damage Review, AZ.
Friends of Clayoquot Sound, BC.
Alliance for a Paving Moratorium, CA.
Assoc. of Sierra Club Members for Environm Ethics, CA.
Bay Area Action, CA.
California Environmental Project, CA.
Earth Island Action Group, CA.
EarthSave, CA.
Environmental Protection Information Center (EPIC), CA.
Esalen Institute, CA.
Forests Forever, CA.
Hyampom School K-3, CA.
Int'l Society for the Preservation of Tropical Rainforests, CA.
Lifeweb, CA.
Mendocino Environmental Center, CA.
North Coast Greens, CA.
Rainforest Action Network, CA.
Redwood Coast Watersheds Alliance, CA.
San Diego County Greens, CA.
SFSU Recycle!, CA.
Sierra Club San Diego Chapter, CA.
The Fabulous Group, CA.
The Willits Environmental Center, CA.
Timber Industry Members for the Environ Resources, CA.
Voice of the Environment, CA.
Western Wolves, CA.
Whitney Key Club, CA.
Youth for Environmental Sanity (YES!) Tour, CA.
Ancient Forest Rescue Colorado, CO.
Fort Collins Rainforest Action Group, CO.
Lighthawk, CO.
Wilderness Defense!, CO
Griswold High School Environmental Club, CT.
Friends of Animals, DC.
Friends of the Earth, DC.
George Washington University Students Environ Action, DC.

Greenpeace USA, DC.
People for the Ethical Treatment of Animals, DC.
Potomac Valley Greens Network, DC.
Delaware Valley Rainforest Action Group, DE.
SEACret, DE.
Environmental Design, FL.
Friends of the Mountain, GA.
Georgia Earth Alliance, GA.
Rabun County Coalition to Save America's Forests, GA.
Idaho Conservation League, ID.
Idaho Sportsman's Coalition, ID.
Normal Environmental Action Coalition, IL.
Regional Association of Concerned Environmentalists, IL.
Shawnee Defense Fund, IL.
Whitmore's Recycle/Refuse, IL.
Groundwork, IN.
Heartwood, IN.
Hoosier Environmental Council, IN.
Hope Club/Floyd Central High School, IN.
Protect Our Woods, IN.
Appalachia Science in the Public Interest, KY.
University of Kentucky S.A.V.E., KY.
Earth Works, MA.
Gaia Institute, MA.
Green Earth Movement, MA.
Green Sangha Divinity School, MA.
National Toxics Campaign, MA.
Allemong Wilderness Group, MD.
Alley Cat Allies, MD.
Anacostia Watershed Society, MD.
Artists Protecting Earth, MD.
Ecological Community Outreach Services, MD.
First Presbyterian Eco-Justice Committee, MD.
Fund for Animals, MD.
Goddard Conservation Association, MD.
Grassroots Coalition for Environ & Economic Justice, MD.
Maryland Advocates for public Lands, MD.
SEAC/University of Maine/Forest Committee, ME.
University of Maine SEAC, ME.
Rainforest Action Movement, MI.
Save America's Forests & Environment, MI.
AH-KE Environmental Society, MN.
Minnesota Public Interest Research Group (MPIRG), MN.
Gateway Green Alliance, MO.
Heartland All Species Project, MO.
Heartwood of Mid-Missouri, MO.
Alliance for the Wild Rockies, MT.
American Wildlands, MT.
Cold Mountains, Cold Swan, MT.
Friends of the Wild Swan, MT.
Greater Yellowstone Coalition, MT.
Appalacian State University S.A.V.E., NC.
Carnivore Preservation Trust, NC.
Center for Reflection on the Second Law, NC.
Divers Alert Network, NC.
Haw River Assembly, NC.
Jacksonville High Environmental Club, NC.
Katuah Journal, NC.
SouthPAW, NC.
Student Environmental Action Coalition—SEAC, NC.
WOLF, NH.
Bushwackers Hiking Club, NJ.
Hillside Elementary School & PTA, NJ.
MAMS Environmental Club, NJ.
Montclair State College Conservation Club, NJ.
Rainforest Relief, NJ.
SAVE, NJ.
Students for Environmental Awareness, NJ.
Whippany High School SEEK, NJ.
East Fork Preservation Coalition, NM.
Forest Guardians, NM.
Forest Trust, NM.
Friends of the Owls, NM.
Hawkwatch International, NM.
Jemez Action Group, NM.
La Comunidad, NM.
LightHawk, NM.
3rd Graders at Ethical Cultural School, NY.
Brockport Environmental Action Network, NY.
Citizens Planning Board, NY.
Cornell Greens, NY.
Delaware-Otsego Audubon Society, NY.
Earth Matters, NY.
Eco-Action, NY.
Federal Land Action Group, NY.
Finger Lakes Wild, NY.
Herkimer County Environmental Action, NY.
Huntington Audubon Society, NY.
Nassau/Suffolk Neighborhood Network, NY.
North Fork Environmental Council, NY.
Prevention of Cruelty to Animals and Plants, NY.
Rainforest Action Group, NY.
Rebels With a Cause, NY.
Solar Coalition, NY.
Friends of the Wetlands, OH.
Save Our Forests Campaign, OH.
Waynesville Ecology Club, OH.
Eco Law Institute Inc., OK.
Native Americans for a Clean Environment, OK.
Ancient Forest Hikes, OR.
Blue Mt Biodiversity Project, OR.
Citizens Interested in Bull Run, Inc., OR.
Friends of Elk River, OR.
Friends of the Breitenbush Cascades, OR.
Friends of the Coquille River, OR.
Headwaters, OR.
Hells Canyon Preservation Cl, OR.
Kalmiopsis Audubon, OR.
Marys Peak Alliance, OR.
Native Forest Council, OR.
Rest the West, OR.
Siskiyou Regional Education Project—Lou Gold, OR.
Tenmile Creek Association, OR.
The Survival Center, OR.
Waldo Wilderness Council, OR.
Earthlust, PA.
Eco-Action, PA.
Eye Openers, PA.
Lafayette College Environ Awareness and Protection, PA.
Palisades ECO Club, PA.
Philly Clean Water Action, PA.
School of Living, PA.
SEAC of Carnegie Mellon University, PA.
Student Earth Action League, PA.
Student Environmental Team, PA.
Susquehanna University SEAC, PA.
AFSEEE-Andrew Pickens Chapter, SC.
Furman University EAG, SC.
South Carolina Coastal Conservation League, SC.
Students Allied for a Greener Earth, SC.
Americans for a Clean Environment, TN.
RAG of Middle Tennessee, TN.
Tennessee Valley Energy Coalition, TN.
Central Distance Riders, TX.
Federal Forest Reform, TX.
Texas Committee on Natural Resources, TX.
Texas Environmental Action Coalition, TX.
Great Old Broads for Wilderness, UT.
Dolphin Rescue Brigade, VA.
Earth Training Systems, VA.
Green Coalition, VA.
Northern Virginia Greens, VA.
Student Environmental Action Coalition, VA.
Tree-Action, VA.
University of Virginia Greens, VA.
Virginians For Wilderness, VA.
Voices For Animals, VA.
ALARM/Biodiversity Liberation Front, VT.
Arctic to Amazonia Alliance, VT.
Catalyst, VT.
Preserve Appalachian Wilderness, VT.
Vermont Student Environmental Program, VT.
Ancient Forest Chautauqua, WA.
Friends of the Trees Society, WA.
Greater Ecosystem Alliance, WA.
Inland Empire Public Lands Council, WA.
North Cascades Audubon Society, WA.
Crusade 2000, WI.
Legislative Action Network, WI.
Oshkosh SEAC, WI.
National Sacrifice Zone, WV.
Stump Creek Radio, WV.
Jackson Hole Alliance for Responsible Planning, WY.
Total groups, 211.
Total individuals represented, 2,177,772

BUSINESS MEMBERS

Ned Ludd Books, AZ.
Appropriate Designs Construction, CA.
C2 H2 Ltd., CA.
Compuclassics, CA.
Conservatree Paper Corporation, CA.
Dilworth Software, Inc., CA.
Eco Ed, CA.
Environmental Resource Project, CA.
Real Goods, CA.
Smith and Hawken, CA.
Tips & Associates, CA.
Dick Business Enterprises, CO.
Jim Morris Environmental T-shirts, CO.
Rising Sun Enterprises, CO.
The Runner Up Shop, CT.
CEHP Incorporated, DC.
Metnet, DC.
GreenDisk, DC.
Earthly Wonders, DE.
Hollywood Heart Surgery, FL.
Wilderness Southeast, Inc., GA.
Dr. MJ Caire, Obstetrics and Gynecology, LA.
Atlantic Recycled Paper Co., MD.
EcoPrint, MD.
GreenGoods, MD.
Qualitas Software, MD.
Stone Mountain Improvements, MD.
Tilbury House Publishers, ME.
Video Productions-UK, MO.
Still Point International, NH.
Campmor, NJ.
Emerald Green Sound Productions, NM.
Crusader Glass & Design, NY.
Earth Television Network, NY.
Human-i-Tees, NY.
John Rossi Company, Inc., NY.
The Caucus Partnership, NY.
The Foghorn, NY.
Ranpak Corp., OH.
Boltman's Nursery, Inc., OR.
Wild Oregon Images, OR.
Al-Len Pattern Company, PA.
Earth's Keepers, RI.
Environmentally Yours, SC.
Educational Video Network, TX.
Dream Garden Press, UT.
Atlantic Futon, VA.
Crazy Horse Studio, VA.
Prentiss Associates, WA.
Earth Care Paper Co., WI.
Future is Now Recycling, WI.
Solar Age Press, WV.
Total business, 51.
Total individuals represented, 10,370.

Grand total groups & businesses, 262.
Grand total, individuals represented, 2,188,142.

## TOWN OF STANFORD, NY, CELEBRATES BICENTENNIAL

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. SOLOMON. Mr. Speaker, the Dutchess County town of Stanford, NY, is celebrating its 200th birthday this year.

It was in 1793 that the New York State Legislature separated Stanford from the town of Washington, which, like Stanford, was part of the early Great Nine Partners Patent.

The town has certainly come a long way from the time of its earliest deed to a settler back in 1749. In 1790, the first national census showed a population of 5,189 inhabitants in the original town of Washington, of whom 78 were slaves. If that population was fairly evenly distributed, there were probably about 2,320 people in the Stanford part of the area.

Actually, Mr. Speaker, you might say that Stanford almost disappeared from the map over the next 140 years. The population actually dwindled to 1,267 by the 1930 census. But then the town started to grow. There were 355 more people by 1960, 800 more between 1960 and 1970, and 1,000 more the next decade.

The first town election was in April 1794. A 1797 map shows that Stanford, besides its first residential dwellings, could boast of a Methodist church, a Baptist meeting house, a doctor, three stores, two taverns, three stills, and a dozen mills. The sawmills especially were kept busy clearing the forests for materials to construct the New England-style clapboard houses that are still common in Stanford.

In the last century, when railroads were a more dominant mode of transportation, many refugees from New York City came to Stanford to escape the heat, making the town an important summer estate center. Some of those early boarding houses are still around.

Farming is still an important part of the Stanford economy, but many residents now commute to a nearby International Business Machines plant and other important businesses.

But I want to emphasize, Mr. Speaker, that Stanford has still retained much of its small-town character. It's that character that made America great, and it's what I like about the town.

Mr. Speaker, I ask you and other Members to join me in wishing the town of Stanford a happy birthday as it enters its third century.

## LET AMERICANS WHO BOUGHT INTO THE U.S. SAVINGS SYSTEM REDEEM THEIR NOTES

### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. LIPINSKI. Mr. Speaker, thousands of Americans, most of whom are elderly, currently hold savings notes that are no longer honored by the U.S. Government. Today, I introduced a bill that will allow individuals who still hold these bonds to cash them.

The Postal Savings System was established in post offices in 1911, based on an Act of Congress. The purpose was to get money out of hiding, attract the savings of immigrants who were accustomed to saving at post offices in their native countries and to provide convenient depositories during working hours since post offices were open longer than banks.

Over the years, as people turned increasingly to banks for savings, the Postal Savings System dwindled in popularity. In 1966, Congress terminated the system and transferred the unpaid deposits to the Treasury Department to hold in trust. By an Act of Congress in 1984, any individual still holding a Postal Savings Note was given a year to redeem them for face value. Notices to this effect were placed on post office walls.

Since that year passed, the Treasury Department has received over 2,000 written inquiries and innumerable telephone inquiries from people wishing to cash in their old notes. A standard rejection letter was sent to each.

My legislation is a technical amendment which will extend the statute of limitations for redemption to December 31, 1998. In addition, this bill instructs the Secretary of the Treasury to design and implement a publicity campaign to reach individuals who possess these notes.

I believe that Americans who buy into a savings system provided by the Government should be able to redeem their notes. I urge my colleagues to join me by cosponsoring this legislation.

## BUD HEINSELMAN—FRIEND OF THE ENVIRONMENT

### HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. VENTO. Mr. Speaker, I would like to share with my colleagues the news of the passing of a true friend of the environment, Miron (Bud) Heinselman. A retired Forest Service employee, Bud Heinselman dedicated his life to protecting our natural resources.

In particular, Bud Heinselman focused his considerable energies on protecting the Boundary Waters Canoe Area Wilderness [BWCAW] located in the Superior National Forest of northeastern Minnesota. Bud recognized the immense importance of the BWCA and the threat to this valuable wilderness resource from logging, mining and motorized use.

An expert witness in the lawsuit to stop logging in the BWCA wilderness, Bud retired early from the Forest Service to devote himself full time to protecting this the largest wilderness area east of the Rockies through a new law.

Bud was a leading force in establishing the Friends of the Boundary Waters Wilderness, a citizens' grassroots organization committed to protecting the BWCA. As the chairman of the Friends, Bud literally moved to Washington, DC in 1977 in order to shepherd legislation through Congress. It was in that capacity that I met and worked closely with Bud Heinselman.

As a freshman Member of Congress and the only Minnesota Representative serving on the House Interior and Insular Affairs Committee, I became intensely involved in the BWCA debate, chairing field hearings in St. Paul and Ely, MI, and participating in the consideration of this important legislation.

Throughout the process, Bud Heinselman was a tireless advocate, a trusted adviser and a personal friend. It was his work and commitment to the Boundary Waters that inspired us all and kept us focused on passing a strong environmental bill. Many times during the process, when others were willing to throw in the towel, Bud Heinselman was there pushing us to act. Bud Heinselman would not let the Congress yield to emotion or political expedience and insisted upon a positive land use policy based on the facts. As a result of his efforts, Congress did pass the Boundary Waters Canoe Area Wilderness Act. This is the law that today protects the BWCAW.

Following the passage of this law, Bud Heinselman did not rest on his laurels. Instead he threw himself into insuring that the BWCAW law be implemented and the wilderness protected. From Forest Service regulations to the fight for strong acid rain laws, Bud Heinselman put his training and conservation values to practice, becoming an environmental leader.

Among Bud's survivors is his wife and partner, Fran. Bud and Fran worked as a team. Throughout the entire debate on the BWCAW in 1977–78, Fran worked with Bud and kept him going. Their partnership was one built on love and respect, that they have shared with all they have touched. It has been a pleasure for us all to read Bud and Fran's Christmas letters to learn how active they remained and how they still enjoyed the BWCAW.

Mr. Speaker, Bud Heinselman was a major force in protecting the BWCAW. His motivation was not celebrity status nor personal gain. Bud Heinselman was motivated by his deep personal love for this very special resource and the idea of protecting our American natural heritage, our Minnesota wilderness.

In closing, I would like to share with you the words of writer Sig Olson, which could well serve as a reflection of the values and the practices of his good friend, Bud Heinselman:

> The preservation of wilderness is more than rocks, trees, beautiful lakes and rivers—it's the salvation of the human soul. It satisfies our hunger to experience the primitive, the natural world.

## LET'S INCREASE PAYMENTS IN LIEU OF TAXES [PILT]

### HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. WILLIAMS. Mr. Speaker, I rise today to introduce legislation to increase the authorization for the Payments in Lieu of Taxes [PILT] Program by the Consumer Price Index. My

legislation amends the PILT Act of 1976 which partially compensates local governments for the taxes that they would have received for tax-exempt Federal lands within their boundaries.

The authorization for PILT has been at the same level since 1976, and thus these payments are now worth less than half of their original value. This bill would redress that issue and protect future payments.

More than 1,700 counties and some cities and towns in 49 States benefit from this program. Most of these happen to be rural counties whose boundaries contain our national parks, forests, wildlife refuges, and BLM lands. These payments enable these local governments to provide for education, police, transportation, health care, and other essential services. These funds also help these governments provide services to the users of public lands.

I am open to working with their Members of the House and all interested parties to shape this legislation. I look forward to working with my colleagues in the Interior Committee to move this vital legislation.

## THE CAPITAL BUDGETING ACT OF 1993

### HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. WISE. Mr. Speaker, I rise today in support of legislation to establish a Federal capital budget.

Highways. Federal salaries. Health benefits. Foreign aid. The Federal Government pays for all of these programs through taxes and borrowing.

The Federal Government's unified budget currently makes no distinction between money borrowed for salaries and money borrowed for highways. But all borrowing is not created equal. Borrowing for physical infrastructure can be justified if it pays for itself in the long run by increasing the Nation's wealth and capacity for future economic expansion. Borrowing to meet the day-to-day expenses of Government cannot.

Today I have introduced legislation that would divide the Federal unified budget into an operating budget and a capital budget. The operating budget would include all programs that meet the immediate obligations of running the Government. The capital budget would include long-term, tangible investments in infrastructure. This legislation would direct the operating budget to be balanced, but would allow the Federal Government to borrow money for certain investments in infrastructure that increase the national wealth and contribute to economic growth.

The concept of a Federal capital budget is not new. The budget was expanded in the 1950's to include information on investment spending. Reform in the 1980's required even more investment information in the unified budget. Many other industrialized countries employ a capital budget and businesses and most State and local governments have investment budgets that separate long-term capital investments from year-to-year operating costs. Individuals and groups as diverse as former OMB Director Richard Darman, the General Accounting Office, and the Progressive Policy Institute have endorsed distinguishing between investment and consumption spending. As a recent GAO report on the harmful effects of the deficit points out,

> A new [budget] decisionmaking framework is needed, one in which the choice between consumption and investment spending is highlighted throughout the decision process, rather than being displayed for information purposes after the fact.

Businesses know the difference between borrowing to consume and borrowing to invest. Borrowing is a smart move when the money is used to finance productive investments that help a business modernize its equipment, expand, and become more profitable. But borrowing money to pay salaries or executive bonuses or to send employees to expensive conferences rather than to modernize would be foolish.

I believe the Federal Government should make this same distinction in its budget. By borrowing for current expenses the Government is asking future generations of taxpayers to pay for the cost of running the Government today. But borrowing to invest is different. If the Government passes part of the cost of building a road to future taxpayers, it also gives them something in return—a new highway that will encourage economic development, facilitate commerce, and increase economic growth for years to come.

Instituting a capital budget would force policymakers to decide whether or not each investment is worth borrowing money to finance. In addition, the public would benefit from knowing that the Government's current costs are being paid for and that any borrowing is for investments in the future rather than paying for the present and saddling future generations with bad debt.

Everyone agrees that the United States must make investments that are critical to future economic growth but that the budget deficit must also be reduced. Rather than going from crisis to crisis, the Federal Government should have an institutionalized system of long-term investment planning. Adopting a Federal capital budget would provide such a mechanism.

Mr. Speaker, this is a time of fundamental change in the way Government serves the people. In order to be more responsive to taxpayers' needs and more responsible with taxpayers' money, the Federal Government must reform its budgeting to distinguish between consumption and investment. The legislation I have introduced today would effect this critical change and I encourage my colleagues to support this important budget reform.

## A TRIBUTE TO THE MEMORY OF SHELIE LASHAY TURNER

### HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. BLACKWELL. Mr. Speaker, I rise today to bring to the attention of my colleagues a most tragic event which has taken place in the city of Philadelphia. While a cold-blooded murder has taken the life of a gifted and beautiful young woman, nothing can ever take away the memories of Shelie LaShay Turner that her friends and family will cherish forever.

Shelie was a remarkable young woman who never ceased to amaze her teachers and coaches with her speed, persistence, and dedication. As a member of the William Penn Lions High School track team, Shelie was constantly breaking league records, and leaving her competition in the dust. In the words of her track coach, Shelie was "a national class runner", "who never made a big deal out of running or winning. She had that star quality as an athlete and a person." As a senior in high school, Shelie had fine grades, and was hoping to attend college. Her ultimate goal, however, was a chance to compete in the 1996 Olympics.

It is clear, Mr. Speaker, that Shelie was the kind of woman who was accustomed to reaching her goals, no matter how high they might have been. As the captain of the William Penn Lions track team Shelie had broken many league and State records. I would like to point out, Mr. Speaker, that Shelie accomplished these tremendous feats in a high school program that does not even have its own track. The girls trained on the streets of Philadelphia, running around the perimeters of public housing developments. In her typically optimistic fashion though, Shelie once told a Philadelphia newspaper that "we have to dodge dogs sometimes." She was not complaining, though. She said running on an oval track was boring. Unlike so many youths her age who grow up in our inner cities, Shelie always made the best of what she had.

Shelie was also a great friend, who was always eager to help others. From providing leadership on the track team, to convincing a pregnant friend to stay in school, Shelie could always be relied on and trusted as someone to whom her friends could turn.

And now, Mr. Speaker, we are left with the questions that burn so deeply. Who would act so brutally to take away the life from Shelie, a woman with so much potential, and inner beauty? It is a sad day when our city streets have become so ruthless that the value for human life has been disregarded completely.

We must now put our supreme faith in the Lord above to carry Shelie's family and friends through these trying times. I ask my colleagues to rise, and join me in paying our greatest respects to the memory of Shelie LaShay Turner. On behalf of the entire U.S. Congress, we extend our most sincere condolences to Shelie's family and friends.

Let the memory of this extraordinary young woman carry us through this darkest hour, and always serve as a reminder of the amazing vitality that one person can possess.

## BICENTENNIAL OF SAM HOUSTON'S BIRTH

### HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. BRYANT. Mr. Speaker, today is Texas Independence Day and the 200th anniversary

of the birth of a great American and the greatest Texan—Sam Houston.

Sam Houston was born in Timber Ridge, Rockbridge County, VA, on March 2, 1793. Immigrated with his family to Tennessee in 1807, fought and was wounded in the Battle of Horseshoe Bend, where his bravery was recognized by Gen. Andrew Jackson, who became his mentor.

Sam Houston, in Tennessee, taught school, studied and practiced law, and served as Congressman and Governor.

Sam Houston immigrated to the Territory of Arkansas, acquired citizenship from the Cherokee Nation, and served as its Ambassador to the United States.

Sam Houston crossed the Red River into the Province of Texas, Republica of Mexico, in 1832, practiced law, was a delegate to the Texas Convention of 1836, signed the Texas Declaration of Independence on March 2, 1836, and was elected commander in chief of the Texas Army.

Sam Houston led the Texas Army to victory at the Battle of San Jacinto on April 21, 1836, liberating Texas from Mexico and molding it into a sovereign nation.

Sam Houston served two terms as president of the Republic of Texas, served as U.S. Senator from Texas from 1846 to 1849, and served as Governor of the State of Texas.

Sam Houston was a man of courage, vision, and integrity, a great orator, a steadfast champion of Indian rights, even in the face of controversy, and of the Union, even on the eve of civil war, a man famous for compassion, diplomacy, and wit.

It is hard to imagine that any person at any time in our history could have lived so much, accomplished so much, and left such an enduring legacy as Sam Houston did in his 70 years on this earth.

I ask you, my colleagues, and my fellow Americans to join me in observing the bicentennial of the birth of Sam Houston and to pay tribute to the lasting influence of this great man, to his birth, and to his memory.

## IN SUPPORT OF A VETERAN'S RURAL HEALTH CARE CLINICS PROGRAM

### HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. POMEROY. Mr. Speaker, I am very pleased to offer my support for the Veteran's Rural Health Care Clinics Program. When enacted, this legislation would enable us to determine better ways to furnish health care services to rural veterans. My Senate colleagues from North Dakota introduced the companion bill last week.

Veterans all over the country are not receiving the health care benefits to which they are entitled because they live in rural and remote areas. In my home State of North Dakota, over 34,000 veterans—more than 50 percent of the States total veteran population—live in counties 100 miles or more from the only DVA medical center in the State. In Montana, the situation is much more grim, where 83 percent of veterans live more than 100 miles from the nearest DVA health care facility. Overall, DVA indicates that more than 131,000 veterans live in counties that are 2 hours from the nearest DVA medical facility.

But the Senate Committee on Veterans Affairs reported distance is not the only hurdle for some veterans. While most veterans in West Virginia live less than 100 miles from a facility, rugged topography, poor roads, and sporadic public transportation combine to make it more difficult for many veterans to get to the facilities.

My bill would evaluate three options: Mobile health care clinics, equipped, operated and maintained by DVA personnel; part-time stationary clinics operated by DVA personnel; and part-time stationary clinics operated through contracts with non-VA entities.

To ensure that care from rural health care clinics is available to veterans on a geographically distributed basis, the bill would prohibit DVA from establishing more than one clinic under this program in any one State. At least three of the nine clinics would be mobile clinics. As to the remaining six clinics, the Secretary would have discretion to determine what combination of mobile and part-time stationary clinics would be most appropriate to carry out the program's goals.

Utilization and evaluation of these three different means for furnishing ambulatory care services should enable DVA to determine the geographic conditions and ranges of services for which mobile clinics or part-time stationary clinics are more effective.

The strength of the mobile clinic approach is its flexibility. Mobile clinics can treat small, scattered veteran populations in remote areas where the workload is insufficient to justify establishment of a permanent clinic. They can be shifted among various locations to accommodate fluctuating demand and to provide veterans with convenient access to care. But because mobile clinics may not constitute the most effective means in every situation, the VA will also establish part-time stationary clinics when the veteran population is more concentrated but not enough to sustain a full-time clinic facility.

In order to properly evaluate the effectiveness of the program, this bill would require the Secretary to submit a report to Congress which would contain information regarding the types of health care services furnished under the program, including a detailed specification of the cost of such services, the veterans furnished services under the program, and the types of personnel who furnished services to veterans under the program. With regard to the veterans furnished services under the program, the report would be required to contain an analysis of the extent to which these veterans otherwise would have received DVA health care services and the types of services they would have received.

This bill would authorize $3 million in fiscal year 1994, $6 million in fiscal year 1995, and $9 million in fiscal year 1996, for a total authorization of $18 million to carry out this bill.

Mr. Speaker, there is no question that the expansion of rural health care options, including the use of mobile clinics, is a most important step in improving health care access for veterans in rural areas. Recently, the importance of these services from mobile health care clinics became abundantly clear when three mobile health care clinics—clinics that were just turned over to the Department of Veterans Affairs for use in Prescott, AZ; Spokane, WA; and Fayetteville, NC—were pressed into service to assist the victims of Hurricane Andrew in south Dade County, FL. Those three clinics contributed tremendously in helping to meet the immediate health care needs of thousands of individuals and families affected by the devastation from Hurricane Andrew. Mobile clinics clearly proved their value, and when combined with part-time stationary clinics, will significantly assist veterans who lack basic health care services simply because they live in rural and remote areas.

## FOR THE RELIEF OF JUNG JA GOLDEN

### HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. EDWARDS of Texas. Mr. Speaker, today I am reintroducing legislation for the relief of Jung Ja Golden. Mrs. Golden is a native of South Korea and the widow of Arthur J. Golden. Her husband died on November 14, 1991. Since her husband's death, Mrs. Golden has constructed a new life here in the United States. This legislation would grant Mrs. Golden immigration status which would allow her to remain in this country.

Jung Ja Golden's resilience after the death of her husband is admirable. She obtained a driver's license, passed the GED examination, and is currently enrolled in McLennan Community College in Waco, TX. Mrs. Golden also has participated in community service programs, such as Meals on Wheels, which deliver food to the homes of the elderly. Mrs. Golden is close to her husband's family and has made many friends in Waco, TX. In my opinion, Jung Ja Golden embodies the American spirit of perseverance. Therefore, I believe it would be in order for Mrs. Golden to remain in the United States.

## TRIBUTE TO THE CATHOLIC DIOCESE OF GREEN BAY, WI

### HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. ROTH. Mr. Speaker, I rise today to pay tribute to the Green Bay Catholic Diocese as it celebrates 125 years of service to the community. The diocese was first established in northeastern Wisconsin in 1868, and has been flourishing there ever since.

The Green Bay Catholic Diocese is a bastion of Christian values, and a model of cultural diversity. From 1868 to 1993 the diocese has served the faith in 16 counties of northeastern Wisconsin. Since then, the number of Catholics in the area has grown from 40,000 to 360,000. The diocese has also expanded geographically and culturally, embracing both

urban and rural areas and welcoming new parishioners of all backgrounds and ethnic heritages.

In fact, the oldest Catholic church building in the Green Bay Diocese was built in 1867 and is still in use. The continued use of this church, which is located in Stephensville, is a testimony to the strength of the diocese, the dedication of its parishioners, and the devotion of its bishops.

Like his predecessors, Bishop Robert Banks, the 10th bishop of the diocese, has worked hard for the enrichment of the community. He has personally visited each parish, implemented a study of diocesan schools and their policies, and entered into a covenant with local Lutheran and Episcopal churches. His dedication is admirable.

It is with pride that I commend the Green Bay Diocese for its outstanding and lengthy service to Wisconsin. I offer it my best wishes for the continuation of its service to God and the community for many years to come.

## TRIBUTE TO ALLAN R. JONES

### HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. MINETA. Mr. Speaker, I would like to take this opportunity to congratulate Allan R. Jones on reaching a milestone in his career—20 years in the trucking industry. Allan has represented the needs of the 7.8 million people employed in the trucking industry. I know that they are grateful for his efforts.

We often tribute to our service men and women when they return from combat. And as I listen to my colleagues announce the names of those heroes, I find myself reflecting on where their post-military life will lead them.

Allan Jones is one such hero. Many years ago, he was awarded the Silver Star and Purple Heart for his efforts in the Korean war.

After his return, Allan worked as a staff reporter for several newspapers. He began his political career as a legislative assistant to U.S. Senator William Spong, Jr. He went on to have a distinguished career in the trucking industry.

Allan began at American Trucking Associations as a legislative representative, and was later promoted to manager of legislative affairs. It was in this position that Allan worked with the Public Works and Transportation Committee on key pieces of legislation including: the Intermodal Surface Transportation Efficiency Act of 1991, the motor carrier deregulation bill, the 1984 truck safety bill, the Commercial Motor Vehicle Safety Act, and various hazardous materials regulations.

Among those in Congress and the trucking industry, Allan is renowned as a consummate professional. He is temperate and credible while being passionate about his work. Allan, thank you for your dedication and congratulations.

## CHARLES R. JACKSON, THOMAS F. SILK ELECTED TO HEAD NCOA

### HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. MONTGOMERY. Mr. Speaker, it is with great pleasure that I inform my colleagues of the election of Charles R. Jackson as president of the Non Commissioned Officers Association [NCOA] at the organization's board of directors meeting on February 13. Those of us who work on military issues are very familiar with Chuck and his capabilities, and I am pleased to see him move into this important position with such a fine military association. He will be an effective leader for the organization.

Chuck is a retired Navy master chief petty officer who served his country in uniform for more than 25 years. During those years, he served aboard several ships, including the aircraft carriers *Franklin D. Roosevelt* and *John F. Kennedy*. He served his final tour in the Navy as the force master chief of the Navy's Recruiting Command.

In 1979, Chuck joined NCOA's Washington staff and was soon elected to the association's board of directors. In 1981, he became NCOA's first certified national veterans service officer and headed NCOA's service program for several years thereafter.

Chuck was elected chairman of NCOA's board of directors in 1984, and held that position until he was elected executive vice president in 1988. Concurrent with his service on the board and as an officer of the association, Chuck served as head of NCOA's Washington office.

Under this leadership, NCOA's Washington staff has worked hard and successfully to help create better programs for military personnel and veterans. NCOA's efforts led to special recognition by the Congress in 1988, when the organization was granted a Federal charter.

Chuck Jackson also served as a commissioner on the congressionally mandated Advisory Commission on Veterans Education Policy and as a member of the Secretary of Veterans Affairs' Advisory Committee on Women Veterans.

Chuck and his wife Sylvia live in Fort Washington, MD.

I also want to bring to your attention the election of Thomas F. Silk as executive vice president of NCOA.

Tom, a retired chief master sergeant, is a veteran of more than 31 years of Air Force service. His various assignments have carried him to Japan, Korea, Germany, France, Vietnam, Thailand, and Hawaii. During his years in service, Tom was a leading proponent of professional military education. He helped to establish the Air Force First Sergeant's Academy and is a graduate of several Air Force senior leadership schools.

Upon retirement from service, Tom became deeply involved in NCOA. He served as vice president and president of the association's sponsored services company. At various times, he also served as chapter chairman, association trustee, State director, and Grand Knight of the NCOA's Knights of the Square Table.

As executive vice president, Tom will be responsible for the day-to-day operation of the association and the proper management of its financial resources.

Mr. Speaker, I know my colleagues join with me in expressing congratulations to these two gentlemen, and best wishes for their continued success as they assume the top two leadership posts in the NCOA. I believe we should also thank Chuck and Tom for their more than 56 years of combined service to America. The organization is in very steady, skillful, and patriotic hands.

## TRIBUTE TO KEVIN PETERSON

### HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Ms. HARMAN. Mr. Speaker, I ask my colleagues to join me in congratulating Kevin Peterson for his outstanding, dedicated service to the South Bay community. In recognition of a broad range of civic activities, Kevin has been named "South Bay Citizen of the Year" by the Wellness Community-South Bay Cities.

For many years, Kevin Peterson has served his community by lending his leadership and enthusiasm to local organizations in California's 36th District. He has enriched the lives of many in the South Bay area. It is all too often that we recognize the problems in our communities yet are not fully aware of such public servants, who through their motivation and deeds have contributed immeasurably to those around them. Mr. Speaker, I would like to make my colleagues aware of the extent of this man's service to his community.

Kevin Peterson is currently a member of Little Company of Mary Hospital's strategic planning committee, Torrance Memorial Medical Center's foundation board, and president of the South Bay Association of Chambers of Commerce.

During his years of service, he has also served as president of the Redondo Beach and Torrance Chambers of Commerce, and the Rotary Club of Palace Verdes Peninsula. His enormous commitment to these organizations was not without acknowledgment—he was named President of the Year by his local rotary district in 1991, Redondo Beach Man of the Year in 1989, and the J. Walker Owens Volunteer of the Year in 1992.

Moreover, he is an active member of numerous boards of directors, including the El Camino College Foundation, Torrance YWCA Advisory Board, South Bay Volunteer Center, Community Association of the Peninsula, California State University, the Retired Senior Volunteer Program, and the Redondo Beach Salvation Army.

Mr. Peterson has even lent his musical talents to the community by participating in musical entertainments to benefit fundraising events such as Taste of the South Bay, Festival of the Trees, Design House, and For Our Children.

Personally, I have gotten to know Kevin Peterson very well recently as we have been working together to save the Los Angeles Air Force Base. His energy and resourcefulness

have been invaluable in this effort and I sincerely appreciate his efforts.

Mr. Speaker, I am proud to know that this outstanding community leader is a part of my district, and shares with us his knowledge, compassion, and talents. I hope his example will encourage others to get involved and enrich the lives of those in their community who need it most.

## AGRICULTURAL WORKER PROTECTION REFORM ACT OF 1993

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. MILLER of California. Mr. Speaker, it has been more than 30 years since Edward R. Murrow's landmark documentary "Harvest of Shame" exposed the deplorable living and working conditions of migrant farmworkers. Congress has intervened three times since then to enact laws to protect agricultural employees from financial abuses, wretched housing, deadly pesticide exposure, and exploitation of children.

Despite these efforts, working and living conditions for migrant agricultural workers remain deplorable and in some cases have deteriorated. According to recent reports by the General Accounting Office, the Commission on Agricultural Workers, the news media, and testimony by farmworkers, migrant workers: Are often exposed to pesticides with no education about the effects of pesticide exposure; work in fields without drinking water, handwashing facilities, or toilets; endure routine child labor violations; often receive inadequate medical services and are denied Social Security benefits; have lost ground in real wages since 1980 and continue to suffer abuses of the minimum wage laws; are housed in grossly substandard labor camps, and; are transported in dilapidated, overloaded, and unsafe vehicles.

As the author of the last law Congress passed to protect migrant agricultural workers—the 1983 Agricultural Workers Protection Act [AWPA]—I am familiar with the plight of farmworkers and the response by the administration and the growers to Federal law.

The declining conditions of migrant workers is due in no small part to the lack of enforcement of existing laws by the Labor Department under Presidents Reagan and Bush. In fact, agriculture enforcement at the Labor Department has declined 50 percent between 1988 and 1992, according to the Department's own statistics. Growers and their contractors have acted with virtual impunity for the last 12 years.

In addition, employers have found new ways to avoid the law. Since the mid-1980's, growers have relied extensively on farm labor contractors, known as crewleaders, who are paid a fee to hire, transport, and house migrant laborers, but who often provide no services or substandard services to the agricultural employee.

Some growers, such as the U.S. Sugar Corp. in Florida, have recognized that abiding by the law and protecting their workers is better for their business. But they are the exception, not the rule.

The protections enacted in 1983 have resulted in lengthy court battles as growers and workers argue over whether the contractor or the grower is responsible for the violation.

The amendments to my 1983 law that I am introducing today, with Education and Labor Committee Chairman BILL FORD and Congressman HOWARD BERMAN, will eliminate any ambiguity over responsibility and thus will reduce violations. The amendments make growers responsible for ensuring that the farm labor contractor is abiding by the law. Growers and contractors have had the chance to end their abusive practices on their own and with few exceptions they have failed. Now they will abide by the law or they will pay dearly and, in some instances, lose their right to conduct their business altogether.

Specifically, the amendments will: Hold growers liable for violations committed by the farm labor contractors; eliminate distinctions between seasonal and migrant workers; make employers responsible for meeting all local, State, and Federal health and safety laws and regulations, including child labor laws; require crewleaders to post a performance bond to ensure payment of wages owed to farmworkers; disqualify persons convicted of serious crimes from becoming crewleaders; require full disclosure to farmworkers of all the terms and conditions of their employment; increase the penalties for growers and crewleaders who violate the act, and; require employers to provide child care if they have 25 or more employees, and provide field sanitation and protection from heat stress regardless of the number of employees.

I appreciate the support of Chairman FORD, who is also intimately familiar with these issues as the author of the 1974 law to protect migrant workers. I look forward to working with my colleagues, with Labor Secretary Reich, with the industry, and with the advocacy community in carrying out the letter and the spirit of the law to protect migrant agricultural workers.

Thirty years is far too long to have allowed these abuses to occur. As Maya Angelou poignantly stated in her Inaugural poem, we cannot unlive history, for its pain is too real, but we do not have to live it again.