SENATE—*Thursday, April 1, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 9:20 a.m., on the expiration of the recess, and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

PRAYER

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

Let us pray:

The rod and reproof give wisdom; but a child left to himself bringeth his mother to shame.—Proverbs 19:15.

Father God, this insight from Proverbs reveals the root of our degenerating culture. The breakdown of family values is the cause, not the effect, of social decay. We are told that by the time a child is three, he has learned half of all he will ever know. By the time he is seven, his behavior pattern is established. During these years, parents have their greatest opportunity to determine their child's destiny. If there is no discipline, no guidance from father and mother, the child's future is in peril.

God of perfect wisdom, herein lies the explanation for all the troubles besetting youth today and the major cause of child abuse. It also explains America's failure in education. When there is no discipline in the home children bring shame upon their parents. Nothing human ingenuity invents can replace parents.

Gracious God, may all of us who are parents take seriously our responsibility. Renew us in family values and, in mercy and grace, look upon the multitude of children who have been victimized by parental negligence.

We pray this in the name of Jesus who said, "* * * whoever shall offend one of these little ones that believe in me, it is better for him that a millstone were hanged about his neck, and he were cast into the sea." (Mark 9:42) 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 1, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

CONCURRENT RESOLUTION ON THE BUDGET—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of the conference report accompanying House Concurrent Resolution 64, which the clerk will report.

The bill clerk read as follows:

Conference report to accompany House Concurrent Resolution 64, a concurrent resolution setting forth the congressional budget of the U.S. Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

The Senate resumed consideration of the conference report.

The ACTING PRESIDENT pro tempore. There will now be 20 minutes of debate to be equally divided and controlled by the two leaders or their designees.

Who yields time?

Mr. BOND addressed the Chair.

Mr. DOMENICI. Mr. President, I yield 1 minute to Senator BOND from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 715 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me use 5 minutes of my time, and I ask the Chair to advise me when 5 minutes is over.

I do not think it should be lost on the American people that this is President Clinton's economic budget plan and that it will be adopted on April Fools' Day. I noticed that on the front page of Roll Call, every story was a spoof. You had to read it twice to see if it was for real, and they had decided that on April Fools' Day they would have the entire front page of that little newspaper spoofs on April Fools' Day.

Well, I am here to suggest that an awful lot of Americans are going to be spoofed by this budget—the largest tax increase in the country or any country's history, according to the chairman of the Finance Committee of the Senate, Senator PATRICK MOYNIHAN—$273 billion. That is $3.38 in new taxes for every dollar in spending cuts. Who would have believed it last year, and who would have believed it just 2 months ago that would be the way to fix the American fiscal policy and create a vibrant, growing economy—to levy $3.38 of taxes on America and $1 in cuts?

Defense cuts make up almost all the cuts, meaning that no real substantial cuts come out of the entire domestic spending of America, which is two-thirds of the budget.

Those spending cuts will not be achieved, because they are twice as much as recommended by the President of the United States and, frankly, there is no way to order them to be done in this budget resolution.

So over the next 3 or 4 years, we will try to cut $112 billion more than recommended by President Bush and the then Chiefs of Staff.

No real deficit reduction long term. Not my conclusion, but the conclusion of the neutral refereeing body that the President said we should believe, the Congressional Budget Office.

Again, no real cuts in domestic spending, because for every dollar that is cut, or restrained, there is an equal dollar in new expenditures and new programs.

April fool, Senators.

When you adopt this resolution, it will allow the Senate to never again vote on a freestanding debt limit bill, the one bill that has always provided the minority with an opportunity to have its agenda discussed.

April fool.

You are going to have a reconciliation bill tomorrow raising the debt limit to the end of the year, and you will not be able to amend it.

The last of my series of April Fools for Americans is that this budget will not create jobs, will not grow the economy, and will not reduce the deficit.

I am certain that there are many April Fools surprises in this budget resolution. We have not had an opportunity to go over it in detail or to even see the President's budget before we have to vote here today.

But rarely have we ever reconciled a debt limit bill that has ordered a committee to produce it. We did it one

● 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

time, but this one even exceeds all previous efforts in that there are two orders to the committees to produce at two different times two debt limit bills. The debt limit is extending the debt because you have incurred deficits that you have to add to the base of the debt of America.

So we look at this reconciliation bill, this order to the committees. Two debt limits are in, as I just said, seven reserve funds. We do not know what those are going to mean over time. There are 28 separate statements of the sense of the Congress, many of which are inconsistent with the President's program, many of them inconsistent with the assumptions in the budget resolution.

So in conclusion, from the very beginning there was no doubt that we would be here today. Obviously, we have not been part of producing this budget resolution. Perhaps we could not have been. It is so different in philosophy from what we would have produced in these critical economic times that perhaps the best we could do is what we did try to tell the American people what was in it by offering amendments even though we knew we would lose and then offering a budget resolution that would get the deficit under control with no new taxes.

Mr. President, I reserve the remainder of my time.

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

Mr. SASSER. Mr. President, we stand here this morning in the U.S. Senate on a threshold. We are emerging from 12 years of the most irresponsible fiscal policy that has ever been pursued in the over 200-year history of this country. When economic historians write the history of the period from 1980 to 1992, I think they will find it almost incomprehensible how the leadership of this country could have moved our great people to the edge of fiscal disaster.

We have a vigorous, decisive President who has gone at long last to the American people to tell the truth about the problem. No longer do we have the phony posturing that we have seen over the past 12 years that if we only do away with the waste, fraud, and abuse, then the budget is going to be balanced. No longer do we hear the false statements that if we simply cut taxes enough, then the rich will invest and we will all prosper as the economy expands.

No. None of that has worked. It has all been a shallow charade, and the American people are now aware of that. Some of the same individuals who helped foster that policy have spent a large proportion of their time over the past days and weeks in throwing rocks at this proposal the new President has offered.

There have been no constructive proposals from our friends on the other side, only destructive and negative criticism of the only plan that we have to get us out of this ditch that they have left us in.

Now, the American people have listened to this President's solution. He has gone to them with a heartfelt, candid solution. And we have to give that solution a chance this morning, Mr. President.

I submit that if the deficit is this country's most dangerous crisis, if all else is secondary to the deficit, as so many of us have said so many times, then there is absolutely no excuse for opposing a rational package of spending cuts and revenue increases that bring the deficit down.

The American people have enough sense to know that we cannot continue down the path we have been on for the past 12 years. It has led us to the edge of economic disintegration.

There is no logic to the proposition that, "Yes, the country is in grave peril and can only respond to that peril if the approach is wholly consistent with my own personal premises." That is what we are hearing from our friends on the other side.

President Clinton has proposed a rational package of carefully targeted spending cuts and revenue increases. He is reducing military spending by $108 billion over the next 5 years. This is the first really post-cold-war budget that this country has experienced.

Some of our friends on the other side are complaining because they say the military cuts are too deep. Somehow in their rationale, military spending simply does not count. The dollars that go for tanks, aircraft carriers, and weapons of destruction, somehow those dollars just seem to grow out of thin air; we do not have to borrow those dollars; we do not have to pay interest on those dollars required. And for those who say that a modest $106 billion cut in military spending is going to endanger the national security of this country, I would say to them that this President is proposing spending in excess of $1.3 trillion over the next 5 years for military spending purposes. How much is enough for our friends on the other side?

There is $81 billion in nonmilitary domestic discretionary spending cuts; $91 billion in cuts in entitlements and mandatory programs; and, yes, there is $272 billion in net revenue increases.

We are still trying to recover from that gigantic hoax of 1981 when we reduced the revenues of the Federal Government by 20 percent and had the foolishness to try to pay for that by increasing military spending by about 33 percent.

I well remember when my distinguished colleague, then the Senate majority leader, Howard Baker, stood on the floor of this Senate and said that those Reagan tax cuts of 1981, that we now know benefited only the wealthiest among us, was, to quote him, a "giant riverboat gamble." It was a giant riverboat gamble that failed, I say to my colleagues, and we saw ourselves quadruple the national debt in this country in the short period of 12 years. A national debt that had taken us 200 years to build up to the level of $1 trillion we quadrupled that in 12 years, and we have seen for weeks on end it is easy to slice and dice the components of this President's economic proposal and deficit reduction plan.

Our friends on the other side have done it with great skill and with great zest. They have enjoyed every moment of it. But, frankly Mr. President, I do not believe the American people particularly care whether a fee is a revenue or a negative outlay. I do not believe they really care what baseline concept we will begin with. Of course, our friends on the other side have the right to recategorize President Clinton's plan into the most negative possible configuration which they have done day after day out here on the floor of this Senate.

But I would say to my colleagues, it is not washing with the American people. They are not going to allow protest against ratios about baselines to serve as an excuse for doing absolutely nothing at all and defending the status quo. That, Mr. President, is the fundamental truth of the current moment.

A vote against this President's package when you strip it all away is simply a vote for doing nothing. It is a vote of going down the same road we have been going down for the past 12 years. It is a vote for continued economic stagnation if you vote against this program. It is a vote for ever escalating deficits if you vote against this program. It is a vote for saying we like things the way they are, we do not want to change if you vote against this President's program this morning.

It is a vote against $500 billion in deficit reduction over 5 years. It is literally a vote for my colleagues adding $500 billion to the national debt if you vote against this President's program. It is a vote for increasing the annual burden of interest expense. It is a vote for tying our hands, for abandoning better prospects in the future. It is a vote for dashing the hopes of future generations of Americans.

Now, our friends on the other side of the aisle can solace themselves with the thought that a vote against the President is a vote against taxes. Or it is a vote against cutting military spending or a vote against too little here or too much there.

But the inescapable reality is that a vote against this President's proposal this morning is a vote for maintaining a status quo that the American people say is intolerable.

There is no other prospect before us. No credible alternative has been offered from the other side of the aisle.

So a vote against the President is a vote for a condition that we are in now and that, Mr. President, is a condition that simply cannot be allowed to persist.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

The Senator from New Mexico has 3 minutes and 44 seconds remaining.

Mr. DOMENICI. Thank you, Mr. President.

Let me first suggest that there is a big coverup going on on the floor of the Senate, as if those taxes that were reduced in the first couple of years of President Reagan's administration were just a Republican event.

I might remind the Senate once more that my recollection is that the vote in favor of those tax cuts was 89. I do not think, ever in history of the Republic, has there ever been 89 Republican Senators. So I can surmise, at best, one could say it was bipartisan.

The President summarized the past, in terms of deficits, in his own speech to the American people when he said there is plenty of blame to go around and called it a bipartisan problem.

Now, having said that, let me suggest today—today—across this world, the American economy, among large, free, industrial nations, is the best in the world.

Japan, to get their economy off dead center and recession, has been befuddled for a year. Now they are going to have a stimulus package because their economy is not growing like America's.

Germany is in trouble. England is in trouble. France just changed governments because of their troubles.

And America's economy is rocking right along—365,000 new jobs reported last night, 489,000 net new jobs—without one new penny of Federal money on so-called investments by the Government.

Now, having said that, let me repeat, it is probably a quirk of fate that we are voting on this budget on April Fools' Day.

But, I tell you, if we are talking about a riverboat gamble, we ought to be talking about an April Fools' budget, because, frankly, the American people are indeed being fooled.

Would they believe that putting $272 billion in new taxes, the highest marginal rate increases in our history—in fact, we are going to be so proud of this Tax Code when we finish this because we can hold it up and say it is just like England's. In fact, our marginal rates are going to be higher than England's, and England's marginal rates are such a disaster that they are using schools of economics to tell people how you ought not tax if you want prosperity.

So what we would like to do is reduce those taxes until we get the deficit under control by cutting spending. And that is not being done because, somehow or another, somebody, somewhere thinks the American people are going to believe that you are not spending their tax dollars if you call the spending an investment; that is not spending their money.

Well, that is what this budget debate is all about. If you do not get the deficit under control with $272 billion in new taxes, what is next? Another round of taxes?

I assume that, in closing, the greatest of all April Fools is that this budget will not create jobs, will not grow the economy, will not reduce the deficit, but will grow Government.

I yield the floor.

Mr. BOND. Mr. President, with leading economic indicators showing that the economy has been growing steadily for the past 5 months, I challenge the need for an emergency stimulus package proposed by President Clinton which would add to the Federal budget deficit and the conference report on the budget now before us.

The economy is steadily growing and creating jobs. Since the budget deficit is the greatest threat to our long-term economic security, our top priority should be getting the deficit under control. The emergency stimulus package just spends more tax dollars that the Government does not have, adding to the deficit.

This budget increases taxes but also increases domestic spending.

Three points under the Clinton budget are not adequately understood:

The Clinton plan would add nearly $1.2 trillion to the national debt over the next 5 years, because while taxes go up Government spending on domestic programs continues to rise;

Economic estimates of the plan indicate that it will cost 3.2 million jobs by 1996; and

The plan contains over $3 in new taxes for every $1 in spending cuts, even candidate Clinton promised the opposite—$3 in cuts for every $1 in new taxes.

This body made a serious mistake in rejecting the Dole-Domenici alternative deficit reduction plan that would reduce the deficit by $460 billion over the next 5 years through cuts in defense, domestic discretionary and mandatory spending program with no tax increases.

Even under the Clinton administration's own figures, their plan puts on a course to see the annual deficit goes back up to $300 billion 2000 and $400 billion by 2003. This budget gives us a huge tax burden that will kill jobs and leave us with a continually growing deficit.

Mr. WOFFORD. Mr. President, the American people want serious deficit reduction and a reordering of the Federal Government's priorities. They want to see our Nation's energy and resources directed to meeting the human challenges here at home with the same commitment we've shown in meeting challenges abroad. That is exactly what President Clinton's economic plan does and that is why I support the budget we are voting on.

By passing this budget, we are showing the American people that gridlock is becoming part of our political history. The American people want an end to the blame game and finger pointing. They recognize the toll that political gridlock has taken on this country. It is often easier to do nothing and that is just what political gridlock was—an excuse to do nothing. The American people caught on. They realized that the risks of doing nothing are much higher than the risks of moving forward. The American people are willing to make a shared sacrifice so long as all of us do our part and so long as Government invests wisely, instead of spending wastefully. Americans want to give change a chance.

The American people have also demanded that we reduce the Federal deficit. The budget deficit is more than an abstract problem. It affects each of us every day. It robs our economy of the private investment capital it needs for generating new growth. It has pushed long-term interest rates between 1 and 4 percent higher than they should be. And these higher interest rates make it that much harder to own a home, start a business, or make payments on credit cards.

And it is stealing resources from our children by saddling them with our debts. It is soaking up taxpayer dollars and preventing us from investing in our future. We now spend more to pay interest on the national debt than we do on every Government program except Social Security and defense—more than on education, law enforcement, transportation, and medical research.

This budget puts us on a bold course toward reducing the deficit. It will reduce the deficit by almost $500 billion during the next 5 years. It is not going to be an easy course.

This budget represents a spirit of compromise between the President and the Congress. We go farther to reduce the deficit than initially sought by the President—still maintaining his priorities and direction.

Change means not only dealing honestly with a national debt that has quadrupled over the past 12 years. It also means investing in the kind of education and training, jobs and technology, human and capital infrastructure that are all essential to rebuilding our economy for the long term. That is the promise of American life—a better life for our children. And that is the promise we are attempting to achieve by enacting President Clinton's economic plan.

This budget also changes our economic priorities. Federal investment in domestic needs like job training and infrastructure development has declined by almost a third between 1981

and 1992. This decreasing public investment has had a major impact on our education, health, transportation system and living standards. We are already paying the price in lost productivity and economic competitiveness. With the cold war won, we can now shift our attention to investing in our Nation's long-term economic strength. And we will never tame the deficit without rebuilding our economic productivity and investing in a better future.

Mr. President, during our debate on the President's economic plan, the Senate was presented with a series of Republican amendments that, on the surface, seemed to undo a difficult or controversial part of the President's plan. But these amendments would have been paid for by eliminating unspecified portions of the President's domestic initiatives. That is not leadership. That is not moving us forward. It is a strategy for continuing gridlock and continuing the failed policies of the past.

I have heard from many Pennsylvanians about what the budget will ask of them. Each individual and group has legitimate concerns. But these are commitments that must be made to get the Nation back on track.

I have received many moving letters that reflect a good understanding of what is being asked of each of us. Maybe the most moving comes from Eric Stodola, an 11-year-old from Pennsylvania. He wrote to ask me to vote in favor of President Clinton's economic plan. Eric writes:

I like Clinton's plan and his thinking. I don't think it should be changed at all. * * * I can see by the numbers and facts that in the long run the deficit will be lower and my mom and dad will get paid more. I don't think you should rip the plan apart because plans only work when they're all in one piece. * * * I mean that the plan is like a puzzle and if you remove a piece it doesn't work.

I opposed amendments offered by my Republican colleagues because they were just more of the same policies that have not worked and they would have broken apart the puzzle.

There is certainly more to be done. The American people need to be watchful. This budget is only the first step in a long process of tackling the Federal deficit and changing our priorities.

The enactment of comprehensive health care reform is critical to this effort. The driving force behind the deficit today is spending on entitlements—it is projected that 85 percent of the increase in the deficit will come from Federal health care spending, mostly on Medicare and Medicaid. If we do not get these costs under control, we will never control our deficit and we will doom our children and grandchildren to a worse life.

President Clinton himself explained, when he pounded his fist on the table at his Little Rock economic summit last December, that "we're kidding ourselves" if we believe that we can tame the Federal budget deficit and provide long-term economic growth without putting the brakes on skyrocketing health care costs. That's why he said in his February economic message that we have to take action on health care "not next year, not 5 years from now * * * but right now." And he is preparing to introduce his proposal in just a few weeks.

Americans want the President to succeed. So during this year we will be implementing the President's economic plan—including comprehensive health care reform. As Eric Stodola understands, the American people want a whole new approach, and the puzzle will never fit together by pulling the pieces apart.

Mr. LUGAR. Mr. President, I rise today to bring my colleagues' attention to four letters I recently received from Hoosier certified public accountants who in the midst of tax season took the time to write. I ask that these letters be printed in the RECORD because they demonstrate the anxiety and concern many Hoosiers have expressed to me about President Clinton's economic proposal.

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

DEAR SENATOR LUGAR: As a CPA, whose clients consist almost exclusively of small businesses and their mainly middle-class owners, the Clinton plan is of great concern to me, as it will impact directly upon their ability to expand their businesses and maintain control over their futures. For the past twenty years as a practicing CPA, I have seen many tax proposals come and go. Higher taxes, investment tax credits, changes in the rate structure, and many other major and minor modifications over time have had one consistent result, which is quite simply a disruption of the business decision making process causing inequities and general inefficiencies in the process of conducting business planning and making investment decisions.

What disturbs me most about the rhetoric associated with this plan is that the impact will be primarily on "big businesses" and "high-income taxpayers". As a consultant to businesses and a significant number of persons considered to be high-income in the view of the Clinton plan, let me tell you that businesses don't pay taxes, people pay taxes, and whenever an additional cost, whether it is a tax rate increase or a cost of materials being purchased, is incurred by a business, any prudent businessman will take the action necessary to recover that cost. In my view, any net tax increase will flow through the economic system and, ultimately, be paid by the middle-class Americans purchasing the products being manufactured and sold throughout the economy. It is a gross distortion of the economic reality when the public is deceived into believing that corporations can be assessed additional taxation without it having a direct economic affect on every man, woman and child in this country.

In my view, increased taxation will have the results of increasing the cost of goods and services, lowering consumer confidence, and ultimately, begin a vicious cycle of lower business activity, resulting in lower revenues, resulting in the need for higher tax rates.

Regarding your question concerning how much revenue collection will actually be realized, it is my view that in the short-term businesses and individuals alike will reduce their disposable and investible income to fund the new government spending programs. However, within a very short period of time, workers and businesses alike will take action to recover or offset the increased tax burdens being placed upon them. Workers will demand additional wage and benefit increases, and companies will be forced to raise selling prices to maintain adequate working capital. Such disruption of normal business activity creates inefficiencies that are clearly damaging to the economy, and thereby, long-term tax revenues.

It is my sincere view, along with almost everyone that I have had contact with since the Clinton State of the Union message, that no tax increase should be passed, unless it is first offset by a real spending decrease, thereby allowing the deficit to go down dollar for dollar. It is also my view that it is a danger to the future security of this country to dismantle our military defense system any further, and that cuts should be made in entitlement programs. Specifically, the lie of the "Social Security Trust Fund" needs to be exposed, and social security, itself, needs to be treated as a welfare program funded with the overall tax revenues. Incentives need to be created to stimulate long-term retirement savings by individuals, so that they can provide for their own financial security. Of course, those persons already on social security must remain so, but the system needs to be phased out over time, as it provides a false sense of security to middle and low-income Americans that ultimately cannot be provided by the system.

It is my personal view that the primary source of new job formation in this country has been, and always will be, small business, and that if the government wants to truly assist the growth of such businesses, a reform of the banking system is necessary. At the present time, local businesses cannot obtain adequate working capital loans or finance plant and equipment construction due to the alternatives available to commercial banks and the extent of restrictions placed upon them by regulatory authorities. Quite simply without a source of leveraged capital, small business cannot get off the ground in great numbers.

The American dream was based, and should be based, on opportunity not entitlement, and whatever actions are taken by government to restrict the freedom and opportunity of individuals to make their own economic decisions and spend the money they earn as they see fit as opposed to a government created agenda, the American dream is being extinguished.

I appreciate very much your concern and have followed your service to the State of Indiana over the years with great pride. I wish you success in your efforts.

Sincerely yours,

GREGORY L. WALZ, C.P.A.,

GOSHEN, IN.

DEAR SENATOR LUGAR: I am sad to say that the most basic economic principles are being ignored by the President, the legislature, the media and apparently most Americans. The premise upon which President Clinton and his people are founded is one of statism. Centralized planning is about the most inefficient mechanism known by which to operate

the economy. Already, 43% of the national income is being absorbed at the state, federal and local level. Clinton wants to increase this ratio because he truly believes that government is a more competent manager than the people. This premise is clearly false and unless we recognize the comprehensive history of it's failures, we are bound to repeat it and become poorer as a direct result.

Now let me state some basic economic truths that I have observed in four years of college and sixteen years of practice as a C.P.A.

1. Any time you tax something, you get less of it.

2. Any time you subsidize something, you get more of it.

3. Bureaucracy exists only for the sake of perpetuating itself.

4. The more money government spends, the less economic power and therefore less freedom the people have.

The increase in marginal tax rates will have the same effect as the increase of 1990. My clients will be less willing to risk their capital in new business ventures and the economy will slow down. Obviously the bond market has adjusted itself to reflect the growing pessimism of impending increases in government control over the economy. I can promise you that my clients will legally shelter their capital in ways that I will not discuss at this time.

The BTU tax represents the most comprehensive power grab by government that I have ever observed in my lifetime. Everything is either manufactured with or transported by energy sources that would be taxed under this plan. The immediate result would be an increase in the price of each good or service offered in the nation. In essence, the people become poorer and the government becomes much more powerful. Please refer to economic truths 1, 2, and 4.

Please read the Robert Bartley's "The Seven Fat Years". In this book static analysis of tax rate increases is thoroughly discredited. As you know, under static analysis, a 10% increase in tax rates yields a 10% increase in tax revenues. This is a lie. From 1913 until the present, massive tax rate increases yielded small returns in the form of tax revenues and invariably slowed the economy. In 1980, the top marginal tax rate was 70 percent and the federal treasury took $528 billion. In 1989, the top tax rate was 28%, yet the government took in $925 billion. A 75% increase in governmental revenues while the tax rate fell 60% is the actual history of events during the last decade. Clinton and his advisors (most of whom have had little experience in the private sector) have no grasp of these principles. The only thing that is real to them is the notion that they are better equipped to try to run the economy than are the people. Therein lies the greatest threat to our freedom.

The only policy that is currently being discussed that makes any sense is the spending cut theme. I do not believe that it will occur because it violates economic principle number 3. The surge of special interest groups and realization of power loss by the career bureaucrats will certainly capsize this policy.

In summation, the marginal tax increases are political window dressing designed to make the average taxpayer feel less resentful about government increasing its own power while we are all made poorer. There is no such thing as a free lunch.

I am basically an optimist. It's just a little more difficult to be optimistic now.

Very truly yours,

ROBERT E. ROYER, C.P.A.,

BLOOMINGTON, IN.

DEAR SENATOR LUGAR: My practice is composed of, mainly, small businesses, including farmers. Obviously, I have discussed, in detail, the particulars of the Clinton Plan. The vast majority of these clients have significant reservations.

Today's small businessman has many obstacles to overcome ranging from tax law complexities to OSHA to EPA regulations; not to mention the difficulties in obtaining bank financing. In meeting those challenges, one must engage expensive consultants. Normally, this undermines the small business capital base resulting in recessive trends leading to unemployment. For example, a client purchased a manufacturing facility that was destined for bankruptcy. Through ingenuity, he was able to procure financing and avoided a mass lay-off of workers. Do you think the Federal Government rewarded this individual? To the contrary, OSHA arrives to assess massive fines. No warnings, no understanding, just a self-serving bureaucrat, who obviously never held employment within the private sector. Now, consider that more than a 50% change in ownership occurred and, under the Reform Act of 1986, the NOL's are substantially restricted. This example highlights why this country is losing its industrial base and why, I find individuals like Don Mattingly, rather invest in government securities than hassle with regulators. The bottom line: More Unemployment.

Now comes the new administration with the same ideas of the past; just repackaged. In discussions with my clients, they are preparing to reduce their payrolls by 10%, fearing additional payroll tax and regulatory burden. Some are considering labor-saving investments and some are just reducing general and administrative costs at the detriment of sales volumes. For example, a particular client earns $275,000 annually and employs 9 individuals with earnings of approximately $35,000 each. He has determined that the Clinton Plan will increase his tax burden, irrespective of the proposed indirect tax increase by 8.6%. He suspects however, the effective rate increase to be approximately 10% considering all elements. In anticipation, he has decided to terminate two employees with earnings totaling $79,800. As such, he is estimating that his net earnings will increase by $30,378; computed as follows:

Current status:	
Taxable income	$275,000
Effective tax rate (percent)	31
Tax liability	$85,250
Net earnings	$189,750
Anticipated status:	
Taxable income before reduction	$275,000
Payroll expense reduction	$79,800
Payroll tax reduction	$6,500
Workman's compensation	$200
Health benefit	$5,020
Other direct payroll	$360
Adjusted taxable income	$366,880
Clinton tax rate (percent)	40
Anticipated tax liability	$146,752
Anticipated net earnings	$220,128

The client expects to inject the $30,000 differential into the business to increase efficiencies. Obviously, this plan has the added benefit of eliminating some concerns over the health care uncertainties. By adding the BTU tax element into the client's dilemma, other G & A cost aspects will have to be eliminated reducing the income to entities providing goods and services.

Most of my clients recall a tax very similar to Clinton's proposed energy tax; the Windfall Profits Tax of the Carter administration. This did nothing but stifle the American economy.

The economic positioning of companies will reduce the amount of costs that occur; thus reducing revenues levels throughout the economy. With that in mind, how can any thinking individual believe that the amount of new and increasing taxes will net the Clinton administration the revenues projected. As the employment rate begins to rise, the treasury will receive less and less tax dollars.

Senator Lugar, what my clients see are the same approaches that have been implemented in the recent history of our nation. If we truly wish to become solvent, the Congress should focus on savings. The Germans are saving twice the amount of the Americans. They encourage this by exempting the first $2000 of interest income from taxation. The IRA deduction needs to be expanded and indexed against inflation. Analysis would reveal that, in lieu of increased income taxes, the value added tax should promote savings. Observe the Japanese; they invest 15% of their GNP, whereas we invest only 11%. In addition, the investment tax credit and relaxation of the passive loss provision should be considered immediately, together with reduction of the capital gain rate or indexing capital items for inflation.

If we ignore those concerns and retreat back to the traditional ways of tax and spend, the endangered species will most certainly be the American Worker.

Sincerely,

JOHN E. FRIEND.
Certified Public Accountant,

EVANSVILLE, IN.

DEAR SENATOR LUGAR: I have been a CPA in Fort Wayne since graduation from Notre Dame in 1977 an a partner with The Cooper CPA Group for over four years. The majority of our clients would be classified as small businesses with under $10 million in sales. We are involved in all aspects of accounting and taxes, from payroll tax returns to personal returns for individuals worth several million dollars. I related this to you because I believe our firm has a good cross-section of clients that will be affected significantly by your actions in the Senate debate.

I specifically deal with a client involved in the propane gas industry and also with the related trucking of propane and other items. This client will have significantly more paperwork to handle as they are involved at a retail level and will be the entity charging the proposed BTU energy tax, collecting the tax, filing the government forms and remitting the tax. This entity sells to many farmers who will be force to pay this tax as they utilize propane heavily in their crop drying operations. This client will pay more at the gas pump for the diesel fuel for his trucking operation and it is questionable as to whether he can pass on this tax increase to his customers. In all honesty, I don't see how a BTU tax can be a fair tax to the country with the different fuel uses and needs. How can a moderate climate city such as Atlanta (Little Rock?) pay as much in a BTU as a northern city given their more moderate heating needs?

The proposed 10% surtax will have a very negative effect on my client's ability to re-

tain capital in his business for expansion needs. He competes directly with farm cooperatives that sell the same propane, but these coops are exempt from the taxes my client pays. The coops distribute their earnings to their members, but this distribution places the income in lower tax brackets while the three owners of this retail propane operation will be subject to the highest income tax bracket and the 10% surtax. Every dollar paid in tax is one less dollar available to refurbish trucks, buy new tanks and hire more workers. This unfair advantage will be magnified under the surtax proposal.

Credit unions enjoy the same tax advantage over banks as these credit unions are exempt from the taxes the banks must pay. Is it fair that certain organizations by their nature are exempt from the taxes that my clients pay to operate? I think we have learned from the recent bank failures that these competitive disadvantages have no place in our tax structure.

To be honest, Senator, Congress and the Clinton Administration are headed down the same path as before; that is, tax increases where available and minor spending cuts that try to fool the American public. The bottom line from my clients is this: NO MORE TAXES, CUT THE SPENDING. When my clients are losing money or making less, we examine their expenses from top to bottom. We don't raise prices as you raise taxes, we cut expenses and become more efficient. The government has not even begun to become efficient, has not begun to cut expenses. I know you are a big supporter of defense spending, but believe me it is out of hand. Ten percent could be cut without losing any defense capability. We are not talking about losing capabilities, we are talking about cutting out the waste, the extra generals with no responsibilities, the unneeded troops in Europe.

Another Republican, in his final speech as President, warned us of the military complex buildup. Yes, General Eisenhower back in the 50's warned us exactly of what has happened.

My clients are tired of payroll tax increases that are being used to cover up the real operating deficit. Ridiculous tax changes like phasing out itemized deductions and personal exemptions only upset us, the voters. Give us a fair tax rate, but don't give us hidden tax increases. We are too smart to fall for that, give us credit that we know additional taxes when we see them.

My single biggest problem as a CPA is the required year-end of new S corporations of September, October, November, or December. Indiana is one of the largest S states in the country due to our gross receipts tax on regular corporations. The required S payment to keep a fiscal year is causing 80% of my work to be done in a six month period. The client I mentioned previously has three corporations that used to be closed at various times throughout the year. Due to these S rules, all three corporations now have fall closes which is an unnecessary burden on their controller and their accounting system. The required payment was a one-time windfall to the government; if these corporations have steady incomes no new tax dollars are created. This is another of those hidden taxes that does nothing but help one year's government income, but does nothing for the long term deficit.

The latest tax increase was the law that requires individuals with an increase in their income of over $40,000 to pay in 90% of their current year's tax or pay a penalty. These individuals are not allowed to use the exception of paying in 100% of the prior year's tax to avoid a penalty. The rule seems simple, except that seasonal businesses have difficulty gauging their income until their peak season has finished. The client mentioned above had a tremendous income month of December 1992 which caused them to fall under the new rules. Increasing their fourth estimate to the IRS due 1-15-93 does not relieve them from the underpayment penalty for the second and third quarter. How can CPA's advise their clients on June estimated payments when the businesses have fall closes with the majority of the profit months late in the year? What has been created is an unmeetable exception that will be ignored and unenforced. Our tax system has been described as a "voluntary" system in which the majority of taxpayers comply without being audited; more laws like this will cause serious compliance problems.

Senator, my clients and I ask for a fair tax system with no hidden gimmicks and hidden tax increases. Let us know what the tax rate is and what rules we will be operating under and we will comply. Changing the game every two years with new major tax bills is not fair to the American public, and worse, hurts our ability to grow and compete with other countries. Let's work on balancing the budget and being fair to all taxpayers.

You asked what revenue collection will actually be realized under the proposal. I cannot answer that complex question other than to state not as much as the economists would lead you to believe. Taxpayers will switch to tax-free investments (i.e. municipal bonds) and other complex laws will be ignored, either intentionally or through unintentional inability to meet unrealistic regulations.

Let us not rush through another major tax bill without a comprehensive discussion of all the ramifications. At least now we know the rules of the game; we are under no timetable to make major changes in our tax law. Cut the spending and leave the tax rates where they are and we will all be better off for the long term.

Sincerely,

BURT R. BRUNNER, C.P.A.,
The Cooper CPA Group.

FORT WAYNE, IN.

Mr. GRASSLEY. Mr. President, I would just like to point out for my colleagues that a prediction I made earlier in the year in the Budget Committee has come to pass.

I had said, then, that as we would go through this budget process, it would be a sign of business as usual if, when various sides would get together to negotiate a budget agreement, instead of taking the lower of all numbers and ending up with a lower deficit, we would do the opposite.

That indeed has come to pass on this budget conference agreement. They went in with both sides showing alleged savings of more than $500 billion. They come out with less than $500 billion in alleged savings.

Since I have often described this budget as a business-as-usual budget, I look at this result as evidence supporting my contention.

A second point I feel compelled to make is the inclusion in this budget of the debt limit subjected to reconciliation rules. This will result in severely limiting the debate on the country's most important vote—raising the debt limit. And it is clear why the majority would want to limit the debate. Because this budget increases the debt more than any budget ever has in history.

Under this budget, the national debt will increase from $4.4 billion to $6.2 billion over the next 5 years. That is nothing to write home about, Mr. President, not to want to debate before the American people. And so in resorting to this strategem to evade responsible debate, the other side is admitting to the major weakness of its budget—the enormous increase in the debt.

It is fitting, therefore, Mr. President, that this budget comes before us on this April Fools' Day. Thomas Fuller once wrote: "A fool's paradise is a wise man's hell." Mr. President, just who is it in this body that thinks this budget is a paradise? It's no one on this side, Mr. President. For we all think it is pure hell.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The time of the Senator from New Mexico has expired. All time has expired.

The question is on the adoption of the conference report on House Concurrent Resolution 64.

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

The ACTING PRESIDENT pro tempore. The Senator from Tennessee asks for the yeas and nays.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

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

The bill clerk called the roll.

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

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—55

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

NAYS—45

Bennett	Chafee	Coverdell
Bond	Coats	Craig
Brown	Cochran	D'Amato
Burns	Cohen	Danforth

Dole	Jeffords	Packwood
Domenici	Kassebaum	Pressler
Durenberger	Kempthorne	Roth
Faircloth	Krueger	Shelby
Gorton	Lott	Simpson
Gramm	Lugar	Smith
Grassley	Mack	Specter
Gregg	McCain	Stevens
Hatch	McConnell	Thurmond
Hatfield	Murkowski	Wallop
Helms	Nickles	Warner

So the conference report was agreed to.

Mr. SASSER. Madam President, I move to reconsider the vote by which the conference report was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

Mr. BRADLEY. Madam President, I ask unanimous consent to proceed for 10 minutes as in morning business.

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

Mr. BRADLEY. I thank the Chair.

(The remarks of Mr. BRADLEY and Mrs. FEINSTEIN pertaining to the introduction of S. 689 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The PRESIDING OFFICER. The Senate will resume consideration of the pending business which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Byrd amendment No. 283, in the nature of a substitute.

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

AMENDMENT NO. 291

(Purpose: To reduce the level of funding for certain activities of the Environmental Protection Agency)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 291.

Mr. BOND. 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:

On page 27, strike lines 7 through 12.

Mr. BOND. Madam President, the amendment that I have introduced would eliminate $23.5 million from the appropriations measure we are currently considering. The $23.5 million increase, slated for the Environmental Protection Agency, would triple the current funding level of $8 million for three EPA programs: Green Lights, Energy Productivity, and Methane Gas Recapture. I believe that these funds should be eliminated for several compelling reasons.

First, these are not emergency programs. The only emergency, Madam President, is the deficit, and all this appropriation does is increase the deficit.

Second, this money will not create permanent, private sector jobs. It will create 45 new jobs at EPA. Yes, as incredible as it may seem in light of the administration's rhetoric about the need to streamline the Federal Government, to cut employees and reduce the deficit, this funding would add more employees to the Federal payroll.

Third, I find the agency's justifications for these three programs dubious, to say the least. EPA documents maintain that their purpose is to promote energy conservation. I am 100 percent in favor of energy conservation, and I do not know anyone who is not. So that is not the issue today. The issue here is whether the taxpayers should pay for programs which help private companies conserve energy, which in turn makes their operations more profitable and saves them money. Why should taxpayers spend their money so Fortune 500 companies can save theirs? Something is terribly out of whack here.

The first one of these programs is the Green Lights Program. According to the EPA, the funding increase of $8.5 million would allow the program to expand its services so that corporations could install more energy-efficient lighting. It is a veritable soup-to-nuts menu of taxpayer-supported services, ranging from a state-of-the-art computer software program which corporations can use to assess their needs, to product information, to training workshops and technical support.

I quote from page 2 of the annual report. It says:

The lighting services group offers technical support, problem solving and training for Green Light participants in installing energy-efficient lighting.

The second program, called Energy Productivity, would receive a $9 million increase. Its purpose is similar to Green Lights. I quote from page 3 of the EPA document on the stimulus bill:

In the buildings area, EPA will be able to significantly augment its marketing and sales effort, intensify its implementation assistance, and launch new auditing and technical programs to ensure that every building in the United States has the opportunity to understand where its energy goes and how to save money with improved technologies.

I must confess some surprise at this, Madam President. I did not realize that EPA has a marketing and sales division and such an aggressive one that literally every building in the country could personally sign up for it.

All joking aside, I think this is an appalling waste of the public's money. What perverse thinking is behind a Federal program which provides corporations with a public subsidy to conserve money by conserving energy so they can make more money?

I have more faith in the private sector than EPA does, apparently, because I believe that they will take those steps on their own. Companies are in the business to make money. There are private companies in the business to help companies reduce their energy costs and make money. And those companies, both the recipients and the providers of that information, would pay taxes on their profits, if we did not have the EPA trying to do it instead.

These organizations have and will continue to make energy improvements because it is profitable to do so. At this point, Madam President, I want to share a list of the companies receiving this Federal subsidy with my colleagues.

It is printed in the Green Lights annual report. These are the companies which have taken advantage of the corporate pork programs. Look at the mom and pop operations that we are taking care of. Here are just some of the ones benefiting: Phillips 66, Warner-Lambert, Bell Atlantic, Lilly, ARCO, Baxter, Boeing, Humana, GTE, Goodyear, Martin Marietta, Motorola, Sallie Mae, Xerox, Texaco, and Shell. These are the ones who are the beneficiaries of the Green Lights Program, some of the largest of the Fortune 500 companies in America.

I concur with and urge them to make energy conservation a priority, but I do not believe they are entitled to an expensive taxpayer-subsidized, specialized computer program or 45 new EPA employees to show them how to install the new light bulbs. I somehow think they could figure it out for themselves.

There is one more program included in this funding increase which I ought to discuss, which is called methane gas recapture. The laudable purpose of this $6 million program is to help companies and farmers recapture methane gas from coal mines and natural gas pipelines, landfills, and livestock—yes, livestock—so that the emissions are not wasted but rather used for energy purposes.

Not only does this create another corporate pork program, but it is a pork program for bovines. I need to be a bit delicate in my description of the program, so let me read how the EPA characterizes it. It says the program's purpose is to promote the profitable use of methane gas by capturing lost methane from coal mining, natural gas pipelines, agricultural wastes, livestock, and landfills, by promoting mo-

tivation and know-how and by overcoming institutional obstacles.

The EPA document further explains that the livestock program will aim at "partitioning carbon to useful products, meat and milk, by nutritional supplements and/or range improvements." I have no earthly idea what that sentence means, although I can guess what it means.

But I do not have to guess at what the public should think of this enormous waste of its money. How do you suppose EPA plans to implement this aspect of the methane gas emissions recapture program? The EPA has already given a grant of $210,000 to Washington State University to study cattle belching. There was at one point in time a $19 million appropriation to study other cow gases. The Clean Air Act originally addressed this issue, but that was taken out on the Senate floor.

If they are truly concerned about methane, I suggest the administration study natural wetlands, which are estimated to produce 20 percent of the methane discharged into the atmosphere. I am also advised by a newspaper article that two Cornell researchers dutifully measured gas passed by cows. Some people think that we have a dirty job. But they measured the gas passed by cows and determined that the methane emissions were equal to the fuel needed to burn one incandescent 75-watt bulb, and they concluded that it would be far better and far more productive to encourage the installation of fluorescent lighting than to try to do what our agricultural universities have been doing in improving bovine nutrition.

I think this program is mind boggling. Taxpayers in the country should question the need for emergency spending on these programs. This is the kind of program that only the Federal Government can dream up. I would urge my colleagues to join me in eliminating this nonemergency windfall for corporate welfare, and for bovine burping.

Mr. BYRD. Madam President, will the distinguished Senator yield for a question?

Mr. BOND. I am happy to yield to my esteemed chairman.

Mr. BYRD. Madam President, the Senator has the floor. I thank him for yielding.

Would he be willing to enter into a time agreement on that amendment?

Mr. BOND. I am delighted to enter into a time agreement.

Mr. BYRD. What would the Senator suggest?

Mr. BOND. I would suggest an hour.

Mr. BYRD. Equally divided?

Mr. BOND. Equally divided.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Madam President, I ask unanimous consent that there be a 1-hour time limit on this amendment, and that the time be divided and controlled in accordance with the usual form; provided further that no intervening amendment, or amendment in the second degree, may be in order.

Mr. CRAIG. I object, but only for the purpose of an inquiry.

Mr. BYRD. The Senator has the floor.

Mr. CRAIG. I understand the leadership is not here at the moment, but they are coming back soon. I think they were trying to work out a time certain.

Would it be possible for the chairman to withhold his UC for a moment until that time can be determined?

Mr. BYRD. If I cannot get agreement on it, I will have to. It can be objected to. But the Senator should understand, I am sure he does, that as soon as that Senator yields the floor who has offered the amendment, a Senator can get the floor and move to table. I want to accord equal time between the two sides.

Mr. CRAIG. I understand that. I asked to see if we could not arrive at a time that was compatible to our leadership.

Mr. BYRD. I wonder if Senator HATFIELD is——

Mr. CRAIG. I do not believe he is.

Mr. BOND. Madam President, may I say to my colleagues, we have been advised of the leaders' schedule. I believe that this 1 hour time agreement proposed by the chairman of the Appropriations Committee would accommodate their needs, and I have indicated to my colleague from Idaho that I would be happy to yield him 5 minutes off of my time.

So I think we could accommodate his concerns and I believe we have adequately accommodated the leaders' needs. If that is not the case, I would certainly join in a unanimous-consent request to make further accommodation. But in order for us to give our colleagues some idea of how we are going to proceed, I would hope that we could accept the request of the distinguished Senator from West Virginia.

Mr. CRAIG. I withdraw my objection.

Mr. BYRD. Would the Senator yield for a further request?

Mr. BOND. Yes.

Mr. BYRD. Madam President, may I say to my distinguished Senator from Idaho, I now understand that both leaders are at the White House, and I would propose we do one of two things. We either have 45 minutes to decide, which will give leaders time to get back, or we consume the hour, order the yeas and nays, put it aside. Which would the Senator prefer?

Mr. CRAIG. I would certainly leave that judgment to the chairman.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. CRAIG. Would the Senator from Missouri yield?

Mr. BOND. Madam President, I would suggest that we accept the hour time agreement and make such further accommodations at the end of that period as may be necessary to assist the leaders upon their return to this very important matter.

Mr. BYRD. I thank the distinguished Senator from Missouri and I also thank the distinguished Senator from Idaho.

Madam President, I ask unanimous consent if the Senator will yield to me for that purpose.

Mr. BOND. I yield.

Mr. BYRD. I ask unanimous consent that there be a time limitation of 1 hour and 30 minutes on the pending amendment; that the time be equally divided and controlled in accordance with the usual form; that there be no intervening or second-degree amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Madam President, I thank the distinguished Senator from Missouri [Mr. BOND], and I thank the distinguished Senator from Idaho [Mr. CRAIG].

Madam President, if the Senator will yield just momentarily without losing his right to the floor, I believe that the subcommittee chairman is on the way to the floor.

I do not need to ask unanimous consent for this. I will give that chairman control over 30 minutes of the time, reserving 15 minutes to myself on this side.

I thank the distinguished Senator for yielding.

Mr. BOND. Madam President, I ask our colleague from Idaho if he is prepared to move forward?

Mr. CRAIG. Yes.

Mr. BOND. Madam President, I yield 5 minutes to the Senator from Idaho.

Mr. CRAIG. Madam President, I thank the Senator for his introduction to this amendment to the stimulus package, which we think is clearly not only symbolic, but real in the effort that we are undertaking to reduce deficit spending of the type that we find not in any way necessary for the long-term progress of our country, nor certainly for the well-being of the taxpayers.

As I stand this morning, let me also speak of another issue that is important to me and, I think, my colleagues here in the Senate. I am introducing legislation later this morning, separate from this and not an amendment, which will address the whole issue of deficit spending and deficit control.

I have invited a good number of my colleagues to join with me this morning in discussing legislation that would give the President of this country a modified line-item veto by requiring the expedited consideration of special recension messages submitted by the President upon enactment of appropriations legislation.

Senator MCCAIN and others have attempted a pure line-item veto, and those efforts may well be attempted

again during this session of Congress. But today, Senator COHEN, Senator KEMPTHORNE, and myself introduce a line-item veto bill, which I will send to the desk within the next few moments.

Why has there been so much debate lately and so much debate in the last day on specific items within a supplemental piece of legislation that deals with distinctively different areas of our budget? Largely, that is happening, Madam President, because no President can go in and selectively line item out areas of expenditure that we think are unnecessary.

It has become the habit of this Congress, rightfully or wrongfully so, in the last decade, to bundle together varieties of different appropriations bills for different interests, and they stand together as a bundle and not individually. Many of us have argued for a good number of years that really it would be the appropriate approach to allow the President or the executive an opportunity to enter the budget process through the line-item veto.

With that in mind, Republicans and Democrats alike have joined on this issue, whether it be the balanced budget or, more importantly, the line-item veto at this moment. Testimony has been gathered before the Joint Committee on the Organization of Congress, with testimony presented by people like Ross Perot and others from the outside, who argue so clearly that greater responsibility ought to be given to the executive branch of Government to participate more directly with the Congress of the United States in a selective way to deal with some of these extraneous expenditures that have produced the deficit and that shove our expenditure level.

What I am suggesting is that we allow legislative sunlight; in other words, that we allow the light of day to focus on spending that would ultimately wither in the spotlight under the heat of the concentration of this body, or the other body, for that matter, if it had to stand alone.

The bill that I am introducing today is a companion piece of legislation to H.R. 1013, introduced in the other body by Representatives CHARLIE STENHOLM of Texas and DICK ARMEY of Texas, along with several dozen other House Members. In fact, it is a piece of legislation that may well be voted on today on the floor of the House, and more than likely will pass.

So I think it is appropriate that I notify this body and that the Senate become aware of an approach to deal with the line-item veto in a slightly different version than that which we have dealt with in the past.

Last year, H.R. 2164 passed in the House by 312–97, with the endorsement of the leadership of both parties in the other body, and it was endorsed by President Bush and the then candidate Clinton. Now our President, President Bill Clinton supports the authority of a line-item veto.

So the modified line-item veto or the Expedited Recension Act, as called by some, allows the President to focus scrutiny on items that are hidden and bundled into an omnibus appropriation bill. It will prevent the Congress from ignoring the President's proposals for recension.

Madam President, it does give the President, therefore the opportunity to step forward and say to the Congress: These are items that I cannot find any real necessity for; why do we not consider them individually? They can either stand together as a group, or they can stand alone, and you can discuss them and vote them up or down. I am going to veto them.

I think that certainly gives the President an opportunity to focus on spending items that just appear to be unnecessary. The override of a President's veto in most instances has required a two-thirds vote. I would prefer to enact a stronger line-item veto than the one I am proposing today, one that would require that. But I think we know that has been impossible to pass in this Congress, and that is why I stand before you today introducing a modified approach that requires a lesser number of votes to affirm.

Under this bill, the President would have 3 days after the date of the enactment of an appropriations act to submit a special message and draft a bill proposing a recension within the act. A majority or minority leader in the House of Representatives could have 2 legislative days to introduce, by request, the President's recension package. The House must vote on final passage of the recension package within 10 legislative days from the time of the introduction of the bill. The Clerk of the House would have 1 calendar day to engross, to certify, and to transmit the House-passed recension bill to the Senate.

The Senate must then consider and vote on final passage within 10 legislative days after the recension bill is transmitted from the House. If the Senate does not strike any item of recension from the House-passed bill, it then goes to the President for signature. That gives you an idea of the ability of the House and the Senate to work together in this. That is what would be provided in the legislation I am proposing today.

Under the bill, the President's recession package could not be amended. However, the question may be divided. In other words, if he were to veto within a package and submit a variety of items within a package, those issues could be divided out if 50 Members of the House or the Senate stood in support of dividing that effort up.

I will not go any further than that. The legislation is now before us. I hope that at the appropriate time, I can either offer it as an amendment, or I can work with leadership in getting a stand-alone vote. It is clearly time that the Congress of the United States work in a cooperative manner with the executive branch in crafting appropriations in a way that is acceptable to the American people.

Hour after hour, over the last several days, we have had items that clearly are excessive spending, better known as pork, come before this body, be targeted and debated on, and the American people are standing by saying: Is it possible that that kind of legislation could have passed the U.S. Congress?

My colleague from Missouri today introduced legislation to take $23 million out of the budget that was designated for the purpose of studying gases passed by livestock. Now it is very, very difficult for the average taxpayer in this country to understand why we are spending their money for those purposes.

Whether it be a line-item veto or the modified Line-Item Veto Recension Act that I am introducing today, clearly if that had been in place, this legislation or this amendment would not be before us today. It is a clear and perfect example of the taxpayers' money being spent in an inappropriate way that we are trying to deal with in the introduction of this legislation.

I think my colleague from Missouri for yielding to me, and I stand in strong support or his amendment and encourage my colleagues to review the modified line-item veto legislation that we have just introduced and to work with us in its passage.

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

Mr. BOND. Madam President, since my colleagues on the other side of the aisle are not present, I ask unanimous consent that time be charged equally, and I suggest the absence of a quorum.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BOND. I yield 5 minutes to the Senator from Montana.

Mr. BYRD. Mr. President, will the distinguished Senator from Montana yield to me without time being charged to him?

Mr. BURNS. I will be glad to yield.

Mr. BYRD. Mr. President, I yield all of the time remaining on this side of the aisle to the distinguished junior Senator from Maryland, the Maryland fireball. We have heard of the Wabash cannonball. This is the Maryland fireball. She is the chairman of the—I still

use the old-fashioned language—she is chairman of the Appropriations Subcommittee which has jurisdiction over the EPA. I yield all the time to her, retaining 1 minute at the end for the purpose of moving to table.

I thank the distinguished Senator.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank my friend from Missouri for this 5 minutes.

As we go through this supplemental, I guess I should have brought back my little comic strip by Jeff MacNelly which I enjoy very much every morning. Of course, with some newspapers, maybe you ought to read just the funny papers and do the crossword puzzles and get rid of the rest of it because it sort of gives you a down day.

I might add that I serve on the committee. This is my first term on the Appropriations Committee, and I am on this subcommittee. You will be hearing from our very able chairman in just a little bit.

I want to congratulate the Senator from Missouri for his leadership because he is trying to strike some pork out of this budget that sure would not fall under the emergency category. Most of this is silly. It is just silly when we talk about some of the studies that are being done and how it relates to our environment: Cow flatulence and its impact on the atmosphere. Some awfully good people from an awfully good agriculture college at Cornell University tell us this has been greatly exaggerated.

I want to tell America that cattle numbers continue to decline, but numbers in people continue to increase. I wonder when we are going to start the study on that, I ask my good friend from Missouri. But Duane Chapman and Thomas Drennen measured the gas passed by cows. They discovered the methane emitted from one cow in 1 year has the same effect on global warming as the fuel-burned power of a single 75-watt light bulb. That is thunderbolt information, great research, great efficiency in Government. And we classify that as an emergency?

Mr. President, the workshop—I find this pretty funny and this is all classified under emergency, spending the taxpayers' money—this methane workshop was held in Palm Springs, CA. Folks, I am an old auctioneer and I have been to a couple of goat ropings and county fairs and auctions and things. I "ain't" never seen a lot of livestock in Palm Springs, CA, but, on the other hand, I see the time of it was February 1989. Palm Springs is not a bad place to hold a workshop in February. Maybe there is another environmental thing that I promote very heavily, and that is, they have 90-plus golf courses out there. That is a good place to study the environment. That is the way I study the environment. I have nothing against that.

What we are saying is that we are not striking all the money for research in the different areas. We are taking a little over $20 million out of this supplemental and telling America this is not an emergency; this is pandering to some special interests, and we are doing silly things, just silly things that do not tell us a darn thing about ourselves, about our planet and especially when we have to borrow money to do it.

We are borrowing money to do this. There is no place in this budget where this is offset. Your children and grandchildren are going to pay interest on this money to do these kinds of silly things. It is time we cut out some of it. Let us really invest in some things that will do us some good. Let us talk about biochemistry and how we control weeds through fungus and genetic engineering and not use pesticides or herbicides. Let us talk about that. Let us fund those things that make sense, and it is an area where we know we can do it. I happen to believe that Montana State University is on the cutting edge of that technology.

But let us cut out these silly things and let us talk about getting a return for the American taxpayers' money.

I appreciate my good friend from Missouri. My roots go back to Missouri. We sort of think alike down there. We should quit coming up with these silly things—and I call them silly—and we borrow money and pay interest on that money to do them. The American people have to know that. We have to get off of this deficit spending, folks.

The PRESIDING OFFICER. The Senator from Montana has used the time yielded to him.

Mr. BURNS. I ask to be yielded 1 more minute and then I will wrap up.

Mr. BOND. Mr. President, I yield 2 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I will not use that time. I thank my good friend from Missouri.

We are going to pay interest. Every time I get up here, I want to remind the American people, deficit and debt are not the same, but one creates the other. If we deficit spend, and that is the difference between the money we take in and the money we spend, that is the deficit; the deficit creates debt, and we pay interest on debt, folks, We are just like any family, any business all across this country. We are borrowing money to do these silly things.

They say, "Well, it ain't much." You have to start somewhere. You have to start cutting somewhere. And if you do not start, then we never will get into this thing of being more fiscally responsible than we are now. I come out of county government. We could not do these things. If we can afford them, let us do them; if we can afford them. We do not have to borrow the money. But I do not think there are very many families borrowing money to go to a picture show or a movie, and this is silly.

Mr. President, I hope my colleagues will support this amendment and get back into the real world where we can do real things with the dollars that we have and we do not have to borrow.

I yield the remainder of my time.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, how much time do I have?

The PRESIDING OFFICER. Twenty-nine minutes.

Ms. MIKULSKI. Mr. President, I yield myself such time as I may consume.

Mr. President, I have been on the floor a number of times defending the President's stimulus package and defending it by articulating what I truly believe are the principles of the President's stimulus package, which is to generate jobs today and generate jobs tomorrow and to enhance the private sector in a way that would sustain the recovery process.

During that debate, I have dealt with the one myth which I will articulate and another that will be part of this discussion with the Senator from Missouri.

First, myth No. 1: That somehow or another funding the stimulus package adds to the deficit, where we believe that public investment will bring down the long-term debt and deficit of this country. A practical example: Every 1 percent of unemployment costs the Federal Treasury $23 billion in both lost revenues and also the Federal programs and local programs, or funding of other programs that help the unemployed.

So whatever we do that brings down the unemployment does deal with Federal spending in a positive way. If we bring down the unemployment by 1 percent, that will be a $28 billion garnering to deal with the deficit and the debt. But at the same time, the stimulus package is meant to lay the groundwork not only to generate immediate jobs but long-term and leverage other jobs in this country. That is why I support the stimulus package.

Now let us go the argument that is being used to deal with the Green programs at EPA which are voluntary arrangements with the private sector to increase their productivity and their profitability by going green.

The argument is that this is not emergency spending. The issue is not on what we spend the money. That might not be the emergency. What is the emergency is the fragile nature of the recovery and the fragile nature of America's private sector, which is by their organizational charts, their attitudinal thinking, stuck in a cold war mentality.

We know that America's private sector is changing, and it needs all the help it can get to change in order to increase its productivity. And going green is one of the best ways to do it. Corporation after corporation can tell you that going green, meaning to move more to an environmentally sensitive area, is actually saving them money, enabling them to develop new products for the marketplace, or enhance their own products for the marketplace, and that it is increasing both profitability and productivity.

Any money we can spend to meet with the emergency that is going on in America's private sector to help them be fit for duty for the 21st century and to increase their productivity, their profitability, and thus their employment and their asset to the United States of America I regard as wisely spending the money. You talk to those top tycoons the way I have and you will see that this is an area where they see dual use. It enhances their productivity, it enhances their profitability, it enhances their ability to either retain or recruit new employees, and at the same time we come up with ways to conserve energy, to deal with emissions that are destructive to our environment, and we get a multiple greenbuck effect for the spending of our money.

Mr. President, these are not boutique green items. This is not taking a bumper sticker from an environmental movement and funding a good intention. This is practical application with America's private sector. This was not invented by a think tank. This was invented by Bill Reilly, a Republican administrator during the Bush administration, who knew that going green was a great way to go. But the way to go green was not through more tightening of regulatory requirements, not more mandates on local government, but by helping America's private sector to think green, go green, and to do it now.

They came up with a variety of approaches, from identifying energy-efficient products, to encouraging industry to commercialize, to converting some of their processes that they use in production, and, yes, changing light bulbs. Boy, does that invite jokes. You know the old joke: How many Senators does it take to change a light bulb? Well, it depends on what committee you sit.

This is not light bulb jokes. The changing of the light bulbs shows that energy-efficient lighting will cut the American electric bill by $19 billion, also reducing air pollution by 4 to 7 percent.

So changing the light bulbs changes our economy, and it changes our economy in a very constructive way.

Somebody has to design that light bulb. Somebody has to be the architect of the future, and those are jobs for our high technology. Somebody is going to manufacture those light bulbs and, wow, would it not be great if America got back into the manufacturing business.

Somebody has to sell them. Somebody has to install them, and that generates jobs. And at the same time, it will save America's private sector $19 billion. Wow.

Now, is the pie in the sky? Sure, they might be at a conference. Like my colleague from Montana, I go wild when they want to go off to conferences. I know there are those who like to talk about the problem and those who like to solve the problem. I know my colleague from Montana likes to solve problems, as does my colleague from Missouri. That is why I thought this program would have such an appeal for them.

Who has benefited? Who has worked with EPA? Let us take Preston Trucking in Maryland. This is a partner that received an energy award from Gov. William Donald Schaefer, who endorsed George Bush in the last election. Governor Schaefer gave Preston Trucking an energy award because of Preston's successful energy conservation program to deal with a new lighting system.

Preston now uses 40 percent less energy, and it is going to save that trucking company $20,000 a year. Now, that might seem small, but be a small business in a changing economic environment that is becoming more competitive, and that same $20,000 either means increased profitability or it might mean you can enhance the health insurance for your employees.

Now, let us go to the Amoco Corp. They were a charter partner to the Green Lights Program. Recently they replaced 6,000 light switches with 6,000 occupancy sensors in their office and laboratory buildings. Now, what is an occupancy sensor? It means that when nobody is in the room, the light goes out. What did that do? It saved Amoco $316,413 per year in just one area at their Naperville, IL, office and laboratory building complex. Wow, 300 grand.

Let us go to Elkhart General Hospital in Indiana. They were a Green Light partner. Now, they are a small institution out there, trying to give high-technology, high-touch care, yet they have an enormously high electricity bill because it is associated with hospitals, not only to run the high-technology equipment but because of heating and air-conditioning crucial to patient care.

They upgraded with the installation of new lamps, electronic ballasts, occupancy sensors, and time switches, and then they ended up saving more than $100,000 in annual energy savings. For a hospital, a small hospital to save 100 grand, wow, you talk about cost containment in America's health reform proposal.

Maybe we ought to make sure that energy efficiency is one way to do that. We could go to corporation after corporation that I can name. The Oliver Carr Co. in Maryland, in the District of Columbia, has done it; Johnson & Johnson, Boeing, all have done this. Boeing, as they are fighting for their life, will tell you that being a Going Green charter member and what they learned from this helped them upgrade many buildings and drop their energy use by 50 percent.

So those are the kinds of things we are talking about. These are real opportunities for saving money and saving the environment. And to cut this out and say, well, it is not an emergency, I tell you, for a lot of those companies, those hospitals, and so on, what they are up against is an emergency, and that is why spending this money will help them.

Mr. President, I am going to further reflect on other things I might say, so that I will yield the floor but not yield back the time.

How much time do we have?

The PRESIDING OFFICER. Eighteen minutes, of which 1 minute is reserved to the President pro tempore.

Ms. MIKULSKI. I thank the Chair.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. How much time do I have remaining?

The PRESIDING OFFICER. the Senator has 11½ minutes.

Mr. BOND. I yield myself 6 minutes.

Mr. President, as always, I find a tremendous amount of wisdom in what our very able chair of the HUD–VA Appropriations Subcommittee says, and I regret having to bring her away from a very important NSF hearing; I appreciate her being here. I think she said some very good things that we all would agree with about the importance of lighting and how we can save energy by lighting improvements.

Unfortunately, one of the first amendments that was adopted on this bill, offered by the senior Senator from Arizona and later accepted in the managers' package, struck $4.6 million for energy retrofitting for the General Services Administration, so we have already taken a step away from energy efficiency in this measure.

Second, I cannot accept the idea that we can call Government spending an investment and that it will somehow create jobs. We are already investing about $300 billion a year in deficit spending which has caused a crisis, which is a growing crisis and ultimately will bankrupt our Government, destroy our economy, and deprive our children and future generations of the kind of opportunities they need, if we do not stop. Whether you call it an investment or whether we just go back to the old-fashioned term of calling it spending, Government spending, sup-

ported by more Government taxes, we are destroying the economy.

I would agree 100 percent with what my good friend from Maryland says about the need for the private sector to get going and what a fragile state it is in.

They do need all the help they can get, but, Mr. President, we have just whistled through a budget resolution that is going to impose 273 billion dollars' worth of new taxes—not only on the individuals, but on the proprietorships, subchapter S corporations, and corporations—which will be a very significant deterrent on businesses' ability to create jobs.

Furthermore, we continue to pass in this body, and in the other body to the south of here, mandates and restrictions and requirements which cost business billions dollars, which limit their ability to invest and create jobs.

I think that this is a serious problem, that we ought to be worrying about whether the private sectors has the dollars it needs to create the jobs that will keep this country growing. I think we ought to be encouraging savings and investment rather than consumption.

But when we come to the emergency spending in this measure that would triple the money already appropriated for these programs, I was struck by what my colleague from Maryland said. Preston Trucking saved $20,000; Elkhart General saved $100,000; Boeing has already saved one-half million dollars; Johnson & Johnson has $338,000 in annual savings; and Amoco Corp., an energy company, is going to save $316,413 this year. I think that is great.

But we are missing something. If these companies are saving money, do you know something? I bet we could get them to pay for it. I bet there are folks in the private sector with the great ideas and the great concepts that have been developed that would be willing to show companies how they can save money, as much as one-half million dollars, one-quarter million dollars. We do not need to hire 45 more EPA bureaucrats when the private sector should do it. I think this is a great opportunity to do well by doing good. We already have private consultants who make their living doing this.

I commend the people who participate in the program. But I do not think we need to be adding more bureaucrats to tell Amoco, an energy company, how to save a third of a million dollars a year. That is not an emergency. That is just adding to the Government payroll at a time when President Clinton said that we ought to be streamlining Government and cutting Government employment.

The concept is great. But EPA assumes that it is the only one who can do this. I think they are wrong. I certainly do not think it is an emergency. And if they would sell off their sophisticated computer system to the highest bidder, they could save the taxpayers some money and turn the process over to the private sector so we can get taxes on it.

I yield the floor.

I reserve the remainder of my time.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I have spoken, as has the distinguished Senator from Missouri. I would be happy for the Senator from Missouri to yield to the Senator from Alaska, and I will speak in another moment.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may be allowed 5 minutes to introduce a bill under morning business without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MURKOWSKI. I thank my two colleagues.

The PRESIDING OFFICER. The Senator from Alaska [Mr. MURKOWSKI] is recognized.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 691 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum, with time to be equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. 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. MURKOWSKI. Mr. President, I wonder if my colleague, the Senator from Maryland, would allow me 5 minutes to introduce an amendment at this time?

Ms. MIKULSKI. Reserving the right to object. An amendment to what?

Mr. MURKOWSKI. I withdraw that request at this time.

Ms. MIKULSKI. Mr. President, I yield myself such time as I may consume, reserving the right of the President pro tempore of the Senate to have 1 minute in closing.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, we have heard a lot during the debate on the stimulus package about the role of the private sector. This, again, takes us back to mythology. First, in mythology No. 3 in the Mikulski new mythology listing is, first of all, that the private sector creates wealth in this country, and that Government investment does not.

I challenge that, Mr. President, because what does that investment produce? Investment produces, normally, the creation of wealth by the building of assets, by increasing productivity, and by enhancing the ability to participate in the marketplace.

Well, that has exactly been one of the prime roles of Government spending. One needs only to travel to my own State of Maryland to see what public investments have meant that also enhance the private sector. The great laboratories of the National Institutes of Health are an example of that. The FDA is another example of that. Goddard Space Agency is another example of that. The National Institute of Science and Technology is another example of that.

Are we saying that the public investment in the National Institutes of Health does not create wealth, but tax breaks to pharmaceutical companies do build wealth? Those pharmaceutical companies could not do a lot of what they do had there not been public investment in the National Institutes of Health. Public investments build the wealth of a nation.

In building the wealth of a nation, it enables the private sector institutions to value-add and build their own wealth land add to the wealth of both the Nation and the society as they add to its own.

Another public investment in the wealth is in education. Where would the United States of America be without its educational system and its library system? In Baltimore, Enoch Pratt, who was a well-known merchant of his time, was concerned that only he and the tycoons of Baltimore could afford books. Yet, being the man that he was, knowing that access to information is what would again build the wealth of a nation and empower people, he created a library system so that ordinary people, whether they were new immigrants or Yankees, would have access to be able to read books that they could not afford. He created in Baltimore the Enoch Pratt Library System. The first one was in my neighborhood called Canton.

At that time, thousands of immigrants were coming into this country of all ages, and they could go in and read books, everything from history and civics. This Senator started out reading her "Nancy Drew," "Heidi," and "Black Beauty" books, which gave me a love of reading and a love of learning. Was that a public investment that did not add to the wealth, that did not empower me?

Mr. President, often we do not consider what really counts in our society.

So I want to challenge the premise that public investment does not create wealth when I do believe it creates the wealth of a nation, and it adds to the other wealth produced in our society.

The other myth is that the private sector, acting in its own self interest, acts in its best interest. I believe that often the private sector, operating in its self interest based on status quo thinking and attitudes, acts against its best interests. We see that now because the only way many of them have changed is because of three motivators.

One is foreign competition that has given them a big wake-up call about how they need to reorganize their organizational structures, attitudes, and their approach.

The other thing that changes the American private sector is the shareholder revolt that says maybe there is too much at the top and not enough that is being produced at the bottom.

And then there is Government itself. Often these are intertwined. Let us talk about airbags, since we are talking about the environment, and this then will take me to the challenges of letting the private sector do it.

The private sector only does a lot of these things when you give them a tax break or a mandate. Here we give neither; we give technical assistance to help them change.

I just recently bought an American car, and I have always owned only American cars. It goes on 6 cylinders coming down that parkway every day, and so do I.

One of the reasons I bought that car was because of dual airbags. The passenger and driver will have dual airbags.

I was on the Energy and Commerce Committee with JOHN DINGELL, Jim Florio, and HENRY WAXMAN. We tried to get airbags in as part of the manufacturing process.

Oh, no, the windbag Democrats are against the airbags, and let the private sector do it.

They did not do it. That was 15 years ago. Now it is the hottest item stimulating consumer purchase—airbags that ensure safety.

What did my getting airbags do? First of all, it lowered anxiety about being in an accident. It also lowered my insurance rates.

The private sector would not have changed had it not been Government stimulation for the increased mileage per gallon of gasoline standards, the use of safety belts, which is a health insurance issue. Talk to the trauma docs in Baltimore and you will know that.

We see when Government stimulates change and does things in the interest of public safety or the environment we again add to the wealth of our society, and if the American private sector had done a lot of those things 15 years ago that we are talking about now they would be in a heck of a better shape, including the American automobile industry. I am glad finally 15 years later I can buy that American car with double airbags and feel safe, lower my insurance rates, and have an excellent product.

Mr. President, this argument "let the private sector do it"—let me tell you I have been down that track.

This then brings me back now then to the closing of the Green Lights project. This is an important project. It is modest spending that includes and gets us an enormous amount of gain.

I think then to continually attack the stimulus product line items, trying to minimize them in ways I think are not accurate, I think is not the way to go. I do believe passing the President's stimulus package is the way to go. I think it will help the American private sector. And guess what? I think it will add to the wealth of this Nation and maybe we need to start to think about what adds to the wealth of this Nation rather than lining the pockets of a few individuals.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The President pro tempore.

Mr. BYRD. Mr. President, at what time would the time on the amendment expire?

The PRESIDING OFFICER. Approximately 12:05.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on or in relation to the amendment occur at 12 noon today.

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

Mr. BYRD. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. BYRD. Mr. President, it will be my intention to move to table the amendment when the time has expired or is yielded back, and the Senate has now agreed to vote at 12 noon.

I ask unanimous consent that it be in order to order the yeas and nays on a motion to table at this time.

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

Mr. BYRD. Mr. President, I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I suggest that the time simply run and we not put in a quorum call because it might be difficult to call off the quorum. It might go beyond noon. I suggest we simply let the time run.

Does the Senator from Montana wish to have some time?

Ms. MIKULSKI. Mr. President, what time remains on this side?

The PRESIDING OFFICER. Seven minutes and five minutes, but the vote will occur at 12 noon. That is 6 minutes.

Ms. MIKULSKI. I yield to the Senator from Montana 4 minutes.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I thank the Chair, and I thank the distinguished chairman of the Appropriations Subcommittee as well as the chairman of the full Appropriations Committee.

Mr. President, if this country is going to compete in the 21st century, it must compete with more efficiency than now is the case. If our companies are going to manufacture products, they are going to have to outsell the products made by German companies, Japanese companies, companies in other countries that are becoming very, very efficient, extremely efficient.

We are going to have to go the extra mile in our country to do whatever we can to achieve energy savings and energy efficiencies. It is that clear.

We all know that in many cases, whether it is the production of environmental technologies or other products, we are under the gun and we are entering a new era in America. H.L. Mencken, the famous Baltimore Sun journalist once said, "For every complicated problem there is a simple solution and it is usually wrong."

This is that case. If we are going to become more energy efficient, there is no simple solution. Rather it is a complex solution. We must work in many areas, on many fronts, in many ways to become much more efficient in our saving of energy, and I might add also to minimize environmental degradation.

The Green Lights Programs is one such program. It is one such way. Is it the only way? Is it the only program we have in this country that will help companies achieve energy efficiency? No. Do utilities encourage their consumers to be more efficient? Yes. Does it make sense to have both the Federal Government and utilities working together for the same goal, more energy efficiency? Yes, obviously it does.

No one here is saying this program is going to solve all the Nation's problems and make us entirely energy efficient. Nobody is. But we all are saying it helps. It is another part of the solution to the puzzle. It is a helpful solution to the problem.

I think, Mr. President, it is incumbent upon all of us, and it is our obligation, to try each of these different ways to see which areas tend to work and which work best and to follow them up.

This Green Lights Program is an example. The Green Lights Program has not been given as much time to work as I think it should. We must invest in energy efficiency. If we are talking about where we spend dollars in the Federal budget, it is very clear to me that there are areas where we still,

even though we are reducing the budget deficit, there are many areas where we are still wasteful and we should cut but we should not cut programs which encourage energy efficiency.

This is not a large program. This is a relatively small program, but it is part of the puzzle. It is part of the solution. It is one additional way for our country to help achieve energy efficiency. It is very simple.

EPA conducts audits for a company. The company then determines how through the audit it can be more energy efficient, and then the company itself goes out and undertakes necessary expenditures, whether it is better lighting, much more efficient lighting where there is tremendous improvement for energy efficiency, or whether it is better insulation, another area for tremendous improvement in energy efficiency, or to change the heating system. I know for a fact there are many heating systems in homes and buildings that are very inefficient. I can say that. I know that the heating system in my home that I have is inefficient. I have not yet replaced it with a more efficient system.

The PRESIDING OFFICER (Mr. SIMON). The Senator's time has expired.

Mr. BAUCUS. I thank the Chair.

Could I have 20 seconds?

Mr. BYRD. I yield 30 additional seconds.

Mr. BAUCUS. To sum up, Mr. President, I strongly urge us to keep trying various different solutions to the problems to become more energy efficient in this country and the Green Lights Program is a very small part of the solution but a very important solution to that problem.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I yield myself 1 minute.

No one is arguing against energy conservation. What we are saying is that it is not appropriate to make a threefold spending increase in this program, a program which saves the Amoco Corp. $316,000 a year. They should pay for it not the U.S. taxpayer.

This body has just approved $273 billion in new taxes on the American people; an enormous increase. This amendment would strike out a $23 million program to pay for three Federal program which are doing what the private sector should be doing for itself.

This is not how the American public wants its money spent. Americans want Government downsized—not 45 people added—and the deficit reduced. This spending goes in the opposite direction.

I urge my colleagues to support the amendment and vote against the tabling motion.

Mr. GRASSLEY. Mr. President, I never cease to be amazed by the ingenuity of our colleagues to rationalize excuses for more deficit spending. This so-called emergency stimulus package contains millions of emergency money to study cow gas.

I thought we had stopped this nonsense back in 1990 during the debate of the Clean Air Act. Senator SYMMS offered an amendment to strike the section calling for a study of cow gas. He pointed out that New Zealand had already prepared a thorough study, and that we did not need to waste our taxpayers' money.

I made a statement at the time which how silly it would be to require the heads of EPA, NASA, and NOAA to conduct this study.

I pointed to a Reuters story which reported that environmental groups had targeted the cow as the new Public Enemy No. 1.

I raised the question about whether or not this would lead to requiring airbags for America's 100 million cows—one for the front and one for the back. Maybe we would have to equip them with catalytic converters, too.

The only redeeming thing I could find in that section was the subsection 6 that required similar monitoring and control of methane emissions associated with human activities. I thought perhaps the aim was to use Congress as a starting point.

The Senate saw the wisdom of striking this provision. Perhaps out of embarrassment. But once in conference, our leaders were able to retain this all important study to defend us from Public Enemy No. 1, the American cow.

So, here we stand today, to throw millions of more tax dollars at this emergency problem.

I urge my colleagues to show some semblance of restraint and to vote in favor of the amendment by the Senator from Missouri.

The PRESIDING OFFICER. All time has expired.

The question before the Senate is the Bond amendment.

Mr. BYRD. Mr. President, I move to table the amendment by Mr. Bond.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia [Mr. BYRD] to table the amendment of the Senator from Missouri [Mr. BOND].

The Chair understands that the yeas and nays have previously been ordered on that question.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

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

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—55

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

NAYS—44

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

NOT VOTING—1

Heflin

So the motion to lay on the table the amendment (No. 291) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I would like to direct a question to the manager of the bill, the chairman of the Appropriations Committee.

It is my understanding that there is no one at this time on the floor ready to offer an amendment. If that in fact is the case——

Mr. BYRD. Mr. President, I understand in talking with the distinguished ranking manager of the bill that an amendment is going to be before the Senate shortly by the distinguished Senator from Oklahoma [Mr. NICKLES] and there will be an amendment before the Senate.

Mr. REID. I ask the chairman of the Appropriations Committee if, until he arrives, I can proceed as in morning business.

Mr. BYRD. I have no objection to that.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

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

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the introduction of legislation are

located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REID. I express my appreciation to the chairman of the Appropriations Committee and the Senator from Oklahoma for allowing me to proceed out of order.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, momentarily I will be sending an amendment to the desk, the purpose of which will be to strike the emergency clause in the so-called stimulus package.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. NICKLES. I would be happy to yield.

Mr. BYRD. Would he mind indicating how long it will be before he sends the amendment to the desk?

Mr. NICKLES. I will send the amendment to the desk in just a few moments.

Mr. BYRD. All right. A few moments or a few minutes?

Mr. NICKLES. A couple of minutes.

Mr. BYRD. OK. I do not know how long moments are. All right, then I ask unanimous consent—this has been cleared with the distinguished ranking manager and has been cleared with the distinguished author of the amendment—I ask unanimous consent, Mr. President, that there be a 2-hour time limit on the amendment by Mr. NICKLES; that the time be under the control of and be divided between Senators in accordance with the usual form and that there be no intervening or second-degree amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NICKLES addressed the Chair.

Mr. BYRD. Mr. President, I thank the distinguished Senator for yielding. He has assured me that he will send the amendment to the desk within a very few minutes and let the time begin running.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, earlier today we passed a budget resolution many people proclaim was the largest deficit reduction package in history. Frankly, the facts are that it is not the largest deficit reduction package in history. It came up short for a lot of different reasons. But before I get into that, Mr. President, let me offer my amendment.

AMENDMENT NO. 292

(Purpose: To eliminate emergency designation for fiscal year 1993 supplemental appropriations associated with President Clinton's stimulus package)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself and Mr. BROWN, proposes an amendment numbered 292.

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

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

The amendment is as follows:

On page 28, strike lines 23 through 26.

Mr. NICKLES. Mr. President, the amendment that I offer today on behalf of myself and Senator BROWN would strike the emergency clause in this bill because I believe this deficit stimulus package is not an emergency.

I really think it should not be called a deficit stimulus package. Is there an emergency to increase the deficit by $19.5 billion? That is exactly what the underlying bill does. It increases the deficit by $19.5 billion.

I might remind my colleagues, earlier today this body passed a so-called deficit reduction package that many people said would reduce the deficit by $496 billion over the next 5 years. I will tell the Presiding Officer, who I have the pleasure of serving with on the Budget Committee, that that resolution will not reduce the deficit by $496 billion. I will tell my friend and colleague from Illinois that the Congressional Budget Office says that number is inflated by at least $44 billion because inflated baseline was used. We did not use the present law baseline. We used an inflated baseline.

I understand that this is confusing. But for people who do not understand baselines, it is like somebody marking up the price of an automobile by $1,000, and then bringing the price down by $500. That is how we get $44 billion in phony savings in the so-called deficit reduction package.

The budget passed this morning is also phony in one other area. It does not include the money that we are getting ready to spend. I want to make sure people understand that. Some people are saying the budget that we just passed is the largest deficit reduction package in history. But it does not include the money we are getting ready to spend, this $19.5 billion. And the reason is there is a little provision in this bill on page 28 that says this is an emergency. They declared this spending an emergency, therefore it does not go on the budget. So even though this bill costs $19.5 billion, we are going to assume that that has no impact on the budget. We are not going to count it. We are not going to score it. We are not going to assume it has any impact on the budget. This is wrong. This is misleading. This is false advertising at its best.

So I tell the Presiding Officer that I know I am going to read tomorrow in the papers that this budget is going to reduce the deficit by $496 billion. I am telling the Presiding Officer that is not correct, because CBO says $44 billion is lost to an inflated baseline and $12 billion is lost because we do not score the stimulus package.

My amendment strikes the emergency clause. Let us at least score it. Let us count it. Let us know how much money we are going to spend. Where does the emergency clause come from? The 1990 budget agreement said we are not going to count spending if it is a true emergency. If we had another hurricane disaster, such as we experienced in Florida, in Louisiana, or if we had a war, if we had something that this body agreed was an emergency, then we would waive the Budget Act. We have to help people now, so we waive it, declare it an emergency, and it will not be counted.

That is probably appropriate. Sometimes Congress really does have to move quickly. But frankly, we do not have to move so quickly in this package.

If you look at the package that we have before us, we are spending money for a whole variety of programs. Most of my colleagues are aware of the composition of this package. There is $19.5 billion of new spending. Almost $6.9 billion of that is estimated to be outlays in this fiscal year. Next year $6.2 billion, and $3 billion in fiscal year 1995.

The President does not call this spending anymore, he calls it investments.

We have unemployment trust fund advances of $4 billion in this bill. I might tell my colleagues we have extended unemployment benefits for workers 3 times in the past few years. But do you know what? We have always paid for it. This is the first time we are not going to pay for it. Before, we had tax increases to pay for it or we had spending cuts. But at least we paid for it. In this package we do not pay for the unemployment compensation extension. I think that is irresponsible.

The Community Development Block Grant Program, $2.5 billion, so the mayors can have a lot of money to spend on a whole variety of projects. Some of us have ridiculed those projects. Frankly, most are worthy of ridicule, Mr. President. They include bike bypasses, swimming pools, tennis courts, and a whole mishmash of projects that the mayors want to have funded that were never high enough on their own priority list to pay for out of city funds. Instead they want to have them funded by the Federal Government. They want the Federal Government to pay 100 percent of it.

The mayors compiled a ready to go list, two volumes, each over two inches thick. On this list, 473 cities have put in requests for over 4,000 projects. If they had a Democrat mayor, and if they had their list ready, they would tell the Secretary of HUD, and they would tell the Secretary of Transportation, we are ready to go, we want

this project to be funded. Maybe it will be if this bill passes, but it certainly is not an emergency. What in the world is an emergency about spending money for a bike bypass, what in the world is the emergency for spending money for building a bus shelter and on and on?

My point is we are putting in more money for a lot of programs, $500 million for Head Start—in spite of the fact that one of the cofounders of Head Start advised we not put any more money or put any more children into Head Start until they start doing a better job. He said about one-third of the Head Start facilities are not very good quality. He said we need to be upgrading the quality before we throw more money into the program.

Summer youth programs, $1 billion. To do what? To do a lot of things the cities would like them to do, cut grass around the city hall, maybe water some of the plants. Yes, we are going to teach people how to work for the Government. I am not sure working for the Government teaches people the best work habits. Mass transit grants, $736 million; chapter 1 education and summer programs, $735 million; HUD homeless assistance, $432 million; RDA rural water and sewer grants, $349 million; childhood immunization, $300 million; National Park Service, $254 million; airport grants, $250 million; National Science Foundation, $270 million—and I could go on and on and on.

My point is, Mr. President, these are not new programs. These are existing programs. We are expanding existing Federal programs which right now are already growing, which right now are not underfinanced. Right now we are spending $1.5 trillion. A trillion dollars has 12 zeros in it. That's kind of hard to comprehend. That is more than $6,000 for every man, woman, and child in the United States.

Yes, $6,000 for every man, woman, and child in the United States. That is what we are spending today.

This bill is going to increase that amount by $19.5 billion. How much money is $19.5 billion? For one we are going to end up charging future generations every year about $5 billion in interest expense. So this is not just a $19.5 billion so-called stimulus package. It is a $19.5 billion deficit increasing package.

We ought to just take the money and drop it from airplanes in different areas, and it would get out in the economy faster, and individuals would spend it in a way they see fit, instead of having politicians and bureaucrats spending it at a cost probably in excess of, or in the range of $30,000 to $40,000 per job created.

Well, what we are doing is adding to the deficit $19.5 billion right now on top of what it already is. I know the Presiding Officer is aware that the debt is $4.2 trillion now, and growing. This is going to make it grow that much faster. I do not think we can afford that. In addition, we are obligating this body and future generations to pay a billion dollars a year in interest for this stimulus package.

This is not a stimulus package. It is a deficit increase package. The fact is, it is not an emergency. My amendment says we should strike the emergency clause. I should explain my amendment in the context of the 1990 budget agreement. We are still operating under the 1990 budget agreement. I did not vote for it. Many of our colleagues did. I felt like the 1990 budget agreement was faulty on two or three respects. One, it had large tax increases, and I think when you have a soft economy—and we did back in late 1990—more taxes only aggravate a recession. Actually, that is what it did. It hurt the economy. I stated on the floor that it would not raise the money anticipated in new taxes, because many of those taxes were going to sock it to the wealthy.

Frankly, a lot of those taxes did not raise the money anticipated because people found a way not to pay them, or people did not buy the luxury yachts, boats, planes, and whatnot. So it hurt the economy and did not raise money. It did not raise near the money anticipated.

Another reason I did not support that package is because it did not touch entitlements, it did almost nothing on entitlements for the entire 5-year span of the agreement. The only thing the 1990 package did that was any good was place caps on discretionary spending. But we are violating those caps today by passing this $19.5 billion deficit-increasing stimulus package. We are violating those caps.

Under present law if you increase spending in one area, you have to cut it someplace else.

So, Mr. President, that is the impact of my amendment. My amendment says if we are going to spend this money, we have to pay for it. You have to cut spending somewhere to pay for it. I think when you consider the fact we are spending $1.5 trillion a year, we can find someplace to cut. Where? I am happy to help. I will be happy to come up with a list. I am proud that many of us on this side came up with a budget that would reduce the deficit by $460 billion, all in spending cuts.

I think there are some great suggestions in those recommendations that we made to save billions of dollars. I hope we will pay for this package. We do not particularly want to stay next week, but we do not want to add $20 billion to the deficit. If we pass this amendment, I think we can solve that problem. Maybe we can pay for this package and enjoy some of this spending. But we need to cut someplace else to do it.

That is the purpose of my amendment. This amendment is vital. This amendment, in my opinion, is truth in advertising. There is nothing in this program that is an emergency. So my amendment and Senator BROWN's amendment simply strikes the emergency clause.

Mr. President, I also ask unanimous consent to add Senators COVERDELL, COATS, DURENBERGER, and GRAMM of Texas as cosponsors of this amendment.

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

Mr. NICKLES. Mr. President, I know I have had a couple of my colleagues say they would also like to speak on this amendment. But I want to be clear. Some people will say this amendment will gut the package. It will not do that if we just come up with the rescissions to offset it. I know that any Senator, if they take a close look at this budget and the total amount of money we are spending, can find the rescissions in a way that would not hurt anybody.

I think the Federal Government wastes a lot of money. I do not have to go very far from this office right now to find places where we are wasting money. I find that we are wasting money in the U.S. Capitol. I see people standing around in the Hart Building on taxpayer dollars, and I think we can cut. Maybe we should start in Congress. Some tried to say let us pass the resolution and cut congressional expenses 25 percent. I think that would be a good start.

Some of us had an amendment that said we should not spend an extra $28 million in the District of Columbia. I find out this year we are going to give the District of Columbia almost $1 billion in grants; and in addition to that, we have given them, I think, $637 million of direct appropriations. Yet, add those two together, and you see it is growing.

I look down on Pennsylvania Avenue and see where the General Service Administration is constructing a building, Mr. President, that ultimately will cost taxpayers over $1 billion—$1 billion. The estimated cost of the building in direct dollars is about $650 million, up to $700 million., By the time you add interest expense over several years, you are talking about over $1 billion of taxpayer money to be used to finance one building. We thought the Hart Building, which cost the taxpayers $137 million, was expensive. We are talking about a building that is going to cost, including interest, over $1 billion.

I could go on and on. I look at the Department of Housing, and I see a lot of areas where the Federal Government is paying rent subsidies that are far in excess of what the market would dictate. I visited some of these units. I looked at some units in my State of Oklahoma. I serve on the VA/HUD Appropriations Subcommittee. I looked at units, and I found out the Government is paying some landlords—in

some cases slum lords—enormous subsidies. We would be paying for an apartment complex that if it has two or three bedrooms; the Federal Government would be paying $500 a month, when in the market area, they should have been paying maybe $250 a month. And we are guaranteeing that amount. We are writing them a check every month way above what the market would dictate. Why? We have been doing it that way for years and, yes, we give them a little interest, or we give a little inflation adjustment every year.

Mr. President, we are doing that all across the country. I say that some of those housing units are some of the most dilapidated, most drug-infested incubators of crime in our country. Uncle Sam is writing the checks and saying thank you for providing such an environment for our young people. It is obscene.

We have in Medicaid—and I tell my colleagues that we did almost nothing in the budget to curb the cost of Medicaid. They are exploding. Medicaid, last year alone, went up 29 percent. The year before, it was 28 percent. This is a phenomenal rate of growth. Think about that; 29 percent, almost 10 times the rate of growth of inflation—in Medicaid. You might ask, why? One of the reasons is because a lot of States are dumping their liabilities on the Federal Government. They figured out ways to scam the system. They figured out ways that say, well, we will raise a dollar in tax and get the Federal Government to match that with $2.30 of Federal tax money.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mr. NICKLES. Madam President, then we can have the Federal Government pay back the dollars. So it really will not cost the State anything.

I think that is absurd, but it happens all the time. Now we even have the new administration, the Clinton administration, which has gone around to several States just handing out money: to the Governor of New Jersey, here is $400 million. I understand the Governor of New York is in line for over $100 million. Several hundred million dollars are pending in California and other States where now the administration is taking several of these disputed claims in Medicaid and handing them out.

Happy days are here again. That is exactly what this bill is about. There is $19½ billion of political handouts. This is not a stimulus package; this is a package to make politicians happy. This is not a package that is going to create jobs; this is a package that is going to expand the deficit.

We need to correct that. There is one way to correct it, and that is to strike the emergency clause. I remind my colleagues, if we strike the emergency clause, we are going to have to find offsets.

There are several of us on this side who would be more than willing to work with the administration, to help find those offsets. We can do it. If we do not do it, there is a sequester. That is what the present law calls for.

No, we are going to avoid the present law. We are going to get around the present law. We are not going to include it in the budget. What we are going to do is declare an emergency. By a majority vote, we are going to say: This is an emergency package; therefore, we do not have to pay any attention to the budget.

The same day that the Senate passes the deficit reduction package we come up with a bill calling for emergency spending. Therefore it does not count. This is not part of the deficit; this is not part of the budget. This does not count. Ladies and gentlemen, that budget that we just passed does not mean a thing because we are going to avoid it. We do not have to pay any attention to that budget because we have one little paragraph on page 28 that says this is an emergency, so it does not count toward the budget.

Hey, if we can do it today, we can do this a lot of times. Hey, the Democrats have control of the House; they have control of the Senate; and they have the White House. And working together, they can declare anything anytime they want an emergency and, therefore, we do not need a budget. We do not have a budget. The budget that we just passed is not worth the paper it is written on. All it does is give the tax-writing committees directions to go out and raise taxes.

The only committee it tells it is going to cut spending for is defense, and it whacks the heck out of defense. But there are no cuts other than defense. I hope people are aware of that fact.

I will put in a chart that will substantiate these facts. The facts are the budget that just passed says we are going to raise—and it directs the Finance Committee to raise—$273 billion in taxes. It says we are going to tell the other committees we hope they raise $18 billion in user fees, but that is not reconciled.

Madam President, that will not happen. The reconciliation will happen. That tells the Finance Committee to go out and raise $273 billion in taxes over the next 5 years. That will happen.

As to the $18 billion in user fees, I do not know why it is still listed on the sheet, but the majority party says it is there. It is not going to reconcile. It is not going to happen I tell you that now.

What about the other cuts? There are $11 billion in nondefense spending cuts over the next 5 years. I want to put this in perspective. I hope people will understand this. We are spending $1½ trillion. You take out defense, and we are spending about $1.250 trillion. This budget covers a 5-year period. If you multiply that, 5 times $1.250 trillion, we add to spending, $1 billion a year under this budget. Now you are up to about $7 trillion in nondefense spending over the next 5 years. Out of $7 trillion, this great budget that we just passed is going to cut spending, it says, by $11 billion. That cannot even show up as a percentile, it is such a small percent. It is not a cut.

Is it not interesting that at the same time we do such insignificant deficit reduction, except for defense and tax increases, at the same time we come up with domestic spending growth of $19½ billion, we have the nerve, we have the audacity, we have the shamelessness, in my opinion, to say it is an emergency so we are not going to count it on the budget?

It is ironic that today is April Fools' Day. We are going to pass a budget, and it is a deficit reduction package, and the same day we are trying to do that, we have out of the floor a spending bill that only raises the deficit. Then we have the nerve to say we are not even going to count it on the budget.

You talk about misleading. You talk about truth in advertising. This is just the opposite.

I heard President Clinton in the State of the Union Address, that we are going to have truth in the budget; we are going to use real numbers.

He is not using real numbers. This is a farce. This is a sham. We need to let the American people know there is not an emergency and it should not be counted in the budget.

The purpose of this amendment is to put it on budget. Whatever the budget is, at least tell the people. If we are going to have a budget, we ought to include all Federal spending and not use this sham or guise, saying it is an emergency, so therefore it will not count.

I would think the majority party would be embarrassed to say, the same day we are going to have a deficit reduction package pass the Senate, we are going to attempt to pass the so-called spending bill that is totally outside the spending resolution. That is totally and completely ridiculous.

Madam President, I ask unanimous consent to print in the RECORD the table to which I referred earlier.

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

*$3.38 in taxes for every $1.00 in spending cuts**

President's plan—conference modified

	1994–1998
Net new taxes	273
User fees	18
Net new taxes and fees	291
Net nondefense spending cuts	11
Defense spending cuts	75
Net spending cuts	86
Total new taxes and spending cuts	377

	1994–1998
Debt service savings	63
Total deficit reduction	440

*=$291 billion net new taxes and fees/$86 billion net spending cuts=$3.38 Dollars in billions, compared to the CBO capped Baseline. Details may not add due to rounding.

Mr. NICKLES. Madam President, I ask unanimous consent that Senator GRASSLEY and Senator MCCAIN be added as cosponsors.

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

Mr. NICKLES. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I yield myself 12 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I think all of the country listened with great interest during the course of this last campaign about the future direction of our economy. It was pointed out in the last campaign that under the previous administration, the Republican administration had put this country into a very sizable growth in our national debt, from $1.8 trillion to $4 trillion.

As to the 1981 Reagan economic program, I was 1 of 11 Members who opposed that. Virtually all of our friends on the other side of the aisle who are beating their breast out here about the state of our economy supported it, and that set this country on a path for debt increase that is absolutely going to threaten the bankruptcy of future generations.

The American people finally understood that last fall, and they elected Governor Clinton as President of the United States. He told the American people that if he were elected, he would have an economic program that would include a stimulus program.

What is a stimulus program? If you provide investments on one side and cuts on the other, you do not have a stimulus. A stimulus program by its nature means you are going to invest, invest in people and provide opportunities for the private sector to invest, and invest in infrastructure. That is what the President said.

He said he would have a long-term investment program over a period of years to provide incentives for industry and investment in terms of human capital. That is what the President says.

That is what he is doing in this budget program. And he also said that those who had benefited financially so generously over the period of the last 12 years were going to bear their fair share of the burden, now that we are in this extraordinary economic situation. That is what he said. The American people listened and they supported him.

And now we have our friends on the other side who supported the economic policies that have meant that there are millions of Americans who are today unemployed who would not be unemployed if we had had sound economic policies.

So we have some $4 billion in here to try to help and assist those working families who, through no fault of their own, have been thrown out of work and continue out of work. This body voted 66–33 in favor of that position. Everyone wanted to get on the record in support of that position. And now the Senator from Oklahoma is saying effectively we are going to wipe that funding out. That is a nice way—you talk about April fools. There it is. One day you vote for it, and then the next day you withdraw it.

Now, this stimulus program includes the kinds of things that can make a difference in terms of the short- and long-term interests of our economy. It provides funding for infrastructure, support for the building of roads to deal with the deterioration of the transportation infrastructure, sewer treatment construction to try and deal with the problems of pollution, and hurricane assistance for the hundreds of thousands that were affected by Hurricane Iniki and Hurricane Andrew.

That is not an emergency?

Did I hear my colleague say this is not an emergency? You tell those families who have lost their homes and lost their businesses that this is not an emergency. You tell them, "Take your time. Congress will eventually get around to trying to get some help and assistance." For those people who have lost their homes and lost their companies and small shops, it is an emergency.

And what about economic development grants? It might not be an emergency out in the Senator's home State. But the economic development grants support the Small Business Administration to get some loan guarantees so we get some credit out for the entrepreneurs in our country trying to create jobs.

Well, Madam President, those and the other programs here are a balanced program. They balance the incentives between infrastructure, incentives to encourage small businesses, and investment in human beings who have suffered over the period of the recent years.

So, Madam President, I hope that the Senate will reject the amendment of the Senator from Oklahoma. This is, as they say, a killer amendment. It effectively denies the President the opportunity to have a key element of his economic program. And the reason for the key element is to try to ensure that we will provide some jobs for American people—now.

There are people—and I happen to be firmly in the ranks of them—that believe jobs are the key in terms of our future. To those that have jobs, including those around here, it might not be an emergency. But for the millions of Americans who do not have jobs, the President is committed to their well-being and trying, with a variety of incentives, to put our economy back on track, so we will have growth, we will have expansion, and we will be able to deal with the obligations of this country.

I listened with great interest to the Senator from Oklahoma talking about the size of the growth of the Federal deficit.

One of the principal growth items has been the interest on the debt as a result of the increase of debt from the past economic policies. You do not buy a Band-aid, let alone educate a child, with that interest on the debt, which has risen from about $50 billion to well over $225 billion, without investing a single element in terms of the American economy.

Madam President, I hope that, for all the reasons that the President has outlined and all the reasons that have been articulated by the Senator from Tennessee, who is the chairman of the Budget Committee, and the Senator from Maryland, who is chairman of the Joint Economic Committee—and this is an enormously important vote; perhaps the most important vote that we have had on this supplemental—I hope that it will be rejected.

Mr. President, the Senator was very kind in permitting me time to speak. I would like to yield to the Senator from Tennessee.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield the floor?

Mr. KENNEDY. Madam President, I would be glad to answer some questions.

I want to try to accommodate him because the Senator was very accommodating. I would like to ask him, just out of the interest of our friend from Tennessee, could we get some indication of when the Senator would be willing to permit him to have some time?

Mr. NICKLES. If the Senator will yield, my intention was to respond to your comments for about 2 minutes.

I know the Senator from Texas has been here for some time and the Senator from Tennessee.

Mr. KENNEDY. I yield the floor, and I thank the Senator.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I would like to respond to my good friend, the Senator from Massachusetts. We happen to have a difference of opinion.

The Senator from Massachusetts talks about returning to sound economic policies. He implied that was not with President Reagan and it was not with President Bush, so I guess we have to go back with President Carter.

With President Carter, we had over 10 percent unemployment. I hope people will remember that. With President Carter, we had 21 percent interest rates. You tell me how a business can survive that.

With President Carter, we had 13 percent inflation rates.

Now, maybe the Senator from Massachusetts thinks that is sound economic policy. I do not.

Mr. KENNEDY. Will the Senator yield for 10 seconds?

Mr. NICKLES. Not just yet. I wanted to make a few comments.

I do not think that is sound economic policy. What we had was a Democratic President and a Democratic Congress and rampant inflation, rampant interest rates, 21 percent interest rates.

I will tell my friend from Massachusetts, I was a businessman at that time. I could not think of a project that I could afford to borrow money for and make any rate of return. If you have to borrow money at 21 percent, you have to find a phenomenal rate of return to be able to create any jobs.

So the era that he evidently is referring to was one of enormous unemployment, over 10 percent unemployment, and it was enormous inflation, 13 percent inflation, which was just skyrocketing everybody's expenses. People that were on fixed incomes in Chicago were hurting and people in my State were hurting because of economic policies that were a disaster.

Now, many people want to return to those policies. This is one Senator that does not.

I might tell my colleague—he mentioned jobs—the facts are that during the last 12 years, we have had over 19 million jobs created—19 million. That is the most significant job growth in a decade in our Nation's history. I would like people to understand, that is a fact: 19 million jobs created over the last 11 years. That is the most significant jobs creation in a decade for our Nation's history.

A couple other points. Most people talk about this stagnation or recession. We had 1.5 million jobs created last year, I will tell my friend from Massachusetts, 1.5 million.

Last February, we had 380,000 jobs created. Now I am sorry, those were not Federal jobs. And I know the Senator from Massachusetts and other people want to have a lot of Federal jobs. They want Uncle Sam to write green checks to a lot of people and make them dependent on the Federal Government or make them dependent and learn the ways of doing business with the Federal Government because they owe everything to the Federal Government.

But some of us believe that we want to create an environment where business can grow. We cannot grow with the return of Carter-era inflation and interest rates that were over 20 percent.

I am glad interest rates are down. I am glad that inflation is down. We are looking at 7 percent unemployment instead of 10.8 percent unemployment, as we had about 12 years ago.

And so, yes, these are different times. Maybe we need to do some different things. But the last thing we need to do, Madam President, is to add another $19.5 billion to the Federal debt. That is exactly what we are getting ready to do. That is a serious mistake.

To compound that mistake to make this change, the same day we pass a very large tax increase charaded as deficit reduction, the same day we said, "Boy, we are going to bite the bullet and reduce the deficit," that same day we are going to pass a spending bill of almost $20 billion, and we are going to waive it; we are going to say it does not count toward the budget; it does not count; it is off-budget; it is an emergency.

I will just quote the comments of Mr. Panetta, the OMB Director. This is the definition of an emergency:

> A necessary expenditure that is sudden, urgent, and unforeseen and is not permanent and depends upon common sense judgment, made on a case-by-case basis, about whether the totality of facts and circumstances indicate a true emergency and about whether the needs can be absorbed within the existing level of resources available.

Madam President, under this definition, there is no way in the world that anyone could determine that this $19.5 billion deficit-increase package should be classified as an emergency.

I yield the floor.

Mr. KENNEDY. Will the Senator yield me just 2 minutes?

Mr. BYRD. I yield 2 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I am prepared to defend positions I take. If the Senator remembers, it was just for the very reasons that the Senator from Oklahoma outlined that I ran against President Carter. So I am not prepared to assume those particular economic indicators.

As a final point, I just say, the Senator from Oklahoma might not believe that there is a real crisis in our economy. But my State of Massachusetts is No. 1 in the country on mortgage foreclosures. Ask those families who have lost their homes. We are second in the country in terms of small business collapses and bankruptcies. Ask those business men and women how they view this economy.

In our part of the country, with 6 percent of the Nation's population, we have suffered 30 percent of the loss of jobs. As far as the working families in Massachusetts, in our part of the country we have an emergency. This is a crisis. My only complaint about this economic stimulus program is, frankly it does not go far enough. If you look at what President Roosevelt did in 1935, 1936, 1937, he invested far more than President Clinton is proposing. That is what President Roosevelt did.

Madam President, this is a very modest program, but a very important program that I am sure will result in job creation.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, will the Senator yield?

Mr. BYRD. I yield to the distinguished Senator from Tennessee; how much time?

Mr. SASSER. Ten minutes.

Mr. BYRD. Fifteen minutes.

Mr. SASSER. Fifteen minutes. I thank the distinguished chairman.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Madam President, the amendment offered here by the distinguished Senator from Oklahoma is nothing more and nothing less than a killer amendment. This is an amendment clothed in sheep's clothing that disguises a very hungry wolf that would devour this whole jobs bill.

Here is how it would work: If the amendment of the Senator from Oklahoma should carry in this body and his jobs bill should be declared not an emergency, then by operation of law the Appropriations Committee would have exceeded the domestic appropriations caps for 1994 and 1995—or would have exceeded the caps. Then what will follow will be, from their side of the aisle, a point of order. They will raise a point of order against this appropriations bill, this supplemental appropriations bill, which is a jobs bill. They will raise a point of order and the Parliamentarian will be forced to rule yes, it does exceed the caps because it is no longer designated as an emergency. And then, in order to overrule that point of order, the proponents of this jobs bill will have to produce 60 votes.

The opponents know that cannot be done because they can get together 41 votes over there to defeat this jobs bill. When you unravel all of this, Madam President, you understand.

I was just discussing a poll this morning with some individuals who are knowledgeable in these matters. The poll, from a respected polling firm, indicates that by a 3-to-1 margin the American people do not believe that our Republican friends on the other side of the aisle are serious about dealing with the economy, and are playing politics. They are playing politics with President Clinton's economic proposal and his deficit reduction plan. That is not the Senator from Tennessee saying that. That is what the American people are expressing to scientific pollsters who solicit their opinions.

When you see a killer amendment, disguised as this one is and brought to the floor, whose sole purpose is to defeat this jobs bill, then you see the

American people are correct and they understand what has happened.

Last night on the floor of this body I quoted a great American President, one our friends on the other side of the aisle in past days have been fond of quoting: Harry S Truman. One of the first elections I remember, I say to my friend, the distinguished chairman of the Appropriations Committee, was the reelection of Harry S Truman in 1948. I was just a very young boy. I remember listening, on my little radio that was next to my bed, late in the evening to Mr. H.V. Kaltenborn, saying that Thomas Dewey, the Governor of New York, was going to be the new President and Harry Truman had been defeated.

It turned out to be just the contrary. Harry Truman, to the great benefit of this country, was reelected. And I think historians will now say that he was one of the greater Presidents of the first half of the 20th century, and probably one of the greater Presidents of the 20th century. But he had a saying, and it was that the American people have a habit of being ahead of the politicians.

They are ahead of us still. The American people know that something is wrong in this economy. They know there is something wrong when people who want to work cannot find jobs. They know there is something wrong when 1 out of every 10 of our fellow citizens, as I stand here today, are on food stamps. And those who administer the Food Stamp Program tell us they are seeing, applying now in these food stamp offices, a type of American they have never seen before. People are coming in who have held middle-management positions for many, many years, with some of the great corporations in this country, now out of work, now applying for food stamps. We are being told by those who are knowledgeable that the overwhelming majority of these people, who are being laid off by companies like IBM, Boeing Aircraft, General Motors—it reads like the Who's Who of American Business—these people who are being laid off have no prospect of ever being recalled to their jobs.

That is why the President designated this whole bill an emergency.

Let me call the attention of my colleagues to a chart they may have seen before, the chart that our distinguished colleague from Maryland has called to our attention on more than one occasion. This indicates that we have a jobs recession in this country. We are emerging from the longest recession since the Second World War. Granted, it is not as sharp, it is not as deep as the Reagan recession of 1982 and 1983—when many said that was not a recession, it was a mini depression—not the worst economic downturn we had since the Great Depression, since the late twenties, early thirties. But this recession we are just now coming out of is the longest recession we have had since the Second World War. It is different from all of the recessions we have experienced before in a lot of ways. But one of the most significant ways is this so-called recovery phase that we are in now is a very, very fragile, and a very, very tepid recovery.

We are not creating jobs in this so-called recovery. I will call the attention of my colleagues to this chart, which indicates the months from the trough of a recession. What the economists are calling the trough of the recession is the bottom of the recession, and then from then on the recovery starts.

In all previous post-World War II recessions and recovery cycles, we were creating jobs at a very fast rate indeed. Look at the jobs creation in this particular recovery noted by the red line. We are creating jobs in this recovery at less than 25 percent of the rate that we created jobs in other post-World War II recoveries.

Many of these jobs that are being created are part-time jobs. Many of these jobs that are being created are inferior to the jobs that people lost prior to the recession.

So this is an emergency. Just yesterday's New York Times on the business page is headed: "Consumer Confidence Off Target." This is the second straight month in which consumer confidence has fallen after rising somewhat after President Clinton first announced his economic recovery program to the country. We simply cannot afford to fall off into another triple-dip recession. That is what we fear.

What happens to the Federal budget deficit if we fall off into a triple-dip recession? Many of our colleagues on the other side of the aisle are telling us we cannot afford to spend the money for this modest jobs program which is really an insurance program to make sure we come out of this recession. They say we cannot afford to spend what is really $14 billion on that.

What happens if we fall off into another recession? For every 1 percent that the unemployment rate goes up, and that represents about 1,100,000 Americans who lose their jobs, it costs the Federal Government in excess of $50 billion; $50 billion, I say, for just 1 percent who might lose their jobs. So the unemployment rate goes up 2 percent. It raises the Federal deficit by $100 billion.

Some might say, how can that be? How does that happen? Because when people are not working, they are not paying taxes, and Federal revenues decline precipitously. Also a smaller segment of that overall figure is made up of the fact that when people are not working, they draw unemployment compensation and if they are not working, they cannot afford to pay their physicians' bills or doctors' bills. Many have access to the Medicaid system then and also other supplementary programs for the unemployed.

So just laying aside all of the moral questions about trying to see that people get jobs and have a decent standard of living, just laying that all aside, Madam President, and just looking at it from a cold-blooded, hard-eyed approach, we simply cannot afford to lose this jobs bill, which is really an insurance policy, and run the risk of falling off into a triple-dip recession, because if that occurs, then we are going to see the President's deficit reduction program which is so finely calibrated to reduce our deficit over the next 5 years, cut in half as a percentage of gross domestic product. We are going to see that finely calibrated deficit reduction plan knocked into a cocked hat and the deficits go up because we fall off into the recession once more.

What does this jobs bill, stimulus package, produce? I will ask my friend, the distinguished chairman of the Appropriations Committee, who has been in this body for many years and has seen, I would guess, a number of recessions, a number of recoveries and who knows about unemployment, coming from the State of West Virginia. I ask my friend from West Virginia, is it not true that this economic stimulus bill contains extended unemployment benefits so that those who are not working, as they exhaust their unemployment benefits and cannot find jobs, they can avail themselves of extended benefits?

Mr. BYRD. The Senator is correct; 1.8 million people.

Mr. SASSER. In other words, if this jobs bill should be defeated, then 1.8 million people would find that their unemployment benefits would be exhausted?

Mr. BYRD. These are unemployed workers.

Mr. SASSER. Unemployed workers.

Mr. BYRD. Next week, one day next week, they are faced with the question: From where does the next load of bread come?

Mr. SASSER. And that occurs if this bill is defeated, if this killer amendment takes it down.

The PRESIDING OFFICER. The time yielded to the Senator from Tennessee has expired.

Mr. BYRD. Madam President, I yield to the distinguished Senator additional time. How much does he wish?

Mr. SASSER. An additional 5 minutes.

Mr. BYRD. I yield 5 additional minutes.

Mr. SASSER. Madam President, we have a serious problem in this country with a decaying and deteriorating infrastructure. For a number of years, we have simply been ignoring capital investment in our infrastructure of this country, ignoring rehabilitation and repair of our infrastructure. And infrastructure, as my colleagues know, are

things like roads, bridges, airports, wastewater treatment plants—all of the necessities for a modern industrial country, if it is to enhance the quality of life of its people and to be competitive, via its trading partners and trading adversaries.

I call my colleagues' attention to another chart, entitled "Fixed Investment As a Share of Gross Domestic Product." What we are talking about is investment by a country or of the citizens of that country in the country itself, in the infrastructure, in the education of the populace at large, skills training for the populace at large.

If you look at this chart, you will find that Japan, of the 10 largest economies, invests more by way of investment as a portion of gross domestic product up here at a level of almost 33 percent. Amazingly enough, next in line is Spain, and Spain has been enjoying a very, very prosperous economy, almost an economic renaissance over the past 5 to 6 years.

Next is Australia, our friend down under. Next is Germany, one of the industrial powerhouses of the world. Next are the Dutch, the Netherlands, then France, then Italy, then Canada, all sort of bunched together. Then we see our friends in the United Kingdom, our British friends, investing less, and of course their economy has been in decline and not really competitive for a long time, some say since after the Second World War. But look down here at the United States of America, trailing way, way, way behind.

Madam President, how are we going to be competitive in this world economy and how are we going to create jobs for our people, and how are we going to maintain our standard of living, let alone enhance the quality of life of our people and elevate that standard of living if we do not start investing more in our own people?

Let me ask the distinguished chairman of the Appropriations Committee, as I understand it, this bill which you brought to the floor of the U.S. Senate will invest a sizable amount of money, almost $3 billion in Federal aid to highways; is that not correct?

Mr. BYRD. It will, and that money has been paid into a dedicated trust fund. It is made up of fees that come from the users.

And we are pulling that out now and saying let us spend it. That is not money that comes out of the—this is not an appropriation against the general fund. This is against a dedicated trust fund. All those people out there who have been driving trucks and automobiles, et cetera, et cetera, have paid into this fund and we are saying let us pull it up, let us bring it up to the level that was provided in ISTEA, the Intermodal Surface Transportation Efficiency Act.

Mr. SASSER. I thank the chairman. So as we have been buying gasoline for our automobiles and paying that fuel tax, it has been flowing into this Highway Trust Fund.

Mr. BYRD. Exactly.

Mr. SASSER. What we are doing here is saying let us take some of those highway trust fund dollars which we collected from citizens on their gasoline taxes to build roads and bridges and repair roads and bridges and put that money to work and create jobs for our citizens and build us a world class infrastructure. I ask the distinguished chairman if he will yield me an additional 3 minutes.

Mr. BYRD. Yes, I yield an additional 3 minutes.

Mr. SASSER. I talked to trucking companies in my State. Frankly, over the years, I have enjoyed the support of the trucking industry in my State. And they have told me of the enormous waste that they experience when their trucks are caught in traffic jams or when their trucks are damaged because of potholes in the road, and a whole host of problems that are created by a crumbling infrastructure and highways that are beat up and inadequate. These funds will repair that infrastructure.

Mr. BYRD. Mr. President, will the Senator allow me?

Mr. SASSER. I yield to my friend.

Mr. BYRD. The ISTEA bill passed in 1991, I believe, the year before last. And the then President of the United States, Mr. Bush, went to Texas and made a big deal out of having passed that bill, how many jobs it was going to create, what it was going to do for the infrastructure of this country.

We have underfunded that to the tune of about $3 billion. When this bill was passed the year before last, it set a certain level of expenditures, and we have underfunded that this fiscal year to the tune of almost $3 billion.

So the bill that is before the Senate now, which is the President's jobs bill, contains in it that $3 billion which brings it up to the level we all voted for, or certainly a majority of the Senate voted for year before last.

Mr. SASSER. I thank the distinguished chairman.

And by investing these funds, these highway trust funds, in highway construction and rehabilitation we will be bringing up our fixed investment figure here as a percent of gross domestic product.

Mr. BYRD. Yes. Mr. President, if I may say to my distinguished friend and to my colleagues, this chart does not show the correlative increase in productivity that results from public investment in this country. Other countries that are shown there as providing the greater share of their GDP in fixed investment, I daresay if we will look at the record, we will find that those countries have shown a greater increase in productivity in accordance with the greater investment in GDP than has the United States of America.

Mr. SASSER. The distinguished chairman raises a very valid point. Just as I stated a moment ago, the trucking company owner who complains of being stuck in traffic rather than proceeding on a run or being delayed by an inferior road or traffic conditions, that certainly inhibits the productivity of that particular worker and machinery he is operating. So if you have clear roads, and if you have good bridges and you have adequate structure to handle the traffic, then it enhances the productivity all up and down the line in the transportation industry.

The PRESIDING OFFICER. The Senator's additional 3 minutes has expired.

Mr. BYRD. I yield the Senator an additional 3 minutes.

And, additionally, not only does it enhance the safety for the vehicles on the highways, but it saves gasoline and it also saves hours. It is my recollection that the year before last I used the figures of 1.38 billion gallons of gasoline that were being wasted because of traffic tie-ups, congestion—1.38 billion gallons of gasoline—and 1.2 billion man-hours of time that were being lost because people could not get to their offices.

Now, all of these thing detract from the efficiency of the operations of small businesses around this country, large businesses around this country, and so on. And they also increase the pollution with the trucks and vehicles and the airplanes. At 21 airports of this country there were, as of the year before last, 20,000 hours of delayed time, wasted time at each of 21 airports in this country—20,000 hours at each of 21 airports. And it was estimated that by 1997 over 30 airports would be experiencing delays amounting to 20,000 hours or more each. That is the bill we are paying.

Mr. SASSER. The distinguished chairman is quite right, and we cannot increase our productivity if we experience these very costly delays in which we waste time, we have useless wear and tear on machinery, and, in addition, we create unsafe conditions.

The distinguished chairman said something a moment ago about the pollution from delays in traffic. As I understand this bill that is before us today, it carries with it over $800 million for EPA sewage treatment construction. If we want to create jobs and at the same time do something about the environment, then I think this bill we have on the floor does just that because it is going to create jobs, No. 1, all across this country in the construction of these wastewater treatment plants. If we are ever going to do anything about pollution and have clean water in this country, we simply must stop dumping raw sewage or sewage that is inadequately treated into the creeks and rivers and ultimately into the oceans surrounding this country.

Why, today, I am afraid to eat a raw oyster, I say to my friend from West Virginia. That is something which has happened just in the last 10 years because of the sewage pollution. And in this bill there is funding for countless numbers of municipalities around this country to access these funds to build wastewater treatment plants, first, to create jobs in their communities, to take people off the unemployment rolls and put them into productive labor, and, second, they will leave behind when these jobs are completed the machinery to guarantee that our citizens have clean water.

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

Mr. BYRD. I take 30 seconds.

The Senator is talking about 50,000 direct jobs when he discusses the sewage treatment construction facilities that will be provided for in this bill.

Mr. SASSER. I just want to say to my distinguished friend, the chairman of the Appropriations Committee, I know that he has been calling this a jobs bill, and that is exactly what it is. It is an economic recovery and jobs proposal.

Now, we have just passed here the largest deficit reduction plan in the history of this country, and some economists are telling us be careful. Be careful; this recovery is very fragile; and this deficit reduction plan that you have passed here is going to be a fiscal drag on this economy; and you better have some energy on the front end here to make sure that this recovery gets off the ground.

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

Mr. SASSER. Could I have an additional 1 minute?

Mr. BYRD. Mr. President, I yield to the Senator 1 additional minute.

Mr. SASSER. Madam President, this economy is struggling now, and we see consumer confidence lagging.

We are not creating the jobs in this recovery that we should. As I indicated a moment ago, we are creating jobs at 25 percent of the rate that we have done in all post-World War II recessions. We are going through a period now of downsizing our military and responding to the post-cold-war period. We passed the first post-cold-war budget resolution through this body earlier this morning.

All of this exerts a contraction on the economy.

This jobs bill, which the distinguished chairman of the Appropriations Committee brings to the floor, is going to put some wind, some energy behind this recovery. It is going to get it up off the floor and get it moving. As my friend from Maryland has said many, many times, this economy is like an aircraft struggling to get into the air. it is on the verge of stalling. If you can push the throttle forward just a little bit, give it a little more power, then it will climb and reach its cruising altitude. Once it reaches that cruising altitude, you can throttle back and sail right along. But if you throttle back too fast, too much as it is just climbing out, then it will stall and crash back to Earth.

That is what this stimulus package, this jobs bill, that is its function, to put a little more lift under the wings of this recovery, get it to its cruising altitude and then we can throttle back.

Madam President, my time has expired.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I yield to Senator GRAMM 8 minutes on this side.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, before I left the floor, the distinguished Senator from Massachusetts gave us a wonderful speech about bankruptcy and sound economics and paying interest on the debt. It was a wonderful speech, but I think when people understand what the issue is that we are debating here, they will realize that it was a wonderful speech meant for another day and another amendment.

Our dear colleagues have just spoken and have given us a ringing endorsement of Government. They have outlined the wonderful things that Government does. But let me tell you something, Madam President, what they left out. We wrote a budget last year. The Congress adopted a budget last year. If all of these projects were so wonderful, we could have funded them then. We wrote a new budget today. If the projects to be funded in 1994–95 by the bill that is now before us were so wonderful, we could have funded them. We did not fund them last year. We did not fund them this year because, looking at the relative priorities of the Nation, the majority party decided that these were not high enough priority to fund when you have to pay for them with spending reductions in other programs. They are only exciting and appealing because today we talk about funding them without paying for them.

Let me remind my colleagues and those following this debate what the debate is really about. In 1990, we raised taxes on the American people by over $150 billion. We promised them if they would give us their money, we would control spending, and in fact we enacted a law, that is the law of the land today, that set a cap on how much money we could spend on discretionary programs.

That cap today makes this emergency bill illegal. We are able to bring it to the floor and pass it without violating the law and without triggering an across-the-board cut only because we are designating it as an emergency so that it does not count as spending and it does not count as deficit. But yet it is spending, it is deficit, and we are going to have to borrow every single penny of it.

Our dear colleague from Tennessee says by spending this money we are going to create 50,000 jobs. Why not create 1 million jobs? Why not create 10 million jobs and put every American to work? Do you know why? Because we are not creating jobs in this bill. Every penny to pay for this deficit spending we are going to have to borrow. And in a time of tight money and a credit crunch for small business, the Government will get in line in front of small business and family farms to borrow money because it is guaranteed by the ability to print money to pay it back. And we will preempt those who would otherwise use that money to build new homes, new farms, new factories, and generate new economic growth.

Finally, this morning at 10 o'clock, we approved a new budget. Many in this very Chamber pounded their breast and said, "We are on the wagon. The deficit spending days are over. We reduced the deficit by $500 billion. This is real restraint. This is real fiscal responsibility." And now, Madam President, it is not quite 2 o'clock and we are debating a bill that will spend $16.3 billion that we are not going to pay for, that does not count as part of that budget in terms of the spending constraint it imposes, because we are talking about an emergency bill. It is like an alcoholic going on the wagon at 10 o'clock, and now it is almost 2, and we are ready to drink down a big glass of the devil's brew.

How can anybody in the world believe the Congress has any credibility whatsoever on the spending issue and the deficit issue if, within 4 hours after adopting a budget, we are now going through a loophole to spend $16.3 billion of brandnew money, every penny of which is going to be borrowed; when the American people realized that this morning we passed a budget that raised taxes on every working family, imposed an energy tax on every household, taxed Social Security, raised taxes on small business and family farms, all in the name of doing something about the deficit?

Now this afternoon, we are spending money again that we are going to have to borrow and are not offsetting it. I think people are going to feel betrayed when they finally get the facts. When they finally get the facts, they are going to be outraged about it.

What is the amendment that is before us? The distinguished Senator from Oklahoma has an amendment that simply says this: Do not designate this bill as an emergency. If we are really on the wagon, let us leave the devil's brew alone. Let us go through this whole bill. Let us look at all of these projects, and let us decide which

ones we really need. And the ones we really need, let us cut some other program to pay for them, but if we are not willing to pay for them, maybe we do not really need them.

Those who have followed this debate know that we have $2.5 billion of community development block grant money in here, and all over the country the HUD Secretary asked the mayors, "Well, what are you going to use all of this money for?" All over America, in Illinois, the city council got together, and I am sure somebody said, "Joe, they are going to send us money from Washington, let us paint the water tower." So they sent in a ready list, ready to go to spend this money. They want to paint the water tower.

Then, in Auburn, AL, they said, "Hey, money from Washington. Let us build a new gym." Then in Highland, CA, they said, "We want graffiti abatement." And then in Huntington Park, CA, "Let us build a parking garage." In Lancaster, CA, a bike path. And in Merced, CA, a bus stop and shelters. I am not picking on California, Madam President, but the list goes on and on and on, all of these projects.

This one is wonderful. In Connecticut, an ice skating rink heating hut. I can hear it now: Can you believe it, George, there is somebody in Washington who may fund our ice skating rink heating hut.

When we offered two amendments, one that the Senator from Colorado offered and one I offered, saying: Let us not build this ice skating rink heating hut; do you know what happened? Those amendments were defeated. The majority of the Members of the U.S. Senate in this emergency bill said, hey, maybe we will build an ice skating rink heating hut, maybe we will not, but we are not willing to say do not do it.

I ask my colleagues, when we are taxing Social Security recipients who are making $25,000 a year, and when a working family making $35,000 a year is going to pay $500 a year in new energy taxes, is it worth it to take their money and spend it on stuff like this? I say, no, it is not worth it. If we are not willing to pay for it and not willing to cut something else out to pay for it, then we do not need it, and I urge my colleagues to vote for this amendment.

I thank the Chair for her indulgence.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Chair recognizes the Senator from Oklahoma.

Mr. NICKLES. Madam President, I yield 8 minutes to the Senator from Colorado.

Mr. BROWN. Madam President, I thank the distinguished Senator from Oklahoma not only for the time to speak but also for his courage in bringing forth this amendment.

Madam President, behind the discussion on both sides, I am convinced there is a fundamental difference in the way people view the world. It is a sincerely held difference, and it is based, I believe, on the resolve by some in this Chamber that the way to end unemployment in this Nation is to deficit spend. That is, come with $19.5 billion more in the way of spending, put it in the economy, and that will end unemployment.

We have seen the chart brought to us by the distinguished Senator from Tennessee. We have heard the testimony of the distinguished Senator from Massachusetts. They sincerely believe that if we will just spend a little more money on the Federal level, we can relieve the human suffering and provide new jobs and solve our economic problems.

Madam President, I do not doubt for a moment their sincerity. I do not doubt for a moment that they believe that. I do not doubt for a moment that they see that as a solution for our economic problems. But I want to suggest to this Chamber that we need to look further than simply beliefs. The question before us really are facts as well. Will deficit spending solve the unemployment problems? If we have unemployment, and deficit spending will solve it, perhaps we ought to do it. That is what this question is all about. It is not whether or not we want to help the unemployed, but what will work.

The thesis here is that if we will increase deficit spending, we will solve that problem. To come to that conclusion, you have to believe that deficit spending is really the key toward solving it. Let me suggest something. If one really believes that deficit spending solves the problem, why is it that we have the unemployment when we had a $290 billion deficit last year? Does anybody in this Chamber really believe that deficit spending solves the problem? Because if it did, we surely would not have a problem.

Mr. SARBANES. Will the Senator yield on that point? He said, "Does anybody believe it?"

Mr. BROWN. Not at this time. I call for the regular order, Madam President. I will be happy to yield when I finish my remarks, and I hope the Senator will respond to that, because I think it is a critical question here.

The charts that were shown to us with regard to the unemployed, which have since been taken down now, showed a continuing failure to have a prompt recovery, which is what we all hope for, and a slower growth rate with regard to employment than we would like. I think that is universally agreed on. I certainly agree. I would much rather have it a great deal faster.

What happened during that period when unemployment was more of a problem than we wished? What happened when employment did not grow fast enough by everybody's agreement? Did the deficit go up or down during that period? The obvious answer is that the deficit went up. We increased deficit spending on the Federal Government side, and unemployment did not respond the way we wanted it to.

I think any objective review of the facts will clearly demonstrate that if your objective is to reduce unemployment, that deficit spending is not the answer. I believe any reasonable review of it will indicate that, far from being the answer, deficit spending may be part of the problem.

Incidentally, I believe one of the speakers, the distinguished chairman of the Budget Committee, even implied as much—perhaps not wishing to, perhaps not realizing he was; but I think all of us heard him talk about the failure to invest in this country. Remember the chart he showed us, how the United States is on the bottom, at least with regard to the industrialized nations? That is true.

Madam President, there is a reason why the U.S. investment is so low. It is because of the failure to provide incentives in our tax structure, or the outright disincentive in our tax structure and, perhaps more importantly, the failure to balance the budget. The biggest single element that reduces our investment capital is the huge, massive, record Federal deficit; that is, $290 billion last year and even bigger than that this year. And my guess is that under the new Budget Act, it will grow bigger, not smaller.

Deficit spending is not the answer. It is the problem. It is why we disagree with this bill. If you could solve the problem with simply spending more money, I think you would have a lot more people who would want to do it. It is the old answer.

I think there is a much more fundamental question available in this issue, as well. It is simply that when we come to passing a budget, the tradeoff is simply this: We will agree to what we are going to spend and to what we are going to raise in taxes, and we will agree to try and reduce the deficit, because fundamental to all of this thinking is the commitment to control spending, put an upper cap or limit on it. In the last decade or decade and a half, this Congress has not had a single solitary year where spending has been within the limits that the Congress has prescribed. Let me repeat that. There was 1 year we came close. There is not a single solitary year in the last 15 years when the amount that was laid out in the budget resolution for targeted spending was met.

Every single solitary year they have gone over that—some years because the moon set too early, some years because the estimates were too high or too low. But every single year they exceeded it, and often money was spent over the budget.

Here is the problem. What is at stake perhaps more than anything else is not a particular program, not the warming but in Connecticut. What is at stake is

the integrity of the budgeting process. The American people understand it. If you talk to them about the budget and the deficit, they are simply going to say their Government has not been very square and honest with them. What is at stake here is solely the integrity of the budget process.

Is this an emergency appropriation? By every reasonable estimate, everybody knows it is not. These items could and should have been funded last year, in many cases. The fact is that it is not an emergency, and it is an excuse to overspend the budget process, and it is an excuse to not honor our commitment to the American people.

We can destroy the budget process. All you have to do is vote against the amendment of the Senator from Oklahoma. It is easy to destroy the integrity of the process and break our commitment to the American people.

Madam President, that is not good for America, and it will not reduce unemployment. The fact that we have problems in this country is a function of our failure to meet with that limit. I simply hope that the members will give some thought and consideration to how important it is for us to finally honor our commitments to that budget. And without the commitment to stand by our word, we doom this country to ever-increasing deficits, and we doom the future for our children and grandchildren.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Oklahoma has 12 minutes and 44 seconds.

Mr. NICKLES. Madam President, I congratulate the Senator from Colorado: First, as a principal cosponsor of this amendment; and second, for an outstanding statement that I hope the American people had a chance to listen to.

Madam President, I now yield my friend and colleague from New York 8 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 8 minutes.

Mr. D'AMATO. Madam President, first of all, let me commend Senator NICKLES from Oklahoma for putting forth this amendment, because I think if there is anything that really sets the record straight it is just saying, take a look at the spending proposed, all of the spending proposed in it, and tell me that this is really an emergency.

It is not an emergency. It is a boondoggle, and it is more spending. It is a continuation along the line that we have gone through during dire economic times when people are ready to make a sacrifice to reduce the deficit.

Do we reduce the deficit? No; we do not. The only thing we cut is defense. We do not cut any other spending. We do not freeze any other spending. What we do is we take the people's money and we spend it, and we tell them we are going to reduce the deficit and the only cuts we make are in the area of defense.

It is wrong. It is a callous disregard for what we have told the people, and we will pay a dreadful price for that.

Let me tell you something. You cannot say, whether it is a gym in California, New York, or any other place, a ferry vessel, a parking garage, a sports complex, bike paths, outreach programs, boat houses, fund the art arc, media centers, parking garage in Florida in the Keys, that that is an emergency and that those kind of expenditures are going to create jobs. They are not, and it is wrong.

If you have the luxury of having discretionary moneys to spend, then fine, but this is not what this bill portends to be, claims to be. It claims to be an emergency to stimulate the economy.

Most people will get more stimulation from Dr. Ruth than from this economic stimulation plan. Let me tell you; just listen to her, you will do better if you want to be stimulated. But do not raise anybody's taxes. Do not raise taxes on everything that moves and some things that do not move. Do not raise taxes in the energy area, almost $70-plus billion, and then take half of the money that you are going to raise for income transfer because you say, well, we have made poor people poorer as a result of raising their energy taxes, and we have to give them a check in the mail to offset the manner in which we raised taxes.

What about my constituents barely making $35,000 or $40,000 a year? Let me tell you, it is not a lot of money. If you live on Long Island or upstate New York, by the time you get done paying Federal taxes, State taxes, withholding taxes, the property taxes which may be $5,000, that is not much. Now to hit them with $500 more, why? So they can give half of that money, $35 billion in income transfers because we have made poor people poorer because of that tax, so we are taking half from the working middle class; namely, $70-plus billion they paid for, and giving that to poor people because we made them poorer. I have never heard such a poor excuse for a tax. It does not make sense.

That is what this program is about. This program is about spending more and rewarding the ward leaders, the mayors, the county precincts for saying this is a good program.

It is not. I have to tell you something, that it is deceitful to the people to tell them we are reducing the budget $500-some odd billion, because the fact of the matter is the only cut that comes in domestic spending is in the fifth year, and they are talking about $11 billion. I do not believe that will materialize. What I do see is a breaking of faith with the people.

There are lots of people who believe that the sacrifice they are making is going to deficit reduction. It is not. It is the same spend and spend, the same tax and tax, and again, this so-called stimulation package is one that we would be a lot better off without.

Indeed, I would hope that all of my colleagues would begin to understand that there are those of us who are very serious and very committed about this. If the President proposes a program that is going to make real cuts, I will tell you something to the consternation of maybe some of my good friends; the President has said, "What will you cut?" I have to tell you something. Freeze domestic spending.

You have programs, whether they be the super collider or space station, that we do not need, and I voted for them in the past. But if it is a difference between raising energy taxes $7 billion and doing away with those two programs, do away with them. It makes sense to do away with them, and that is the kind of thing we should do.

Are we going to come together as a Congress working together and really doing the people's business, or are we just going to continue these games? And 2 years down the line, or 18 months down the line, we are going to see what a myth—just like 1990 budget package was the greatest budget reduction in the history of the country, and it turned out to be nothing but a lot of claptrap.

That is what this is going to be. Only now you raise the taxes on people across the board at every level. Only now you really have broken faith with them because you made a commitment that those dollars were going to go to deficit reduction, and they are not. You have sacred cows out here. I mentioned two of them. Get rid of them. Save the people $40-plus billion. That is the kind of thing that begins to make sense. That is what they understand.

If we are going to continue business as usual, then we are going to be looked down upon with a great deal of scorn and contempt for not doing our jobs, not keeping faith with the promises we made.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Madam President, does the Senator from Oklahoma want to proceed at this moment?

Mr. NICKLES. I know we are almost out of time. I have one Senator on the floor who wishes to speak and another Senator coming to the floor.

Mr. BYRD. I suggest the Senator yield to his colleague.

Mr. NICKLES. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Oklahoma has 6 minutes and 41 seconds.

Mr. NICKLES. I yield the Senator 4 minutes.

Mr. GREGG. Three is sufficient.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 3 minutes.

Mr. GREGG. Madam President, I thank the Senator from Oklahoma for yielding.

I wish to join in supporting his amendment because it is totally appropriate that we should strike the word "emergency" from the supplemental. Many reasons have already been cited for why that should occur during the extraordinary amount of spending in this bill, which clearly is not an emergency, such as the 27 bike paths, the 13 swimming pools, the 15 baseball fields, and all the rest of it.

But I would like to point to something else and that is history repeating itself. Back in 1983, we had one of these emergency supplementals for the purpose of creating jobs. The GAO took a look at how that bill worked out and they concluded that the per-job cost of that supplemental amounted to somewhere in the vicinity of $120,000, plus in addition they concluded it did not create any long-term jobs. Those jobs they did create were, as I mentioned, extraordinarily expensive and were ineffective.

If you look at this supplemental and just do a little mathematics, you will see that each job in the supplemental is going to cost around $90,000, which is pretty outrageous on its face. That is the stated amount. I think in the end we can refer back to 1983 and see those jobs cost a lot more than $90,000. And these jobs also could cost a lot more.

What is equally important about the 1983 situation is that the GAO report makes some point as to how you should proceed if you are going to have a jobs act. They stated that, first, the jobs act has to go in place at the beginning of the recession or at least moderately into the recession—the recession has been over for a year and a half—that is if the jobs act is going to have any effect at all.

Second, they said that the money should be spent quickly. In this act, as proposed, the money is not going to be spent quickly. In fact, 60 percent of the funds are going to be spent after fiscal year 1996.

Third, they said the spending of funds should occur before the recovery. We have been in recovery now almost 6 months to a year, depending on whose numbers you use.

Looking at the history and study done by our own agency, GAO, which we asked to see, this stimulus package is not going to work. It is going to cost the extraordinary amount of $90,000 per job and will aggravate the deficit, as mentioned earlier, about $16.6 billion. That makes no sense at all.

Why should we repeat history's mistakes? That is what this bill is doing.

I certainly strongly applaud the effort of the Senator from Oklahoma to take the emergency out of this language so that we, at least, pay for this bill before we go forward and we do not pass this cost on to the next generation.

I yield back my time to the Senator from Oklahoma.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Madam President, I yield 5 minutes to the distinguished Senator from Maryland, Mr. SARBANES.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Mr. SARBANES. I thank the chairman very much.

Madam President, I first want to address my colleague who just spoke. There are a lot of loose statements being made out here on the floor and we really need to sort of focus in on them and see if we cannot get some agreement in our analysis.

The Senator says that the recession is over with and, therefore, we do not need this bill, as I understand it. Is that correct? Was that the Senator's view? I understood him to say that.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. What I said, Madam President, was that the GAO study concluded that an emergency jobs bill, such as the one that we had in 1983, is not effective and does not impact the jobs climate unless it is instituted during the recession.

Mr. SARBANES. The Senator said the recession was over with and, therefore, we do not need this.

Madam President, the point I want to make is that the recession technically was ruled to have ended in March 1991. To that extent, the Senator is correct when he says the recession is over with.

But the Senator, in my judgment, is incorrect when he then goes on to assert that we do not need to do something that, in effect, we have recovered from this recession.

The fact of the matter is that we have not recovered from this recession in terms of getting economic growth and job restoration. And, in fact, one of the most dramatic things that has occurred is the contrast between job recovery coming out of this recession and job recovery coming out of previous recessions.

This is the growth path of jobs coming out of previous recessions in a postwar period. This is the average for seven previous cycles. And this is what has happened in this recession. We have not recovered the jobs.

In fact, the unemployment rate today is higher 23 months after the bottom of the recession than it was at the trough of the recession.

We have never had an experience in any previous recession recovery in which, 23 months after the bottom of the recession, the unemployment rate was still higher than it had been at the depths of the recession. So we are not getting these jobs back. And that is why we need this particular legislation, in an effort to give some impetus to economic growth and in an effort to restore jobs.

The Senator from Colorado, when he spoke, said that, well, the deficit spending did not help on trying to get movement in the economy and the restoration of jobs. He said, "Look, we had a big deficit last year or the year before under Bush."

In fact, we have had very large deficits under Reagan and Bush—enormous ones.

These are the budget deficits in the Reagan-Bush years. These are in the previous years. So we had enormous deficits.

And he said, "Therefore, there is no connection."

Well, it depends. You have to make a distinction, which he did not make. Sometimes the deficits are the consequence of the weak economy. In that instance, the deficit comes behind the weakness in the economy.

If you get large deficits as a consequence of an economic downturn, those deficits are not helping to offset the downturn. The downturn has happened. People have been laid off. You have lost revenues. You are making support payments out of the Treasury.

In fact, we need this stimulus program in order to ensure that we do not have an economic downturn, because if we have an economic downturn the deficit is going to soar as a consequence of the economic downturn.

The PRESIDING OFFICER. The 5 minutes yielded to the Senator have expired.

Mr. SARBANES. Will the Senator yield me 1 additional minute?

Mr. BYRD. I yield 1 additional minute to the Senator.

The PRESIDING OFFICER. One minute has been yielded.

Mr. SARBANES. Madam President, this stimulus program is designed to get an impetus to the economy, to get economic growth, to restore jobs.

We still have a jobs problem facing us in this country. Make no mistake about it, we still have a jobs plan facing us. This is designed to get enough lift going to the economy that we do not go into another economic downturn.

If we have an economic downturn, we are going to lose jobs, we are going to lose economic growth, and we are going to get an acceleration in the deficit as a consequence of the slowdown in the economy.

This legislation is designed to keep that from happening. The President, in his total package, has paid for this legislation 30 times over. It is out here as a separate bill only because of the way we have to handle it as legislation. But it is part of a total comprehensive package.

We passed a budget resolution this morning to cut the deficit by $496 billion—cut the deficit. That accounts for this bill 30 times over in terms of deficit reduction.

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

Mr. SARBANES. I thank the chairman.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I know the Senator from Washington is here. I am basically out of time.

I wonder if the Senator from West Virginia would be amenable to a unanimous-consent request to give the Senator 5 minutes.

I ask unanimous consent that the Senator from Washington be granted 5 minutes.

Mr. BYRD. Madam President, I have additional requests on this side.

I ask unanimous consent that the distinguished Senator from California [Mrs. BOXER] be allotted 5 minutes. I need some additional time myself. Some Senators are not going to be here to vote when the time of this amendment would otherwise have expired.

So I ask unanimous consent that there be an additional 20 minutes on this side and an additional 15 minutes on that side, in addition to the 5 minutes the Senator has already gotten.

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

The Senator from Washington is recognized.

Mr. GORTON. Madam President, I have listened with considerable interest to the points made by the distinguished Senator from Maryland. I can say that, with respect to statistics on employment, he is clearly correct.

The difficulty with his argument, however, is that the very proposals which he makes, the very programs which he has caused to be adopted by the Congress in the past and for which he asks in this bill, make that employment situation worse.

When, as a result of the budget resolution that we have just adopted, taxes on businesses large and small are substantially increased, there will be no ability, or a lessened ability in the private sector, to offer jobs to people who want those jobs.

When the Congress passes one after another greater restrictions on employers with respect to their employees, sets up more expensive programs which employers are required to implement, an intelligent employer will do everything possible to keep from hiring new employees.

This is the reason that we have had a recovery from a recession which is different from other recoveries, a recovery without substantial increase in employment. It is because employers simply cannot afford to hire new people. It is much less expensive for them to pay time-and-a-half for overtime than it is to hire new employees.

But, when the corporate tax is raised, when the deficit is increased, when there is upward pressure on interest rates, when taxes on small businesses and subchapter S businesses are vastly increased—we have heard recently that as much as 70 percent of the new higher rate income taxes will be imposed on small businesses—we will find that this additional burden, this additional spending program, will provide nothing but a handful of part-time, dead-end Government jobs.

If we wish to see a recovery in the private, permanent job market in the United States, we will go in exactly the opposite direction which this so-called stimulus plan leads us and in exactly the opposite direction in which we will be led by the budget resolution which passed here this morning.

The private sector is the job-driving engine of the economy of the United States. We are faced here with one more proposition—$16 billion to $20 billion in additional spending, $16 billion to $20 billion in additional deficits, $16 billion to $20 billion in additional demand for Federal loans—and we will find, surprise after surprise, that there will be less employment as a result of the passage of this bill rather than more.

The distinguished Senator from Oklahoma is correct. His amendment is one modest step toward more employment. This bill is one significant step toward fewer jobs.

The PRESIDING OFFICER. Who yields time? The Senator from West Virginia.

Mr. BYRD. Madam President, I yield 5 minutes to the distinguished Senator from California [Mrs. BOXER].

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mrs. BOXER. I thank the chairman of the Appropriations Committee for yielding. I felt compelled to come and speak because I view this amendment by the Senator from Oklahoma as a way, again, to stop this President's economic program. The Senator, by his amendment, wants us to go back to the days of the George Bush Presidency, Madam President, a time I call the do-nothing-domestic Presidency.

Madam President, you and I are well aware of the pain that California has been in during this recession. It began while George Bush was President. People from all over the State were complaining, and they contacted their friend, the President. These were people who had supported him, people from Orange County, CA. And they said, "President Bush, we have a problem. Do something."

I remember what he did, in response to those calls. I will never forget it because I think it was a turning point for him. The country was crying out for economic leadership, and this is what President George Bush did, and this is the kind of leadership the Senator from Oklahoma would have us return to. George Bush went to J.C. Penney and bought a pair of socks, Madam President. I will never forget it. He held up that pair of socks for all America to see and he said, "My fellow Americans, this is how we can get out of this mess. Go shopping."

Madam President, this country needs more leadership than that. Going shopping is not going to do it. It is going to take the kind of vision that this President, Bill Clinton, offers to us. It was explained so well last night on the Senate floor by our colleague from Maryland, Senator SARBANES, when he spelled out the numerous deficits that we face as a Nation: the budget deficit, the trade deficit, the investment deficit. But the people acted on another one of those deficits, the leadership deficit, and they gave us a new leader—Bill Clinton. What this amendment is going to do is undermine and undercut this very carefully crafted plan that President Clinton has brought to us: the budget resolution. Within this resolution you have long-term investment, deficit reduction, and this short-term stimulus package, which is such a crucial element of the plan.

This Senate was able to overcome the obstructionist tactics of our Republican colleagues, and we passed the budget resolution. We did so with remarkable speed. But we are facing stall tactics with each and every one of these amendments. This one is particularly egregious because, if it passes, we would then need 60 votes to move this stimulus package, and we know we only have 57 Democrats. We may not get 60 votes.

So I hope that we will come together to table this amendment, because it cuts at the heart and soul of this President's plan and leadership, both of which we so desperately need.

I thank the chairman for yielding me this time.

Mr. BYRD. Madam President, I thank the distinguished Senator for her excellent contribution to the debate here. She is always filled chock-full of common sense and she makes a tremendous impact on the work here.

Does the Senator from Oklahoma wish to yield some time now?

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I would like to make a couple of comments concerning this debate. I heard my friend from Maryland say we have already paid for this package 20 times by the budget package that already passed. I would like to talk about that because I, again, have heard a couple of friends and colleagues state that the budget package that already passed was the largest deficit reduction package in history. That is not the case.

Let me go over a few facts. The facts are that it purports to reduce the deficit by $497 billion in the years between 1994 and 1998, but that is not the case. The Congressional Budget Office said that $44 billion of that is not there because by present law the baseline if $44 billion less than that. I do not want to get too technical but the facts are they did not use the law as prescribed by CBO, the Congressional Budget Office. So they made up $44 billion in savings.

They also have $12 billion in savings for which they take credit, because they assume this package does not count. You talk about misleading—the so-called stimulus package does not count on the budget. That is why I have offered this amendment. I believe very strongly that we should be honest with the American people. To pass a budget package, and then say we are not going to count this emergency spending, this is not part of the budget, is bad economic policy. We are going to be spending this money this year and the next few years. How in the world can we ignore this new spending? Only one way. By declaring an emergency.

I have heard and read what the definition by Mr. Penetta says of an emergency, and this bill, frankly, does not qualify. It does not qualify in anybody's estimation, if you look at the definition of emergency. So the net result is the same day we pass a budget package that is not $496 billion but closer to $440 billion. I want to talk about the composition of that $440 billion.

Mr. SARBANES. Will the Senator yield before he does?

Mr. NICKLES. I will not yield, not at this time.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. NICKLES. I want to talk about the composition of this $440 billion, because if anybody thinks it is paid for by spending cuts, again they are wrong. Where does the $440 billion come from? The $291 billion of the $440 billion comes from taxes and fees. The Finance Committee is directed by the budget to raise $273 billion in new additional taxes. I have heard people say the stimulus package is a jobs bill. If that is the case, you had better call the deficit package, or the budget package, an antijobs bill or an unemployment bill, because it is going to put hundreds of thousands of people out of work.

I will tell my friend and colleague from West Virginia, the Btu tax is going to hurt the coal industry, it is going to hurt the oil industry, it is going to hurt the airline industry, it is going to hurt agriculture. It is going to put hundreds of thousands of people out of work. I am going to tell my colleagues, you do not increase rates that significantly without having negative economic impact. The 1990 tax increases proved that; they exacerbated the recession.

What we did when we passed the budget, was to tell the Finance Committee to go out and raise $273 billion. Then the budget says we want to raise another $18 billion in fees. I also tell my colleagues that is not going to happen because we did not reconcile the $18 billion. And Senator JOHNSTON from the Energy Committee said he is not going to do it.

And so the package told the Energy Committee not to raise $18 billion, not to raise $12 billion, but to only raise $700 million, almost nothing.

What about spending cuts? What did the budget package that we adopted earlier today do in spending cuts? It cut $75 billion in defense, and I do not have to tell the Presiding Officer that that means there are going to be hundreds of thousands of jobs lost in military-related industries and in bases in California and all across the country. That will cost jobs. The defense cuts are real. They are twice as large as proposed by President Bush.

What about nondefense cuts? I hope my colleague from Maryland and other people will listen to this. The net nondefense spending cuts over the next 5 years are a grand total of $11 billion. Madam President, we are going to spend over $7 trillion in nondefense spending over the next 5 years; $7 trillion, but yet we are going to cut spending $11 billion. In reality, we only cut that spending in the fifth year, not in the first year, not in 1993, not in 1994, not in 1995, not in 1996. It is not until 1997 and 1998 that we have any net nondefense spending cuts. There may be a few spending cuts, but there are a lot more spending increases.

Some people have the philosophy that we can solve the economic problems by spending more money. Well, that is interesting but all that will do is drive up the deficit, and that is exactly what this bill does, it increases the deficit. That is the net result of this package. It is not a stimulus package, it is not a jobs package, it is a deficit package. All it does is increase the deficit $19.5 billion.

I wish we could eliminate economic problems by appropriating money. We appropriate $1½ trillion per year right now, $6,000 for every man, woman, and child in the United States. You would think by spending that amount of money, we would have no economic problems whatsoever.

I have stated in the past the real problem is going to be with the budget package that was adopted earlier today. It is going to put hundreds of thousands of people out of work. We are going to need one heck of a stimulus package to compensate all those people who will lose their jobs.

So, Madam President, I want to make sure everybody understands that the package we adopted this morning raises taxes and fees $291 billion over 5 years and it cuts spending $86 billion over 5 years. That means we are raising taxes $3.38 for every dollar of spending cuts. But before the ink is dry, before it even becomes effective, we are on the floor of the Senate debating about a bill to bust the budget. Let's pass a package that is totally exempt from the budget and outside the spending caps.

I think that is the height of fiscal irresponsibility.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, the distinguished Senator said we appropriate $1½ trillion every year. We do not do any such thing. The Senator is on the Appropriations Committee. He knows that. We appropriate about $500 billion a year. The Appropriations Committee only has jurisdiction over 35 percent of the total budget.

Mr. NICKLES. Will the Senator yield?

Mr. BYRD. Not at this time. I will yield to the Senator later. First of all, I yield to the Senator from Maryland to make a correction.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Madam President, the Senator from Oklahoma said we need to be accurate. We do indeed. What I said was this stimulus package has been paid for 30 times over, not 20 times over. And the basis of that calculation is that we have a deficit reduction program here of $496 billion. That is 31 times the cost of this program.

Even if I accept the revised baseline which the Senator was just trying to argue for, which would take the deficit reduction down to $452 billion, this program is being paid for 28 times over, even if I accept your figures and I do not accept them. But if you take the deficit reduction of the resolution we adopted this morning, $496 billion, we are paying for this program 31 times over.

The reason it is separate and apart is because, as a legislative matter, that is how it had to be handled. So the notion that somehow this is a big deficit fling when this piece is being done in the context of the budget resolution that we adopted this morning that had deficit reduction in it of $496 billion completely misses the mark. Thirty-one times this bill is in the deficit reduction in the budget resolution.

Mr. BYRD. Madam President, I yield to the distinguished Senator from Illinois [Ms. MOSELEY-BRAUN], how much time?

Ms. MOSELEY-BRAUN. Three minutes.

Mr. BYRD. Three minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Ms. MOSELEY-BRAUN. Madam President, I am not a member of the Budget or Appropriations Committees,

but I listened closely to this debate. I paid special attention to the pages who are sitting here and the people in the galleries who are listening to all the words, and they sound good, I guess. But quite frankly, I think we have to step back for a minute and ask who are the messengers, and does this make good, basic common sense?

The fact of the matter is, Madam President, that we have just come through 12 years of an administration that left us, as every American knows, as a country in which the rich got richer, the poor got poorer, and the middle class got squeezed.

What is more, most thoughtful people know there is something fundamentally wrong with this economy. They say we have a recovery, but we know that there is a problem with joblessness and that we have a jobless recovery. We know also that the jobs that did get created over the last decade or more were jobs flipping hamburgers and working in stores at low-level wages, and not jobs giving us the capacity to produce goods, giving people and families the opportunity to take care of themselves.

In fact, Madam President, we now know that there is a phenomenon in this country in which most families have to have two people working. One person working in a family is the exception, not the rule. In fact, it is either a luxury or a sacrifice, because one salary generally will not make it. You have to have two people in a family working just to make it in this economy.

We also know, Madam President, that unemployment is a real problem, and the figures that we have seen on this floor just show the tip of the iceberg. They show the people who are recently unemployed. They do not show the people who have fallen off the end of the chart, who have given up finding a job, who have been out of work so long, because they are hopeless and despair of ever working. They do not show the homelessness and the pain that is out there, the pain that we are all vitally cognizant of, the pain I think we have an obligation to address.

And so people who gave us this situation to begin with are now those who are complaining and crying the loudest and trying to stop President Clinton as he attempts to get our economic house in order. President Clinton wants to reduce this deficit and, indeed, his plan cuts it by almost half over 5 years. I think that is more believable, frankly, Madam President, than the people who gave us this deficit to begin with.

If you think about it, 12 years ago we were not in this kind of debt, we were not in this situation, and it is a new situation that must be corrected, but it cannot be corrected overnight. It needs to be corrected reasonably, and that is what President Clinton wants to do. President Clinton wants fiscal prudence. He has given us a post-cold-war budget that recognizes modern-day realities and seeks to put people back to work in nondefense-related industries that will stimulate the private sector, and that will give us more job growth and the ability to compete internationally with products other than just military armaments and the like.

So this is an adjusted budget. It is a budget that recognizes the cold war is over and we have to revive and rev up the way we do business in this country.

The PRESIDING OFFICER. The Senator's 3 minutes are up. Who yields time?

Mr. NICKLES addressed the Chair.

Ms. MOSELEY-BRAUN. I request additional time to conclude my statement.

The PRESIDING OFFICER. For what purpose does the Senator from Oklahoma rise?

Mr. NICKLES. To speak on the bill.

The PRESIDING OFFICER. I think the Senator from Illinois is requesting addition time.

Mr. BYRD. Madam President, I yield 2 more minutes to the Senator.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 additional minutes.

Ms. MOSELEY-BRAUN. I thank the Senator.

Madam President, the point is, President Clinton wants to get our productive capacity together, to get our economic house in order, to put this country back on the right track so we can have real jobs, good jobs for people. That is what this bill seeks to do, and that is what this amendment seeks to stop. It is just that simple. I think that it is more believable to follow the direction the President set up than to follow those who gave us this predicament to begin with. That is the issue that one speaker made about leadership.

Madam President, this is a jobs bill. It has unemployment benefits. We are going to strip out unemployment benefits and say that is not an emergency? It has highway and mass transit improvement. That creates construction jobs; puts people back to work to support their families. That is not an emergency, given our jobless situation in this country? It has SBA loans to help small businesses get started and summer jobs for young people and community development block grants to let local governments decide how they want to spend and focus resources in their local communities.

I always hear that is a good idea except when it comes to the President's plan, and now they are trying to stop it.

I say to you, Madam President, the rest of this stimulus program is education, giving these young people a chance, from Head Start to college Pell grants to summer school. It gives young people a chance, and this direction I think makes sense for our country. It makes sense for our country and it is the mandate this President was given by the American people in November, and I believe the mandate we have to follow in this Chamber.

I want to end, Madam President, with a personal experience. I feel very blessed to be a Member of this U.S. Senate.

But I know full well that I would never have had a chance to get here had there not been an administration in place in my time that gave me an opportunity to go to college, to get loans, and to get grants, to have a job on the side, and a summer job that I could work and help support and pay for my college education. That same administration gave me an opportunity to go forward. I think that we owe at least that much, Madam President, at least that much to the generation that is coming now, to these young people who are here as pages and visitors to this Chamber. I submit, Madam President, this amendment ought to be defeated. It is a pernicious amendment that seeks to stall President Clinton's plan and stop the direction the American people have told us they want to go.

I thank the Senator, and I thank the Chair.

Mr. BYRD. I thank the distinguished Senator.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. In a previous dialog I had with the Senator from West Virginia, he corrected this Senator and said I stated we have appropriated $1.5 trillion. If I said that, I stand corrected. We spend $1.5 trillion. We appropriate, through the appropriations process, about a third of that, about $500 billion. I stand corrected, and I appreciate the comments of the Senator from West Virginia.

I will also say, though, the only chance most of us have to get any control over the nonappropriated funds—most people call them mandatory funds; some people call them entitlement funds—is through the budget process, and the budget we have enacted hardly even touches the entitlement programs.

Some of the entitlement programs are exploding. I have already mentioned that Medicaid compounded at 29 percent. The year before it was 28 percent. The earned income tax credit last year went up 55 percent and, under the President's budget, would explode even higher; food stamps went up 20 percent, unemployment comp 47 percent.

Again I will tell my colleagues, when we have had unemployment extensions in the past, we have paid for them. We do not pay for it in this bill. This is a credit card bill. This is a debt bill. All this $19.5 billion does is add to the deficit. So, if my colleagues are concerned

about the debt and deficit, they should not vote for this package.

I think Congress needs to get control of all the money we spend and not have so many of these programs growing totally, completely out of control, far above inflation costs.

Some of us tried to do that in the budget package. I tell my colleagues that many of us on this side, as a matter of fact I think every Republican, voted to put a cap on entitlements, we tried to limit the growth of entitlements to new entrants into the system and to inflation. I think it would have been a very significant reduction if we had been able to pass it. We did not have the votes, but we did try. We will never be successful in controlling a budget or getting a responsible budget until we control all dollars, and that includes the so-called mandatory entitlement dollars as well as the appropriated dollars.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Eighteen minutes forty-three seconds.

Mr. BYRD. I thank the distinguished Chair.

Mr. SASSER. Madam President, will the distinguished chairman yield 1 minute for a question?

Mr. BYRD. Yes, I yield 1 minute to the Senator.

Mr. SASSER. I will ask the chairman of the Appropriations Committee, of the $500 billion in appropriated accounts, or discretionary accounts, what portion of that $500 billion has been allocated to military spending last year? Does the chairman recall?

If memory serves me correctly, it is somewhere in the neighborhood of——

Mr. BYRD. About 19 percent.

Mr. SASSER. $290 of the $500 billion.

Mr. BYRD. $275 billion, defense.

Mr. SASSER. Almost two-thirds of the appropriated budget, almost two-thirds of discretionary funding then goes for military spending. Would that be an accurate statement?

Mr. BYRD. No, not two-thirds. If I understand the question——

Mr. SASSER. As I understood the dialog a moment ago, the distinguished chairman was saying that there is $500 billion in discretionary spending.

Mr. BYRD. Roughly that. About a third of the total budget.

Mr. SASSER. About a third of the total budget. And of that $500 billion, a significant portion of that spending is military spending.

Mr. BYRD. Well over half.

Mr. SASSER. Well over half. Now, I ask the distinguished chairman if he recalls just last week when our friends on the other side offered an amendment to increase military spending by $50 billion in the budget resolution. Does the distinguished chairman recall that amendment? I think it was offered by the Senator from New Mexico, [Mr. DOMENICI]. That is correct.

Mr. BYRD. I accept that.

Mr. SASSER. And many of our friends on the other side of the aisle, just a few days ago, who are now decrying this modest stimulus package, or modest jobs bill, are the same ones who voted to increase military spending by $50 billion out of the discretionary accounts, three times as much as this modest stimulus bill.

That is the point I wish to make today with the distinguished chairman.

Mr. BYRD. I think that is a pertinent point, a very pertinent point. And some of them who are decrying this bill are the very same ones who voted to forgive the debt for Egypt, $6,998,100,000 in fiscal year 1991, in the fiscal year 1991 foreign operations bill. They voted to forgive Egypt $6,998,100,000. I have the vote here in front of me. The first vote was on an amendment to kill that debt forgiveness, and my friend Mr. NICKLES voted against killing that amendment, voted against rejecting that amendment. The Senator from West Virginia voted to kill it, kill it dead. The distinguished Senator from New York, who spoke earlier, voted not to kill it, not to kill it. Debt forgiveness, $6,998,100,000 of the American taxpayers' money owed by Egypt. And on the final passage of the bill, I see there that my friend Mr. NICKLES, from Oklahoma, voted for passage of the bill. I see that Senator GRAMM, the Senator from Texas, voted to pass that bill. It was total foreign operations and export financing-related programs, but included in that bill was forgiveness for Egypt. This Senator voted against it.

Mr. NICKLES. I am just wondering how did the Senator from Tennessee vote?

The PRESIDING OFFICER. The Senator from West Virginia has the floor. He has not yielded it, to my knowledge. Does the Senator yield?

Mr. BYRD. Madam President, I came to this floor yesterday to express the hope that the one standard we would not sacrifice on this floor is that of sticking with the facts.

Now, every Senator has a right to present the facts, but no Senator has the right to make up his own facts. And that is what we see going on here. I spoke yesterday in response to repeated statements by Senators on the other side of the aisle that grossly misrepresented the facts regarding the combined effect of the supplemental appropriations bill now pending before the Senate and the budget resolution which the Senator from Tennessee capably and skillfully managed through the conference and which the Senate passed last week and the conference report which was passed last night.

Madam President, I would have hoped that we would have put this issue of respect for the facts, respect for the truth behind us. We all make mistakes. All of us are subject to mistakes. But we have heard this repeated misrepresentation of facts time after time after time.

I regret to say that I find some on the other side of the aisle still unable to get their facts straight, still unable to come to the floor and avoid making the statements that have absolutely no basis in fact. We do not have any of that list of unnecessary, nonmeritorious, wasteful programs in this bill. My amendment, which has already been incorporated into the substitute, guarantees against funding such programs. The Senators know that on the other side of the aisle. But today they want to again and again talk about it.

Again, today, a Senator on the other side of the aisle stood on the floor and recounted for the benefit of us all, and for the American people, some of the economic conditions that according to that Senator we experienced during the administration of President Jimmy Carter. More than once, the Senator on the other side of the aisle made reference to the fact—fact, and I use the term loosely—that unemployment under President Carter climbed to over 10 percent; indeed had climbed as high as 10.8 percent.

Madam President, the fact is that the unemployment under the much maligned Jimmy Carter Presidency never—I repeat never—reached 10.8 percent. It never even reached 10 percent. The highest unemployment rate during the Carter years was 7.8 percent. Let the record be clear. Unemployment during the Carter administration never exceeded 7.8 percent. Only once since the end of the Great Depression has unemployment ever exceeded 10 percent, and that, Madam President, I respectfully tell my colleague, was during the administration of, not President Jimmy Carter, but President Ronald Reagan, the Great Communicator, Ronald Reagan. For 10 consecutive months, starting in September of 1982, unemployment in the United States exceeded 10 percent. Again, the first and only time that unemployment has climbed that high since the end of the Great Depression.

My colleague on the other side did get one number right. He said that he recalled unemployment climbing as high as 10.8 percent. But I say to the Senator, unemployment did not once reach 10.8 percent. It did not do so during the administration of President Carter, but only during that of President Reagan.

In fact, for 2 consecutive months in November and December of 1982, unemployment stood at 10.8 percent while Ronald Reagan was President.

Madam President, we come to this floor to debate serious issues. We come to the floor to debate serious issues. At least that is what I come to the floor for. That is what I hope we would all be

able to do. Yet I find myself more and more having to come to the floor on this bill to correct inaccurate statements being made by Senators on the other side of the aisle. People listen to what is said on the Senate floor, and I generally suspect that they believe that what they hear is true. They may not agree with what is said. But I feel that they at least assume it is true.

I regret that such assumptions are increasingly not necessarily valid with respect to what is being said on this bill. I would like to get back to debating the issues of the day rather than having to stand on the floor and play truth squad, but I cannot stand by and let wildly inaccurate remarks go uncorrected. At the same time, it is my hope that all Senators would check with the facts before they come to the floor and misspeak.

If we do not know something to be the truth, then do not say it. Let us allow our fellow Senators, as well as the American people, to have confidence in knowing what they hear said on the floor of the U.S. Senate is true and correct.

(Mr. KOHL assumed the chair.)

Mr. BYRD. For the past several days, critics of the emergency supplemental appropriation bill now before the Senate have attempted to throw all kinds of smoke, fog, and mud at this bill. Pending now is an amendment to strike from this measure the emergency designation which is at the very core of the bill.

Mr. President, I say to my colleagues, let us be clear about what this amendment is, about what it will do. This amendment is, plain and simple, nothing but an attempt to cut the heart out of an effort to create much-needed jobs across this country and help stimulate our economy. It is an attempt to knock one of the three legs of the President's comprehensive economic program out from under it. This is an amendment that seeks to extend the gridlock that has gripped our Government for far too long.

Time and again during the debate on this bill, Senators on the other side of the aisle have risen to question the emergency nature of the supplemental appropriations provided in the bill. Opponents of the bill question whether it meets the definition of an emergency; whether the spending contained in it is truly emergency spending.

Mr. President, to those who have not yet come to understand the purpose of this bill or the need for it, let me say that the emergency at which this bill is targeted is our economy. It is as simple as that. It is so simple that it bears repeating—the emergency at which this bill is targeted is our economy. As has become painfully evident to millions of Americans, and as I and others have tried to explain on this floor over the last several days, our economy is stuck in a rut. We are mired in the worst—the most anemic—economic recovery, certainly since World War II.

After 2 years of a so-called economic recovery, unemployment remains higher today than it was at the trough of the recession. Record numbers of Americans are today eligible for food stamps, Aid for Families with Dependent Children [AFDC], and Medicaid. Why? Not because we are in a recession, which is when one might expect eligibility for such assistance programs to reach record heights. No, our economy is in a recovery, but it is a recovery in name only; it is a recovery in only the most technical sense of the word. And let no one be fooled into thinking that, with two quarters of relatively healthy growth now under our belt, the economy is poised to take off. To the contrary, analysts expect economic growth in the first quarter of this year to come in far below that achieved in the fourth quarter of last year.

Earlier this week, the Commerce Department reported that personal income grew a miniscule two-tenths of 1 percent in February, while wage and salary income actually declined one-tenth of 1 percent. If income growth remains slow, is that likely to affect consumer spending, and is consumer spending all that important? The answer to both of these questions, I would suggest, is "yes." Consumer spending accounts for approximately two-thirds of all economic activity in the United States. The relatively strong economic growth that we experienced in the final quarter of last year was fueled, in large part, by a surge in consumer spending.

Although consumer spending remained strong in February, rising at a faster pace than personal income, the savings rate fell during the month to its lowest level in nearly 2½ years. It is unclear how long spending growth can continue to outpace income growth. It is very clear, however, that should consumers begin to retreat, our economy will be in serious trouble; if consumers begin to pull back, the current recovery, as weak as it is, will be in serious jeopardy.

Moreover, in addition to the Commerce Department's lackluster personal income report for February, it was also reported this week that the Conference Board's index of consumer confidence fell in March for the third consecutive month. How significant is this drop in consumer confidence? Mr. President, let me answer that question by sharing with my colleagues the headline in yesterday's Wall Street Journal. On page A2 in the Wall Street Journal of March 31, 1993, the headline reads, "Consumer Confidence Index Slips Again, Raising Fears That Recovery May Stall."

And what is behind this drop in consumer confidence? To quote again from yesterday's Wall Street Journal:

> The chief concern among Americans is jobs. Most of the drop in consumer sentiment during March was due to worry about job prospects. Roughly 41% of respondents described jobs as "hard to get," while only 6.7% said jobs were "plentiful."

The article then goes on to note that—

> The deterioration in the Conference Board's index coincides with the drop in consumer sentiment as measured by the University of Michigan.

Mr. President, I believe the American people are all too aware that we are trapped in an anemic and tenuous economic recovery. I only wish that every Member of the Senate was equally aware, or sensitive to, the fragile condition of our economy. I say that because, with the economy barely clinging to recovery, we are about to embark on a massive deficit reduction effort that will impose upon our economy a tremendous fiscal drag.

While we all agree on the need to reduce our budget deficits, I urge my colleagues not to turn a blind eye to the risks involved in the deficit reduction effort to which we committed ourselves with the budget resolution we adopted earlier today. Let us not ignore the fact that deficit reduction—regardless of whether it is done through higher taxes or lower spending—will, in the near term, have a dampening effect on our economy.

We are about to walk out on a fiscal tightrope—trying to bring down our deficits in an orderly fashion without going too slow, so as to raise questions about the sincerity of our commitment to the task, or without going too fast, so as to slow our economy and risk throwing it into deeper recession. While we can all agree on the long-term benefits that will result from lower deficits, and can all hope that lower interest rates and renewed business and consumer confidence will offset the near-term contractionary effect of a deficit reduction program of nearly $500 billion, we cannot afford to ignore the risks involved.

The emergency supplemental appropriation bill pending before the Senate is designed to give our economy the extra lift that it will need if it is to withstand the fiscal drag it is about to encounter. We must lift our economy onto a higher growth path if we hope to achieve the challenging deficit reduction goal called for in the budget resolution just passed without dragging the economy down into yet another recession. This bill is also designed to provide assistance to those who, despite 2 years of economic recovery, continue to suffer because of the anemic nature of that recovery.

Critics of this supplemental appropriation bill question whether this bill meets the definition of an emergency. Opponents of this important part of the President's overall economic program ask if this bill, and the spending in it, is directed at a need that is: First, essential; second, sudden; third, urgent

and compelling; fourth, unforeseen and not predictable; and fifth, not permanent, but temporary in nature. Mr. President, if that is the definition of "emergency," then I would say to my colleagues that this bill clearly merits its emergency designation.

I believe that giving our economy an extra lift is essential; I believe that the need to do so is both urgent and compelling; and I certainly hope that the economic doldrums in which we have been drifting for the past 2 years will prove not permanent, but only temporary in nature.

Those on the other side of the aisle may still ask: Is the need addressed by this bill sudden, unforeseen, and not predictable? Perhaps not. A majority of the Congress recognized the need to act long ago. As long ago as August 1991, Congress approved legislation to provide, as an emergency, extended unemployment benefits to long-term unemployed workers who were exhausting their regular unemployment benefits. President Bush, however, refused to designate the spending in that legislation as emergency spending, and the bill was never implemented. Then in October 1991, President Bush vetoed a similar emergency unemployment compensation bill.

Were those initial efforts to alleviate, through an emergency declaration, some of the suffering and hardships associated with long-term unemployment inappropriate or ill-timed? I believe not, and I believe the American people affirmed that fact last November, when they voted for change in Washington, when they voted for a new President—Bill Clinton.

Now, that new President has asked Congress to pass, under the emergency provisions of the Budget Enforcement Act of 1990, legislation that will, among other things, provide up to 26 weeks of emergency unemployment compensation to individuals exhausting their regular unemployment benefits. According to the Bureau of Labor Statistics, more than 1.9 million men and women—21.5 percent of the nearly 8.9 million Americans out of work—have been unemployed for more than 6 months. Never before, at this stage of an economic recovery, has such a high percentage of the people unemployed in the United States been unemployed for so long.

The emergency supplemental appropriation bill pending before the Senate will provide $4 billion in fiscal year 1993 to finance the immediate provision of up to 26 weeks of extended unemployment benefits to families struggling to survive the hardships of long-term unemployment. These are American families for whom the current economic recovery is but a distant mirage; families who have been left out in the cold because of the anemic nature of this economic recovery. Is their need an emergency? I believe so.

Two years ago, at the request of the Bush administration, the Congress approved emergency legislation to provide financial aid to the nations of Israel and Turkey, as well as to refugees from Iraq. In the Senate, the vote on final passage of the bill that provided aid to Israel and Turkey was 92 to 8, and 82 percent of the Senators on the other side of the aisle supported final passage of that bill. Thirty Members who today still sit on the other side of the aisle of the Senate voted for that emergency supplemental appropriation bill. Mr. President, I wonder, where are those Senators today? As for the humanitarian assistance that was provided to Iraqi refugees, that emergency supplemental bill passed the Senate by voice vote. Again I ask, where are those voices today?

President Clinton has asked Congress to use the same emergency provisions that were used to provide assistance to people living in foreign lands 2 years ago to now pass legislation that will provide assistance to people living in the United States. Yet, pending before the Senate is an amendment that would strike the emergency designation contained in this bill, and without which this supplemental appropriation bill would fall. Are those who support this amendment willing to stand up and tell the American people that the citizens of this country are not deserving of the same assistance, the same helping hand, that has previously been extended to the citizens of other lands?

President Clinton has asked Congress to pass legislation that will help stimulate our economy; that will help move it to a higher level of growth; that will put people back to work; that will give the American people a reason for hope, and a feeling that we in Washington are listening to them when they tell us, in survey after suvey, in poll after poll—as I have shown on this floor—that creating jobs is more important to them than immediate deficit reduction.

Yes, we need to reduce our deficit. I do not question the need to do so. Yet, the Senate just passed a budget resolution that will, over the next 5 years, achieve just under $500 billion in deficit reduction—a budget resolution that takes into account the moneys that would be appropriated for fiscal years 1994 through 1998 under the emergency supplemental bill pending before us. Yes, we need to reduce our deficit, but we also need to get this country moving forward.

I would ask my colleagues who support this amendment, are they satisfied with the current state of our economy? Are they satisfied with the anemic nature of the current recovery? Are they satisfied with the lowest rate of economic growth, the lowest rate of job growth in any economic recovery in the past half-century? If so, I urge them to vote for this amendment, and to vote against this bill. I tell my colleagues, if you are satisfied with the course our Nation is on, if you are satisfied with an economy that is struck in a rut, then vote against our new President, and vote against his efforts to respond to the wishes of the American people. The American people know that we need to reduce our budget deficits, but they also know that we need to create jobs and get our economy moving forward before we undertake the task of deficit reduction.

To those who continue to question the need for this bill, let me say again that the purpose of this bill is to put people back to work, if only temporarily, and to put some money in their pockets so that they can go out and spend some of that money in their communities, thus giving, in turn, a much needed boost to their local economies. To those who continue to argue that we should pay for the spending in this bill, by either raising taxes or cutting spending elsewhere, let me say that to pay for a stimulus bill would be to offset its stimulative effect. If, for every dollar we seek to inject into the economy through this bill, we were to turn around and take a dollar out of the economy through higher taxes or lower Government spending, what will we have accomplished? The answer, I warn my colleagues, is nothing. Gutting this bill, or attempting to pay for it, will result in it having no stimulative effect on our economy.

The American people voted in November for change, they voted for a President who campaigned on the promise of putting people back to work, of stimulating our economy, and of getting this Nation moving forward again. I say to my colleagues, to support the amendment before us would be to undercut the efforts of our new President, and to the frustrate the will of the people.

May I ask my colleagues, is there a problem on the other side as to when the vote ought or ought not to occur?

Mr. NICKLES. I would inform the Senator that the minority leader told us he would like to vote as soon as possible.

Mr. BYRD. Mr. President, I reserve 1 minute for the purpose of making a tabling motion.

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

Mr. NICKLES. Mr. President, I am going to yield the remainder of our time so we can vote.

I want to respond to my colleague from West Virginia. He referred to some statistics that I used in regard to the Carter administration. I should have said those statistics were a result of the policies of President Carter. We were in recession in 1980 that carried, really, all the way through 1982. And, again, I want to be factual. I think it is very important to be factual, and I appreciate his comments.

Mr. President, I think all the statements have been made. I think it is virtually important that we not on the same day pass a so-called budget package to reduce the deficit and then waive the budget on the first spending bill that comes down the pike. That is exactly what we are doing.

If we do not pass this amendment, we are saying that this amount of spending—$19.5 billion—should not count against the budget. I do not think that is responsible. I hope my colleagues will agree to the amendment.

Mr. BYRD. Mr. President, I urge Senators to vote for the tabling motion. If this amendment is agreed to, it is a killer. It means that the emergency designation will be eliminated, and this bill would be subject to a 60-vote point of order, and the bill would be dead, dead, dead.

I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is necessarily absent.

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

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—54

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

NAYS—45

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

NOT VOTING—1

Shelby

So the motion to lay on the table the amendment (No. 292) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

69-059 O—97 Vol. 139 (Pt. 5) 42

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order.

The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

EXPLANATION OF ABSENCE DURING VOTE

Mr. METZENBAUM. Mr. President, I rise on a point of personal privilege for only a minute or two.

Earlier today, the Judiciary Committee was conducting a hearing. I left the Judiciary Committee in order to come over to cast my vote. Senator HOWELL HEFLIN remained to conduct the hearing while I was not present.

I thought I would be able to get back in time in order for him to get to the floor to make the vote. He was unable to do so.

His missing the vote is a regrettable fact. I am sure he did not intend to do so.

I want to apologize publicly to him if in any way I caused that to happen. But it certainly was not his fault that he missed the vote and I feel very badly about it.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. Senator HEFLIN.

Mr. HEFLIN. Mr. President, I appreciate the Senator's remarks.

Maybe I did not move as fast as I should have, but I moved as fast as I could. [Laughter.]

Anyway, we were trying to conduct a hearing and finish it. He left early and was going to come back.

You may have talked to too many people before you left.

I appreciate his remarks.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, in order to accommodate several Senators, we have——

The PRESIDING OFFICER. The Senate will be in order.

Mr. MITCHELL. Mr. President, it had been my intention to have a meeting of Democratic Senators later this evening, but because of the conflicting schedules of some of our colleagues, I have changed the time of that meeting to 3:45 p.m. As a part of our effort to accommodate Senators, Senator MURKOWSKI has agreed to offer his amendment next.

Mr. MURKOWSKI. The majority leader is correct.

Mr. MITCHELL. The understanding is he will offer the amendment, it will be debated, no action will occur on it during our caucus, and if the arguments are completed, then a quorum call will be put in and we will come back in and make the opposing arguments at that time.

Mr. BYRD. Will the Senator yield the floor?

Mr. MITCHELL. Yes, I yield

Mr. BYRD. Will the distinguished Senator be agreeable to a time limitation on his amendment?

Mr. MURKOWSKI. The Senator from Alaska will be happy to agree to 1 hour, equally divided, and would offer that for the Senator's consideration.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I think it is agreeable to have 1 hour, but what we will do is complete the hour of debate and then I will make a determination on the precise time of the vote after I have a chance to consult with the Republican leader and other colleagues.

Mr. BYRD. Mr. President, I ask unanimous consent there be 1 hour of debate on this amendment, that the control and division of time be in accordance with the usual form, and that there be no intervening or second-degree amendments.

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

Mr. MITCHELL. Mr. President, I thank my colleague.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska [Mr. MURKOWSKI].

Mr. MURKOWSKI. I thank the Chair. I thank the majority leader and the Senator for West Virginia for agreeing to a 1-hour time agreement equally divided with vote to be determined at a time afterward set by the majority leader.

AMENDMENT NO. 293

(Purpose: To provide that certain amounts appropriated for certain nonrecurring maintenance projects of the Department of Veterans Affairs be made available for payments under the service members occupational conversion and training program)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for himself, Mr. THURMOND, and Mr. JEFFORDS, proposes as amendment numbered 293.

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

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

The amendment is as follows:

On page 24, line 10, insert before the period at the end the following: ", of which $25,000,000 shall be available for the purposes of making payments to employers under the Service Members Occupational Conversion and Training Act of 1992 (subtitle G of title XLIV of Public Law 102-484; 10 U.S.C. 1143 note): *Provided*, That such $25,000,000 shall remain available until September 30, 1994".

Mr. MURKOWSKI. Mr. President, on behalf of myself and Senator THURMOND and Senator JEFFORDS, I offer an amendment to ensure that at least one small portion of the supplemental appropriations bill is directed toward the employment of America's veteran population. As a ranking member of the Committee on Veterans' Affairs I have

noted two glaring deficiencies in the bill as reported to the Senate as far as it relates to veterans. Specifically, it makes no provision for veterans' employment, yet this is, of course, described as a bill to stimulate employment.

Second, we would be committing, basically, our children and grandchildren to repay borrowed money in order to fund some very, very low-priority VA maintenance projects.

My amendment is intended to address these deficiencies by increasing the funding for veterans' employment by some $25 million.

The cost is offset with a reduction of $25 million in very, very low-priority VA maintenance and repair projects. The supplemental appropriations bill now before this body makes no specific provision for the Americans most responsible for creating this so-called peace dividend. The billions of dollars now flowing to domestic programs rather than to defense are not free money. Those dollars were earned by our military personnel who were willing to make the ultimate sacrifice so we could enjoy the freedoms that we have today. They were earned through the always difficult and sometimes dangerous service of the American men and women who wore the uniform of the Armed Forces of the United States. For many, the reward for a mission well done will simply be a pink slip at some time in the future. For we know that each year approximately 300,000 American service members are released from active duty. These men and women must then make the transition to civilian life and a civilian job. Making that transition is not easy. Some make it easier than others. But in recognition of the fact, that these people are leaving, the Congress last year enacted the Service Members Occupational Conversion and Training Act, as part of the Defense Authorization Act.

This program will allow the Department of Veterans Affairs, the Department of Defense, and the Department of Labor, working together, to encourage employers to hire and train recently discharged unemployed veterans for a civilian job.

VA will reimburse employers 50 percent of the starting wage of eligible veterans who are placed in an approved program of on-the-job training. This has a positive impact on employment by providing a method to encourage employers to employ veterans by providing an incentive to hire and train them. It is very, very meaningful. For most veterans the maximum reimbursement is roughly $10,000. An employer who hires a disabled veteran can be reimbursed up to $12,000. The job training program must be at least 6 months in duration, and payment may be made for no more than 18 months. So we are not talking about a permanent program here. We are talking about a transition from military service into civilian life.

This program is focused on our national responsibility to provide for a transition, as I have said, to civilian life, a civilian job for our newly discharged veterans. Again, it is limited to veterans discharged since August 2, 1990, the date the Persian Gulf war began.

There are three ways an unemployed veteran can qualify for these benefits. First, long-term unemployment, defined as unemployment for 8 of the 15 weeks prior to application; second, an unemployed veteran who had a military occupation whose skills are not readily transferable to civilian life is immediately qualified for this program; and, third, an unemployed veteran with a 30 percent or greater disability is immediately eligible.

Under current law, the Department of Defense can commit up to $75 million of the funds allocated for defense conversion to this program. At $10,000 per veteran, that would allow the VA and the Department of Labor to serve 7,500 veterans—just 7,500 veterans. That is only about 2.5 percent of the 300,000 young men and women who will be discharged in the year to come. I believe the need is greater than that, and I believe most of my colleagues would agree with that.

I believe the additional funding my amendment would provide would be translated directly into jobs for newly discharged veterans. Jobs are the purpose of the supplemental appropriation, which is the legislation before us. Jobs for newly discharged veterans are fundamental. They are a fundamental obligation of our Nation. This amendment marries those two goals.

The amendment funds the additional jobs without seriously reducing other programs. That is why this amendment is so positive. It should have no adverse effect on the Department of Veterans Affairs. The VA portion of the supplemental appropriation consists of funding for a wish list of some 33 minor construction and 1,046 maintenance projects from the nationwide VA system, projects which simply did not make the cut through the regular budget process of the VA.

I have no doubt that some of these projects are important and perhaps too long deferred, but I also have no doubt that many of them easily fall into the category of the so-called nice to have if we can get them. Here in the emergency supplemental VA has a chance to get.

My amendment would reduce the amount appropriated for these projects from $201 million to $176 million. So we are only taking $25 million out of the money appropriated for nonrecurring maintenance and we are putting it into a program already established to allow more service personnel to make the transition from the service to the private sector.

This modest reduction would allow the VA to proceed with important projects in the area of maintenance and repair. Now, the VA could return to the Congress to seek funding for the other items if they wished, if the projects are of sufficient priority, and if the administration thinks they are still important. So we are not eliminating them.

So the argument that VA would suddenly be that without adequate maintenance, simply will not hold water.

Let me list for the consideration of the Chair a few of the projects that are included in this so-called emergency—and I emphasize the word "emergency" because allegedly that is what this is—spending request. One medical center would spend $58,000 for resurfacing parking lots; another, $80,000 for an entrance canopy. I do not know whether that is an emergency or not, but I know it is not as important as providing a transition to civilian jobs for the people leaving the service.

Another medical center would spend $120,000 to renovate a conference room; another, $90,000 for a promenade and tables along a seawall—rather interesting. One medical center would spend $30,000 for a flagpole; another, $9,000 for a bowling alley.

Now, Mr. President, these are put in the emergency supplemental. I think everyone would agree that $30,000 for a flagpole is hardly an emergency, and a $90,000 request for a promenade and tables along a seawall hardly substantiates an emergency request.

Mr. President, we see a lot of parking lot projects in this package. One of them is for $1.5 million. I know these are useful projects, but I do not think they are really necessary. If any of them result in jobs for veterans, it will be an accident.

Mr. President, I think it is important for this body to consider that the Senate is considering spending some $16.235 billion for the Department of Veterans Affairs, and not $1 of this VA money is earmarked for veterans, not one single dollar. Now, there is no rationale offered for that. I assume that the decision was made that we need to have VA participate as a recipient of some of these emergency supplemental dollars. But, curiously, somebody forgot to put any preference for veterans to be hired as a consequence of the expenditure of some $235 million for the Department of Veterans Affairs in this $16 billion emergency supplemental.

Mr. President, I submit that the Department of Veterans Affairs and this body have a greater obligation to veterans who are looking for work than we do to the cars using VA parking lots around this country. I believe at least a small portion of the VA share of this supplemental should be targeted at veterans. This amendment will ensure that this bill meets this very basic standard.

Now, some may suggest that this is a killer amendment. If the Senate believes it is necessary to spend an extra $16 billion this year, adoption of this amendment will leave that judgment unchanged. It makes no reduction in total funding for the economic stimulus. Instead, the amendment will redirect a small measure, $25 million of the VA portion of the package, to veterans. Veterans specifically, Mr. President. It redirects a small measure of the funding away from temporary, one-shot projects, and summer jobs, and its targets that money to training for long-term jobs, for careers.

For those reasons I urge my colleagues to join me in support of the amendment.

I would add that the intent of the amendment is to provide preference for those veterans who can contribute their talents to the VA, with the difference between the $201 million and the $176 million, $25 million, going to the job transition program. So that would mean the intent of this legislation would be to specify that veterans' preference be given to projects funded in the appropriated amount of $176 million. This would ensure a veterans' preference provision which is lacking in the instructions within the emergency supplemental.

Mr. President, I believe time is to be equally divided, and I ask the Chair what time remains on this side.

The PRESIDING OFFICER. The Senator has 16½ minutes remaining.

Mr. MURKOWSKI. Sixteen and a half minutes.

Mr. President, I am going to take a little more time, since I see our colleagues across the aisle are in a caucus, and attempt for the RECORD to address some of the concerns that may arise on the other side. I will allow myself 5 minutes of my 16 minutes. I would appreciate it if the Chair will call me after 5 minutes have expired.

I thank the Chair.

Some might argue that the amendment would reduce the money in the VA health care account.

Mr. President, when we talk about health care, do we really consider that a remodeled conference room provides health care? A resurfaced parking lot treats veterans? A bowling alley is the best use of VA health care money? Or a pavilion at the pond is a VA health care priority?

I have here the list of the projects funded by this bill. I did not make it up. The VA sent it to the Hill. The budget account may be health care, but the projects to be funded—very frankly, a fair measure of pork—are simply not needed. Jobs for veterans are needed. If the VA is spending money on these health care projects, the VA, I think, needs to rethink its priorities. If this bill is not funding these projects, then the VA has perhaps misled the Senate. I do not think that is the case.

Another argument is that the amendment would be reducing spending for health care rather than pork barrel projects.

Mr. President, I have in hand a list prepared by the Department of Veterans Affairs entitled "Economic Stimulus Proposal," which was hand carried to the Senate by the staff of the VA Office of Congressional Affairs. I ask unanimous consent, Mr. President, that this list be printed in the RECORD.

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

ECONOMIC STIMULUS PROPOSAL

Station, State, and project title	Cost	Category
ALABAMA (REGION 3)		
Birmingham:		
Backfill crawlspace	$312.000	NRM
Const auditorium restrooms	25,000	NRM
Main cooling tower catwalk	72,000	NRM
Repl. obsolete gen controls PH–1	73,000	NRM
Renovate research	146,000	NRM
Install locking hardware	90,000	NRM
Recaulk blind rehab exterior	45,000	NRM
Subtotal	763,000	
Montgomery: Remodel rec.rm/auditorium	151,000	NRM
Tuscaloosa:		
Remodel B–33 for NHCU beds	255,000	Minor
Remove asbestos flooring	66,000	NRM
Site upgrade (arch barrier)	130,000	NRM
Resurface parking lots	37,000	NRM
Install exit doors	36,000	NRM
Subtotal	524,000	
Tuskegee:		
Install isolate gate valves	96,000	NRM
Repl nurse call B–3	132,000	NRM
Subtotal	228,000	
Alabama, Total	1,666,000	
ARIZONA (REGION 4)		
Phoenix Zone value AL SVC	135,000	NRM
Prescott Replace roof B107/108	262,000	NRM
Tucson:		
FSES corrections B50	334,000	Minor
Construct helipad	142,500	NRM
Upgrade piping B57	200,000	NRM
Replace windows (energy)	516,000	NRM
Reroof B3, 40 & 53	352,000	NRM
Replace medical vacuum pump	180,500	NRM
Utility site survey	50,000	NRM
Renovate B–1	165,000	NRM
Reroute storm drain B17	141,000	NRM
Replace emergency generator	161,000	NRM
Subtotal	2,242,000	
Arizona, Total	2,639,000	
ARKANSAS (REGION 3)		
Fayetteville:		
Replace garage doors	25,000	NRM
Repair water tower	34,000	NRM
Resurface parking, laundry	58,000	NRM
Subtotal	117,000	
Little Rock:		
MRI site prep	202,000	minor
JLM exhaust duct	25,000	NRM
Emergency generator	45,000	NRM
Refurbish solar HW system	60,000	NRM
Refurbish cooling towers	60,000	NRM
Quick response sprinkler heads	75,000	NRM
Repl overhead doors	75,000	NRM
P&H storage building	80,000	NRM
Pepaint water towers	80,000	NRM
Waterproof brick buildings	80,000	NRM
Repl auto doors	100,000	NRM
Window balances	130,000	NRM
Engineering storage building	145,000	NRM
Update as-built drawings	150,000	NRM
Repl/repairs perimeter fence	175,000	NRM
Repl/ADL ceiling systems	200,000	NRM
Duckwork installation/repl	200,000	NRM
Reconfigure JLM entrance	250,000	NRM
Storm drains	300,000	NRM
Repl plaster ceilings	320,000	NRM
ADL JLM chiller	350,000	NRM
Window replacement	370,000	NRM
Lawn sprinkler system	150,000	NRM
Road replacement/resurface	500,000	NRM
Concrete repair/Repl/ADL	200,000	NRM
Subtotal	4,322,000	
Fort Smith: Renovate restroom/util bldg	30,000	Minor-NCS
Arkansas total	4,469,000	
CALIFORNIA (REGION 4)		
Fresno		
Remodel clinical lab	2,071,000	Minor
Replace roof, B–2, B–3	164,000	NRM
Repair/upgrade automated irrigation system.	50,000	NRM
Subtotal	2,285,000	
Livermore:		
Fire hydrant maintenance	29,000	NRM
Replace utility lines	163,000	NRM
Subtotal	192,000	

ECONOMIC STIMULUS PROPOSAL—Continued

Station, State, and project title	Cost	Category
Loma Linda: Install elect bal. PH II	350,000	NRM
Long Beach: Replace street lighting	452,000	NRM
No. Ca. system of OPCS:		
IH survey, bldg 1	80,000	NRM
MRI wall shielding	70,000	NRM
Subtotal	150,000	
Palo Alto: Replace ext. water lines	583,000	NRM
San Diego: Develop future SCI basement	417,000	Minor
San Francisco: Restoration floors B12 & 21.	108,000	NRM
Sepulveda:		
Renovate radiology	263,000	Minor
Diagnostic imaging (Pace)	415,000	Minor
Subtotal	678,000	
Los Angeles: Hillside stabilization	1,000,000	Minor–NCS
Riverside: Road renovation	740,000	Minor–NCS
West Los Angeles: B500 mts chains & carrier storage.	180,000	NRM
California, total	7,135,000	
COLORADO (REGION 4)		
Denver: Automate record documents	63,000	NRM
Ft. Lyon:		
Remodel 4A for NHC	1,569,000	Minor
Drill soft water wells	457,000	NRM
Assessment for soil contamination	25,000	NRM
Subtotal	2,051,000	
Colorado, total	2,114,000	
CONNECTICUT (REGION 1)		
Newington:		
Asbestos Rem—Attics	20,000	NRM
EMS addition	13,000	NRM
Repl dietetics hood	125,000	NRM
Rekey facility keying sys	75,000	NRM
Install fume hoods	51,000	NRM
Subtotal	284,000	
West Haven:		
Structural correct, PH II	495,000	NRM
Chill water insul repl	77,000	NRM
A/C air handler repl PH II	100,000	NRM
Comprehensive cancer ctr	60,000	NRM
Repl roof 816A, 21, 22, 24	340,000	NRM
Road and parking lot	225,000	NRM
Chilled water rebalance	45,000	NRM
Paint exterior B3, 4, 5, 6, 7	446,000	NRM
Elec Def Ph III	85,000	NRM
HVAC duct cleaning	189,000	NRM
Steam trap repl	212,000	NRM
Stack repair	154,000	NRM
Roof repair BB, 11, 12, 13, 14	230,000	NRM
Asbestos repair	35,200	NRM
Patient TV installation	640,000	NRM
Handicap access/public bath	259,000	NRM
Halls/walls	300,000	NRM
Windows exterior	11,900,000	NRM
Subtotal	15,792,200	
Connecticut total	16,076,200	
DELAWARE (REGION 2)		
Wilmington:		
Renov morge	15,000	NRM
Renov 4th fl ctr	140,000	NRM
Flood retaining wall	3,000	NRM
Renov laundry loading dock	8,000	NRM
Repl roof B17	13,000	NRM
Enclose vertical shafts	83,000	NRM
Tele site prep	54,000	NRM
Elec def PH I	88,000	NRM
Delaware total	404,000	
DISTRICT OF COLUMBIA (REGION 1)		
Washington:		
Asbestos Abatement Mer #1	144,000	NRM
Replace roofs	450,000	NRM
Repl Inter lighting	1,200,000	NRM
Renov conference rms	120,000	NRM
Repl Interior finishes	500,000	NRM
Repl drink water chill	100,000	NRM
Repl Interior signage	250,000	NRM
Renov B4	200,000	NRM
Repl doors 11	200,000	NRM
Telephone sys site prep	125,000	NRM
Rep auditorium roof leak,000	58,000	NRM
District of Columbia total	3,347,000	
FLORIDA (REGION 3)		
Bay Pines:		
Clean ductwork/FC units	86,000	NRM
Ren space for dailysis	66,000	NRM

ECONOMIC STIMULUS PROPOSAL—Continued

Station, State, and project title	Cost	Category
Sidewalk corrections	72,000	NRM
Infrared roof inspections	25,000	NRM
Updated Station survey	75,000	NRM
Repave reseal roads	285,000	NRM
Install sidewalks	97,000	NRM
Repl roofs var. bldgs	300,000	NRM
Subtotal	1,006,000	
Gainesville:		
Upgrade telephone system	246,000	Minor
Clean exhaust ducts bldg 1	50,000	NRM
Elec supv fire sprinkler valve	42,000	NRM
Install corridor handrails	70,000	NRM
Repave/re-stripe parking log	100,000	NRM
Subtotal	508,000	
Lake City:		
Repl title wall-dietetic trayline	30,000	NRM
Remodel clean utility room	135,000	NRM
Repl condensate	33,000	NRM
Renovate dietetic walk-in coolers	40,000	NRM
Subtotal	238,000	
Miami Install MRI	311,000	Minor
Tampa Renovate isolation rooms	72,000	Minor
Florida total	2,135,000	
GEORGIA (REGION 3)		
Atlanta:		
Pt. TV antenna	76,000	NRM
Correct NCHU locks	32,000	NRM
Subtotal	108,000	
Augusta:		
Hand rails and bumper guards	631,000	Minor
Install mezzanne bldg. 11	80,000	NRM
Repair road/parking lot DD	322,000	NRM
Replace carpet, DD	657,000	NRM
Subtotal	1,690,000	
Dublin:		
Repl hot water lines PH2	715,000	NRM
Replace windows PH4	717,000	NRM
Replace windows PH5	337,000	NRM
Repave/restripe parking lots	120,000	NRM
Subtotal	1,889,000	
Georgia total	3,687,000	
IOWA: (REGION 2)		
Des Moines:		
sidewalk/concrete repair	35,000	NRM
Replace stairwell treads/doors	25,000	NRM
Install vinyl and paint (P&H)	100,000	NRM
Replace windows B1-5	360,000	NRM
Roof replacement	35,000	NRM
Subtotal	555,000	
Iowa City:		
Replace ceiling tile	81,000	NRM
Paint Patient rooms/metal buildings	220,000	NRM
Replace floor tile	750,000	NRM
Va/Univ. Fiber optic network	72,000	NRM
Replace utility tunnel B3	16,000	NRM
Tuckpoint/lightning protection B1	71,000	NRM
Subtotal	1,210,000	
Knoxville:		
Correct elevator deficiencies	400,000	NRM
Replace roofs	200,000	NRM
Extend roadway B82–85	150,000	NRM
Replace windows B74 & 85	270,000	NRM
Remodel day care ctr	400,000	NRM
Subtotal	1,420,000	
Iowa total	3,185,000	
IDAHO (REGION 4)		
Boise:		
Chiller replacement B-85	120,000	NRM
Telephone system replacement	160,000	NRM
As-built drawings	85,000	NRM
Resurface parking lots	22,000	NRM
Subtotal		
Idaho total	387,000	
ILLINOIS (REGION 2)		
Chicago (LS):		
Install scam-am intercom	160,000	NRM
Renovate stairwells	195,000	NRM
Modernize oxygen storage tank	42,000	NRM
Replace 8" sewer pipe	75,000	NRM
Subtotal	472,000	

ECONOMIC STIMULUS PROPOSAL—Continued

Station, State, and project title	Cost	Category
Chicago(WS):		
Repair roof parapet walls, 11A&11B	1,000,000	NRM
Tuckpoint bldgs 1	1,800,000	NRM
Replace roofs, sections R&Y	140,000	NRM
Replace windows & tuckpoint B.3.4 & 16.	288,000	NRM
Upgrade HVAC system morgue	250,000	NRM
Replace patient radio/TV Antenna system.	400,000	NRM
Renovate main entrance B1	940,000	NRM
Medical gas upgrade	776,000	NRM
Subtotal	5,594,000	
Danville:		
Replace windows B64 & 72	287,000	NRM
Replace wood windows B22	218,000	NRM
Replace windows B69	124,000	NRM
Replace windows B60	112,000	NRM
Repl windows B58 & install storm windows B98.	495,000	NRM
EPA required landfill assessment	57,000	NRM
Concrete curb replacement	151,000	NRM
Replace doors & frames	221,000	NRM
Update asbestos assessment	81,000	NRM
Asphalt concrete Rd & prkg lot resurfacing.	306,000	NRM
Subtotal	2,062,000	
Hines:		
Renovate medical library	50,000	NRM
Replace boiler blowdown line	38,000	NRM
Seal exist. penetrations, B1	516,000	NRM
Repair/replace stairs B2	150,000	NRM
Fence	100,000	NRM
Upgrade surgical suites	105,000	NRM
Abate fire safety def PH1	257,000	NRM
Replace window B! SEC C	416,000	NRM
Replace 300 windows B!, SEC D	646,000	NRM
Replace windows B2	266,000	NRM
Resurface parking lots	1,500,000	NRM
Road repairs	1,500,000	NRM
Replace windows B18	136,000	NRM
Replace windows B16	136,000	NRM
Replace windows B23–29	431,000	NRM
Replace windows B50	410,000	NRM
Subtotal	6,657,000	
Marion:		
Asbestos abatement/reinsulate	60,000	NRM
Reseal roads	100,000	NRM
Waterproof station buildings	370,000	NRM
Ground improvements	40,000	NRM
Subtotal	570,000	
North Chicago:		
Repl floor tile, B135	120,000	NRM
Struct corr., B50	299,000	NRM
Window repl. B126	495,000	NRM
Window repl. B125	465,000	NRM
Window repl. B124	446,000	NRM
Strut. corr B51	495,000	NRM
Subtotal	2,320,000	
Illinois, total	17,675,000	
INDIANA (REGION 2)		
Fort Wayne:		
Replace flat roof	524,000	NRM
Seal & restripe parking lots	30,000	NRM
Tuckpoint/waterproof	301,400	NRM
Patient smoking shelter	35,000	NRM
Upgrade corridors	445,000	NRM
Subtotal	1,336,400	
Indianapolis:		
Upgrade lightning protection	385,000	NRM
Inst cable tray	330,000	NRM
Upgrade interior lighting	495,000	NRM
Enhance water quality magnetization.	185,000	NRM
Replace steam traps (CSR)	235,000	NRM
Replace c-wing door	100,000	NRM
Roof replacement	400,000	NRM
Replace existing chillers	1,052,000	NRM
Enhance exterior color deficiencies	350,000	NRM
Upgrade interior aesthetics	300,000	NRM
Upgrade drawing deficiencies	275,000	NRM
HVAC duct cleaning	450,000	NRM
Repair fire damage B20	123,000	NRM
Renovate water tower	140,000	NRM
Replace roofs B11	350,000	NRM
Tuckpt. & Waterproof	300,000	NRM
Replace exterior signage	200,000	NRM
Upgrade exterior lighting	525,000	NRM
Replace auto transfer switches	500,000	NRM
Replace bed pan sterilizer	140,000	NRM
Recond. limestone B1 (CSR)	200,000	NRM
Corr. public allied hlth deficiencies	195,000	NRM
Enhance radiology equip & procedures.	170,000	NRM

ECONOMIC STIMULUS PROPOSAL—Continued

Station, State, and project title	Cost	Category
Correct AOV	1,047,000	NRM
Subtotal	8,447,000	
Marion: Exterior painting	213,000	NRM
Indiana total	9,995,400	
KANSAS (REGION 2)		
Leavenworth:		
Repair roofs	290,000	NRM
Road and curb repair	310,000	NRM
Correct pub/allied health comm.	175,000	NRM
Dom structural repair	475,000	NRM
Repair/install bathrooms	200,000	NRM
Repair chapel B86	490,000	NRM
Subtotal	1,940,000	
Topeka:		
Geriatric NHCU, B–4	2,500,258	Minor
Replace windows	535,000	NRM
Equipment storage	89,000	NRM
Replace carpet	59,000	NRM
Tuckpoint	114,500	NRM
Repalce exterior signs	71,000	NRM
Tuckpoint and waterproof B6&9	151,000	NRM
Replace windows B6&9	652,000	NRM
Additional cable TV outlets	150,000	NRM
Automatic doors	100,000	NRM
Replace windows B3 & 5	750,000	NRM
Subtotal	5,171,758	
Wichita:		
Improve parking areal conditions	155,000	NRM
Day sugery room	45,000	NRM
Paint exterior all bldgs	116,000	NRM
Reroof bldgs. 5, 8, 10, 12, 16	517,000	NRM
Subtotal	833,000	
Kansas total	7,944,758	
KENTUCKY (REGION 2)		
Lexington:		
Upgrade lighting/outlets, sub-basement.	70,000	NRM
Upgrade linen chute (C)	60,000	NRM
Clean ductwork (C)	130,000	NRM
Replace incad. lighting, patient toilets.	55,000	NRM
Voltage correction (C)	40,000	NRM
Replace fencing (L)	50,000	NRM
Install dental exhaust	30,000	NRM
Replace dock levelers (C)	80,000	NRM
Install A/C check valves	30,000	NRM
Reactivate charcoal filters	95,000	NRM
Replace flag pole (L)	30,000	NRM
Replace ceramic wall tile ground floor (C).	25,000	NRM
Replace ceilings (C,L)	70,000	NRM
Install exterior sign clinical addn (C).	25,000	NRM
Replace deaerator tank (L)	45,000	NRM
Hot water generators B2,3,17,27–29(L).	95,000	NRM
Renovate neurology 3rd floor (C)	80,000	NRM
Admitting area/on-call room clin addn (C).	75,000	NRM
Subtotal	1,085,000	
Louisville:		
Construct isolation suite	68,000	NRM
Handicap access	161,000	NRM
Instal positive latches	91,000	NRM
Replace roof	48,000	NRM
Rekey hospital	60,000	NRM
Replace handrails	70,000	NRM
Tuckpoint B1	263,000	NRM
Replace ceilings	139,000	NRM
Install vinyl wallcovering	67,000	NRM
Relocate fan coil controls	200,000	NRM
Subtotal	1,167,000	
Kentucky total	2,252,000	
LOUISIANA (REGION 3)		
Alexandria:		
Refurbish & paint ext. B–1	105,000	NRM
Install handicap ramp, B–7	77,000	NRM
Install pavilion at pond	75,000	NRM
Refurbish & paint ext. B–4	205,000	NRM
Refurbish & paint ext. B–8	296,000	NRM
Refurbish & paint ext. B–7	355,000	NRM
Clean/service switchgear	60,000	NRM
Refurbish & paint ext. B2&3	265,000	NRM
Repl ceiling tile B2&B6	150,000	NRM
Paint exterior of qtrs. 19,20	120,000	NRM
Replace & overlay streets	605,000	NRM
Subtotal	2,313,000	
New Orleans: Repl ceiling tile	100,000	NRM

ECONOMIC STIMULUS PROPOSAL—Continued

Station, State, and project title	Cost	Category
Shreveport:		
X-ray site prep	40,000	NRM
Telephone site prep	483,000	NRM
CT site prep	40,000	NRM
Paint all buildings	313,000	NRM
Subtotal	876,000	
Louisiana, total	3,289,000	
MASSACHUSETTS (REGION 1)		
Bedford:		
Study tunnel steam line repl	60,000	NRM
Repl windows B8	288,000	NRM
Repl windows B9	206,000	NRM
Tuckpoint & waterproof B1,2,3,8	697,000	NRM
Correct smokzone def	138,000	NRM
Oval entrance B7 to B8	91,000	NRM
Repl elevators PH 1	73,000	NRM
Resurface roads	44,000	NRM
Subtotal	1,597,000	
Boston:		
Total body digitl imag sys	80,000	NRM
Repl exterior doors	260,000	NRM
Upgrade water dist	65,000	NRM
Repl doors B9	55,000	NRM
Repl windows B9	52,000	NRM
Steam trap repl	97,000	NRM
Renov elec dist sys PH 7	80,000	NRM
Upgrade pt bed units PH 2	70,000	NRM
Subtotal	759,000	
Brockton:		
Correct chute def b 3,4,5, and 8	117,403	NRM
Dust collection sys	12,000	NRM
Eliminate corse connections	40,000	NRM
Upgrade spd vent	50,000	NRM
Repl roofs B 20,5,1	450,000	NRM
Upgrade fire/energy sys	245,000	NRM
Boiler plant rehab	80,000	NRM
Replace windows 1.8	320,000	NRM
Upgrade med air sys	40,000	NRM
Repl laundry well	20,000	NRM
Update pure water sys	35,000	NRM
Unit dose pharmacy	115,000	NRM
Energy repl boilder feedwater	29,300	NRM
Subtotal	1,553,703	
Mass natl cem: gravesite development	700,000	Minor-NCS
Northampton:		
Sprinkler systems	1,734,000	Minor
Roof repair	859,000	NRM
Resurface and parking lots	650,000	NRM
Air quality improvements	80,000	NRM
Ct scanner site prep	105,000	NRM
Renvo adm area	28,000	NRM
Toilet renov	65,000	NRM
Patient/staff educ ctr	20,000	NRM
Subtotal	3,541,000	
Massachusetts total	$8,150,703	
MARYLAND (REGION 1)		
Fort Howard:		
Telephone sys update	778,000	NRM
Repl ug stor tanks	280,000	NRM
Refinish corridors, B225	173,000	NRM
Repair seawall, PH III	650,000	NRM
Promenade and seawall tables	90,000	NRM
Repl fire pump B225	76,500	NRM
Subtotal	2,047,500	
Perry Point:		
Replace fire alarm transmitters	141,000	NRM
Replace overbed lighting	79,000	NRM
Bldg maintenance PH 1	249,000	NRM
Improve pt access	30,000	NRM
Subtotal	499,000	
Maryland total	2,546,500	
MAINE (REGION 1)		
Togus:		
Paint water storage tanks	124,000	NRM
Replace windows	215,000	NRM
Renovate canteen retail space	135,000	NRM
Renov admin	27,000	NRM
Repl elev B205, 206, 207	45,000	NRM
Renov secondary elec	38,000	NRM
Maine total	584,000	
MICHIGAN (REGION 2)		
Allen Park		
Extend docks for contaminated waste.	155,000	NRM

ECONOMIC STIMULUS PROPOSAL—Continued

Station, State, and project title	Cost	Category
Resurface lots & driveways	543,000	NRM
RmV/rpl acm insl C crawlspace	250,000	NRM
RmV/rpl acm insl A crawlspace	375,000	NRM
Bldg No 1A roof repairs-emergency	45,000	NRM
Upgrading of 2 elect svcs	241,000	NRM
Replace exterior doors & fra	438,000	NRM
Replace boiler controls	768,000	NRM
Elec survey corr work	106,000	NRM
Rmv/rpl acm A6 bme shop	30,000	NRM
Rmv/rpl acm B7 crawlspace	35,000	NRM
Subtotal	2,986,000	
Ann Arbor		
Renovate 5N nurses station	65,000	NRM
Master TV antenna system PH2	144,000	NRM
Renovate canteen	175,000	NRM
Subtotal	384,000	
Battle Creek		
Sprinkler Patient bldgs	2,300,000	Minor
Replace portions of sidewalk	90,000	NRM
Replace roofs B26, 28	230,000	NRM
Replace roof B27	65,000	NRM
Asbestos assessment	192,000	NRM
Tuck pointing, B83,84,6.30	505,000	NRM
Paint interior B3,8,11,26,28	151,000	NRM
Replace roofs B1,6,9,11,109	299,000	NRM
Roads/gutters PH1	675,000	NRM
Subtotal	4,507,000	
Iron Mountain		
Electrical system	70,000	NRM
Asbestos removal	48,000	NRM
Ward Energy Conservation	96,000	NRM
Site improvements	96,000	NRM
Improve patient environment	187,000	NRM
Subtotal	497,000	
Michigan total	8,374,000	
MINNESOTA (REGION 2)		
Minneapolis:		
Sealcoat	75,000	NRM
Cad sys/drawing conv	134,000	NRM
Expand alarms	34,000	NRM
Doctor's staff room	41,000	NRM
Subtotal	284,000	
St. Cloud:		
Replace roofs B48–51	219,000	NRM
Enclose loading dock B14	37,000	NRM
Install utilities B109	110,000	NRM
Replace security scrns B1, 5, 14, 29.	41,000	NRM
Replace exit lights	60,000	NRM
Replace roofs, conn. corr	55,000	NRM
Subtotal	522,000	
Minnesota total	806,000	
MISSOURI (REGION 2)		
Columbia:		
Paint, public lobbies & corridors	70,000	NRM
Electro paint interior doors	150,000	NRM
Paint patient wards & admin area	80,000	NRM
Elec power study emergency/normal	50,000	NRM
Replace floor tile/basement corr	40,000	NRM
Water prot/basement transformers	40,000	NRM
Repair patient toilet doors	100,000	NRM
Replace pipe/inst zone valves recovery.	479,000	NRM
Construct covered walk pool entrance.	90,000	NRM
Repair roof flashing B1	50,000	NRM
Renovate canteen retail store	45,000	NRM
Subtotal	1,194,000	
Kansas City:		
Vinyl patient rooms	147,000	NRM
Replace steamtraps	200,000	NRM
Sealing asphalt parking ots	185,000	NRM
Reroof B4 & 5	97,000	NRM
Install handrails, B1 & 26	149,000	NRM
Reroof B2, 3, 6	175,000	NRM
Replace SPD dumbwater totematic	243,000	NRM
Stairwell restoration	194,000	NRM
Expand energy mgmt system PH2	194,000	NRM
Relocate outpatient canteen	148,000	NRM
Main H20	100,000	NRM
Halls & walls	153,000	NRM
Subtotal	1,985,000	
Poplar Bluff:		
Renovate x-ray dark room	50,000	NRM
Install sun roof 5th fl north	140,000	NRM
Halls and Walls B1	200,000	NRM
Paving projects	200,000	NRM

ECONOMIC STIMULUS PROPOSAL—Continued

Station, State, and project title	Cost	Category
Roofing project B1	60,000	NRM
Subtotal	650,000	
St. Louis:		
Replace exit lights (JB)	30,000	NRM
Install maintenance door, basment B18 (JB).	40,000	NRM
Stucco/waterproof bldgs (JB)	600,000	NRM
Steam bypass regulator	30,000	NRM
Replace hvac steam controls JB	140,000	NRM
Replace built-up roofs (JB)	255,000	NRM
Replace ceilings/paint corridors B50 (JB).	100,000	NRM
Replace loop feeders (JB)	202,000	NRM
Replace/repair roofs (JB)	300,000	NRM
Road/parking lot repair (JB)	285,000	NRM
Repair parking lots/improve lighting (JC).	230,000	NRM
Expand engr. control system (JC)	210,000	NRM
Replace fan coil units	230,000	NRM
Subtotal	2,652,000	
Missouri Total	6,481,000	
MISSISSIPPI (REGION 3)		
Biloxi:		
Silver recovery & ventilation	20,000	NRM
Correct fire protection	54,000	NRM
Valve/loop steamlines	37,000	NRM
Plant/upgrade grounds	84,000	NRM
Paint exterior, bldg. 1	125,000	NRM
Subtotal	320,000	
Jackson:		
Repl ceiling R&E bldg.	23,000	NRM
Mod. mens restroom G–107	40,000	NRM
Repl NHCU ceiling	144,000	NRM
Repl NHCU floor	134,000	NRM
Repl NHCU handrails/wall finis	237,000	NRM
Renov. NCHU baths	100,000	NRM
Re-roof NCHU	220,000	NRM
Repl handrails	130,000	NRM
Repl ceiling in rec hall	25,000	NRM
Resurface driveways & streets	225,000	NRM
Gravel west lot	145,000	NRM
Subtotal	1,428,000	
Mississippi Total	1,748,000	
MONTANA (REGION 4)		
Ft. Harrison:		
Renovate ward 3	1,222,000	Minor
Admin & op exam renovation	14,000	Minor A/E
Subtotal	1,236,000	
Miles City:		
Remodel ward 4	1,142,000	Minor
Repalce lawn sprinkler	59,000	NRM
Subtotal	1,201,000	
Montana Total	2,437,000	
NORTH CAROLINA (REGION 3)		
Asheville:		
Replace lighting	169,000	NRM
Ext light replace & painting	78,000	NRM
Sidewalks	78,000	NRM
Tree maintenance	91,000	NRM
Replace mult-purpose room door	65,000	NRM
Rebuld pt rm fan coils	133,000	NRM
Or A/C repairs	16,000	NRM
Paint exterior quarters	26,000	NRM
Subtotal	655,000	
Durham:		
Re[;ace pr cjo;;er	75,000	NRM
Ren 2d for nursing	11,000	NRM
Repr med. air compressor	30,000	NRM
Ceiling title replacement	40,000	NRM
Subtotal	156,000	
Fayetteville:		
Renovate wards 4C, 3C, 2C	1,600,000	Minor
A/C warehouse	40,000	NRM
Subtotal	1,640,000	
Salisbury:		
Renovate ward B4–1	58,000	Minor
Upgrade patient wards	666,000	Minor
Renovate morgue B–2	129,000	NRM
Upgrade B2–3A, rm 305	8,000	NRM
Rpl conc station wide, ph1 & ph2	44,000	NRM
Bowling alley	9,000	NRM
Renovate entrances N&S B–2	40,000	NRM
Subtotal	954,000	

ECONOMIC STIMULUS PROPOSAL—Continued

Station, State, and project title	Cost	Category
North Carolina total	3,405,000	
NORTH DAKOTA (REGION 2)		
Fargo:		
Exit lights	50,000	NRM
Reshingle B11–13	75,000	NRM
Paint water tower	60,000	NRM
Replace roof	236,000	NRM
Reseal parking lots	89,000	NRM
Reshingle B9	150,000	NRM
Basement corridor	80,000	NRM
Laundry barrier & cartwash	50,000	NRM
Lab & pharmacy remodeling	70,000	NRM
Replace hot water generator	97,000	NRM
MRI dock	116,000	NRM
Remodel B2	175,000	NRM
Angio room prep	26,000	NRM
Rekey facility	40,000	NRM
Subtotal	1,314,000	
Sioux Falls:		
Replace roofs B1, 7–9, 15, 16	580,000	NRM
Tuckpoint/sealcoat brickwork	860,000	NRM
Subtotal	1,440,000	
North Dakota total	2,754,000	
NEBRASKA (REGION 2)		
Fort McPherson: Install irrigation system	250,000	Minor-NCS
Grand Island:		
Rep streets/walks & seal parking lot.	50,000	NRM
Replace built-up roofs B1 & 8	135,000	NRM
Replace steel piping & fuel tanks	60,000	NRM
Install electronic light ballasts	250,000	NRM
Hdcp access, main entrance	100,000	NRM
Subtotal	595,000	
Lincoln:		
Replace roof deck B45	69,000	NRM
Replace built-up roofs B1–6, 40 & 42.	250,000	NRM
Replace porch col B5–8	67,000	NRM
Reinsulate chilled water lines B40	48,000	NRM
Replace street light cable	408,000	NRM
Replace curbs	449,000	NRM
Replace nurse call wards 2 & 3	100,000	NRM
Equipment building	148,000	NRM
Fire sprinkler sytem B12 & 24	82,000	NRM
Replace windows B6–8, 12 & 24	144,000	NRM
Subtotal	1,765,000	
Omaha:		
Halls and walls	470,000	NRM
Renovate shower stalls	215,000	NRM
Sleep disorders lab	50,000	NRM
Repair 42nd street retaining wall and hill.	85,000	NRM
Replace soft water and struc repairs.	165,000	NRM
Expand psychiatry offices	42,000	NRM
Rekeying labor	37,000	NRM
Modernize quiet room facilities	152,000	NRM
Elim elect manhole groundwater	33,000	NRM
Renovate canteen kitchen	101,000	NRM
Rebuild cooling system	175,000	NRM
Ventilation research	50,000	NRM
Driveway to Woolworth Ave	101,000	NRM
Renovate B5 for mental health	212,000	NRM
Subtotal	1,888,000	
Nebraska total	4,498,000	
NEW HAMPSHIRE (REGION 1)		
Manchester:		
Replace 3 elevators	71,000	NRM
Install downsized boiler	34,000	NRM
New Hampshire total	105,000	
NEW JERSEY (REGION 1)		
East Orange:		
Repl upgrade storage tanks	47,000	NRM
Renovate pul lab hvac	159,000	NRM
TB mgmt sicu	83,000	NRM
TB mgmt micu	106,000	NRM
TB mgmt adm	204,000	NRM
TB mgmt emerg room	197,000	NRM
Install electrical ground	43,000	NRM
Repl windows 5th floor	504,000	NRM
Repl windows 4th floor	504,000	NRM
Tuckpointing & weatherproofing	343,000	NRM
Ceiling/floors	391,000	NRM
SICU/MICU code blue	61,000	NRM
Subtotal	2,642,000	
Lyons:		
Replace roofs, areas III	500,000	NRM

ECONOMIC STIMULUS PROPOSAL—Continued

Station, State, and project title	Cost	Category
Repair perimeter fence	420,000	NRM
Repave roads and lots	420,000	NRM
Tuckpoint and waterproofing	480,000	NRM
Remove elevated water tank	85,000	NRM
Repl storm sewers	190,000	NRM
Repl windows	22,000	NRM
Repl hvac. resp care	23,000	NRM
Repl roof system	26,000	NRM
Repl AOV sys	290,000	NRM
Dem vacant sewer plt	33,000	NRM
Repair foundation drains	33,000	NRM
Subtotal	2,522,000	
New Jersey total	5,164,000	
NEW MEXICO (REGION 4)		
Albuquerque		
Renovate siesmis ther chill	708,000	MINOR
Post anesthesia modifications	28,000	NRM
Subtotal.		
New Mexico Total	1,736,000	
NAVADA (REGION 4)		
Reno:		
Replace electrical system B1 (total)	284,000	NRM
NEW YORK (REGION 1)		
Albany:		
Energy survey	99,183	NRM
Remove asbestos ceiling	78,878	NRM
Replace steam traps phase	48,017	NRM
JCAHO fire/safety deficiencies	175,000	NRM
OR renovation	24,000	NRM
Renovate dietetic kitchen	54,580	NRM
Subtotal	479,658	
Batavia:		
Install light reflectors	16,000	NRM
Renov substance abuse area	335,000	NRM
Renov children's day care ctr	200,000	NRM
Correct hndi access prking	56,000	NRM
Constr hazards material strg BL	160,000	NRM
Upgrade elct	16,000	NRM
Repl burners on boilers	6,000	NRM
Subtotal	789,000	
Bath:		
Isolation rooms	138,000	NRM
Pt privacy 3rd floor	209,000	NRM
Correct elect def	155,000	NRM
Repl sprinkler heads, dom	75,000	NRM
Replace nurse call sys. B76	235,000	NRM
Install automatic doors	75,000	NRM
Repl windows, B30	379,000	NRM
Street repairs	410,000	NRM
Street repairs	341,000	NRM
Street repairs	353,000	NRM
Sprinkle protect attic, B78	53,000	NRM
Isolation rooms	97,000	NRM
Subtotal	2,520,000	
Bronx:		
Replace roof PH1	1,200,000	NRM
Motorized valve installation	25,400	NRM
Subtotal	1,225,400	
Brooklyn:		
Lighting controls	140,000	NRM
Oncology	21,000	NRM
Repl Windows PH 1	59,000	NRM
Spd/dietetic dumbwaiter	42,000	NRM
Window repl-St. Albans	2,000,000	NRM
Window repl-Brooklyn	400,000	NRM
Repl sidewalk & curb	250,000	NRM
Lighting controls	200,000	NRM
Repair paratets/soffits	300,000	NRM
Steam clean/tuckpoint B1	400,000	NRM
Anglograph room 5 prep	121,000	NRM
Fuel tank repl	46,000	NRM
Sprinkler sys PH 1	60,000	NRM
Repl simulator unit	148,000	NRM
Subtotal	4,187,000	
Buffalo:		
Tuckpoint bld 2, 3, 4, 5	55,000	NRM
Upgrade FST	25,000	NRM
Repl perimeter fencing	55,000	NRM
Repl nurse call sys PH 1	73,000	NRM
Expand 4B female restrooms	3,000	NRM
Repl laundry chutes/exh sys	34,300	NRM
Fiber optic computer trunk	160,000	NRM
Renov heal assembly area	200,000	NRM
Upgrade ward wall finishes	176,000	NRM
Repl roofs B1	160,000	NRM
Repl radiator traps	120,000	NRM
Install security sys	250,000	NRM
Resurface roadways and walkways	250,000	NRM
Upgrade fire sprinkler sys	100,000	NRM

ECONOMIC STIMULUS PROPOSAL—Continued

Station, State, and project title	Cost	Category
Remove incinerator	95,000	NRM
Renov ward 9A NHCU	36,000	NRM
Elevator HDCP access	12,000	NRM
Angio suite site prep	33,512	NRM
Subtotal	1,837,812	
Canandaigua:		
Repl emerg generator	12,000	NRM
Constr B7/8 NHCU pkg	60,000	NRM
Instal Handwash sinks	138,000	NRM
Construction isolation RM	6,000	NRM
Subtotal	216,000	
Castle Point:		
Telephone site-prep	1,059,000	NRM
EPA storage tank	385,000	NRM
Replace sprinkler heads	218,000	NRM
Renovate dental	780,000	NRM
Install scald guards/retile	105,000	NRM
HVAC sys	400,000	NRM
Refinish patient areas	175,000	NRM
Heatimizer/steam conversion	89,000	NRM
Renov B17, 1st floor	130,000	NRM
Renovate ward D3	27,000	NRM
Renovate NHCU C2	27,000	NRM
Seal coat bldgs	28,000	NRM
Remove Asbestos	26,800	NRM
Renovate spec room	70,000	NRM
Subtotal	3,519,800	NRM
Montrose:		
Halls/walls	300,000	NRM
Repl morgue HVAC	63,000	NRM
Repl roof B5	342,000	NRM
HVAC sys/windows pool	41,000	NRM
Replace windows 6AB	270,000	NRM
Ramps and patio	10,000	NRM
Handicap ramps B6, 10	13,000	NRM
Upgrade boiler equip	15,313	NRM
Renov bldg 9 NHCU	626,000	NRM
Subtotal	1,680,313,000	NRM
New York:		
Repl exhaust hoods	20,000	NRM
Replace windows	500,000	NRM
Upgrade air handle, PH6	125,000	NRM
Halls/walls	300,000	NRM
Subtotal	945,000	NRM
Northport:		
Nursing home bed conversion	1,405,000	Minor
Replace ceiling and floors	292,000	NRM
Renov B6, 2nd fl east wing	145,000	NRM
MCCR expansion B10	145,000	NRM
Outdoor patient rec area	95,000	NRM
Renov porch B12	145,000	NRM
Renov toilets	14,000	NRM
Subtotal	2,241,000	NRM
Syracuse:		
Repr roofs PH IV	23,000	NRM
Repl laundry equip	5,000	NRM
Repl refrigerant purges	27,000	NRM
Test/calibrate switchgear	52,000	NRM
Repl fire alarm	50,000	NRM
Handicap def	3,000	NRM
Repl roof PH 111	235,000	NRM
Renov bldg water sys	56,000	NRM
Subtotal	451,000	NRM
New York total	20,091,983	NRM
OHIO (REGION 2)		
Chillicothe:		
Roof B26	227,000	NRM
Freezer/refrigerator VCS B28	83,000	NRM
Roof B27	250,000	NRM
Asphalt pave engr area	662,000	NRM
Roof B31	260,000	NRM
Exterior painting B1–5	100,000	NRM
Roofs B252, 256, 259	80,000	NRM
Ramp B24	60,000	NRM
Asphalt street paving	400,000	NRM
Sidewalk replacement	50,000	NRM
Sealcoat asphalt	70,000	NRM
Roof B18	40,000	NRM
Roof B9 & B10	70,000	NRM
Roof B247	90,000	NRM
Roofs 23 & 25	100,000	NRM
Roof B20–22	70,000	NRM
Roof B36	50,000	NRM
Roof B5	100,000	NRM
Interior painting	378,000	NRM
Tuckpointing	50,000	NRM
Subtotal	3,190,000	
Cincinnati:		
Replace windows B64	214,000	NRM

ECONOMIC STIMULUS PROPOSAL—Continued

Station, State, and project title	Cost	Category
Replace windows PH II	730,000	NRM
Replace dearator	115,000	NRM
Replace mixing boxes 2E	104,000	NRM
Replace air cooled condensors	238,300	NRM
Remove asbestos B64	94,900	NRM
HVAC elec code mod	127,000	NRM
Replace steamline, B7	100,000	NRM
Subtotal	1,723,200	
Cleveland:		
Protection barriers	100,000	NRM
Replace steam candste line (B)	85,000	NRM
Replace ward OAV valves (W)	75,000	NRM
Replace windows B7	364,000	NRM
Replace windows B1	1,750,000	NRM
Replace parking lots (W)	934,773	NRM
Coat water tower (INT)	50,000	NRM
Landscape (B)	44,000	NRM
Replace strts (B)	640,125	NRM
Handicap deficiency (B)	153,570	NRM
Utility room casework	283,000	NRM
Paint theater (B)	58,000	NRM
Replace windows B6	720,000	NRM
Tuck point/seal B24	18,000	NRM
Replace windows B4	600,000	NRM
Replace windows B3	560,000	NRM
Rekey facility	168,000	NRM
Subtotal	6,603,468	
Dayton:		
Replace foundation drains	138,000	NRM
Lead paint abatement, B401	375,000	NRM
Replace VAMC perimeter fencing	299,000	NRM
Replace windows, B115	54,000	NRM
Window replacement, exit doors, B128.	100,000	NRM
Clean, tuckpoint B302, 305, B409–411.	348,000	NRM
Replace windows, B402	144,000	NRM
Preventive maintenance streets, parking lot.	349,000	NRM
Tuckpoint, clean, waterproof B408,412,115.	185,000	NRM
Subtotal	1,992,000	
Ohio total	13,508,668	
OKLAHOMA (REGION 3)		
Fort Gibson: OK Burial Area, phase II construction.	280,000	Minor-NCS
Muskogee:		
Upgrade interior decor	500,000	NRM
Resurface roads & parking	60,000	NRM
Replace sidewalks landscaping	80,000	NRM
Subtotal	640,000	
Oklahoma City:		
Construction Lawton OPC	2,200,000	Minor
Floor tile replacement	94,000	NRM
Carpet replacement	99,000	NRM
Vinyl wall covering	50,000	NRM
Replace sidewalks	25,000	NRM
Canteen renovation	125,000	NRM
Boiler plant window replacement	41,000	NRM
Condensor tube brush system	35,000	NRM
Health wing roof	50,000	NRM
Replace ct A/C unit	30,000	NRM
Ceiling tile replacement	74,000	NRM
Door replacement	70,000	NRM
Bathroom renovation ground fl	50,000	NRM
Outpatient bathroom renovation	115,000	NRM
Add energy efficient lighting	100,000	NRM
Add parking lot lighting	50,000	NRM
Maintenance shop renovation	150,000	NRM
Subtotal	3,358,000	
Oklahoma total	4,278,000	
OREGON (REGION 4)		
Portland:		
Replace roofs B6 & 16	225,000	NRM
Patient room lighting NHCU	125,000	NRM
Paint B6 & 16	203,000	NRM
HVAC B6	400,000	NRM
Roof repair, Vancouver division	350,000	NRM
Fa panels B6, T51, 41, & B16	125,000	NRM
Install gamma camera, B100, 2D166.	50,000	NRM
Install pacs network	80,000	NRM
Subtotal	1,558,000	
Roseburg:		
Renovate elevator B1	385,500	NRM
Replace fuel storage tanks	357,000	NRM
UPS installation	218,000	NRM
Subtotal	960,500	
White City: Fire sprinkler project	120,000	NRM

ECONOMIC STIMULUS PROPOSAL—Continued

Station, State, and project title	Cost	Category
Oregon total	2,638,500	
PENNSYLVANIA (REGION 1)		
Altoona:		
Correct isolation rooms, ward 4	84,000	NRM
Replace roofs, B2–7	173,000	NRM
Correct safety def	16,440	NRM
Correct safety def	195,000	NRM
Correct safety def	250,000	NRM
Correct safety def	10,000	NRM
Correct safety def	7,000	NRM
Correct safety def	35,000	NRM
Correct safety def	18,000	NRM
Correct safety def	25,000	NRM
Correct safety def	20,000	NRM
Repl boilers	180,000	NRM
Renov energy mgmt sys	6,000	NRM
Correct elect def	2,000	NRM
Renov B2	33,000	NRM
Correct dwg def	675,000	NRM
Remodel rad, PH 3	5,000	NRM
Repl cooling tower	84,000	NRM
Install cat scan unit	371,000	NRM
Repl refrigerators	195,000	NRM
Subtotal	2,384440	
Butler:		
Repl A/C chiller & sys	75,000	NRM
Repl roads and curbs	325,000	NRM
Architectural barriers	225,000	NRM
Outdoor pt rec area	245,000	NRM
Masonary restoration PH 1	61,000	NRM
Install sprinkler sys NHCU	141,000	NRM
Fire/safety dom	4,000	NRM
Repl flooring	5,000	NRM
Replace elevators, B 1	53,000	NRM
599–93–1090	13,000	NRM
Subtotal	1,147,000	
Coatesville:		
Arch barriers PH 4	364,000	NRM
Improve HAVC, lab area	117,000	NRM
Install motion detection sys	6,000	NRM
Install automatic doors	15,000	NRM
Repl ext doors outlying bldgs	43,000	NRM
Asbestos assessment	69,300	NRM
Install rft unit	126,000	NRM
Asbes remov boiler PLT	100,000	NRM
Corr arch barriers PH 1	67,000	NRM
Repl windows PH 3	146,000	NRM
Constr isolation RMS	17,000	NRM
Subtotal	1,070,300	
Erie:		
Consolidate mas & improve OPC	626,000	Minor
Elevator improvements	196,000	NRM
Modernize freight elevator	135,135	NRM
Main entrance canopy	80,000	NRM
Emergency entrance canopy	40,000	NRM
Tuckpoint & brick repair	45,000	NRM
Repl windows, PH 1	117,000	NRM
Renovate & expand radiology	136,000	NRM
Subtotal	1,375,135	
Lebanon:		
Safety cable and dormers	85,000	NRM
Replace automatic	57,000	NRM
Storage bldgs	125,000	NRM
Paint water tower	95,000	NRM
Pave parking lot	88,000	NRM
Replace sidewalks	45,000	NRM
B23 roof, parapets and walls	265,000	NRM
Biomed AOV,B1	182,000	NRM
Energy sir 3.96	38,000	NRM
JCAHO/bathroom handicap access	169,000	NRM
Asbestos abatement ph3	59,000	NRM
Unit dose program	15,000	NRM
Subtotal	1,223,000	
Philadelphia:		
Repl chill drinking water sys	16,000	NRM
Rep retaining wall NHCU	13,000	NRM
Expand NHCU basement	15,000	NRM
Renovate 5th flr ctr	115,000	NRM
Halls/walls	300,000	NRM
Subtotal	459,000	
Pittsburgh:		
Replace X-ray unit no. 2	74,000	NRM
Repl elec feeder 2A	60,000	NRM
Repl hot water	34,000	NRM
Replace cold water drains	387,568	NRM
Repaint and reroof B3, 4,5	333,828	NRM
Hemodialusis imprv.	66,000	NRM
Repl utility sys	20,000	NRM
Emer gen sys 810	50,000	NRM
Corr B6 for AAALAC	41,000	NRM
Repl water supply	139,000	NRM
11E renovation	140,000	NRM
Main and appr ele dis sys	91,000	NRM

ECONOMIC STIMULUS PROPOSAL—Continued

Station, State, and project title	Cost	Category
Repl elec distr sys feeder	26,000	NRM
Subtotal	1,462,396	
Wilkes-Barre:		
Tank repl and monitor	150,000	NRM
Underground main water	1,000,000	NRM
Boiler3, add steam capacity	5,000	NRM
Short Procedure unit	238,000	NRM
Renov X-ray rm 3 for r/f unit	42,000	NRM
Heat convector/value repl	65,000	NRM
Subtotal	1,500,000	
Pennsylvania, total	10,621,271	
PUERTO RICO (REGION 3)		
San Juan:		
Aquifer waterwell	21,000	NRM
Electronic access	100,000	NRM
Puerto Rico, total	121,000	
RHODE ISLAND (REGION 1)		
Providence:		
Pharmacy vault	70,000	NRM
Dental air compressor	70,000	NRM
Upgrade emergency power	133,000	NRM
Halls walls	20,000	NRM
Rhode Island, total	293,000	
SOUTH CAROLINA (REGION 3)		
Charleston:		
Replace AHU drives	100,000	NRM
Interior painting & decorating	250,000	NRM
Up-date record drawings	25,000	NRM
138/90C temp eng/P.A./clerks	409,000	NRM
Sav. sterilizer/electrical/plg	25,000	NRM
Install safety edges	45,000	NRM
MI project	125,000	NRM
FCU-AHU-Q.R. chiller	357,000	NRM
Dietetic cart wash area	45,000	NRM
Convert storage areas to offices	75,000	NRM
Additional paving	450,000	NRM
Ext. landscaping & handicapped	200,000	NRM
Subtotal	2,106,000	
Columbia:		
Expand outpatient functions	245,000	Minor
Inspect refrig sides of chillers	30,000	NRM
Subtotal	275,000	
South Carolina total	2,381,000	
SOUTH DAKOTA (REGION 2)		
Fort Meade:		
Replace shingles	300,000	NRM
Exterior paintaing	135,000	NRM
Road maintenance	2,500,000	NRM
Subtotal	2,935,000	
Hot Springs:		
Hazardous waste buildings	81,000	NRM
Replace hot wter tanks	180,000	NRM
Upgrade signage	119,000	NRM
Resurface roads	470,201	NRM
Renovate dietetics loading docks	57,000	NRM
B12 3d floor sprinklers	100,000	NRM
Subtotal	1,007,000	
South Dakota total	3,942,201	
TENNESSEE (REGION 3)		
Memphis:		
Upgrade smoke barrier	214,000	NRM
Replace lawn irrigation	56,000	NRM
Subtotal	270,000	
Mountain Home: RR gate signal crossing	77,800	NRM
Murfreesboro:		
NCHU countryard canopy	94,000	NRM
Repr/replace ball park shelter	65,000	NRM
Tuckpoint/seal buildings	448,000	NRM
Subtotal	607,000	
Nashville:		
Install electronic ballasts	553,000	NRM
Repl floor & stair treads	258,000	NRM
Replace egress doors	342,000	NRM
Subtotal	1,153,000	
Tennessee total	2,107,800	
TEXAS (REGION 3)		
Amarillo:		
Reroof bldgs	529,000	NRM

ECONOMIC STIMULUS PROPOSAL—Continued

Station, State, and project title	Cost	Category
Energy conserv. survey	27,000	NRM
Road work	300,000	NRM
Paint waterproof/tuckpoint	193,000	NRM
Replace exterior doors	71,000	NRM
Subtotal	1,120,000	
Big Spring:		
Enviroment	380,000	NRM
SPD expansion & renovation	134,000	Minor
Subtotal		514,000
Bonham: Resurf main rd & parking area	253,000	NRM
Dallas:		
Tuckpoint & waterproof bldg. 1	261,000	NRM
Upgrade sanitary	176,000	NRM
Replace ceiling tiles	158,000	NRM
Emerg. Access steam tunnel	102,000	NRM
Remodel personnel	145,000	NRM
Subtotal		842,000
Houston:		
Station 1 floor tile	50,000	NRM
Revolving doors NHCU & SCIU	350,000	NRM
Old records storage bldg	90,000	NRM
Phase correcting capacitors	65,000	NRM
Ext. granite repair	75,000	NRM
Refinish gym floor	84,000	NRM
Repair cer tile/pavers	60,,000	NRM
Remodel digestive des	35,000	NRM
remodel inf. control/spd	99,000	NRM
Equipment storage building	120,000	NRM
Fume hood instrumentation	90,000	NRM
Upgrade ext. lighting	75,000	NRM
Private offices for acos/ed	45,000	NRM
Control joint flashing	80,000	NRM
UPS NUC med	85,000	NRM
Subtotal		1,403,000
Kerrville:		
Repair street light system	67,000	NRM
Replace hot water generator	171,000	NRM
Install motion sensor light	68,000	NRM
Repair soft water tank	63,000	NRM
Resurface east roof section	205,000	NRM
Abestos abatement survey	30,000	NRM
Repleng/security communication	52,000	NRM
Environmental improvements	115,000	NRM
Repr & sealcoat parking lots	150,000	NRM
Repr & sealcoat roadways	197,000	NRM
Subtotal		1,118,000
Marlin: Resurface parking	255,000	NRM
San Antonio:		
Reinsulate chilled & hot water li	744,000	NRM
Up-grade wood doors	426,000	NRM
Subtotal		1,170,000
Temple: Main output clinic renov/exp	205,000	Minor
Waco: Asbestos removal, B–6	397,000	NRM
Texas total	7,277,000	
UTAH (REGION 4)		
Salt Lake City: Expand for research B2 (total).	2,435,000	Minor
VIRGINIA (REGION 1)		
Hampton:		
Replace chapel roof	65,000	NRM
Hazardous material storage	66,000	NRM
Halls/walls	300,000	NRM
Repl adv alarm	7,000	NRM
Prep utility plots	26,000	NRM
Repl roof bldg 110, PH II	439,000	NRM
Repl thru-wall a/c units	180,000	NRM
Repl roof gutters B43 & B69	80,000	NRM
Exterior paint various bldgs	100,000	NRM
Provide chiller emerg power	40,000	NRM
Repl cooling tower, B110a	125,000	NRM
Repl center twin elev	60,000	NRM
Inst HVAC B43	27,000	NRM
Correct psy safety def	20,000	NRM
Repair spauling damage	25,000	NRM
Renovate morgue	80,500	NRM
Subtotal	1,640,500	
Richmond:		
Site prep-telephone upgrd	238,000	NRM
Correct leaks in NHCU plaza	415,000	NRM
Repl ust	25,000	NRM
Site prep for sterilizers	130,000	NRM
Elec load shedding study	25,000	NRM
Repl heat pumps B507	74,000	NRM
A/E for complete unfinished area	14,000	NRM
Evaluate ventilation sys	25,000	NRM
Modify film viewing room	39,000	NRM
Waterproof and seal doors	55,000	NRM
Seal/restripe pkg lot	250,000	NRM
Convert drawings to cad	20,000	NRM

ECONOMIC STIMULUS PROPOSAL—Continued

Station, State, and project title	Cost	Category
Modif to doors to sci	53,000	NRM
A/E for modify space for ct	9,000	NRM
Micu/sicu sliding doors	58,000	NRM
Pool dehumification	58,000	NRM
Patient security sys	51,000	NRM
Correct life safety def	14,000	NRM
Renovate public toilets	58,000	NRM
Subtotal	1,611,000	
Salem:		
Rep/repl perimeter fence	150,000	NRM
Elec distr study	127,000	NRM
Renov locker and toilet area B–14	260,000	NRM
Renov B77–1 for child day care	75,000	NRM
Repl concrete walks	126,000	NRM
Install security fence lighting	107,000	NRM
Renovate B25	95,000	NRM
Conduct energy audit	45,000	NRM
Repair roads lake area	115,000	NRM
Replace roofing various bldgs	220,000	NRM
Repl ug fuel tanks	22,000	NRM
Retrofit high volt switchgear	14,000	NRM
Repl handicap/id signage	94,000	NRM
Install modullar bathrooms	72,000	NRM
Close solid waste/asbes	385,000	NRM
Subtotal	1,907,000	
Virginia Total	5,185,500	
VERMONT (REGION 1)		
White River Junction:		
Update AOV equip B1,31,39	36,000	NRM
BSE repairs/repl B8/31	141,000	NRM
Upgrade amb care pkg	133,000	NRM
Recondition roads and pkg lots	128,000	NRM
Security Fence E/W sides	69,000	NRM
Reinsulation boiler #1	80,000	NRM
Install storage area 844	9,800	NRM
Cap Hazardous soils	9,800	NRM
Upgrade energy sys	42,000	NRM
Repl roof B31	53,000	NRM
Repl PT tubes 5 rms	127,000	NRM
Repl water tanks	58,000	NRM
Revise blood bank/lab areas	46,000	NRM
Install sprinkler system B–1	418,000	Minor
Vermont subtotal	1,350,600	
WASHINGTON (REGION 4)		
American Lake:		
Monitor temp control	458,000	NRM
Replace windows, B–4,7	513,000	NRM
Refurbish bldg, exteriors	225,000	NRM
Repl windows, B–61	276,000	NRM
Replace signage	180,000	NRM
Install sprinkler system	242,000	NRM
As-built cadd service	52,000	NRM
	1,946,000	
Seattle:		
Refurbish B100 Exterior	600,000	NRM
Refurbish Patient areas	340,000	NRM
	940,000	
Spokane:		
Repaint all buildings	178,000	NRM
Renovate bldg 1 parking lot	108,000	NRM
Repaint all corridors	63,000	NRM
Replace emergency generator	167,000	NRM
	516,000	
Walla Walla:		
Ambulatory care reception	638,000	Minor
Washington Total	4,040,000	
WISCONSIN (REGION 2)		
Madison:		
Renovate for MRI	627,000	Minor
Replace laundry dock	75,000	NRM
Replace wall coverings and guards	250,000	NRM
Replace exit lights	65,000	NRM
Expand parking/40 stalls	165,000	NRM
Tuckpoint/seal bldgs, PH II	270,000	NRM
Replace water lines	250,000	NRM
Heat exchangers B5 & 7	50,000	NRM
Replace sewer lift stations	90,000	NRM
Clean ductwork	150,000	NRM
Utility digitizing	150,000	NRM
Roads & grounds	410,000	NRM
Replace floor covering, PHI	380,000	NRM
Replace main steamlines	250,000	NRM
UPS for IRMS	88,000	NRM
Subtotal	3,270,000	
Milwaukee:		
Roof B43	150,000	NRM
Floor tile, 7th floor	480,000	NRM
B6 HVAC wing B	495,000	NRM
Floor tile/VWC 15th flr (8A)	480,000	NRM
Replace ceiling B70, corridor	100,000	NRM

ECONOMIC STIMULUS PROPOSAL—Continued

Station, State, and project title	Cost	Category
Energy efficient lights B6	62,000	NRM
Warehouse elevator	132,000	NRM
Bldg 5 upgrade fire alarm	40,000	NRM
Underground storage tank	508,000	NRM
Canteen service remodeling	150,000	NRM
B7 HVAC	284,000	NRM
Dietectic quarry tile	373,000	NRM
B5, 2nd 7 3rd floor east	495,000	NRM
B70 handrails	200,000	NRM
B7 floor 3	300,000	NRM
Ceiling B 111	300,000	NRM
Corridor wall covering	480,000	NRM
Roads and curbs	475,000	NRM
Remodel nurses stations, PHIV	400,000	NRM
Tuckpoint/clean B1 & 41	350,000	NRM
Roffs B1–4, 20 & 70 Annex	450,000	NRM
Water lines B70	80,000	NRM
Install drain tile B3	60,000	NRM
Replace AVO outlets 9C	250,000	NRM
Paint exterior pt. areas	180,000	NRM
Thermal windows B43	250,000	NRM
Traffic mirrors	25,000	NRM
Clean ductwork A/C	150,000	NRM
Subtotal	7,699,000	
Tomah:		
Construct smoking	130,000	NRM
Seal/tuckpoint	477,000	NRM
Replace auto doors	170,000	NRM
Replace sidewalks	350,000	NRM
Construct stg. bldg.	30,000	NRM
Seal/tuckpoint B401, 407	477,000	NRM
Seal/tuckpoint B402, 424	275,000	NRM
Seal/tuckpoint B400, B2	477,000	NRM
Upgrade fire alarm system comp	50,000	NRM
Install energy ctrl ctr	300,000	NRM
Subtotal	2,736,000	
Wisconsin total	13,705,000	
WEST VIRGINIA (REGION 1)		
Beckley: Fencing	210,000	NRM
Clarksburg:		
Erect vehicle & equip shelter	150,000	NRM
Repl adv sys	130,000	NRM
Repl roofing/repair	30,000	NRM
Gas well study	20,000	NRM
Repl/repr windows	4,000	NRM
Repl doors and latches	11,000	NRM
Repl leaking fuel tanks	10,000	NRM
Repl Chillers	27,000	NRM
Subtotal	382,000	NRM
Huntington:		
Underground storage	133,000	NRM
Repair Elevator 1W/4/12	24,000	NRM
Tuckpoint Buildings	400,000	NRM
Repair cement facage	42,000	NRM
Metal bldg	160,000	NRM
Replace boiler controls	30,000	NRM
Boundary fence	125,000	NRM
Ventilation and dust control	20,000	NRM
Upgrd hvac bldgs 1W and 4	90,000	NRM
Inst auto tube clearner	4,000	NRM
Correct handicap def	14,000	NRM
Inst sprklrsys 1W and 34	16,000	NRM
Subtotal	1,058,000	
Martinsburg:		
Provide soft water, dietetics	17,000	NRM
Wainscoting and wallcover PH IV	80,000	NRM
Repl asbestos, PH IV	20,000	NRM
Expand octv	50,000	NRM
Repl asbestos PH V	245,000	NRM
Interior painting B500	150,000	NRM
Paint interiors 501–502	100,000	NRM
Install exit alarms-dom	25,000	NRM
Replace curb gutters and walks	182,000	NRM
Repl fire sprinklers PH V	18,000	NRM
Repl sewer lift station	10,000	NRM
Caulk and weatherstrip	198,000	NRM
Subtotal	1,095,000	
West Virginia total	2,745,000	NRM
WYOMING (REGION)		
Cheyenne:		
Convert or to ward	17,000	Minor A/E
Sheridan:		
Stairwell deficiency	1,066,000	Minor
Va/joint powers water system	140,000	NRM
Subtotal	1,206,000	
Wyoming total	1,223,000	
Grand total	235,391,084	35,391,084

Mr. MURKOWSKI. Mr. President, if the list prepared by the VA is not accurate and the bill does not fund these projects, then again the VA may have misled the Senate. I do not think that is their intent. But the reality is the VA cannot have it both ways. The news clips are replete with stories describing these local make-work projects, yet there is no provision for veterans' employment. Adoption of my amendment would at least assure that a portion of the funding would be applied to job training for veterans.

Another argument, Mr. President, is that VA postponed needed maintenance for so long that all of the projects in the supplemental really are vital. Imagine that. Restripping a parking lot is vital, remodeling a conference room is an emergency, a covered walk to the pool is urgent, so the staff will not get wet on their way to the pool, they need a cover. A flagpole has to be put up. Is a pavilion at the pond going to provide health care to the veteran?

Is the Senate to believe veterans deprived a promenade along the sea wall are veterans deprived of medical service? Certainly not. The Congress has already appropriated $321 million for VA's 1993 nonrecurring maintenance. When the amendment is agreed to, the VA is going to get another $176 million. The projects before us now are the ones that did not make the cut in the VA's regular budget process. The amendment would affect only one-eighth of the maintenance projects proposed in the supplemental. The VA can identify the most important projects and complete them. I maintain that the rest of this wish list can certainly stand to be trimmed.

The last argument is that the employment program is just getting geared up. The VA does not expect to have it running until July, and the extra money is not needed this year.

Mr. President, the amendment will allow VA to spend the money in fiscal year 1994. Existing funding for the training program is enough to fund about 7,500 veterans at $10,000 per veteran. This will be solid job training involving them in the economic vitality of our Nation.

The amendment would provide training for an additional 2,500 veterans.

Finally, if VA and the Department of Labor cannot find 10,000 veterans to train for permanent jobs, then we really do not have an emergency and do not need this bill at all.

I reserve the remainder of my time.

Mr. President, I see no one else to be recognized, 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. MURKOWSKI. 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. MURKOWSKI. Mr. President, after conferring, I am under the impression that the other side would want the time not charged equally. But I guess that is not the question. They are willing to charge the time equally.

So the Senator from Alaska would ask that each side be equally charged for the time consumed in the quorum call.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. 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. ROCKEFELLER. Mr. President, what is the parliamentary situation with regard to time?

The PRESIDING OFFICER. The time remaining controlled by the Senator's side is 26 minutes, 57 seconds.

Mr. ROCKEFELLER. Mr. President, I was absent during part of the distinguished Senator from Alaska, my friend, Senator MURKOWSKI's presentation because I was in the caucus of the other party, that being my own.

But as chairman of the Veterans' Affairs Committee, I very strongly oppose the amendment of my good friend, Senator MURKOWSKI.

It is not in any way consistent with the intent of the short-term stimulus program. It would take funds for veterans that can make a difference now and would shift those funds to an important but less near-term need. The Senate Veterans' Affairs Committee in the very near future will be taking up the need to provide additional money for job training.

The President has made me aware, as of the day before yesterday, of his aggressive posture in helping members of the Armed Forces who will be coming home earlier than anticipated and would require the kind of things that my friend from Alaska referred to.

I ask unanimous consent that the letter from the President to this chairman be printed in the RECORD.

There being on objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, March 29, 1993.

Hon. JOHN D. ROCKEFELLER IV,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter expressing concern for our military personnel as we restructure our nation's Armed Forces, and asking for release of funding previously appropriated for the "Service Members Occupational Conversion Training Program" (SMOCTP).

I share your concern about our men and women in uniform who must cut short their planned military careers. This Administration will be aggressive in helping these people, and in rechanneling talents, skills and resources that helped us win the Cold War into new, productive uses for our nation.

As you may know, I recently announced a major $20 billion initiative on defense reinvestment and conversion that included the release of the $75 million of 1993 funds for SMOCTP, and the transfer of these funds from the Department of Defense to the Department of Veterans' Affairs. The Departments of Defense, Labor and Veterans' Affairs signed a Memorandum of Agreement on this program on March 11, 1993, and will be closely coordinating their efforts to ensure their prompt and effective use of the SMOCTP funds.

I feel fortunate to have been able to build on the strong foundation provided by Congress last year for defense reinvestment, particularly in such areas as retraining. My Task Force on Dislocated Workers will be providing me with additional suggestions in May as to how we can further improve the quality and responsiveness of our retraining and transition assistance.

I appreciate your commitment to our military and veterans, and always appreciate your thoughts on these important defense transition issues.

Sincerely,

BILL CLINTON.

Mr. ROCKEFELLER. These jobs in the short-term stimulus package, those contemplated for the Veterans' Administration, are incredibly important. I hope that all of my colleagues recognize that the Federal rule for veterans preference on Federal jobs is maintained in this stimulus package. Therefore, for any short-term stimulus which relates to veterans programs, any other Federal program, veterans would have preference.

So a short-term stimulus helps veterans. Short-term jobs help veterans.

I repeat that I think it is very important that we turn to the question of more job training money in the near future. The President of our country feels the same way. It is vitally important that we address these needs of those people who will be leaving the service involuntarily. They will have substantial skills, but they will have transition problems.

I support, as my friend does, secure funding for this training, but not at the expenses of the President's short-term stimulus package. The projects that will be undertaken by the VA out of this stimulus package must, in the judgment of this Senator, be preserved. I think there really are two important reasons to oppose this amendment, Mr. President.

First is what this bill is about, and that is short-term stimulus. We need to create jobs now. One can argue the economic theories of it. I happen to feel very comfortable with this package, not because I am in the party of the President, but because it happens to be my own point of view.

Coming from the State of West Virginia, it is not difficult to hold this point of view. Our unemployment is just below 12 percent. I do not like to fool with recessions. We have been through two since 1990. That has been savage enough. I am well accustomed to West Virginia being at the top of all of the States in unemployment, but I do not enjoy any minute of it. I do not want to risk another short-term recession or another longer term recession. That is something that is extremely close to my heart. I want jobs now. There is a significant need now to create jobs now, and the Murkowski amendment would prevent that from happening. It would not do that. There are hundreds of nonrecurring maintenance projects that the VA needs to be done now—for which this bill would provide money now.

There is, in fact, a $2-billion backlog for minor construction and nonrecurring maintenance and repair programs that remain unfunded. Some of this can be addressed through money provided in this bill. People can be put to work. These programs provide the quickest most flexible, and least costly means to offset the facility deterioration.

We have put off repairs, maintenance, painting, and—yes—parking lot repairs, for a long time. When you put things off, the cost you eventually have to pay to do them does not go down, it goes up.

I was president of a college for 3, almost 4 years. That was in the early 1970's. I was faced with the situation where we had a declining enrollment, and therefore a declining revenue base, and so what did I do? I did what presidents of colleges always do—postponed maintenance, upkeep, and painting. And you say, good, we can get by for another year. Well, you do. But then when you have to do it, it is more expensive.

So there are huge needs for repairs. My friend from Alaska would in no way disagree that we have an enormous need for repairs in the VA hospitals and facilities all over this country. I know my friend would not disagree with that. All of these stimulus projects have been prioritized by VA regional offices and by the central office. And they were selected for the stimulus package in accordance with the President's criterion that contracts can be awarded within 60 days after the funds become available. All these projects are in the current backlog—which I say, again, amounts to $2 billion.

For the medical system, a lot of emphasis will be placed in this package on improving patient environments. We have to bring facilities up to current fire and safety codes—it is embarrassing to have to say that—and modernize patient treatment areas. We have a substantial asbestos problem. I do not think anybody wants to fool around with that. We have wards and other patient support facilities that need work and need attention. We need interior repairs. We need roofs.

One can make a joke about a roof, unless it is the roof that one is living under. What if you are 75 years old and in long term care in a VA hospital and the roof leaks? Well, it means a lot more to you than if you are standing here on the floor of the Senate saying we can put that off for another amount of time.

Some folks might choose to make light of our National Cemetery System. I do not. I do not. I know what it means to veterans and their families in my State of West Virginia. I know what it means to the colleagues of the Presiding Officer. National cemeteries. I have been to many of them. They need repairs. They are on the priority list. You put that off and you will pay more later.

The supplemental funds will allow VA to repair and improve roads, buildings, water systems, and perimeter walls in national cemeteries.

The VA estimates that this stimulus package will create almost 5,000 jobs immediately—within 60 days. That is the point of this bill. This is a lot of jobs. In West Virginia that would be overwhelming. The population of the State would go up. Our unemployment statistics would go down. We need these things in this country. We have had a very bad experience since 1990 in terms of our economy.

There are all kinds of basic safety and patient-environment needs that can be addressed here, including projects in Tuscaloosa, AL; Houston, TX; Cleveland, OH; Huntington, WV—obviously, I am interested in that—Battle Creek, MI; Butler, PA. And these affect health care for veterans, most of them.

The Senator from Alaska, who is my very good friend—and we have a very good working relationship, and it is going to remain that way—would take this money out of the health care account. It says so right here. For an additional amount of medical care—he would take it out of that money.

Well, what we are doing in the Veterans' Affairs Committee is debating our deficiencies in medical care. We had a hearing yesterday, and another one a week before that, on medical care. It is the overwhelming problem of the Veterans' Committee and of the veterans community, and is a concern of all veterans.

Medical care is not just surgeons, not just physicians, not just nurses. It is buildings, facilities, air conditioning, and not having asbestos. It is having floors that do not squeak and roofs that do not leak.

What we have in the short-term stimulus package is a chance to take a substantial amount of money $235 million, of which the Senator would remove some $25 million. That $235 million would be applied to making these repairs, which would in turn create 4,700 jobs, which, in turn, would be awarded subject to veterans' preference. I like the sound of that, and that is only my first reason.

Mr. President, I do not want to tarry on the business of removing dangerous asbestos, but that needs to be done now. What about improving fire safety, think about that.

I remember the college of which I was President. I am thinking of several buildings where there were fire safety problems. I remember a student who died because of fire safety problems. There was not an escape ladder, wrought iron, to the side of the building.

As far as improved security, that must count these days. One hates to have to say that. Families come to visit patients—and patients often wander. Security is a problem everywhere. Veterans' Administration hospital facilities are not immune from security problems.

As to improved drinking water, good grief, the Dirksen Building had no water for months due to extremely high lead content. So, we should protect Senators, because we do not want to tamper with their tummies; how could we justify treating veterans any differently. I cannot guarantee this money will go into safe drinking water, but it is one of many problems the VA has in mind to get at, to improve drinking water, to remove dangerous leaking fuel tanks that are present on veterans' facilities.

For years, VA managers have had to put off these projects and use funding to compensate for budget shortfalls. It is the classic problem of appropriating for a massive institution. We are talking about the largest health care system in the entire United States. There is nothing close to it. They have 171 hospitals, millions of patient days, and endless numbers of outpatient facilities and nursing homes. This is an enormous operation. Maintaining the VA physical plant is an enormous task.

So VA managers, because they are not under entitlement—many people think the veterans' program is an entitlement, a health care entitlement. It is not. It is appropriated every year. We have to battle for that appropriation, and it rarely goes up. In fact, it has barely kept pace with inflation—even with Congress adding money to wholly inadequate medical care budget requests by Presidents Reagan and Bush. So the amendment would take health care money away.

I do not know whether the point of this is an attempt to frustrate the current President's short-term stimulus program—I have no idea—or a general commitment on the part of the Senator from Alaska to remove some of these projects. I do not know. He can speak for himself.

I have great respect for the Senator. We work together closely. We have a very good chemistry. In fact, my chief of staff and his chief of staff and the gentleman sitting beside me now, all of us have an excellent working relationship, and it will remain so.

I oppose the Senator on this amendment. It is my duty and choice. Whether it is my duty or not, it would be my choice. I do not want these projects to be delayed. I support the stimulus package. It would help the Veterans' Administration. It brings about 5,000 jobs on the table, now.

Obviously, I urge my colleagues to oppose the amendment. Make no mistake, Mr. President. I am committed to veterans' job training programs enacted by the National Defense Authorization Act for fiscal year 1993. In fact, I am concerned with how slow the program is getting out of the chute.

That is why I joined my good friend, Chairman SONNY MONTGOMERY, of the House Veterans' Committee, in asking the President for immediate implementation. And therein lies the reason for the March 29, 1993, letter, saying that he wanted the $75 million we had appropriated to fund veterans' job training programs be spent. Those funds have now been released, and under the agreement signed on March 11 between the Department of Defense, the Department of Labor, and the Department of Veterans Affairs, the funds have been transferred from the Department of Defense to the Veterans' Administration to begin this program.

So I ask my distinguished colleague from Alaska to think about that.

The Senate Veterans' Affairs Committee reported to the Budget Committee, on March 5 on our views and estimates with respect to fiscal year 1994. In our letter, the committee indicated that increased downsizing of the active duty Armed Forces would require $25 million in increased authorization levels.

We will do that. We will get that. But not at the expense of the President's short-term stimulus program. I repeat: These are jobs which are going out to bid immediately. The money will be available within 60 days. People will go to work immediately.

If my colleagues do not like the stimulus package, then let them vote against it, if they do not like the idea that people are put to work immediately, let them vote against it if they do not like the idea.

Veterans' hospitals and health care facilities need repairs of all sorts, and I know it is easy to poke fun at certain kinds of repairs. It is very easy. It is easy to poke fun at repainting. But veterans live in these hospitals. Veterans are old and aging rapidly, and they deserve the best care we can give them.

And to be quite honest with you, Mr. President, veterans—and I think my colleague from Alaska will agree with this—have generally not received the support that they should have received over the years. That is my experience,

at least in the 8 years that I have been in this Senate.

So I oppose this amendment. I feel very strongly about it. I have a lot of reasons for opposing it. I would rest my case for the moment and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Chair recognizes the Senator from Alaska [Mr. MURKOWSKI].

Mr. MURKOWSKI. I thank the Chair.

Let me comment on my high regard for my distinguished colleague and friend, the Senator from West Virginia, who is the chairman of the Veterans' Affairs Committee. We have a great working relationship. I am sorry we must differ on this particular matter, but I would like to make a few corrections relative to the statements made by my friend from West Virginia.

I remind my friend that the amendment of the Senator from Alaska would take nothing, nothing, absolutely nothing away from cemeteries. The VA can identify the highest priority projects on its list and fund them.

I further remind my friend that the VA has asked for $201 million in addition to the $321 million already appropriated. So to suggest that VA maintenance is somehow jeopardized for lack of funding is to incorrectly suggest that the whole maintenance budget is going to be stricken by my amendment. And as my good friend knows, that simply is not the case. The VA would still get an extra $176 million in addition to the $321 million already appropriated.

Now, the point of my friend from West Virginia; that the expenditures in the emergency supplemental for the VA would stimulate jobs, I think bears some examination. He indicates that there are some 5,000 short-term temporary jobs for projects funded in the bill. But he and I are both associated with the business community. Both of us know that this list in many cases will require competitive bidding by experts that know how to handle asbestos removal, or how to put up roofs or hardtop parking lots. And clearly the opportunities for veterans would be a level of casual labor or employees, unfortunately.

But I remind my friend that my amendment funds training for 2,500 long-term permanent jobs for veterans, all of which go for veterans. So I think my friend will agree that there is a difference here.

He indicates that veterans' preference applies, and that is true, but still only a fraction of the workers will be veterans. As I indicated, in a lot of specialized work, the VA will require competitive bidding. There will be architects, engineers, and designers that will be putting out specifications, because these are big-ticket items.

On the other hand, as I indicated, if my amendment passes, every person who will be trained a full-time job will be a veteran.

Mr. President, let me just conclude very briefly with what we are dealing with here. We are dealing with an emergency supplemental.

It has been suggested by my good friend that funding for the amendment is coming out of the medical care account. My good friend would have you believe that the amendment of the Senator from Alaska is striking medical care and our obligation for medical care.

Well, if a flagpole has something to do with medical care at a cost of $30,000, why, I will show you where we have our igloos. If installing a pavilion and a pond for $75,000 has some relationship to the health care budget, I could show you where a good fishing hole is in Alaska; $9,000 for a bowling ally. Bowling is great, but it is hardly an emergency and hardly warrants consideration to suggest that somehow this is coming out of the veterans' health care account.

The reality is the health care account is a category and all these things for maintenance, leaky roofs, leaky pipes, asbestos come out of that account. But no one in this body should be mislead by a suggestion that we are striking veterans' health care by this amendment.

Speaking of veterans' health, I could not help but notice that there is $35,000 in here for a patient smoking shelter. Now, that is rather curious, because there are many in the VA that are trying to encourage veterans to stop smoking because, obviously, it is hazardous to your health. It says so on the package. Emphysema is not unusual to the VA, by any means. Yet $35,000 in here for a patient smoking shelter, is that an emergency? Do you need a shelter? Go outside and smoke.

You know, we talk about smoke and we talk about mirrors, but clearly I think everyone in this body would have to admit that many of these items hardly bear the inclusion under the terminology "emergency stimulus."

Mr. President, I see some of my other colleagues who I am sure want to have some time, so I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senate has 1 minute 25 seconds.

Mr. DECONCINI. Mr. President, who has the time? I would like to speak in opposition to the amendment of the Senator from Alaska.

The PRESIDING OFFICER. Time in opposition is controlled by the Senator from West Virginia, who has 9 minutes and 37 seconds remaining.

Mr. ROCKEFELLER. I know that the Senator from Maryland wishes to speak, and she is coming over, and I believe the majority leader wishes to speak.

How long would the Senator like to speak?

Mr. DECONCINI. Two or 3 minutes. The Senator is going to like what I say.

Mr. ROCKEFELLER. I yield 3 minutes, for sure.

Mr. DECONCINI. Mr. President, I thank the Senator from West Virginia, and I commend him for his able leadership as chairman of the Veterans' Affairs Committee.

Mr. President, the medical care construction moneys in this bill are vital to repairing the damage caused by years and years of neglect to the veterans by past administrations failed to do what was necessary for our veteran's medical care. They gutted it year after year.

It was only the Congress, including the Senator from Alaska, that stood up on occasion and we added money. So it is high time that our new administration correct the sins of the past and that is suggest that we get caught up, and that is what we are talking about.

The Senator from Alaska sat through hearings himself in 1988 where one veteran medical center director after another testified that the decremental budgets under the Bush and Reagan administrations were causing facilities to become, in some cases, dangerous and in others, simply not fit to be used. Moreover, the Senator from Alaska as ranking member of the Committee on Veterans' Affairs, that the Office of Management and Budget was shorting the medical care account by providing less than half of the actual medical care cost inflator. The resulting shortfalls forced the medical center directors to divert even move funds from nonrecurring maintenance.

Mr. President, no one is sensitive to the employment needs of veterans discharged during this defense downsizing than this Senator. In fact, the very program for which the Senator from Alaska wants to seek additional funds was in legislation that I introduced in the 102d Congress. That legislation, the Veterans' Employment and Training Act was passed unanimously by the Senate and later incorporated, with minor amendments, into the defense conversion package enacted late in the session.

Mr. President, $75 million was appropriated for that program in the fiscal year 1993 defense bill. However, no money has been spent to date. It is also very unlikely any additional money will be spent when we have $75 million there. In fact, a memorandum of understanding between the Department of Defense, Labor and Veterans Affairs was only agreed to within the past couple of weeks. So there is more than sufficient funds yet to be spent.

So are we going to penalize the medical care facilities catchup programs that are going to produce jobs and also create better veterans' health care? I hope we do not do that.

A vote for this amendment is going to be against the health care of the America veterans.

I am delighted the President has decided to put that as an emphasis, because there was a lot of campaign rhetoric that because he was not a veteran, how could he have any appreciation? Well, President Clinton does have an appreciation, and he is maintaining that appreciation with a commitment of moneys to improve the medical care of the veterans.

I hope the Senate will reject this amendment.

I thank the Senator from West Virginia and yield back my time to him.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, I seek time.

Mr. ROCKEFELLER. Mr. President, the Senator from West Virginia would be delighted to yield 4 minutes to the distinguished Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland [Ms. MIKULSKI] is recognized for up to 4 minutes.

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

Mr. President, today when I came to the floor to identify the amendments that were being offered, I thought, gosh, these must be April fools' jokes. It is April 1.

Now, good friends tease each other. They are not serious. They offer some ideas, but it is all in good fun.

I mean, my gosh, who would want to cut environmental programs that help the private sector get ready for the 21st century? That has to be a tease.

My gosh, Mr. President, who would want to cut funding to deal with the incredible backlog that exists now in the need to repair and modernize veterans' infrastructure?

And, by gosh, I find that, as the day has unfolded, this is serious. I find that these amendments that are being offered are no laughing matter.

I am stunned by this amendment.

I chair the VA Subcommittee on Appropriations. Year after year that I have chaired it, veterans' groups have come in to meet with me from the grassroots level to talk about the fact that our 170 institutions, many of them, are in disrepair and not fit for duty. They need a roof or, in a hot climate in the Southwest, they need air-conditioning modernized. They need to have energy efficiency and modernization. They need safety improvements. They need to make sure that their infrastructure and wiring and other technical things can accommodate the new technology in radiology and computers that facilitate case management.

Well, I though we were going to help with that in this stimulus package, generating jobs in the construction industry and giving a real salute to American veterans and say, "We want our facilities to be as fit for duty as you were when you served your country."

Today the VA has $2 billion backlogged for minor construction and nonrecurring maintenance and repair programs. These programs provide the most flexible and least costly means to offset the deterioration of hospitals and community clinics. VA estimates that over 1,000 jobs will be created. Nationwide projects that will be handled at local facility levels, hiring local skilled labor in many necessary projects will be awarded to small business.

The trend in recent years has been to get out of the major construction and get into making sure that there will be repairs. VA has identified projects throughout this country from removing asbestos in Alabama and Texas to correcting elevator deficiencies in Knoxville, IA; to improving handicap accessibility—wheelchair accessibility and facilities—replacing fire alarms; providing sprinklers; correcting fire protection deficiencies in Mississippi; constructing hazardous materials storage in New York; and I could go on and on.

These are not make-work projects. These are not leaf-raking projects. These are real work that enable our health care facilities to meet their populations' needs.

I am continually at veterans' meetings with colleagues who love to tell the veterans: We are for you, Jack, We are for you, Joe. We are for you, Jill, We are for you, Jane. They wear the hats. My colleagues walk in Fourth of July parades. And now, over in DOD, we are talking about our support for the American military—until it comes time that promises made should be promises kept—then we take a walk on veterans' facilities and veterans' health care.

Come on, let us defeat this amendment. I am tired of the April fools' jokes that are going on.

The PRESIDING OFFICER. The time allocated to the Senator from Maryland has expired. Who yields time?

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator controls 2 minutes 6 seconds.

Mr. ROCKEFELLER. My colleagues on this side of the aisle are engaged in a Socratic dialog in a nearby room, and I wonder whether it would be possible to ask unanimous consent that this dialog in this Chamber be continued until 5 o'clock, an additional, approximately, 20 minutes. I ask unanimous consent.

The PRESIDING OFFICER. Does the Senator make a unanimous-consent request to that effect? Is there objection?

Mr. ROCKEFELLER. The time to be equally divided.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. Does the Senator reserve the right to object?

Mr. MURKOWSKI. Reserving the right to object, I have not made a decision as to whether I will object. But I would like to request unanimous consent I may be allowed to check with our leadership with regard to extending the time.

I suggest the absence of a quorum. The time will not be charged to this side.

The PRESIDING OFFICER. The unanimous-consent request propounded by the Senator from West Virginia is still on the floor.

Mr. MURKOWSKI. The Senator from Alaska would ask my friend from West Virginia if he would have any objection?

Mr. ROCKEFELLER. If the Senator requires finding this out from the leadership?

Mr. MURKOWSKI. It will just take a moment.

Mr. ROCKEFELLER. I also suggest the absence of a quorum, even for a moment.

The PRESIDING OFFICER. Without objection, the quorum call will be charged to neither side. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I am going to reserve the remainder of my time. I have checked with our leadership on the floor and we are agreeable to extending the time until 5 o'clock. Was that the request?

Mr. ROCKEFELLER. Yes.

Mr. MURKOWSKI. I thank the Chair and thank my friend from West Virginia. What is the time remaining on this side?

The PRESIDING OFFICER. The Senator has 1 minute and 19 seconds without extension.

Mr. MURKOWSKI. I thank the Chair.

Mr. ROCKEFELLER. In that, there is now a new unanimous consent?

The PRESIDING OFFICER. Would the Senator from West Virginia restate the unanimous-consent request?

Mr. ROCKEFELLER. The Senator wants to know, under the new consent agreement, how much time is remaining to this Senator.

The PRESIDING OFFICER. The time currently remaining to the Senator is 1 minute. Under the new unanimous-consent agreement, an additional hour and 15 minutes would be equally divided between the two sides—I am sorry. 5 o'clock.

The Chair stands corrected, I was adding 1 additional hour. There is an additional 15 minutes. So each side would get an additional 7½ minutes.

Mr. ROCKEFELLER. Mr. President, I yield myself such time as I require.

The PRESIDING OFFICER. The Senator is recognized accordingly. The Senator has 8½ minutes.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the letter from Jesse Brown, Secretary of Veterans Affairs, containing the administration's objection to the amendment be printed in the RECORD.

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

THE SECRETARY OF VETERANS AFFAIRS,
Washington, April 1, 1993.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my opposition to any action which would reduce the President's economic stimulus request of $235 million for the Department of Veterans Affairs. The economic stimulus request will fund urgently needed repairs at 163 hospitals and 6 cemeteries. The additional funds will relieve the $2 billion backlog that exists for Minor Construction and Non-Recurring Maintenance projects.

VA will use $232 million for improvements to the patient environment of its medical facilities. This will assist VA in its efforts to bring facilities up to current fire and safety codes, modernize patient treatment areas, wards and other patient support facilities. Projects will also include repairs to interior finishes, roofs, utility systems, and high tech equipment installations. Approximately $3 million of the request will go to National Cemetery System projects. These projects will address deficiencies in roads, buildings, and water supply systems. The projects will also provide additional gravesite capacity at those sites where there is a shortage.

All stimulus projects were selected in accordance with the President's criterion of making contract awards within sixty days after funds become available. All of the projects in the economic stimulus proposal are contained in the current Minor Construction and Non-Recurring Maintenance backlog. Approximately 4,700 jobs will be created as a result of these projects.

The projects that are included in the stimulus proposal address critical patient environment needs as well as badly needed structural repairs for our facilities. I urge you to support the President's program and provide full funding for VA's economic stimulus request so that we may fulfill our commitment to our nation's veterans.

Your support in this matter is appreciated.

Sincerely yours,

JESSE BROWN.

Mr. ROCKEFELLER. There are a couple of very minor points my friend from Alaska made that need to be clarified. He said competitive bidding would be needed and design work would be needed. That is not correct. There need be no competitive bidding for these projects. All design has been done. All projects are ready to go within 60 days.

The Senator referred to a $9,000 bowling alley. That caught my attention, too. I shared his view until I looked at that more clearly and found out more about it. It is in Salisbury, NC, and is a project for a renovation for a portion of the recreation facilities for long-term care and psychiatric patients. The bowling facilities are for the sole use of patients and their visitors as part of their rehabilitation. The bowling facilities are not used by hospital staff.

The point that this Senator wishes to make about the $9,000 bowling alley is that this is part of rehabilitation. It is medical care.

It seems to this Senator that Members on the other side, my Republican colleagues, have to decide whether they want to vote against $25 million out of the health care funds for veterans. That is what this amendment will do. It will take $25 million out of health care for the American veterans population. I think that is a decision they will want to make for themselves on that side, using their good conscience; $25 million from veterans health care, yes or no? I repeat that the Presidents $235 million package for the VA will create 4,700 jobs, with veterans preference pertaining. Jobs that are ready to go.

My friend from Alaska indicated that patients' smoking shelters would be required under this, and made some comment about that. I need to point out to my friend from Alaska, this is required by law, the law that we passed last year and I suspect my friend from Alaska voted for. It is not discretionary, it is a matter that is required by law. The whole question of smoking and veterans is a very sensitive issue, as my friend from Alaska knows.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The remainder of the Senator's time is reserved. Who yields time?

The Chair recognizes the Senator from Alaska [Mr. MURKOWSKI].

Mr. MURKOWSKI. Mr. President, obviously we have another 15 minutes or thereabouts. We have pretty well, I think, digested our particular points of view relative to the issue at hand.

The Senator from Maryland, I think, referred to, in jest, the pending amendment and the coincidence that we are dealing with April fools as certainly a day to play pranks and make light of things. But I think there was a mischaracterization, if you will, that has prevailed in this entire debate, whether it has been solely on the issue that somehow in this process we are dealing out the priority of health care. I think it was expressed by my friend from Arizona as well.

What we are talking about is simply a matter of priorities; what is more important here, to the veterans of this country who are in transition? Is it to provide veterans jobs? Or, is it to provide an additional $25 million, which the Senator from Alaska would take out?

I think for those who are following this debate it should reflect the reality that the VA is getting $497 million for regular maintenance, et cetera, that is needed. None of these are medical, but they are in reflection of maintaining facilities for medical care. So we have $497 million out there that is going into the program, out of which we have suddenly, through this identification, said there are $201 million that are emergencies, they are supplemental, they have to be done. We are not gutting health care by any means.

What we are doing, out of this $479 million, recognizing $201 million of that is the emergency supplemental, we are only taking $25 million and we are changing it to jobs for veterans. That is the issue here.

Those who come into this body and into this debate, I challenge them to suggest that an entrance canopy, the bowling alley that was referred to, the promenade along the sea wall, the pavilions at the lake, are emergencies.

Clearly they are not. But it is an emergency to provide jobs for the veterans. That is what we are doing here, what we are trying to do. It is just that simple.

Now, I said the monetary amount was $25 million. And $25 million is what we are taking out of this figure of $479 million which has been set up for renovation, and so forth. Again, the $201 million is supposed to be the emergency. And if these items that I have mentioned are emergencies, why, again I would differ with my colleagues. What is an emergency clearly is jobs.

Mr. President, I am going to ask that the remainder of my time which is——

The PRESIDING OFFICER. The Senator controls 3 minutes and 54 seconds.

Mr. MURKOWSKI. I reserve the remainder of my time and yield to the other side at this time.

The PRESIDING OFFICER. The Senator's time is reserved. Who yields time?

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia [Mr. ROCKEFELLER].

Mr. ROCKEFELLER. Here is what it comes down to.

This amendment is about two things. One is removing $25 million from veterans' health care. I would pose the question to my Republican colleagues as to whether they want to vote $25 million out of veterans' health care—at precisely the time in our country's history when veterans' care, and the lack of funding for it, is the major issue facing the Veterans' Affairs Committee on both the Republican and the Democratic side. There is no dispute about that. If $25 million walks away, well, I am against that.

I will oppose the amendment, and I ask my Democratic colleagues to oppose the amendment. I would ask my Republican colleagues to really consider whether they want to be on

record as voting to delete $25 million from veterans' health care.

Second, this amendment would provide money for job training that would be for a 2-year period. It would take effect sometime in the future. In fact, I believe in the colloquy that my colleague from Alaska referred to the $75 million in fiscal year 1993 funds that the President's letter to me states will be expended in fiscal year 1994. So once again, he is not suggesting that jobs are going to be created now, or even that job training is going to be created now. It is going to be created sometime later on.

So, point No. 1 we are trying to protect veterans' health care money by opposing this amendment. And we are getting the $75 million of job training money. That is clear in the letter from the President to me. That has not been expended yet. That will be available. So you might say that the amendment of my colleague is meaningless, because money already is going to be available.

Second, this is about a short-term stimulus to the American economy. I repeat, we have been through two recessions since 1990. One can argue about the size of the stimulus. One even can argue about whether there should be a stimulus or not. I suppose if one comes from a wealthy State one can do that. I cannot. I believe most of our colleagues cannot.

The point of short-term stimulus is to create jobs now. All of the jobs that are being threatened by this amendment would be created right away. They will be ready within 60 days. There will be no additional competitive bidding. There will be no additional designs. There will be no additional planning. All of it is ready to go. That is the point of it. The priority has been established and it creates jobs for our people now—4,700 jobs now. They are all subject to veterans' preference. It is not a wise course to be taking money out of veterans' health care and denying Americans 4,700 jobs now so that we do not dip into another recession—because we are not exactly wallowing in security in this country economically.

I oppose the amendment of my friend and hope that my colleagues vote against it, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time is reserved.

Who yields time?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska [Mr. MURKOWSKI].

Mr. MURKOWSKI. Mr. President, I think we are near the conclusion of our debate. Let me make a few points.

I think we have to respond again to the suggestion from my good friend from West Virginia that we are somehow cutting health care. I have asked that the list that he and I have been talking about be put in the RECORD, and I am going to ask each of my colleagues to review it. If you believe the bowling alley, and the canopy in front of the building, and the canopy that is some place else, and the walkway down to the lake, and the chairs and various other things constitute a reduction in VA health care, why, then I would concede very readily. But that is not the issue before us.

My colleagues can judge for themselves if, indeed, there is not $25 million of flab, of flab, Mr. President, that the Senator from the State of Alaska is trying to turn into jobs. That is all we are doing. The bottom line, make no mistake about it, is this amendment does not affect health care. This is make-work that could not make the VA regular budget cuts, could not make the regular budget cuts. They have thrown it into the category that we call emergency stimulus.

Mr. President, I think we have to be honest with the American public and recognize that our President has requested that we invest in America. Look at the statistics and the position that has been maintained by this side in trying to explain that we all want to invest in America but we do not necessarily want to increase spending and increase debt. But that is what we are doing. So when you use the language "invest in America," you are really saying increase spending and increase debt because that is what we are doing.

Mr. President, the deficit this year is going to be $320 billion. We are going to have a deficit for each of the next 4 years. We are starting out this year with an accumulated debt of $4.1 trillion, and by the time our President is through with this plan, the accumulated debt of this Nation will be $5.2 trillion. It will increase $1 trillion over the 4-year period.

Now, there is a lack of reality associated with this debate because these items that we are talking about are not emergencies. The $25 million in my amendment is simply a transfer from one priority to another. If my colleagues on the other side think that the flagpole, the canopy, and the smoking room are greater priorities, Mr. President, than the priority of creating more jobs by having job training, then they should simply vote for it. What we are down to is a policy of not embarrassing our President on one side and a very poorly thought out list on the other. The Senator from Alaska is encouraging the adoption of his amendment. I ask for the support of my colleagues.

I thank the Chair. I thank my good friend and colleague from West Virginia, and my friend from Arizona who has appeared on the floor.

The PRESIDING OFFICER. The Senator from West Virginia controls 1 minute 49 seconds.

Mr. ROCKEFELLER. The Senator from West Virginia, knowing of the continuation of the Socratic dialog in some distant corner of this building by my colleagues on this side of the aisle, notes the absence of a quorum and reserves the remainder of my time.

The PRESIDING OFFICER. There is not enough time remaining. The time will not be charged. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent to proceed for 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AID TO RUSSIA

Mr. MCCONNELL. Mr. President, on Tuesday, Secretary of State Christopher testified before the Senate Appropriations Subcommittee on the anticipated 1994 foreign assistance budget. The meeting was a little unusual in that we have not actually been presented with any numbers or a budget, so, much of the morning was taken up with foreign policy issues of general concern to our Members.

Needless to say, the situation in Russia was the focus of considerable discussion. Over the past few weeks, news accounts have drawn our attention to the political power struggle under way in the halls of the Kremlin. In some ways what is most remarkable about this political battle is how much we know about what is happening. It is a testament to the dramatic changes that have occurred in the former Soviet Union that citizens are interviewed on the streets and asked to comment on their leadership, the quality of their lives, and their hopes for the future. What has struck me as I have listened, is whether you live in Moscow or Murray, KY, you want your politicians to tell you the truth, you want to work hard and earn a decent wage to be able to put a meal on the table for your family, and have access to affordable housing, education, and health care.

In a speech earlier today, the President made a strong case that as citizens, we not only share these common aspirations, but we also have common interests which must be pursued. He made a strong case that to support democratic and economic reforms in Russia is a wise investment, not charity. In helping, we are offered four historic opportunities:

The opportunity to increase our own security through denuclearization;

The opportunity to make progress on world problems in the United Nations

and elsewhere as Russia becomes a partner in problem solving;

The opportunity to increase investment here at home because a peaceful Russia allows us to spend less on defense; and

The opportunity to enhance our own prosperity if Russia ultimately becomes a thriving consumer market.

I completely agree. America's fortunes and future are dramatically linked to events abroad and especially the survival of democracy in the former Soviet Union.

While I agree with the President that we have critical long term interests at stake, I part company with the administration because I do not think his plan goes far enough.

The Washington Post headline said it all: "The Clinton Plan Contains Modest Initiatives."

At any other time, in any other place, a plan to redirect existing resources might work. But, the stakes are very high, the problems are enormous, and modest initiatives are not enough.

If political and economic reform fails in Russia there will be global consequences. A hard core of reactionaries in the Parliament have denounced the START Agreement as treason. A reversal of political fortune in Moscow could imperil arms control agreements which have removed the nuclear nightmare.

No one needs to be reminded that Russian troops continue to be deployed throughout the territory of the former Soviet Union. If they no longer answer to democratically elected civilians, the ethno-religious fuel which has ravaged Bosnia could scorch every new republic eventually spilling over into Europe jeopardizing the sovereignty of states, trade, and diplomatic relations. Ultimately we endanger any defense savings which could be spent here at home.

In this context, modest initiatives are simply not enough. To achieve our goals, I have urged the administration to expand United States foreign aid overall by earmarking a fraction of the planned reductions in our defense budget to fund economic reforms and democratic progress in Russia. But we need to consider more than the amount of assistance we offer—we must explore ways to assure our assistance makes a real difference in the everyday lives of the citizens of the newly independent states.

Although the President did not mention specific initiatives, there is one area I hope his discussion with President Yeltsin concentrates on, and that is the Russian military. For the better part of the last year, officers and troops alike have maintained their distance from the unfolding political drama. Russia's military is clearly in disarray. And, while they may pose no serious danger under the current democratically elected President, they may eventually threaten his future, regional stability and international prospects for peace.

Russian troops are restless. Less than 17 percent of officers recently polled support Yeltsin's reforms. Pay is low and irregular for the average soldier. A recent press story said, "Yeltsin never visits an army garrison without bringing a caseful of rubles to keep the soldiers quiet." Russian troops in the Baltics and East Germany have refused to return to the destitution and despair of tent settlements in Moscow. There is no sense of mission and morale has crashed.

Driven by internal budget constraints and the imperatives of arms control agreements, Russian plans are already under way to cut the military by more than 1 million soldiers in the next few years. We need to help put these soldiers to work in a new civilian capital projects corps. With relatively little funding we can serve urgent public sector needs as we avert an emerging crisis within the military. A new program could channel assistance through private companies into large-scale, job-producing projects. The corps could employ demobilized soldiers to build roads and housing, improve the railways, clean up the water supply, and upgrade public utilities and the telecommunications network.

Initially soldiers could be encouraged to participate with a "you build it, you own it" plan. Among other benefits, homeownership would reinforce free market principles. This kind of approach would go a long way to fulfill President Clinton's call today to convince the Russian people they are beneficiaries of democratic reform, not victims. As he said, our plan should help them realize their suffering is not the birth pangs of democracy but the death throes of dictatorship.

Mr. President, Russia's problems are getting worse. The average citizen in Moscow spends 75 percent of his income on food. Half the nation's water is unsafe to drink. Hundreds of thousands of people are at risk because they continue to live and farm in areas contaminated by Chernobyl's radioactive fallout. Ethnic clashes and border disputes inflame half the new republics—situations exacerbated by the continued presence of Russian soldiers. As casualties mount and Russian troops strain relations between the newly independent states, their families at home suffer. Of the estimated 1 million homeless in Moscow, 10,000 are families of soldiers.

This picture is grim. But, as the President said, we have an historic opportunity—I would add we also have an obligation. An obligation to do all we can to assure both the short term survival and long term stability of Russian reforms. This calls for more than a modest approach would allow. We must do more than recycle old plans, retarget old resources.

President Clinton invoked the names and legacies of some of the truly remarkable leaders of our times. Truman, Acheson, Marshall, among many others. Their legends and their legacy live on because their plans were visionary—they understood the grand rewards of peace and prosperity demanded great risks.

Today, the President affirmed American interests in promoting nuclear security guarantees, democracy, and free markets. This weekend, he begins the hard work of securing those goals.

We have a purpose. What we need, Mr. President, is a plan.

Mr. THURMOND. Mr. President, I am proud to be an original cosponsor of the veterans' job training amendment offered by the ranking minority member of the Committee on Veterans' Affairs.

The justification for the emergency supplemental appropriations bill is supposed to be jobs. Employment for our Nation's veterans who have honorably served their country should be of paramount importance. However, the bill has no provision for veterans jobs. This amendment would remedy that deficiency.

This amendment will provide funds for job training for veterans. As a result of the training the veterans will receive, they will be more prepared to obtain jobs which will hopefully lead to new careers.

Mr. President, I hope the Members of this body will join in supporting permanent jobs for veterans by supporting this amendment.

Mr. SIMPSON. Mr. President, I rise to support Senator MURKOWSKI's amendment to the supplemental appropriations bill regarding VA construction funding.

Senator MURKOWSKI's amendment would reduce funding for the VA's nonrecurring maintenance [NRM] by $25 million and transfer that amount of funding to veteran's job training.

NRM projects are one-time facility upgrades and repairs such as painting buildings, renovating roads and parking lots, cleaning air conditioning ducts, and similar projects.

The supplemental has $201 million for NRM. It has no money for veteran's employment. Some of that money should be used to ensure that veterans—especially those who have recently left the military due to the defense drawdown—are able to get jobs.

The sum of $25 million is not too much to ask for veterans' jobs. Instead of hiring contractors to do all of the NRM projects, we should transfer this money to ensure that veterans are afforded jobs and job training.

The Veterans' Employment Program which would receive additional funding through this amendment is the Service Members Occupational Conversion Training Program [SMOCTP]. It was established in last year's Defense Authorization Act.

Up to $75 million was authorized through fiscal year 1993 Defense conversion funding.

SMOCTP would reimburse employers 50 percent of wages for up to 28 months—$12,000 per vet cap—when employers hire a newly discharged unemployed veteran.

I urge my colleagues to support the amendment by my fine friend, Senator MURKOWSKI.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to proceed as if in morning business for 10 minutes.

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

CANADIAN FREE TRADE

Mr. DORGAN. Mr. President, tomorrow the United States Trade Ambassador, Mickey Kantor, will travel to Canada to meet with the Canadian Trade Minister.

In their discussions they will include a discussion of a trade dispute that exists on our northern border with Canada, dealing with Durum wheat. Durum wheat does not mean much to anybody not producing it; 80 percent of it is produced in the State of North Dakota. Most people in this country would know Durum wheat by what it produces. Durum wheat is ground into flour, which then produces pasta. Most of the pasta you eat in this country that comes from domestically produced flour and grain, comes from the fields of North Dakota.

Here is the dilemma we have with Canada. Prior to the free-trade agreement with Canada, there was no Durum being shipped into this country from Canada. Clayton Yeutter negotiated an agreement with Canada. The result of the United States-Canada Free-Trade Agreement was that since the agreement we have seen this kind of flow of Canadian Durum into the United States, despite the fact that the trade negotiator said we will not see an increase in grain coming from Canada. We have an understanding with the Canadians this will not happen.

Here is what happened. Zero Durum bushels coming in in 1985 and 1986, and now 15.3 million bushels, and this year probably 21 million bushels equal to 20 percent of the domestic consumption in this country.

That would not be so bad, except it is all unfair. It is unfair because it all travels on the subsidized transportation systems in Canada. It is subsidized by the Canadian Wheat Board payments and we cannot compete with it.

When a bushel of Canadian Durum shows up at a miller in New York that goes to a pasta plant in New York, the American bushel of Durum cannot compete because the Canadian Durum shows up with a 50-cent-a-bushel transportation subsidy, an imbedded payment by the Canadian Wheat Board.

What does this mean to somebody not raising wheat? Not very much. What does it mean to a family farmer who got up early this morning getting ready for spring planting now? It means tens of millions of dollars out of the pocket of that farmer and his neighbors.

We are not prepared any longer to stand for this unfair trade. We have a good neighbor to the north, and a common border. We have a lot of commerce flowing back and forth. This is unfair and we should not have to stand for it anymore.

My colleague, Senator CONRAD, and I are introducing today a piece of legislation responding to this issue. We hope the Trade Ambassador will resolve this issue, but if he does not, we want this legislation to revolve this issue.

We have watched trade ambassadors for 12 years pretend they are a wax museum down there. There is no sign of life in USTR when it comes to standing up for the economic interests of this country, none: Not from Clayton Yeutter, not from Carla Hills, who have not moved a muscle to respond to these real trade issues.

Our producers should not expect to be confronted with unfair trade. Also, we all expect our Trade Ambassador would stand up and represent the economic interests of our producers to insist on fair trade.

What are we asking today in our legislation? We are asking that the negotiations with Canada begin on about four issues for 120 days. If at the end of that period we have not been able to negotiate a successful conclusion, we stop the shipment of Durum into this country—unless there is a negotiated solution to this issue. We want to end the transportation subsidy in Canada through the east coast exporting to our country.

That was promised to us. I have the promise in writing, incidentally, by Clayton Yeutter. Clayton Yeutter promised in legislation, when we passed the Canada Free-Trade Agreement—this is President Reagan's statement of the administrative action to the Congress—when we pass it we will pursue immediately consultations with the Canadians to obtain the exclusion for the transported rate established under Canada's Western Grain Trade Act, section 304 of the implementation. It was in writing. It was the promise. It was not worth the paper it was written on, unfortunately.

We want an end to the subsidy of transportation rates coming into this country on Canadian Durum. We want grain prices to be monitored. The Canadians are not now in compliance with the fair-trade agreements. They will not disclose prices as required by the fair-trade agreements. If we are going to have a trade agreement with someone, I expect them to comply with the agreement, or I expect us to take action if they do not.

We want acquisition costs to be defined on Canadian Durum to include all costs of Canadian Durum, including the grain board's final payments, including the transportation rates. We want these things done. And if they are not negotiated in a time certain, we want a suspension of Canadian grain coming into this country. We want end-use certificates.

My colleague, the Senator from North Dakota, Senator CONRAD, has introduced legislation repeatedly in this body so that we are not moving Canadian grain into this country and then using export enhancement to ship Canadian grain out with American subsidies. That makes no sense at all.

We are calling for, if the Canadians do not cooperate in solving this problem, the use of export enhancement funds to compete in foreign markets where the Canadians are now selling their Durum to see if that maybe will not convince the Canadians to resolve an end to this issue.

Why has all of this happened?

It is has happened because, Mr. President, other countries, in this case the Canadians—and there are other examples—have discovered that our trade negotiators do not have the strength or the interest in making certain that our trade agreements are fair.

They have had this mantra chant of free trade. They want to negotiate a free-trade agreement, not caring, of course, that at the end of it, it is not fair.

That is why we have decided, finally, after 3 years of really no action, that we must introduce a comprehensive piece of legislation that becomes the bottom line, that becomes the catalyst for action.

My colleague, Senator CONRAD, is on the floor. He and I met with Senator BAUCUS and Senator DASCHLE earlier today with Ambassador Kantor.

I must say that after dealing with Ambassador Yeutter and then Ambassador Hills, it was one of the more refreshing meetings I have had today, to see Ambassador Kantor tell us that he will go to the mat in negotiating fair trade requirements among those with whom we have trade agreements.

I am not asking for special treatment. I am not asking for anything unusual. I am just asking, on behalf of a lot of producers that work hard, that when they have to compete against foreign goods coming into this country, that the competition be fair. And if it is not fair, that we move to establish countervailing duties or suspensions of imports until it is fair. Our farmers and our producers in this country, it seems to me, expect that.

I mentioned Senator CONRAD on several occasions here, because he, on the

Senate side, and I, for years past on the House side, have understood this problem, have fought to rectify this problem, and have been unsuccessful because we have been blocked at every turn by the Trade Ambassador's Office.

We come today to introduce a comprehensive piece of legislation that represents the interests of grain growers, farm organizations, and many others with whom we have consulted, and represents what we think is a fair solution to this trade problem with Canada.

Mr. President, if we have—and I believe we do—the cooperation of a new trade ambassador, with a new goal of deciding to represent our best economic interests and insisting on fair trade across our borders, then I think we are going to get this problem solved in the coming several months.

I would like to finally show the Senate a chart.

Well, before I do that, let me show what article 701 of the United States-Canadian Free-Trade Agreement says:

> Neither party, including any public entity that establishes or maintains, shall sell agricultural goods for export to the territory of the other party at a price below the acquisition price of the goods plus any storage.

That is the crux. That was the promise. That is the law. And the fact is, Canadian grain is flooding into this country deeply subsidized, representing unfair competition, and the trade ambassadors have refused to lift a finger to deal with it for years.

Now one more chart, Mr. President. This chart demonstrates what has happened as a result of the free trade agreement. It demonstrates how our farmers have lost money. There was always a premium for Durum wheat above spring wheat prices. And, as you can see, what happened after the free-trade agreement is Durum wheat has always sold below spring wheat prices. Why? Because Durum is flooding in our back door from Canada and it is costing our producers tens of millions of dollars.

This is not an accident. The Canadians understood what they were doing. Our Trade Ambassadors understood what they were doing. They simply sold out our rural economic interests. They got some wonderful advantages in the trade agreement for the financial institutions. They got access to 20 million people to get American credit cards.

The investment bankers love the agreement. I am not suggesting there were not some good things in the agreement, but certainly not for farmers.

The economic interests of family farmers were sold out in this agreement, and they now confront unfair trade in what I think is an unforgivable situation.

Senator CONRAD and I, Senator BAUCUS, Senator DASCHLE, and others are determined to do something about this to finally get this resolved.

Mr. President, let me finally say, it has been my pleasure to work with my colleague from North Dakota, who I see on the floor, who I assume would like to say a few words about this bill.

The bill will be introduced today, and we hope in the coming months we will finally see a resolution of this problem.

I yield the floor.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with the consideration of the bill.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Has all time expired?

The PRESIDING OFFICER. The Senator from West Virginia has 1 minute 12 seconds.

Mr. BYRD. Mr. President, I hope that the Senate will vote to table the pending amendment.

I move to table the pending amendment, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the motion of the Senator from West Virginia [Mr. BYRD] to table the amendment of the Senator from Alaska [Mr. MURKOWSKI].

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

The bill clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—57

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

NAYS—43

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

So, the motion to lay on the table the amendment (No. 293) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Mr. President, I wonder if I might have some indication as to—it is my understanding that the—Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will withhold.

The Senate will come to order. Senators will please clear the aisles and take their conversations from the floor.

Mr. BYRD. Mr. President, it is my understanding that the distinguished Republican leader has an amendment which he intended to call up, and I spoke with him in the well just a little while ago. He indicated he might go next but he was checking to see if it was ready. I would like for the Republican leader to go next, if he wishes.

Mr. HATFIELD. I could inform the Senator that the Republican leader is not ready to go next. Senator DOMENICI is ready.

Mr. BYRD. All right.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico [Mr. DOMENICI].

Mr. GRAMM. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will come to order. The Senator from Texas is correct. The Senator from New Mexico has the floor.

Mr. DOMENICI. Mr. President, let me say to the chairman of the committee, I am going to send an unprinted amendment to the desk momentarily. I would be willing, even though I have two or three Senators that want to speak on my side, in the interest of time, I would agree on our side that we would have 35 minutes, and if you would like to have a unanimous consent for an equal 35 on the other side, I would be pleased to accept such an agreement.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. DOMENICI. I am pleased to yield.

Mr. BYRD. Would he identify the amendment?

Mr. DOMENICI. I cannot agree to a time limit, Mr. President, because I have been requested by our leader to consult with him first.

AMENDMENT NO. 294

(Purpose: To ensure sufficient funding for the 1994 pay raise for Federal civilian and military employees)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for himself, Mr. STEVENS, Mr. WARNER, Mr. BOND, Mr. MCCAIN, Mr. GRAMM, Mr. GORTON, Mr. NICKLES, Mr. D'AMATO, and Mr. MURKOWSKI, proposes an amendment numbered 294.

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

Mr. BYRD. Mr. President, it is only a one-page amendment. May we not have it read?

Mr. DOMENICI. Yes. Of course.

The PRESIDING OFFICER. The clerk will proceed with the reading of the amendment.

The assistant legislative clerk read as follows:

At the end of the pending substitute, add the following new section:

SEC. . Each amount provided for discretionary items in this Act shall hereby be reduced by 18 per centum in order to ensure sufficient funding for the annual pay raise for federal civilian and military employees scheduled to go into effect on January 1, 1994; Provided, that this shall not apply to Members of Congress.

Mr. DOMENICI. Mr. President, I am going to, in short order, yield 5 minutes to Senator MCCAIN, 5 minutes to Senator D'AMATO and Senator WARNER. But let me take just a few minutes to tell the Senate what this does. Essentially we have been hearing a lot about investment, we have been hearing a lot about jobs, and we have been hearing a lot about spending this money wisely.

This amendment is very, very simple. We have calculated the amount of money necessary to give all of the Federal employees of the U.S. Government and all of the active military men and women the cost of living increase that we believe they are entitled to this coming year.

The reason we have done this is because we do not believe that we ought to be investing in items such as those found in this bill: performing arts center, phase I, cultural arts center, Babe Ruth extension, movie theater, purchase of a ferry vessel, all of which are part of the CDBG Program.

We do not believe we ought to be investing in those kinds of things, unless and until we have invested in our Federal work force, both military and civilian. I believe they are just as entitled to this stimulus money as any of these projects or programs included within this urgent supplemental.

It is very simple. The Senator from New Mexico cannot believe that the Congress of the United States is going to spend $19.2 billion in the name of stimulus, in the name of investment, and would cause and ask the men and women who work for us, from the lowest to the highest, from the very lowest private in the military all the way up the line, ask them to forebear their annual cost-of-living increase, based on inflation, while we are spending money on programs the likes of which have been discussed here for the last 3 or 4 days. It clearly escapes me.

I believe when this is understood, that there are going to be a lot of questions like: How come you cannot afford to pay the work force of America, military and civilian, and you can spend money on myriad programs, many of which clearly are not very important in the scheme of things. In fact, I believe the Federal employees ought to be angry and, perhaps, in a little while when the Senator from Missouri offers his amendment—he is going to offer us one with about $300 million in cuts in this program, and he has going through and found programs, and each job that flows from those programs is going to cost over $300,000. That is producing Government jobs.

Would it not be better for this economy, better for the morale of our work force, the men and women, military and civilian, if we were to say that we respect you enough to think that rather than pay $300,000 to create a new job, we would give you your annual cost-of-living increase?

So it is simple and forthright. There is no obfuscation intended on the part of this Senator. I have done my very best to frame an amendment, and if you want to vote against it, you are clearly choosing to spend, on all of these programs, which I am only going to cut 18 percent, you are choosing to spend that 18 percent on dubious and doubtful programs, in terms of their merit, their job qualities. And I am saying, rather, give that money to the Federal employees who are entitled to a pay raise and the military men and women who are entitled to theirs.

I will yield 5 minutes now to the Senator from Texas, Senator GRAMM.

The PRESIDING OFFICER (Mr. FEINGOLD). Who seeks recognition?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. The distinguished Senator from New Mexico has given us a clear choice. Governing is about choices. We adopted a budget this morning that raised taxes by $295 billion, that slashed defense, and that over the next 5 years will spend some $550 billion on domestic programs above the level we are spending today.

We are now in the process of using an emergency provision to violate existing law by spending $16.5 billion, in violation of the spending caps that are the law of the land. These spending caps were put in place in 1990 in exchange for the American taxpayer giving us over $150 billion of their hard-earned money. We were going to live up to the agreement, and we were going to limit the growth of spending for 5 years. The bill that is before us, through an emergency designation, through an accounting gimmick, allows us to violate existing law and spend $16.5 billion.

Now, if we had a budget that really cut spending and slowed the growth of domestic Government dramatically, maybe you could justify a pay freeze as part of that. In fact, if we were going to go through with zero-based budgeting, get rid of all programs we don't need and limit the growth of entitlements, you could and would justify freezing pay.

But what we are doing here is spending $16.5 billion on the same day that we pass this budget, saying that we are doing something about the deficit and something about spending. So the distinguished Senator from New Mexico is simply saying this: If we can afford ice skating rinks and heating huts, if we can afford bike paths, if we can afford to repaint the old water towers in Illinois, if we have such little regard for the taxpayers' money as that, why not give Government employees their pay raise and cut these kinds of programs?

So what the Senator from New Mexico has done is simply this: he has taken this bill, with all of its sausage, bacon, and hams, and he has cut the discretionary part of it across the board by 18 percent. That 18 percent then allows us to give our civil servants and our military personnel their pay increase without raising the deficit.

So it is a choice. Do you want to fund all of these make-work programs, some of which, as the distinguished Senator said, cost $300,000 for every job they create, jobs maybe paying $25,000 a year? Are these make-work jobs more valuable than giving pay increases to our military and civilian personnel? The Senator from New Mexico says no, they are not.

When you look at those items that would be contained in this make-work, make-jobs bill, those items are not more valuable than maintaining quality people in uniform and maintaining quality people in the civil service so that you might justify a pay freeze. But in order to do that, you would have to have a freeze in discretionary spending; you would have to have a dramatic change in Government spending. And the bottom line is we did not do it.

So the Senator from New Mexico does not raise the deficit. He does not undercut the Democrats' budget. He simply says that when we are spending money on all these make-work projects, when we are building fences around cemeteries, when we are going to be funding all of these make-work projects, why not cut them 18 percent and give good people that are working

hard, that are serving the country, that are preserving world peace, their pay raise and not spend as much on these make-work projects?

I think this is an excellent amendment. I think that our civil servants and our military personnel all over the world will look at it and will be asking the question: Do we want to paint water towers in Illinois and build make-work projects, or do we want to maintain the real income of the people who are working for the country, the people who are serving in uniform around the world?

I think this is an excellent amendment. I am happy to join our colleague as a cosponsor.

I yield the floor.

Mr. KENNEDY. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Texas yield?

Mr. DOMENICI. The Senator from Massachusetts wants to ask a question?

Mr. KENNEDY. Yes, if the Senator will yield for that purpose.

Mr. DOMENICI. I will yield.

Mr. GRAMM. Mr. President, it would probably be easier for the Senator from New Mexico to get recognized, and then he can yield.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DOMENICI. Mr. President, there are no time agreements now because we do not have one. Each one will get recognized on their own, and I will yield soon after the Senator asks the question.

Mr. KENNEDY. Just as a point of information, as to discretionary items in the act, does that include all the items? Does that include, for example, help and assistance for the hurricane victims? Does that include a cut for those people who lost their home and businesses?

Mr. DOMENICI. It includes everything except unemployment compensation and child nutrition. Those are the two.

Mr. KENNEDY. So it includes all the reductions in terms of the small business grants, sewer grants, the whole range of help, including the highway act, as well as the emergency assistance for the hurricanes victims. It includes that reduction for those victims that have been subject to the hurricane as well as the others.

Mr. DOMENICI. The Senator is correct.

Mr. President, before I yield the floor, let me comment just so everybody will understand the significance of this.

We are tying to put money in the economy with the stimulus, although this Senator said it is plenty stimulated already with the $320 billion, but this package is going to put a lot of money out there.

Let me tell you I actually think it is a better stimulus, I say to my friend who has a Ph.D. in economics, the Senator from Texas, to give 2.1 million Federal employees that is made of 1.2 million civilians and approximately 900,000 defense-related employees, to give them the cost of living they are entitled to than to spend money on some of the programs in this bill which I truly believes are dubious with reference to stimulative power and frankly many will not stimulate the economy for 3 or 4 years. I wonder if the Senator has a view on that.

Mr. GRAMM. Mr. President, if the distinguished Senator will yield, the important point is we just wrote a budget. We just adopted it this morning, And every funding program in this emergency measure is one that we did not deem important enough to put into that budget.

So when people ask you whether you have money in here for hurricane victims, we had an opportunity to put that money into the budget both last year and this year. We did put a lot of money in for that purpose. But the money that is in this bill is money we did not deem important enough to put into the regular appropriations, and money we probably never would have funded had we not been borrowing every penny of it and not having to offset it dollar-for-dollar against any other program.

The question is in terms of expenditure in society's interest is it better to keep good people in the armed services than it is to build make-work projects around the United States? Is it better to have quality civil servants qualified by keeping their pay competitive than it is to build make-work facilities? I think clearly the answer is "yes."

Mr. DOMENICI. I yield the floor.

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

Mr. McCAIN. Mr. President, a topic of interest to the American people and to the media of late has been the image or the perception of the President of the United States as is held by the members of the armed services.

In fact, this morning the Washington Post has a rather flattering—I do not think totally accurate—flattering on the front page calling an about face into a forward march. Clinton and the military slowly step into stride.

The fact is that I hear from military persons from all over this country, in fact all over the world. This is a problem. I regret it. I would urge the President to do everything in this power to repair this chasm.

I do not want to overstate it. It is not going to be translated into an act of insubordination or failure to carry out orders, or anything else. But when the President of the United States, the Commander in Chief, does not have the respect of the men and women in the military, then obviously steps should be taken to restore that image and restore the relationship, the traditional relationship of respect that the men and women in the military have for the Commander in Chief.

Mr. President, you do this in a variety of ways. I think the President has taken some steps which I applaud. I think he should take others. But one of the issues that affects the men and women in the military dramatically is the fact that this budget is going to freeze the pay of the men and women in the military.

The men and women in the military, according to this chart, have already in the last 10 years had an 11-percent degradation of their pay as compared with the private sector, and if the President's budget is followed an even larger 21.6 percent loss in pay.

Mr. President, these are men and women who are right now risking their lives in the defense of someone else's freedom in Somalia. They may, I hope not, I pray not, go into places like Bosnia. These people, whose pay we are going to freeze in the name of porkbarrel supplemental spending, are making an average, 70 percent to 80 percent of the enlisted personnel in the military earn less than $30,000 a year. I seem to remember during the campaign that President Clinton said that only those Americans making more than $200,000 a year would be called upon to pay for his deficit reduction plans. He even called President Bush shameless for suggesting that persons making as little as $36,000 would be required to sacrifice under the Clinton plan.

Mr. President, the lowest paid enlisted person in the military gets $9,777 a year plus allowances. Some 20,000 enlisted people in the military today and their families are eligible for food stamps. How in the world can you justify freezing their pay and driving more of these men and women below the poverty line?

At least, I say to my friend from Tennessee, who I see over here, do not freeze the pay of the enlisted people. Do not do that.

Mr. President, how you can justify such a thing is beyond me. It can only then be translated into the fact that the people who made this budget and the people who are voting for it do not know what the service and sacrifice to this country is all about.

Already, we are seeing, because of this situation that exists in the military today, a drop in enlistment, an inability to recruit the numbers of high school graduates that we have been able to in the past, and a significant erosion in the quality of men and women coming forward to volunteer to serve in the military.

I remind my colleagues it is an all-voluntary force. I happened to have been a member of the military in the 1970's when the Chief of Staff of the U.S. Army testified before the Senate

Armed Services Committee and said we had a hollow Army and we could not defend this Nation's vital national security interests. One of the reasons why he said that was because of the low caliber and quality of men and women in the military.

We can argue as to whether the so-called Reagan buildup was worth it. We can argue how many billions of dollars were wasted, whether it won the cold war or not. One fact is indisputable, and that is we were able to attract and keep the highest quality men and women that the military services had ever seen—the kinds of men and women we were so proud of that won Desert Storm.

Do you know what these men and women are telling me now, Mr. President? They are telling me they do not want to be driven into welfare. They do not want to be members of the military that are eligible for food stamps. They do not want to have to lead men and women into combat in far-off corners of the world, risking their lives, when we are not even going to give them the salary to keep up with the cost of living.

Mr. President, I am not asking for a pay raise. I am not asking that we reward them for their years of service and sacrifice. I am not asking for us to reward them for serving in Somalia under the most arduous kinds of conditions and being away from their homes and families. I am asking that we find it in our hearts to give these people, at least the enlisted people, a cost-of-living adjustment to reverse this erosion of pay as compared with the private sector that they have experienced.

I would just like to talk for a minute about our Federal employees. The Federal employees have also experienced significant loss in pay, and our Federal employees are not making $200,000. Their average pay is very low. And I believe that they also give up certain rights as citizens in order to serve our country. Among those, of course, is observance of the Hatch Act.

I think they deserve also to have their pay keep up with the cost of living.

I guess, Mr. President, this is a matter of priority is what we are talking about. What are our Nation's priorities? And in my view, our Nation's priorities are very badly skewed.

I also would suggest to you from what I read in the Washington Post this morning that the Members of both bodies in the legislative branch are badly skewed too.

The front page of the Washington Post this morning says:

> Congressional negotiators yesterday pulled back from cutting cost-of-living adjustments for millions of retired federal workers, approving a plan that reduced COLAs only for retirees under the age of 62.

That is an interesting decision, Mr. President, but what it means is that the article goes on to say:

> But in targeting those under 62, it appears the new plan would achieve most of its budget savings from the retired military community. Preliminary estimates showed that $2.3 billion of the $2.7 billion in savings would come from military retirees.

Why is that, Mr. President? It is because we have a different contract with those who are in the military. We decided as a matter of national policy years ago that people who serve in the military would be eligible to retire after 20 years due to the nature of their business but also due to the nature, frankly, of our needs because we all know that we need young and more athletically, physically capable men and women in the military and when they reach older age they are not as capable for the rigors for which many of them are trained.

So, we allow them, some as early as age 42, to retire after 20 years; some it could even be earlier than that.

But what we do, Mr. President, when they sign up, we tell them that they will receive retirement benefits under a certain set of circumstances.

Now, if this were a private corporation and we told people who became employees in the business that they would receive a certain pension when they retire, and the company then revoked it, that would be in court that quick.

But what we are doing to the members of the military is basically violating the contract that we entered into with them when we asked them to join the military and risk their lives.

So I find it almost incredible that a deal like that could be made by unnamed congressional negotiators.

I would like to say, again, Mr. President, if we have a sense of fairness and decency about the men and women who serve in the military, who volunteer to serve our country, the least we can do is give them—and, at least, the ones who are of lower salary and lower rank—give them sufficient funds to keep up with the cost of living.

I believe the salary of the Members of this body is around $125,000 a year. The average salary of an enlisted person entering the military is some $9,700 a year. I think there is about a $115,000 to $120,000 differential there, Mr. President.

I think it is very difficult for a man or woman to live on that pay. Many of them are married. Some of them have dependents.

I think we ought to consider the kinds of hardships that we are going to inflict on the men and women in the military, as well as our Federal retirees, if we do not remove this onerous and unfair freezing of their pay.

Mr. President, I thank my friend from New Mexico for his very important amendment.

As my friend from New Mexico knows, I proposed this very same amendment on the budget and it was not accepted by this body. I hope that there will be some more thinking on the issue and that that decision of the Members on the budget resolution will be reversed.

I thank my friend from New Mexico, who has always been a stalwart defender of our Federal employees. He has many who reside in his State, who perform some of the most important work done in this country at Sandia Laboratories and others. I think there has been no greater defender of those men and women than my friend from New Mexico. I am grateful that he proposed this amendment.

I certainly hope that the Members of this body will vote in the affirmative to provide some equity and fairness to the men and women in the military, and our Federal employees.

Mr. President, I yield the floor.

Mr. SASSER addressed the Chair.

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

Mr. SASSER. Mr. President, what we are witnessing here, this evening on the floor of the U.S. Senate, is a rather astonishing role reversal. What we are seeing is our friends on the other side of the aisle suddenly expressing great concern for civil servants and those who work for the U.S. Government.

Why do I say that is a role reversal?

Mr. President, I stand before you this evening as the son of a professional civil servant in the U.S. Government, who served this Government in war and peace, first as a civilian employee and then as an officer in the U.S. Marine Corps, for all of his adult life.

I well remember, as the son of that dedicated civil servant, the disparagement that was heaped on civil servants by those who led the party from the other side of the aisle.

I do not ever recall any kind words coming in the last few years from the chief executives of this country, particularly President Reagan, with regard to civil servants.

In fact, the morale of the civil service has deteriorated to the point that Paul Volcker, the former chairman of the Federal Reserve Board, who himself served the public interest as a civil servant for many years at great financial sacrifice to himself, has put together an organization to try to revitalize the civil service because he is concerned about it.

Mr. DOMENICI. Will the Senator yield on a matter almost of a personal privilege?

Mr. SASSER. I am pleased to yield.

Mr. DOMENICI. I hope the Senator did not imply that the Senator from New Mexico and all Republican Senators have been indifferent toward the civil servants of the United States.

The Senator from New Mexico, in 21 years, has never said a disparaging word about the Federal work force or Federal employees or the military.

Mr. SASSER. I compliment the Senator from New Mexico.

My remarks were not aimed at the Senator from New Mexico. My remarks were aimed at the leaders, over the years, of the party of the Senator from New Mexico.

I well remember the disparagement, as I said earlier, that was heaped on those who worked for the U.S. Government by the leaders of his party. I well remember, as a youngster, growing up with the resentment that I felt. Bureaucrats—that was the pejorative term that was used—bureaucrats did not do any work; just came and sat around and waited for the coffee breaks and the lunch periods and went home, if you believe what some of them said.

Now we have here, this evening, an effort to restore the cost-of-living adjustment for Government employees. Great concern is expressed on the other side of the aisle for them, and I share that concern.

One of the most difficult things I did in this budget resolution, I say, Mr. President, is support the elimination this year of cost-of-living adjustments for Federal employees. I think it is really an unhappy state where we have worked for a good while to try to reach some sort of pay equity for civil servants, and now we are having to deny them the cost-of-living adjustment because of the disastrous fiscal policies that this Government has pursued over the past 12 years.

This President is asking those who serve this Government and its people, both in the military and on the civilian side: Will you make a contribution, just as every other citizen is doing?

I am sure they do not want to do it. But most of them are very patriotic men and women, or they would not be working for this Government, either in a civilian capacity or a military capacity.

And, frankly, I have not gotten much mail, one way or the other, on it from them. But if you went to the American people, indeed I have a hunch if you went to a lot of civil servants, and you asked them: Look, which is the most important, giving civil servants a cost-of-living adjustment this year or military people a cost-of-living adjustment this year, at a time when the inflation rate is very low—is that more important, or is it more important to reduce the deficit?

Or, if you said to them, is it more important to give a cost-of-living adjustment or to spend some money to try to get our highways and our roads and our bridges and our infrastructure up to speed to make an investment in the country, I think most of the American people would say, we think it is more important to rehabilitate our roads and our bridges and our infrastructure. I daresay most of the Federal employees would say the same.

If you went to them and you asked them what is the most important, is it more important to spend more money for Head Start this year, to try to expand the Head Start Program, to take some of these disadvantaged children in the urban areas and try to move them up and give them a little bit of a head start through the Head Start Program, what is more important, doing that or giving people a cost-of-living adjustment, deserving civil servants a cost-of-living adjustment? I think most American people and I daresay most civil servants would say: You know, I am willing to skip my COLA 1 year if it is going to help give some of these children a better chance at life.

What about the funds in this bill for building sewage treatment plants? If you asked the American people: Do you want to cut the funding to do something about pollution of our creeks and our rivers and our lakes and our oceans so we can give Government employees a cost-of-living adjustment—if you did a poll on that, what do you think that poll would indicate? I think it would indicate that 90 percent of American people would say it is more important to do something to keep our water clean and do something about keeping raw sewage or ill-treated sewage out of our creeks and our rivers and our lakes. I will bet, if you did a poll of civil servants, and I think most of them are dedicated public servants, I daresay the majority of them would say: I need the money, but I am willing to make this sacrifice this year as the President requested. I think it is important to have clean water.

If you asked them, asked the American people, this question: Do you think it is more important to give Government employees a cost-of-living adjustment this year or to expand the Summer Youth Program to create summer jobs for young people who otherwise could not get them, if you did a poll on that, what do you think the American people would say? I think they would say the Summer Youth Program, an expanded Summer Youth Program, is more important than giving a cost-of-living adjustment to civil servants or to those who serve in the military.

If you ask the American people: Is it more important to build more veterans' hospitals, which we do in this appropriations bill here, in this stimulus bill, the President's job package—do you want more veterans' hospitals or do you want to give a cost-of-living adjustment to Government employees, what do you think they would say? We all know what they would say. They would say: We think it is more important to build roads and bridges; we think it is more important to expand the Head Start program; we think it is more important to maintain and build more veterans' hospitals; we think it is more important to have cleaner water through waste water treatment plants, than to give a cost-of-living adjustment this year to Government employees.

Again, I daresay most Government employees would agree with that.

I do not think we can make a habit of this, because I think we have to bring some prestige back to those who work for the U.S. Government, whether they wear the uniform of this country or whether they are civil servants. We have to let them know they are appreciated. I think we have to let them know many of us in this Chamber think the public service is the highest calling, whether you serve as President of the United States or whether you carry the mail on a mail route. Both are in the public service.

But in this time, I think, of very severe economic problems, when this country is barely emerging from the longest and the worst recession we have had since the Second World War, I think most of the American people, the overwhelming majority, would say: Yes, Mr. President; yes, Senators; you have your priorities correct. We think it is more important to flow some of these funds into these very vital programs that are going to create jobs across the economy, that are going to rehabilitate this infrastructure, that are going to help educate these young people. These things are more important than a 1-year cost-of-living adjustment increase, particularly at a time of very low inflation, as I said earlier.

I am not unsympathetic with the amendment offered by my distinguished friend from New Mexico. I know in New Mexico there are a great number of Federal employees and civil servants, and many of them are highly talented, in the laboratories there at Los Alamos and other places. They represent the cream of the crop.

Frankly, I wish we could pay more of them more money. I think many of them deserve more money. I think many of them make a sacrifice in the public service, working for the U.S. Government. But the circumstances we find ourselves in, here this evening, Mr. President, simply do not let us do both. We are in the process now, and in the business now, of making the hard choices. We are making those hard choices because, frankly, they really have not been made in the last 12 years. That makes it doubly difficult. And I think doubly tough.

Mr. President, for all of those reasons, I shall have to, with great reluctance, oppose the amendment of my friend from New Mexico. I know what he is trying to do here. I feel for these people. I want to tell you that I do. But we simply do not have the resources. We are going to have to make some sacrifices; we are going to have to assign some priorities.

I think the President has assigned the right priorities in this jobs bill that he has presented to the Congress.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Senator GORTON is recognized.

Mr. GORTON. Mr. President, early during the transition, after the election and before the inauguration, the administration informally proposed a total freeze on all cost-of-living adjustments for both retired and active duty personnel, including Social Security. Almost immediately that proposal about the Social Security COLA's was attacked vehemently, eloquently, and successfully by the senior Senator from New York and by many other Members of Congress from both sides of the aisle, and the proposal to limit or eliminate Social Security COLA's died a deserved death.

Unfortunately, no individual in this country was so eloquent or so successful, with respect to the almost identical cost-of-living adjustments, which are the norm for retired civil servants, for persons retired from the military, or for employees either in or out of uniform.

Then with an accumulation of political pressures, we learned late yesterday that the administration had backed away one more short step and would no longer attempt to eliminate cost-of-living adjustments for retired civil servants or for retired members of the military who were over the age of 62. This leaves us, as we debate the Domenici amendment here today, with the peculiar situation that the only groups in the United States who are present or former employees of the Government of the United States who will receive no increases as a result of inflation are those who have retired before the age of 62, the overwhelming majority of whom are military retirees who were encouraged to retire or required to retire early, and a large percentage of whom have young families whom they must support, and a large number of whom are now being retired involuntarily because of the builddown in the military, and those who remain in uniform and who are working productively every day of the week for the Federal Government in civil service positions.

Mr. President, it is impossible for this Senator to justify in his mind this form of discrimination. I suppose there is some abstract theory under which everyone dependent upon the Federal Government could have been asked to sacrifice equally if, in fact, we had a budget which actually reduced the deficit or did something good for America. But how we can make a division in which some people will receive a cost-of-living adjustment and others will not, and that the ones who are not are those who are more likely to have young families and who are actually at work, that rationale, Mr. President, totally and completely escapes me.

Those who are working will have their pay frozen. What a message to send to those whom we ask to serve. We are not using the money we are saving to be a downpayment against the deficit. We are using it so that we may go into other areas, so that we may add to appropriations made last year under a budget agreement, so that we may spend more money on other matters. It is almost like a family, Mr. President, that decides it cannot support its young children because it needs a vacation.

Mr. President, this is not only not justified, it is nonproductive. We have already seen, as the Senator from Arizona pointed out, the concerns which have been expressed by General Powell and others at the drying up of recruits for our armed services, and the fact that they do not any longer score as high on aptitude tests as they did just a few years ago.

Is this measure likely to reverse that deterioration? No, Mr. President, it is likely to accelerate it. There will be fewer people willing to volunteer. And they will be lower on aptitude test scores.

Mr. President, Members of this body at least ought to remember the history of the last couple of decades and of the United States if they can do nothing else. This is what we did in the 1970's in the military—ignore them, allow their pay to fall below that of their civilian counterparts, allow them to go on to food stamps and to other forms of welfare, create hollow forces, and we resolved to reform in the late 1970's.

I do not claim this for this side of the aisle because some of these changes were taking place even before Ronald Reagan became President of the United States. We resolved to reform. We resolved not to make the same mistakes. And here we are asked to make the same mistakes, not to slim down the Government of the United States, not to save money, but in order to spend more money on a wide range of other purposes.

Mr. President, that is simply a misordering of priorities.

First, it seems to me, we must take care of the duties we already have. First, we must take care of the people whom we already have on our payrolls long before we worry about the construction of golf courses or of parking lots or of cemetery fences or of so-called summer employment programs which pay young people temporarily for playing basketball or engaging in other recreational activities. First, let us take care of the people who already work for the Federal Government.

Mr. President, the distinguished Senator from Tennessee, who is the chairman of the Budget Committee and who has worked with great diligence on the widest range of fiscal programs, in a direction with which this Senator does not agree but which, nevertheless, shows great skill, made two points.

First, he made the point that somehow or another this concern is a role reversal for Senators on this side of the political aisle, though not naming names or even making the accusation that it was individuals now in the Senate.

While I disagree with the Senator from Tennessee in that respect, if, in fact, it is a role reversal and we have now adopted his concern for those who are employed by the Federal Government, he should welcome the conversion and join with it.

Does he now wish to take the position that he accuses Republicans of having taken for so many years? Is that the role reversal that he wishes? It is certainly the role reversal he has asked the Senate to accept. He should join with us.

He stated the previous Republican Presidents had no kind words for civil servants. He did not attempt to say they had no kind words for those who served in uniform but no kind words for civil servants. Let us assume that is true. Perhaps they had no kind words, but they did not cut their pay. They did not deprive them of modest raises simply to make up for inflation.

I ask you, Mr. President, would those employees prefer kind words or a current pay raise? I suspect they would prefer the pay raise, although they would like both, and that is exactly what we propose to give them during the course of this afternoon.

Now, what does this cost? This costs under the amendment of the Senator from New Mexico 18 percent of many, though not of all, of the programs which are included in this supplemental appropriation. It will not cut child nutrition programs. It will not cut unemployment compensation. It will not cut highway construction funds or airport construction funds because they come out of trust funds and are not affected by this amendment. It will not affect some forms of mass transit, and there are two or three other relatively minor programs it will not affect.

The programs it will affect almost without exception are programs which were debated on the floor of this Senate as recently as last fall and for which generous appropriations were made last fall pursuant to a budget agreement promoted by Members of both parties. But now, under the guise of some kind of emergency that must be worse than any emergency we had last fall, even though the economy has improved since then, we are adding to a wide range of those appropriations, in some case more than doubling them but without paying for them, proposing to spend so much money that it amounts to more than all of the net savings in domestic spending in the entire 5-year budget resolution which was passed just a few hours ago.

We are asked to vote for programs that are an absolute necessity that were ignored in the budget resolution we debated for 2 weeks and just passed this morning. Why did we go through

that debate? If all of these items are so important this afternoon, why were not they equally important when we debated the budget resolution just a little earlier?

The answer is that this is a way to get around the system. With all the rhetoric that we have had about the necessity to reduce the budget deficit, does the President imagine that in the next 5 years there will never be another excuse to do something like this, there will never be another excuse to break that budget, that there will never be another excuse to spend more money? We have been presented with the proposition of discipline in the future, in the by-and-by, but spending now.

This Senator believes and has voted that we should limit the spending now, find out whether or not this budget works, and then perhaps find out if there is a need to engage in additional spending.

But in a sense, these last remarks on my part are not directly relevant to this amendment. This amendment assumes that this proposal is going to pass, and deals simply with our national priorities if we are going to spend another $16 to $19 billion. This amendment by the Senator from New Mexico says if we are going to spend this additional money, will we not get as much stimulus out of treating our military and civilian employees fairly as we will from spending it on someone else? This amendment says should we not take care of the priorities we have already created over the course of the last year, the people we have already recruited in the public service, whether in or out of uniform, first before we spend money on something new?

Mr. President, it seems to me almost impossible that we should so distort our priorities. It seems to me, in spite of the eloquence of the Senator from Tennessee, inconceivable that it can be argued that the pay of these men and women, many of whom are at the bottom of the economic scale among people who are actually working, and all of whom work for the United States of America, that they should be singled out essentially to pay for a number, a wide range of new spending programs.

First priorities first should be the slogan of the Domenici amendment. Let us deal honestly and uprightly with the people who are working for us at the present time.

Mr. McCAIN. Mr. President will the Senator yield for a question?

Mr. GORTON. I am delighted to do so.

Mr. McCAIN. Mr. President, the chairman may have heard the comments made by the Senator from Tennessee about priorities, as to whether certain programs would have priority over the pay of the men and women in the military, and Federal employees, recognizing that a new entrant into the military makes approximately $9,000-and-some dollars a year, about $115,000 to $120,000 less than we make a year, and the average salary for about 70 percent of them is less than $20,000 a year. I am sure my friend remembers that. President Clinton said that no one earning less than $200,000 a year would be called upon to pay for these plans.

But what I would like to ask my friend is: Does he think the American people would rather have some money for Agricultural Research Service buildings or pay for the men and women who are married, maybe some serving in Somalia now, making less than $20,000 a year? I wonder if my friend—and I had a couple more questions—would feel that the American people feel that their priority is the Agricultural Research Service building and facilities—would the American people feel that money should go there as opposed to this pay?

Mr. GORTON. This Senator feels that Americans, Mr. President, if granted that choice, would prefer that the money go to these young, idealistic hard-working members of the armed services than to the repair of buildings which are already the subject of substantial appropriations in the regular appropriations bill.

The Senator would like to go on and say he also believes that it is far more likely that we will get the quality of recruits willing to start at this relatively low pay and look forward to a career in the military, if they are assured that they will be treated fairly by their Government while they wear the uniform of the United States.

Mr. McCAIN. Mr. President, I would like to ask if the Senator will yield for a couple more questions on the same subject about priorities about Federal payment?

I would like to give a few of these to the District of Columbia. Would that have a higher priority than pay raises for the men and women in the military? How about the energy supply, research and development activities? I believe that is $46 million. Let us see. There are several others here, historic preservation fund. That would be one that maybe would have priority over the pay for the men and women in the military.

Mr. SASSER. Mr. President, I inquire, I heard the Senator from Tennessee referred to a moment ago. Are these questions being referred to me?

Mr. McCAIN. Of course not, Mr. President. I was asking my friend because I know what the priorities of the Senator from Tennessee are. He stated them. I was asking my friend from Washington about his priorities and my friend from New Mexico about his priorities. I was very clear—only the priorities of the Senator from Tennessee.

Mr. SASSER. I just heard my name. The Senator from Tennessee was referred to, Mr. President, and I will be pleased to answer the questions if the Senator wants to——

Mr. McCAIN. I have no questions for the Senator from Tennessee, Mr. President. If he is offended that I mentioned his name, I mentioned his name in the context. If I did not state his position correctly, I would be more than happy to be corrected. He said that it is a matter of priorities and these programs have priority.

Mr. GORTON. Mr. President, does the Senator from Washington not have the floor?

The PRESIDING OFFICER. The Senator from Washington has the floor, and the Senator from Arizona has risen presumably to ask a question.

Mr. McCAIN. I would like to continue my question.

Mr. GORTON. Does the Senator from Arizona want to ask this Senator questions?

Mr. McCAIN. Yes. Thank you, Mr. President.

Again, if I misstated, I say to my friend from Washington, the position of the Senator from Tennessee—I believe that he agrees with me that this supplemental takes priority over the pay and salary of the men and women of the military and our Federal employees.

Mr. SASSER. Mr. President, the Senator from Tennessee is fully capable of making his own statements and stating what his own opinions are. The Senator from Washington——

Mr. McCAIN. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona has risen to ask a question of the Senator from Washington.

Mr. McCAIN. I will continue my questions.

The Senator from Tennessee can correct his statement, Mr. President. I certainly hope that he will.

I say to my friend from Washington, because when he said that this in the supplemental will take priority over the pay and benefits of the men and women in the military, I was just asking my friend from Washington, who I know shares my view—I would like to continue my question—my friend from Washington feels——

Mr. GORTON. Will the Senator from Arizona let me take it to this point?

Mr. McCAIN. Sure. I think the point has been made. The point has been made. I would like my friend from the State of Washington to respond. I thank him.

Mr. GORTON. Earlier today, Mr. President, I believe, though it may have been yesterday, there was an amendment proposed which was tabled, to take out of this bill the extra tens of millions of dollars on top of the more than $600 million to the District of Columbia for the current year.

My answer to the Senator from Arizona is that while I would have pre-

ferred that we simply save that money for the taxpayers, if that money must be spent, this Senator would much prefer that it be spent on our armed services personnel and on our civil service personnel in helping to restore to them the cost-of-living adjustments of which they will be deprived if the President's program goes through in exactly the same form.

This Senator believes in historic preservation, which was another element of the question of the Senator from Arizona. There are already appropriations that are ongoing for historic preservation.

But if it comes to whether or not we ought to add to that, claiming it to be an emergency, while at the same time we deprive civil servants and our military personnel of their cost-of-living adjustments, then this Senator must say that he believes we have our priorities skewed; that we should first deal with and do justice to those who work for us, for the people of the United States, before we spend money on these other programs, even though many of them are worthy programs, and in the abstract, and in practical matters, should be supported. But perhaps not at a time in which we already have a $300 billion deficit, and certainly not at the expense of our men and women in and out of uniform who work for the Government of the United States.

The Senator from Washington does hope that he has not misconstrued—and I do not think he has stated—the position of the Senator from Tennessee, who is quite capable and most eloquent in stating his own position.

The Senator from Washington simply invites the Senator from Tennessee to reconsider his position having converted us to the position which he says that he has occupied or taken from his youth in favoring these Federal employees. The Senator from Washington simply hopes the Senator from Tennessee and others will see that we ought to take care of these employees first, and some of these other programs of less priority second.

This amendment on the part of the Senator from New Mexico, I wish to emphasize, does not remove any money from this stimulus jobs or whatever kind of program we wish to make it. The stimulus provided by appropriately compensating people who work for us will be every bit as great, and probably greater than it will be to the private purchasing power and to give it to some other people or organization. This is a separate debate from whether or not we ought to slash substantially from this entire program.

This amendment, within the context of this program, is simply a request for justice and for doing right by those whom we have asked to serve in the uniform of the United States or to serve in the civil service of the United States. We earnestly request that our colleagues on the majority side of the aisle agree with this reordering of priority.

RESTORING THE 1994 FEDERAL PAY RAISE

Mr. WARNER. Mr. President, I am pleased to join my distinguished colleague from New Mexico, Senator DOMENICI, as an original cosponsor of this excellent initiative. We seek to assure that the 1994 pay raise goes forward as planned for uniformed and civilian employees of the Federal Government.

The President has asked for shared sacrifice by the American people in getting the Federal deficit under control. Federal employees are willing to share the burden, but it is highly unfair to single them out for sacrifices beyond those expected of other Americans.

Following years of effort to successfully establish a pay comparability system which helps Federal pay levels approach comparability with the private sector, it had been my hope that we had at last found a way of de-politicizing Federal pay raises. Federal workers are paid, after all, from 20 to 28 percent less than private sector employees with the same job responsibilities. Each annual pay raise is now designed to bring the Federal sector a few steps closer to what their fellow workers earn in the private sector.

My colleagues will no doubt remember and have hope to forget the painful controversy surrounding the significant pay raise several years ago provided for Government executives, including Members of Congress.

That Federal executive pay raise was intended to be the first step in providing a measure of comparability for all employees. We could deny comparability to rank and file Federal workers only as long as we denied it to ourselves, but once the Congress agreed to our own higher pay rates, we have no business depriving the same measure of comparability for Federal employees.

The fiscal year 1994 Federal pay raise—which, let me repeat, is actually an incremental pay comparability adjustment—is now projected at 2.2 percent, effective January 1, 1994. It is my understanding that this will cost $3 billion in budget outlays, and that this funding may be achieved through an across-the-board 18-percent reduction in the extraordinary supplemental discretionary funding provided in this bill, with Federal agencies absorbing the remaining costs.

The able ranking member of the Budget Committee has shown us the way, and I urge my colleagues to follow. Let us not unduly penalize the dedicated uniformed and civilian employees of the Federal Government, particularly at a time when we have asked so much of them already.

HEAD START

Mrs. KASSEBAUM. As you know, I had planned to offer an amendment which would have required the Department of Health and Human Services to include in its annual Head Start report, the Department's plans for improving the quality of services and accountability in the program. At a time when there is so much emphasis on increasing the funding of Head Start, we must be vigilant that equal emphasis is given to improving services and ensuring that the funds are used effectively. I agree with the editorial in yesterday's Washington Post—it will be very difficult to improve program quality while the program is rapidly expanding. "More children won't be helped unless more providers get help." I support the expansion of quality Head Start programs, rather than program expansion for its own sake. It would be irresponsible for Congress to rapidly increase program funding without first doing everything possible to ensure the money will be spent wisely. I understand that my distinguished colleagues from Iowa, Massachusetts, and Connecticut share my concern, is that correct?

Mr. HARKIN. As the chair of the Subcommittee on Labor, Health and Human Services and Education of the Senate Appropriations Committee and a colleague of Senator KASSEBAUM's on the Committee on Labor and Human Resources, I appreciate the interest expressed by the Senator from Kansas. I am concerned that we not only expand services, but that we also ensure the quality of the programs we are funding. I intend to send a letter to Secretary Shalala asking that she include the Department's plan for quality improvement and program accountability in the Department's report to Congress on the Head Start Program. Additionally, I can assure the Senator from Kansas that issues around the quality of Head Start services and the need for program accountability will be specifically addressed when the Subcommittee on Labor, Health and Human Services and Education conducts its oversight hearings on the Department of Health and Human Services this summer.

Mr. KENNEDY. I too share the concerns of my colleagues from Kansas and Iowa. The Head Start Program needs a steady infusion of resources necessary both to expand program enrollment and to enhance program quality. I have a strong commitment to fully funding Head Start and an equal commitment to ensuring that the quality of Head Start services improves as the program expands. The two must go hand-in-hand.

Mr. DODD. I could not agree more with my distinguished colleagues from Kansas, Iowa, and Massachusetts. Program expansion without quality services and accountability to ensure that

quality would not benefit anyone. In order for the Head Start Program to remain effective, efforts to achieve full funding must be accompanied by a commitment from Congress, the administration, and the Head Start grantees that children and their families will receive high quality services. This was the thrust of the 1990 reauthorization of the Head Start Act, which I sponsored. I can assure Senator KASSEBAUM that I will work with her to see that an oversight hearing is held before the summer ends.

IS CONGRESS IRRESPONSIBLE ON APRIL FOOLS' DAY? YES!

Mr. HELMS. Mr. President, this is April Fools' Day in the Senate. And in a lot of other places in Washington—especially among the major media of America. But, then, every day is April Fools' Day when the television networks put together their evening newcasts and when the presses begin to roll at the Washington Post and other leftward-tilting news rooms around the country.

A newspaper published and circulated mainly on Capitol Hill today devoted its entire front page to contrived reports of insane acts by Congress. Not much different from the paper's regular front pages.

One of its April Fools' Day jokes was a page 1 story declaring that an expensive golf course is being planned for the Capitol's Grounds. Before you laugh too heartily, Mr. President, wait a week. Next week the joking report may well be accurate—the way the Democrats in Congress, both House and Senate, are throwing the taxpayers' money around.

Consider this: A couple of days ago, March 30, during consideration of the Clinton economic stimulus package, the Senate tabled, 52–48, an amendment offered by the Senator from Colorado [Mr. BROWN] to eliminate a number of frivolous spending projects which are to be funded under this bill. As Senators are aware, the bill carries an emergency designation. By the way, Webster's Dictionary defines "emergency" as a "sudden, generally unexpected occurrence or set of circumstances demanding immediate action."

Among the projects which would have been stricken by the Brown amendment is a golf course in Florida. According to the decision made by the Senate's majority, a golf course in Florida is so vital to the economic well being of America that it is given emergency funding.

Mr. President, what I am about to say is no April Fool. It certainly is not funny. The Federal debt—run up by the U.S. Congress—stood at $4,225,652,642,999.48 as of the close of business on Tuesday, March 30. Let us hit that again; 4 trillion, 225 billion, 652 million, 642 thousand, 999 dollars—and, oh yes, 48 cents.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. But due to irresponsible fiscal practices, the tab on a per capita basis, every man, woman, and child in America owes $16,451.25—thanks to the big-spenders in Congress for the past half century. The interest payments on this massive debt, average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

No Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

Happy April Fools' Day.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I am prepared to move to table the amendment. I understand one or two Senators on this side want to make a response.

How long will it take the Senator from Tennessee?

Mr. SASSER. Mr. President, it should not take me more than 2 minutes.

Mr. BYRD. Mr. President, how long for the Senator from Arkansas?

Mr. PRYOR. About 3 minutes.

Mr. BYRD. Mr. President, I yield to the Senator from Tennessee for 2 minutes and then to the Senator from Arkansas for 3 minutes. I ask unanimous consent that my rights to the floor be protected, that I retain my rights to the floor.

The PRESIDING OFFICER. Without objection——

Mr. BURNS. Reserving the right to object, and I shall not object. I would just like to be protected 2 minutes somewhere in this debate.

Mr. BYRD. Mr. President, I also include the Senator from Montana for 2 minutes, and 3 minutes for the Senator from New Mexico. That will be 5 minutes on each side. Then I will move to table.

I ask unanimous consent that I may yield 2 minutes——

Mr. MCCAIN. I object.

Mr. BYRD. Mr. President, I move to table the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

Mr. DOMENICI. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue calling the roll.

The bill clerk continued with the call of the roll.

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

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

The question is on agreeing to the motion to table the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—51

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

NAYS—49

Bennett	Gorton	Murkowski
Bond	Gramm	Nickles
Brown	Grassley	Nunn
Burns	Gregg	Packwood
Campbell	Hatch	Pressler
Chafee	Hatfield	Robb
Coats	Helms	Roth
Cochran	Jeffords	Shelby
Cohen	Kassebaum	Simpson
Coverdell	Kempthorne	Smith
Craig	Krueger	Specter
D'Amato	Lott	Stevens
Danforth	Lugar	Thurmond
Dole	Mack	Wallop
Domenici	McCain	Warner
Durenberger	McConnell	
Faircloth	Mikulski	

NOT VOTING—0

So the motion to lay on the table the amendment (No. 294) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from West Virginia.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Mr. President, I may speak for 5 minutes, or 10. So, if Senators will please withhold their discussions until I finish.

Mr. President, I have been around this Senate, now, 35 years. I have seen filibusters that were called filibusters. I have seen filibusters that were called extended debate. I have seen filibusters that were real filibusters and I have seen filibusters that were so-called gentlemen's filibusters. This is a filibuster. This is a filibuster.

This is a filibuster by amendment. Let us have no uncertainty about that. Why do I know? There are a number of reasons. Let us go back just a little bit.

The original cry went out concerning my having stacked the tree. I stacked that tree to protect the President's program until such time as we could get a problem, a serious problem, resolved on this side of the aisle. I was concerned, lest this problem not be resolved, this program could not be kept intact. So I indicated last Friday, and again on Monday, that there might come a time when I would move to recommit, change the playing field a little. But I wanted this problem to be resolved. It was a serious problem, the triple B amendment: Boren, Breaux, and Bryan. It was a serious amendment and the Senators were dedicated in their high purpose in offering that amendment.

That problem was solved in a nonlegislative way, to the satisfaction of those Senators and to the satisfaction of the White House.

I am the manager of this bill. Everybody—I do not have to say that. But there are two ploys here, and I am well aware of what they are. One is to divert attention away from this program of the President, divert attention away from it, bring in the Sears Roebuck catalog, the Montgomery Ward catalog, the Spiegel, May, Stern catalog, a lot of lists of items that are not in this bill, never intended to be funded in that bill, will not be funded in that bill. We have the President's word for it. We have the OMB Director's word for it. And we have the amendments that are in the bill to say that the money will not be spent for that. So that is directed to deal with one of the ploys.

The other ploy is to make somebody a scapegoat. Let Senator Byrd be the scapegoat.

Oh, the word went out. "Now, if that had been the majority leader stacking that tree it would have been all right. That was not the majority leader." So what? The rules are there for every Senator. I respect my majority leader, but I have a duty to perform here and that duty is to protect this President's program. He wrote me a letter saying he did not want it fenced, did not want it offset, and he wanted the bill enacted. He has not indicated ever—did not indicate in that letter that he wanted any changes. So I am doing my duty.

Now, if they want to make Robert Byrd the scapegoat, fine. Somebody has to be scapegoat—fine. They are in a difficult situation and they want to try to divert attention away from the bill, make it look as though they have been had; their rights have been trampled on. That is what they would like—nothing better. But they have a problem with that. I am not going to let them get away with that. If they want to make me the scapegoat, fine. The rules are there. They know the rules.

I have had the rules used against me. I used that same tree last year on the rescissions bill. Nobody cried foul. I was the chairman of the committee on that occasion when I used that tree. This did not catch them by surprise. One of the finest Senators in this body from the other side came to me and laughed. He said, "Some of them said, 'Senator Byrd would not do that.' I told them, 'You just wait and see.'" It was not a surprise. It was not a surprise.

Mr. President, there is no tree, so the Senators on the other side are exercising their rights to call up amendments. And in every instance they have had their amendments defeated. Why do they not let us vote on the bill? Why do they not let us vote on the substitute amendment? Let us vote and get on with the debt limit extension.

No, they want to play along, they want to have amendment after amendment after amendment. The amendments are going down.

I was minority leader once on this side, and you talk about a tree—the Republican leader stacked a tree, seven amendments; stacked a tree, seven amendments. I was minority leader. Senator MOYNIHAN was here on that occasion. And I laid out exactly what this meant, page No. 70 in the old book of procedure. I said: This is the plan. They will put one here, put one here and here, they can put one here and here and here, A, B, C, D, E, F, and they can move to recommit and stack that.

Do you know what happened? Senator MOYNIHAN stood up one day and said, "Did you see the story in the paper this morning by Helen Dewar and somebody else that the majority leader—the then-majority leader said he is going to do exactly that? What Senator Byrd was speculating about was his plan."

I never quarreled with Senator DOLE in exercising his rights as the majority leader to stack that tree. I did not like it but I said that is the custom. The majority leader has first recognition. That has been the custom, that ought to be the custom, and that is the custom we have been living by. I recognized that.

But what I did not like and what Senator MOYNIHAN did not like and what Senator Chiles did not like at the time, was the fact that the majority leader then on that occasion abused his right to recognition. He would not give the Democrats a chance to call up an amendment after he had stacked the trees. I pleaded, let us call up an amendment. He called up amendments for somebody else on the other side, used his first right of recognition to call up Senator X's amendment, and he used his right of recognition to call up Senator Y's amendment, used his right of recognition to call up Z's amendment, just like that. We did not get to call up any amendments.

I have never done that. I have never used my right of recognition to call up an amendment by Senator so-and-so and Senator so-and-so because that Senator might not get recognition.

You see, I was minority leader. Following the majority leader's right to recognition, I had first right of recognition. So, in order to keep me and my fellow Democrats here from calling up amendments, he used his right of recognition time and again, two or three—three times, I believe it was, to get other Senators' amendments up from that side and deprive us—deprive my fellow Democrats of calling up amendments; deprive me as minority leader of calling up an amendment. The record is there.

As Cicero said—Cicero said that an orator should remember the record of events of past ages. To be ignorant of what occurred before you were born is to remain always a child.

He was telling us to read history. I read it. I have read this history in this body. So do not let anybody say that Senator BYRD has not been fair. I have stood here for the rights of the minority.

I had calls from the White House: Let us include the health care package in the reconciliation bill. I said I cannot do that. I cannot do that. That is a bill that is entitled to debate on this floor and I just will not do it. I will raise an objection if nobody else does.

People in this country ought to know what is in that bill. Senators ought to know what is in it when they vote on it, and that was accepted. There was no quarreling about that. I was defending the rights of all Senators.

Senator MITCHELL had wanted to have a motion to proceed without debate. I said no, I want some more time because I believe in protecting the rights of the minority. They ought to be able to filibuster a motion to proceed, but I have never stood, Mr. Presi-

dent, for using the rights of Senators in the way that they are being used now. If the Senators on my right—and I have great respect for all of them, and I stood here as a Senator who wants to protect minority rights. I remember, I was in the minority, I was the leader in the minority. We may be in the minority again some day. I wanted to protect minority rights. That is what this Senate is all about. That is why the Senate is still the greatest institution, one reason why, I want to protect minority rights. But let me tell you, Mr. President, I am getting a belly full of this abuse of minority rights. There comes a time when the majority has to control.

So let me say to you, Mr. Leader, mark me down as a supporter of making a nondebatable motion to proceed. Mark me down. I am still a protector of minority rights and, as far as I am concerned, that is ample protection. We can filibuster when the matter is called up. When you want to call up that House bill on the line-item veto, I will not filibuster your calling it up. I will determine what my rights are after you call it up, but I am off that wagon now.

I am sick and tired—here we have a President 71 days into his Presidency. I can remember the calls and the letters that came to me from people all over this country, the people of West Virginia, let that President have a chance when Ronald Reagan was elected President, and I voted to give him a chance. I did not vote to tear him down. And when the tree was stacked against ROBERT BYRD, you go back and read that RECORD, I accepted it in good grace. I accept my defeats in good grace. That is the American way: Have at it, get your amendments up, vote, go on to the next battle.

Corinthians, the Book of First Corinthians says: When I was a child, I thought as a child, I talked as a child, but when I became a man, I did away with childish ways.

Mr. President, I have played that game a long time. Play the game, play it hard. If you win, fine, I will get myself off the canvas, dust myself off, smile and say, "All right, let's go to the next fight." But this thing of being unwilling to let a new President who was elected because the people wanted a change, they wanted to get rid of gridlock, and they want him to have a chance, and here we have these obstructionists on this side who continue to call up amendment after amendment after amendment, and we vote solidly against their amendments. They know their chances of having an amendment adopted are not good. I am tired of it.

So count me on your proposal. You have got one or two other proposals I want to get on, too. Here is one Senator on this side of the aisle, I believe, one Senator who knows about this Senate, as much about this Senate, about its history, about its traditions, about its customs as anybody. Mr. President, I have given the best of my life to this institution. I have put it ahead of my church, I have put it ahead of my family, and I have put it ahead of my own health. And I intend to continue down that road. I will always be fair, but the rules are there. And if it is hardball that wants to be played, here is one who will not shrink from the task.

So I say, let us get on with voting on this bill. Give this President a chance, and if they do not want to do that, vote against it. Let us get on with the bill, let us call this a filibuster. That is exactly what it is, and let the American people know that that is what it is. Filibuster by amendment.

And I say to the American people, if they want to give this President a chance, they ought to let Senators who are obstructing this bill know about it, let them know that the American people want action. If you are going to vote to kill this bill, just vote, vote it down, vote it down and then let the American people see who killed it. If you want to filibuster it to death, let the American people see who filibustered it to death.

I am calling it exactly what it is, and that letter that went out around here, 42 Senators signed a letter to the Republican leader. It has surfaced. Everybody knows it is around. Forty-two Senators on the other side say, in essence, there are 42 of us who will not vote for cloture, unless there are reductions in this bill, and we are ready to cancel our recess.

I say let us cancel the recess. Senators are getting paid. I offered the amendment to raise Senators' pay. Your pay, my pay, everybody's pay in here. So let us just cancel it. Let us have some cloture votes. Let us let the obstructionists show who is holding up this bill. And if the bill is killed, let us let the credit lie where it is due.

I yield the floor.

Mr. MITCHELL addressed the Chair.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that——

Mr. MITCHELL. Mr. President, I object.

Mr. WELLSTONE. Objection.

Mr. SPECTER. If I may finish my statement, Mr. President. I ask unanimous consent that further proceedings under the quorum call be dispensed with.

Mr. MITCHELL. Mr. President, I object.

The PRESIDING OFFICER. Is there objection? There is objection. The clerk will continue calling the roll.

The bill clerk resumed the call of the roll.

Mr. SPECTER. Mr. President, I again ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. MITCHELL. Mr. President, I object.

The PRESIDING OFFICER. There is objection. The clerk will continue calling the roll.

The bill clerk resumed the call of the roll.

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

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

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business from now until 9 p.m., during which Senators be permitted to speak.

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

TRIBUTE TO JENNIFER BRICK

Mr. MURKOWSKI. Mr. President, I want to take the opportunity to acknowledge Jennifer Brick on my staff. She will be leaving, as her husband is being transferred to Hong Kong. She has worked hard on issues in accordance with my responsibility on the Foreign Relations Committee.

I yield the floor.

UNITED NATIONS CRITICIZES INDONESIA ON EAST TIMOR

Mr. DURENBERGER. Mr. President, I rise to comment on recent events pertaining to Indonesia's persistent abuse of human rights in East Timor. In a striking and refreshing departure from past practices, the U.N. Human Rights Commission adopted a stern resolution expressing its deep concern at the reports of continuing human rights violations in East Timor.

The Commission expresses its concerns regarding the Government of Indonesia's actions pertaining to its massacre of civilians at a funeral rally on November 12, 1991. Indonesia has yet to account for many of those still missing from that atrocity, nor provided an accurate accounting of those East Timorese killed by its security forces.

Further regarding the massacre of November 12, the Commission notes its regret at the disparity in the severity of the sentences imposed on civilians not indicted for violent activities and on the security forces involved in the murders. The heaviest sentences for East Timorese, for example, ranged from 5 years to life in prison. For the

security forces, the heaviest sentence was only 18 months.

In the opinion of this Senator, such a disparity is unconscionable and deserves severe criticism from the international community.

Mr. President, it is important for our colleagues to note that this is the first time since Indonesia's invasion of East Timor in 1975 and its subsequent, and ongoing, brutal repression of the people there that the international community has issued such a stern rebuke of the Indonesian Government. This welcome development is largely due to the change in U.S. policy introduced by the Clinton administration.

As a U.S. Senator who has repeatedly urged previous administrations to take off the kid gloves in dealing with Indonesia on this matter, I want to express my deep appreciation and gratitude for this change in policy.

Mr. President, I would like to note several of the specific steps the U.N. Commission urges upon the Indonesian Government. Among other things, the resolution calls upon the Government to ensure that all East Timorese in custody, including prominent public figures, be treated humanely; that their rights be fully respected; that all trials be fair, just, public, and recognize the right to proper legal representation. It further calls upon the Government to release without delay those not involved in violent activities.

While welcoming the recently expanded access to human rights and humanitarian organizations, the Commission urges the Government to expand this access still further. I note with satisfaction that Indonesia has permitted representatives of some human rights groups, including Asia Watch, to send observers to an important political trial now underway in Dili. This is a much appreciated, positive step. Nevertheless, human rights and humanitarian organizations should be given regular, unhindered access to East Timor in order to conduct investigations and deliver humanitarian services to political detainees.

The Commission also urges the Government to invite to East Timor and facilitate the work there of various U.N. Special Rapporteurs and other representatives. It is my understanding that Amos Wako, the personal envoy of the U.N. Secretary General, will soon be traveling to East Timor for a follow-up visit to the earlier trip there in February 1992. This is certainly a welcome move.

Mr. President, I wish to add my voice in support of these and the other recommendations issued by the U.N. Commission. These are extremely encouraging developments, and it is absolutely incumbent upon the United States, the United Nations, and the international community to follow through on the Commission's good work.

We must not lose sight of what one journalist called East Timor's untelevised terror. The Indonesian Government must be held accountable for its unacceptable behavior in East Timor and consistently urged to respect internationally accepted human rights.

I vigorously urge my colleagues to continue monitoring the situation in East Timor and Indonesia's progress toward implementation of the U.N. Commission's recommendations and admonitions. I would further urge my colleagues to share their concerns with the Indonesian Government, in particular the very able and honorable Ambassador Rachman Ramly here in Washington.

Mr. President, let me once again express my strong support for the recent United Nations actions pertaining to East Timor as well as the Clinton administration's crucial role. The new U.S. policy is welcome indeed.

Thank you, Mr. President. I yield the floor.

MURDER IN A SANCTUARY

Ms. MIKULSKI. Mr. President, I rise today to submit for the RECORD an editorial from the Evening Sun.

Last week I offered a statement honoring Sister MaryAnn Glinka. This editorial not only pays tribute to Sister MaryAnn, but speaks directly to the need for everyone to come together and end the senseless violence in our communities.

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

[From the Baltimore Evening Sun, Mar. 23, 1993]

MURDER IN A SANCTUARY

This city will never become inured to violent death, and no city should; the slaying of any one of us diminishes us all. But the murder of a woman who had embraced a life of poverty and dedicated herself to helping others, who had risen to a post of leadership in her order of similarly committed nuns, leaves a particularly deep scar on this community. As Mayor Kurt L. Schmoke noted last Friday in a visit to the scene of the murder of Sister MaryAnn Glinka in a Baltimore convent, certain crimes carry with them very heavy symbolism.

Throughout history, convents and monasteries have played a special role, offering hospitality and protection to those who need it. When such a hospice becomes a murder scene, and those who would give protection and comfort become the victims, all citizens can shudder at the affront to humanity.

The crime raises a question most of us would rather not face: If a woman is not safe in a convent, where can anyone feel safe? The area just north of Memorial Stadium where the Franciscan mother house is located is not in one of the city's scarier neighborhoods, where children are prey to stray bullets on their playgrounds or even in their own homes. But no neighborhood is an island, and the convent is only a few blocks away from one of the city's open-air drug markets. It is not yet clear whether narcotics played a role in this crime, as it has in so many others in recent years. Apparently, it was enough that the convent appeared to be a soft touch to a thief.

The quick arrest of a suspect in the murder is heartening. But arrests and convictions don't halt the bloody tide. Where do residents of Baltimore—and, increasingly, its suburbs—look for sanctuary? In ourselves and each other, a civic leader from a community near the North Baltimore murder scene suggested. "It just seems to me that people have to change how they feel about themselves," said Gussie Tweedy, of the nearly Pen Lucy neighborhood.

Aside from the symbolism Mayor Schmoke referred to, Sister MaryAnn's death was particularly tragic. Here was a woman who had, at a time when interest is declining in religious orders, devoted her life to bettering other peoples' lives. A native of Fells Point, she chose the Franciscans over another order closer to her own heritage because she felt more comfortable with its spirituality. Priests and nuns who have served with her here and in Virginia describe a petite but vigorous woman who would have helped legions of others had she been left with us. The whole community mourns her death, along with her family, friends and colleagues in and outside the Catholic Church.

THE CRISIS IN ZAIRE

Mr. KENNEDY. Mr. President, in recent weeks, the political crisis in Zaire has gone from bad to worse. The brutality and wholesale violence of President Mobutu and his henchmen in the army have brought the country to a near standstill. With the people unable to engage in normal commerce and agriculture, food is in short supply, and the first signs of hunger are surfacing.

Unless further steps are taken by the international community to end the crisis, Zaire could well erupt into full-scale civil strife and become a major humanitarian catastrophe.

President Mobutu's army of thugs continues to intimidate opponents with impunity. They have pillaged homes and markets for the few remaining goods in the country, and turned the capital, Kinshasa, into a virtual wasteland. Medical and other vital services are now almost nonexistent.

Just months ago, there was reason to believe that the goal of freedom and prosperity of the people of Zaire would at last be fulfilled.

Under pressure from the United States, Belgium, France, and other governments, President Mobutu permitted a Sovereign National Conference [SNC] to convene composed of over 2,000 representatives from all sectors of Zairean society. Last August, in a promising development, the SNC adopted a Transitional Act—an interim constitution—to govern the country during the transition to multiparty democracy. The conference agreed that President Mobutu could serve as head of state, but without governmental authority. Etienne Tshisekedi, a popular opposition leader, was selected by a majority vote of the SNC to serve as

Prime Minister of an interim government. A 458-member provisional parliament, called the High Council of the Republic, was elected by the Sovereign National Conference and was led by Archbishop Monsengwo. These actions were to culminate in free and fair elections for a new national government in 1994.

However, in the past several months President Mobutu has demonstrated a cold-blooded determination to prevent democratic progress and to retain power at any cost.

Prime Minister Tshisekedi and the High Council sought repeatedly to curb President Mobutu's abuses and to implement the democratic reforms mandated by the interim constitution. However, President Mobutu and his cronies responded by deliberately inflaming tribal tensions in the country in an effort to justify the need for special emergency powers and authoritarian rule. And he has brutally suppressed prodemocracy demonstrations and other expressions of opposition to his tyranny.

In October, when Prime Minister Tshisekedi removed President Mobutu's control of the national treasury, the President's soldiers took over the central bank. After a tense standoff, President Mobutu ordered the Prime Minister to dissolve his government and the dictator's troops evicted Prime Minister Tshisekedi's ministers from their offices, in direct violation of the Transitional Act.

When Prime Minister Tshisekedi and the interim parliament rebuked President Mobutu for his actions, he announced that he no longer recognized the Transitional Act or the authority of the interim parliament. He summarily dismissed the parliament and Prime Minister Tshisekedi—all actions for which he had no authority. He then resurrected his own rubberstamp assembly which had been suspended by the National Conference last summer. And, 2 weeks ago, President Mobutu appointed his own prime minister, in yet another brazen effort to thwart the democratic process.

All of these actions have been accompanied by extreme violence by Mobutu loyalists in the Zairean Army. Thousands have died at the hands of the army. Hundreds of innocent civilians were killed when the army attacked prodemocracy demonstrators. The homes of leading opponents have been attacked. Members of Prime Minister Tshisekedi's cabinet were held hostage in their homes and deprived of food.

In this continuing crisis, the United States and the international community must stand with the brave leaders of Zaire's democratic future. Prime Minister Tshisekedi and the members of the High Council are struggling daily, at extraordinary personal risk, against the corrupt and violent rule of President Mobutu.

Mr. President, Mobutu has cruelly demonstrated his intense opposition to freedom and democracy for the people of Zaire. He has mortgaged any claim to leadership of that future democratic nation. The United States and all friends of democracy around the world must redouble our efforts to end this rule of terror and return Zaire once more to the hopeful path on which it was embarked last year. And in the process we must lend a helping hand to the people of Zaire, as they seek to rebuild their country after months of suffering.

SUDDEN INFANT DEATH SYNDROME

Mr. RIEGLE. Mr. President, I rise today to bring attention to a tragic disorder that is killing our Nation's infants, sudden infant death syndrome. Sudden infant death syndrome [SIDS] is a fatal disorder which kills thousands of infants in the United States each year.

SIDS is the major cause of death in the United States for infants 1 week to 1 year old, claiming the lives of 7,000 American babies each year. That is 1 out of every 500 live births, or nearly 1 baby every hour of every day. Many more infants die of SIDS in 1 year than all infants who die of cancer, heart disease, pneumonia, child abuse, AIDS, cystic fibrosis, and muscular dystrophy combined. SIDS is an indiscriminate killer: It strikes infants from all regions, cultures, and socioeconomic backgrounds. It is a major factor contributing to the high rate of infant mortality in the United States.

SIDS invariably comes as a tragic surprise. In most cases, an apparently healthy infant is put to bed without any indication that anything is wrong. Sometime later, the infant is found dead. The infant's prior medical history, a complete postmortem examination, and a thorough examination of the death scene provide no explanation for the cause of death. SIDS leaves in its wake grieving families and physicians without answers.

The primary Federal agency responsible for conducting SIDS research is the National Institute of Child Health and Human Development [NICHD] at the National Institutes of Health. Although cases of SIDS date back to biblical times, organized scientific research into SIDS did not begin until the 1970's. In 1988, at the request of Congress, the NICHD assembled a group of scientists to review what was known about SIDS and develop a research plan.

The 5-year research plan developed by the NICHD has brought some progress. Studies have suggested a relationship between SIDS and kidney abnormalities and exposure to tobacco smoke. Although research has developed exciting leads, we still have not found any answers.

Mr. President, State and local communities have been actively educating the public about SIDS. Tomorrow, April 2, in communities across America, people will participate in Red Nose Day USA. The idea of Red Nose Day USA comes from Bozo the Clown, who is a spokesperson for Red Nose Day to fight SIDS. To show their support for research and public awareness about SIDS people across the Nation will wear the red clown nose. The goal is to make the problem of SIDS as plain as the nose on your face.

Mr. President, it is time for Federal legislators to take steps to educate the public about SIDS. I will be introducing legislation to establish a National Sudden Infant Death Awareness Week to coincide with local community and State efforts to educate the public about SIDS. I encourage Members of Congress to join with me and local volunteers across America in bringing public attention to this tragic disorder.

RECONCILIATION IN EL SALVADOR

Mr. DURENBERGER. Mr. President, 2 weeks ago, the process of reconciliation in El Salvador reached yet another milestone. The Truth Commission, established by the 1992 peace accords, issued its report regarding major human rights abuses committed by both sides to the conflict.

The Truth Commission report hits hard. It makes tough, but probably fair, recommendations about the future in El Salvador. This report is a critically important element in the reconciliation process.

But the true significance of the report is the role it plays in helping the Salvadoran people confront certain realities about their past in order to move forward toward their future. From its inception to its completion, the work of the Truth Commission has been designed to form part of the necessary bridge between El Salvador's violent recent past and its bright, peaceful, and prosperous future.

I would note, however, Mr. President, that judging from various op-ed pieces and public comments, that some people in this country are using the Truth Commission report to vindicate their long-standing opposition to United States policy toward El Salvador, to conclude that United States policy was a miserable failure.

There is no question that the United States has made mistakes along the way. But those who demanded that we wash our hands of El Salvador and simply walk away were never willing to take responsibility for what almost inevitably would have resulted—a savage, unrelenting, and endless war, with profound consequences for a nascent democracy.

As Assistant Secretary of State, Bernie Aronson stated in late 1991

> United States assistance ensured that those seeking to rule El Salvador through vi-

olence and intimidation, on both the left and the right, did not prevail, while Salvadoran society slowly, painfully, but deliberately created authentic democratic institutions, opened political space, and created new mechanisms to defend human rights and the rule of law.

It was always tough to strike the proper balance between defending a democratic government against guerrilla insurgents and demanding respect for human rights in the middle of a civil war. But I believe the key to U.S. policy over the past 12 years is that we have remained engaged.

As our policy has matured, we have learned to understand the Salvadoran situation in Salvadoran terms. As long as we saw it primarily as a cold war proxy fight between East and West, irrelevant information clouded our policy judgment. Eventually, we came around to a bipartisan understanding, shared by both the Congress and the administration, of the difference between symptoms and root causes, and good policy came of it.

And now, with the war over, El Salvador is at a crossroads. The peace accords of last year and the Truth Commission report of last month are not the end of the road for El Salvador. The report, in particular, should be seen as a continuation of the process of consolidating peace and democracy, respect for human rights, and national reconciliation.

There is no doubt it will take tremendous effort on El Salvador's part to consolidate the peace, fully implement the far-reaching accords, restructure its society, and rebuild the country.

Mr. President, as I stated 1 year ago, United States policy toward El Salvador is also at a crossroads. For years, U.S. policy has been characterized by alternating cycles of panic and neglect. Just as El Salvador must strengthen the center and diminish the extremes, so too must we in this country strive to achieve a sustainable level of engagement, in which we minimize our own extremes, in this case, panic and neglect.

In December 1980, I urged my Senate colleagues to realize that once panic sets in after the period of neglect, "it is too late, [and] we rush to treat symptoms rather than causes." If we now commit ourselves to sustained engagement, we will avoid the tragic mistakes of neglect, which seem always to lead to panic.

Notwithstanding the rhetoric of United States policy in the early 1980's, the root causes of the war in El Salvador had much less to do with the cold war threat of a Communist beachhead in Central America than with the long and sorry history of political repression, authoritarian rule, social injustice, poverty, malnutrition, disease, illiteracy, and many other ills.

With the war over and the reconciliation process well underway, the people of El Salvador can focus their considerable energies and talents on resolving many of these problems which still exist. That will be the challenge for El Salvador. And it is in the United States interest that we help El Salvador further establish a more just, democratic, and stable society, in which individual freedoms are protected, human rights guaranteed, and productive energies set free.

Such a United States and international approach to the many challenges facing our friends in El Salvador will dramatically increase our prospects for long-term success.

AMNESTY FOR THOSE ACCUSED

Mr. President, the Truth Commission report details the findings of the three-member Commission about some of the most notorious abuses of the long war. It assigns blame to those it found responsible—mostly in the armed forces, but also among the FMLN guerrillas, although I would note for the record the apparent absence from the Commission report of any substantive mention of several major FMLN atrocities, such as the assassinations of Presidential Chief of Staff Rodriguez Porth or of American citizen Francisco Peccorini.

Yes, as an end in itself, it seeks to establish the truth and to determine responsibility for many abuses. But I emphasize again that the report's true importance is the role it plays in helping the Salvadorans reconcile their differences and build a peaceful future.

There is considerable discussion both here and in El Salvador on the question of granting amnesty to those on both sides of the conflict accused of abuses during the war.

Recently, the Salvadoran National Assembly passed an amnesty law. Although there remains some disagreement regarding the timing of the amnesty and other factors, there is general agreement in El Salvador about the need for an amnesty.

This is a difficult issue to resolve. Should there be an amnesty for those who committed heinous, atrocious acts of violence against civilians—be they nuns, land reform advisors, peasants, mayors, U.S. service personnel, the attorney general, the archbishop, or Jesuit priests? Or should the people of El Salvador forgive the sins of their past, reform their country, and move boldly ahead into the future?

Whatever's one's personal view is on this question, I believe it is essential that the Salvadoran people themselves find their own path to resolving this dilemma. The United States Government and concerned citizens here should not seek to impose their own particular prescription for the future on the government and people of El Salvador. The Salvadorans will have to resolve this one, and we should respect whatever decision they themselves make.

For those of us who are committed to the rule of law, it is important that the people of El Salvador have some means or mechanism for influencing that decision. It is also important that there be an effective means of enforcing the rule of law now and in the future. The sad condition of the criminal justice system requires serious improvements, and we should assist in that effort in whatever appropriate way we can.

It is worth noting that a general amnesty was envisioned by both sides when the government and guerrillas agreed to establish the Truth Commission during the negotiations. It is thus not a new idea that has recently sprung up. It is also worth noting that church leaders in El Salvador have generally advocated pardoning those responsible once the truth has been determined.

There are no doubt differences of opinion in El Salvador and the United States on how best to proceed on this issue. But the most important criterion, Mr. President, the single most important factor in resolving the amnesty issue, is the impact a given resolution will have on the future in El Salvador.

Will the resolution promote or hinder the process of national reconciliation, of consolidating the peace, of strengthening democratic institutions? Only the Salvadorans can answer that question.

In conclusion, Mr. President, I want to emphasize that I look forward to continue working for El Salvador's future. It is a bright future indeed, and the United States stands to gain a great deal from firmly established democratic governance and civil society in El Salvador.

ADMINISTRATION IMMUNIZATION INITIATIVE

Mrs. KASSEBAUM. Mr. President, perhaps nothing speaks as eloquently of the need for comprehensive health care reform as our alarmingly low rates of childhood immunization.

Later today, the President will introduce his $1 billion plan for addressing this problem. Several aspects of that plan, such as more funding for State immunization action plans and funding for State and Federal immunization tracking and surveillance systems, are right on target.

But the centerpiece of the plan—the universal Federal purchase and distribution of vaccines—misdiagnoses the causes of the problem and prescribes an ineffective and wasteful remedy.

If our low immunization rates were the result of the cost and availability of vaccines, the President's proposal to have the Federal Government purchase all vaccines for free distribution might make sense.

But that is not the case. The National Vaccine Program Advisory Committee, the Centers for Disease Control and Prevention, former Surgeon Gen-

eral Koop, and public health officials across the Nation agree that our low immunization rates are the result not of the cost of vaccines but, rather, of inadequate public education, inadequate outreach to poor and minority populations, and the lack of a coordinated, readily accessible system for delivering immunization and other primary care services.

The real problem, in short, is that too many parents do not know the value of immunizations, and those that do have a hard time finding accessible providers to deliver them. The supply of vaccines is not the problem. The problem is our lack of basic primary care services—especially in rural and inner-city areas.

Mr. President, if we are truly committed to fixing our tragic childhood immunization problem, this is where we should be focusing our limited Federal resources—not on buying up all of the vaccines and giving them away.

Instead, the administration is now proposing to spend an estimated $1 billion each year to have the Federal Government purchase the entire vaccine supply and give it away free as an entitlement to everyone, the rich as well as the poor, the insured as well as the uninsured.

Is this the best way to use scarce taxpayer dollars?

Consider this: With this same $1 billion, we could nearly triple the number of community health centers currently operating in the United States. Together with our local public health departments, these community health centers are precisely the kinds of facilities best equipped to get immunizations to the populations most at risk.

With this same $1 billion, we could vastly increase the number of children eligible for immunizations under Medicaid and improve payment rates to encourage private sector participation.

With this same $1 billion, we could launch healthy home visit programs to bring education into the homes of expectant and new parents, as well as give them the transportation or child care or other help they may need to get to clinics.

Mr. President, we in Washington sometimes think we have the market cornered on how to solve the country's problems. The trouble is, we often do not pay enough attention to lessons learned elsewhere—particularly by our States and localities.

My own State of Kansas, for example, recently pilot-tested whether or not giving free State/federally purchased vaccines to providers would improve immunization rates. It did not.

Instead, Kansas is now launching a program called Operation Immunize. The Department of Health, working closely with health care providers, businesses, the National Guard, and thousands of volunteers, will offer immunization services at over 200 sites across the State. Services will be provided in malls, in trailer parks, and from mobile vans. The public and private sectors will come together to blitz the State with information on the importance of immunizations and where to go for services. Operation Immunize will be repeated three times over the next 2 years while the State develops an immunization tracking system.

As a second example, if we compare the rates of immunization for children in States which have universal purchase and free distribution programs with States which do not, universal programs do not appear to produce significant improvements in immunization rates.

Mr. President, a number of my colleagues and I have been working on an immunization reform approach of our own. This approach reflects many of the valuable lessons we have learned from the States. Specifically, our approach focuses our limited tax dollars on forging better partnerships with States to expand and improve Medicaid coverage, improve public education, implement innovative outreach campaigns, and increase the number of clinic sites, hours, and personnel. In short, we believe our approach reflects a better diagnosis of the problem, and prescribes a better cure.

I look forward to working with the administration, Senator KENNEDY, and my other colleagues in forging responsible and effective legislation to cure this Nation's tragic childhood immunization problem.

DISTANCE LEARNING WEEK

Mr. PRESSLER. Mr. President, as a cosponsor of Senate Joint Resolution 49, designating March 28, 1993, through April 3, 1993, as "Distance Learning Week," I would like to remind my colleagues of the importance of encouraging distance learning initiatives. Educating our children and adults means investing in our Nation's future.

With a crushing budget deficit and limited economic means, we must use our educational resources as effectively as possible. Distance learning can help us do this.

Distance learning is the use of telecommunications technologies to provide educators and students, regardless of age, with access to information from any location. Television, computers, telephone lines, satellites, and fiber optics can link schools to specialized programs and advanced instruction no single institution could afford. Interactive television expands the reach of effective teachers. Two-way networks place vast data bases of information at our finger tips.

I believe distance learning will soon revolutionize the way we educate. Access to quality education will not be limited by geography. This is particularly important for my State, South Dakota. Rural schools faced with consolidations and closings can remain a vital part of our educational system. Smaller universities and colleges will be able to access the same supercomputers and data bases as our Nation's largest research facilities. South Dakotans on farms, ranches, and in small cities will have an ever-increasing array of lifelong learning opportunities, often with less expense.

Mr. President, I would like to take this opportunity to highlight some of the exciting distance learning initiatives taking place in South Dakota.

Educators and public officials in my State combined efforts to create the South Dakota Rural Development Telecommunications [RDT] Network. Using state-of-the-art fiber optics, the RDT Network currently connects eight cities and every public university in South Dakota. When the first phase is completed, at least 19 sites will be linked by fiber optic cable. Phase 2 will connect every high school in the State—nearly 200 locations—to the RDT Network via satellite.

The RDT Network builds on the pioneering efforts of South Dakota State University [SDSU], which installed, in cooperation with South Dakota Public Broadcasting, the original interactive video link between the SDSU Brookings campus and the State capital in Pierre.

SDSU will soon be able to connect the RDT Network with additional programming through its participation in the national consortium of land grant universities called Ag*Sat. The Ag*Sat satellite system will have an uplink transmitter in Brookings and 11 receiving sites across the State.

Mr. President, I ask unanimous consent that letters from the South Dakota Rural Development Telecommunications Network, South Dakota State University, and South Dakota Public Broadcasting describing these distance learning projects in more detail be placed in the RECORD at the conclusion of my remarks.

(See exhibit 1.)

Mr. PRESSLER. South Dakotans can be proud of these pioneering distance learning efforts. More work remains to be done, however, and the Federal Government can play a key role in furthering State initiatives.

As you know, Mr. President, I authored an amendment to the Public Telecommunications Act of 1992, directing the Corporation for Public Broadcasting [CPB] to report on existing and potential distance learning applications. CPB recently transmitted to Congress its promising and insightful report: "Lifelines of Learning: Distance Education and America's Rural Schools."

The report outlines in concrete terms the most effective use of existing public telecommunications facilities to establish and implement distance learning projects in rural areas.

Congress has long recognized the value of educational television programming. But I suspect that few of my colleagues are fully aware of the potential of delivering educational programming through telecommunications technologies.

CPB's research provides a sound basis for assessing how distance learning can solve the dilemma of underfunded rural education. We have seen how public television can unite views through public service programing. Now, through the new and revolutionary technologies that are available, distance learning makes it possible to link educators and learners to serve common educational goals.

I am encouraged that the necessary telecommunications technologies to provide quality education to rural America exist today. Our goal should be to surpass existing barriers to making what rural America needs from these technologies more accessible, more affordable, and more effective.

The promising development of this technology provides another reason why support for public broadcasting is important. Public broadcasting has consistently been a leader in using technology to improve public education. Individual public television stations have taken leadership roles in their local communities and across their States in developing distance learning technologies and services.

In its report, CPB proposes that Congress take various steps to encourage increased use of public broadcasting facilities for providing distance learning services tailored to the needs of rural schools. These measures include:

Making distance learning projects that involve public broadcasting a priority area within the Public Telecommunications Facilities Program;

Continuing and increasing funding of the Star Schools Program;

Commissioning a task force to coordinate the many governmental authorities with jurisdiction over distance learning;

Focusing on teacher certification, course acceptance, and broad, affordable access to instructional software and programs;

Funding teacher training to encourage acceptance and adoption of distance learning methods by classroom teachers; and

Authorizing national demonstration projects to study and evaluate effective rural applications.

We are faced with a critical situation in rural America. Effective schools are at the heart of maintaining the unique characteristics of rural communities. To ensure that these communities survive and prosper, we must guarantee their access to the best educational resources and tools available. One very cost-effective method is support for public broadcasting and its efforts to develop fully distance learning projects.

69-059 O—97 Vol. 139 (Pt. 5) 43

I urge my colleagues to read and give serious consideration to this distance learning report.

EXHIBIT 1

RURAL DEVELOPMENT TELECOMMUNICATIONS NETWORK,
Pierre, SD, March 31, 1993.

Hon. LARRY PRESSLER,
U.S. Senator, Hart Senate Office Building, Washington DC.

DEAR SENATOR PRESSLER: This letter is to update you on the phenomenal progress of the South Dakota Rural Development Telecommunications Network. After just 100 days of operation, this state-wide highway of two-way audio and video communications is well on its way to changing the day to day lives of the citizens of our state.

The RDT Network began in December with six cities and now connects eight cities with new sites being added monthly. Before long, 19 sites in various locations will be connected, virtually eliminating the communication barrier mere distance can impact on a rural state like South Dakota. Then, in a second phase beginning in summer 1994, the RDT Network will begin to connect every high school via satellite. Nearly 200 locations in all.

Currently, every public university is connected to the network. In the first semester, 20 courses are being delivered from one end of the state to the other and back again. Vocational institutions are also among the network's first members. More courses are planned for the summer, exceeding all expectations of the initial use of the system. The potential now is unlimited. Government has held personnel training meetings; health care has reached out to county nurses to discuss nutrition guidelines; private business has discussed marketing strategies; even depositions are being taken via the network.

Clearly the RDT Network provides substantial cost savings in terms of cost of travel and the cost of the time spent traveling. But the real benefit is access to people, ideas and information never before possible.

Thank you, Senator Pressler, for your support of the RDT Network.

Respectfully,

JAMES P. LARSON,
Executive Director, RDT Network.

SOUTH DAKOTA STATE UNIVERSITY,
Brookings, SD, March 31, 1993.

Hon. LARRY PRESSLER,
U.S. Senator, South Dakota.

DEAR SENATOR PRESSLER: I would like to update you on the telecommunications activities of South Dakota State University. As you are now aware, South Dakota State University is one of eight operational sites on the South Dakota Rural Development Telecommunications Network. In May we hope to have our second facility on line with the network.

We at South Dakota State are proud of the fact that we were pioneers in distance education in the state. We installed and operated an interactive video facility between the Brookings Campus and Capital University Center in Pierre in 1990. The original link was facilitated by South Dakota Public Broadcasting using their microwave network and converted to a fiber optic link in 1991. We offered more that 20 classes on the system prior to the establishment of SDRDTN. When the RDTN was approved, we took the lead in the design of the RDT Network facilities now in place across South Dakota.

We operate two state-of-the-art interactive video facilities on campus as well as satellite uplink and downlink equipment offering SDSU students and faculty access to the nation and the world.

We are in the planning stages of installing a campus fiber system that will enable us to receive or originate programs from most campus classrooms. This system along with the other facilities on campus will allow us to share with the people of South Dakota not only distance education, but the wealth of other enrichment activities that are normally only available on campus.

We believe that telecommunications will play an even greater role in distance education and in stemming the out migration from rural America in the coming years. We are proud of our contributions to date and South Dakota State University will continue to provide leadership in its development and use.

Sincerely,

GARY SHEELY,
Director, Instructional Media and Telecommunications.

SOUTH DAKOTA STATE UNIVERSITY,
Brookings, SD, April 1, 1993.

Senator LARRY PRESSLER,
Washington, DC.

SENATOR PRESSLER: South Dakota State University has expanded its distance education capabilities by joining the national consortium of Land Grant Universities called Ag*Sat. The purpose of the Ag*Sat consortium is to share Extension and educational satellite programs, to seek grants and other funding to develop a nationwide satellite transmission and reception system, and to purchase satellite equipment in large enough quantities to lower purchase prices.

In South Dakota, the Ag*Sat satellite system will have an uplink transmitter located at South Dakota State University in Brookings, and eleven satellite receiving sites across the state. A matching grant for the eleven receiving sites was provided through a U.S. Department of Commerce grant to Ag*Sat. When the network is completed this summer, the people of South Dakota will have localized, interactive access to the Cooperative Extension programs and other educational resources from SDSU.

The Ag*Sat program is a benefit to people across the United States, not just in South Dakota. By participating in national satellite conferences, the system allows Land Grant Universities to share local resources. For example, the Ag*Sat system will allow scientists at the SDSU Northern Plains Biostress Laboratory to share their research findings with scientists, farmers and ranchers beyond the borders of South Dakota.

The Ag*Sat network fits hand in glove with the Rural Development Telecommunications Network in South Dakota. This fiber optic network will link all major South Dakota cities, universities and elementary/secondary schools. The Ag*Sat satellite uplink/downlink at SDSU will be able to insert programs from other states on the RDTN system; or receive programs from other parts of South Dakota via the RDTN system and transmit to other states.

To briefly summarize, citizens of South Dakota and other states benefit from the Ag*Sat system through: 1) improved timeliness in receiving educational programs, 2) increased expertise of educators delivering programs, 3) increased educational program offerings, 4) reduced travel to educational meetings, and 5) enhanced training of Cooperative Extension field staff.

Opportunities to create distance education networks like Ag*Sat are made possible

through the vision and insight of national leaders. We count ourselves lucky to have your support.

Sincerely,

EMERY TSCHETTER,
Department Head,
Ag Communications, SDSU.

SOUTH DAKOTA
PUBLIC BROADCASTING,
Vermillion, SD, April 1, 1993.

Hon. LARRY PRESSLER,
Hart Senate Office Building, U.S. Senate,
Washington, DC.

DEAR SENATOR PRESSLER: In recognition of "Distance Learning Week" I would like to share how South Dakota Public Broadcasting is working to provide and expand distance learning services in South Dakota.

South Dakota Public Television broadcasts nearly 20 hours per week of Instructional Television for elementary and secondary students. Courses range from geography and art to music and government. South Dakota Public Television works with the Technology in Education Office to schedule at least three hours of instructional television (ITV) on a daily basis, as well as overnight block feeds for VCR recording. Teachers have the opportunity to use carefully selected programs with their class plans. This ITV programming is available to more than 146,000 K-12 students in 178 school districts.

In addition to Instructional Television courses, science education is provided through PBS programming such as "Nova," "Nature" and "National Geographic." Also Rural Development is enhanced by information from South Dakota Public Television's "Midwest Market Analysis" and PBS' "Market to Market." Continuing education is provided for county extension agents on the Overnight Service. The Overnight Service provides a wide variety of educational and informational programs for schools, organizations and businesses.

Of more than 1,800 colleges that offer Adult Learning Service telecourses, South Dakota Public Television, with the University of South Dakota, ranked third in the nation in student enrollments for ten years for all four-year colleges. Annually, South Dakota Public Television broadcasts over 20 college credit telecourses at both the graduate and undergraduate level for over 1,000 students in the region.

South Dakota Public Television offers "GED on TV," a program series that prepares adults for high school equivalency exam.

South Dakota Public Television broadcast statewide the "Extending Mister Rogers' Neighborhood" teleconference in 1992 to train day care providers to make further use of the preschool series. Over 100 child care providers were able to receive certification credit for successful participation with this program.

Teleconference services are available to educators, businesses and organizations for education, information and development.

The South Dakota Public Radio network is proud of its commitment to regional literature and culture. Each weekday "Bookshop" features a reading from a literary work that successfully captures the unique qualities of the region.

South Dakota Public Radio and the South Dakota Department of Human Services: Division of Services to the Visually Impaired provide the "Talking Book" service. This service gives access to current books, periodicals and local newspapers to blind persons and physical disabled individuals who cannot read printed materials.

I sincerely appreciate your efforts towards support and improvement of distance learning in South Dakota. In our rural state, distance education is a vital resource.

Sincerely,

DON CHECOTS,
Executive Director.

WALLACE L. LARSEN DAY—APRIL 9, 1993

Mr. PRESSLER. Mr. President, today I extend my best wishes to Mr. Wallace L. Larsen, of Pierre, SD, who is retiring from his position as chief engineer of the South Dakota Department of Transportation [SDDOT] after over 32 years of outstanding public service.

Wally's remarkable achievements while serving at the SDDOT are many, and worth noting. In 1982, Wally received the Central Chapter of South Dakota Engineering Society Outstanding Engineer of the Year Award, and also served as the national director and president of that organization. Wally received the Governor's Award for Excellence in Management for the State of South Dakota in May 1992. Most recently, Wally was a finalist in the top 10 outstanding people of the American Public Works Association in 1993.

As chief engineer, Mr. Larsen was responsible for the recent construction of three major interstate interchange projects at Dakota Dunes, Benson Road, and Louise Avenue. These projects will provide greater access to vital commercial, industrial, and residential areas of South Dakota. Many other complex projects have been contracted out under Wally's leadership. The fruits of his efforts have been enjoyed all over South Dakota.

Wally's knowledge, judgment, integrity, and commitment to all facets of highway planning, construction, and maintenance have earned him the nickname of "Mr. Transportation." His commitment to other areas of public service, including serving as church president, deacon, and board of education member, have also contributed to the high regard of all who come into contact with him.

I would like to thank Wally Larsen for all he has done for South Dakota. I wish him many happy retirement years at his home in Pierre, SD, with his wife Gladys. I hope he enjoys many years of fishing, bird watching, gardening, and enjoying the company of his children and grandchildren.

Mr. President, I ask unanimous consent that a copy of the Executive Proclamation by Governor Mickelson of South Dakota proclaiming April 9, 1993, as "Wallace L. Larsen Day" be printed in the RECORD at the conclusion of my remarks.

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

EXECUTIVE PROCLAMATION, STATE OF SOUTH DAKOTA

Whereas, Wallace L. Larsen, a graduate of Centerville High School and with a degree in mining engineering from the South Dakota School of Mines & Technology, started his career with the Department of Transportation as a project engineer in 1960 on I-29 at Beresford, advancing to resident engineer at Watertown in 1963, right-of-way engineer in the central office in 1966, appointed deputy secretary in 1978, director of planning in 1983, deputy secretary again in 1985, and director of engineering and chief engineer in 1989, the position he held until his retirement; and,

Whereas, Wally was instrumental in installing state-of-the-art computer hardware and software to increase the productivity of engineering and design in the department and, under Wally's leadership, the DOT has consistently set records for the number of projects awarded to contract and the amount of funds obligated to construction; and,

Whereas, Wally was directly involved with the Dakota Dunes Interchange on I-29, the Benson Road Interchange on I-229, the Forest City bridge stabilization project, the Deadwood north project, the Louise Avenue Interchange, the Cedar Shores project, the DOT's Pavement Management System, the research resulting in a noncorrosive deicer for deicing roads, the development of the road profiler, and the drafting and successful lobbying for the current version of the billboard control law; and,

Whereas, In recognition of his dedicated service to the state of South Dakota, Wally was awarded the "Outstanding Engineer of the Year" award by the Central Chapter of the Engineering Society in February 1982 and the "Governor's Award for Excellence in Management" in May 1992; and,

Whereas, Wally, through his knowledge, judgment, openness and integrity, has earned the respect of almost everyone he has dealt with, both within and outside the DOT, including legislators, county commissioners, governors, congressmen, landowners and ordinary highway users; and,

Whereas, After 32 years of exemplary service to the state of South Dakota and the SDDOT, it is now time for Wally to retire to his home in Pierre with Gladys, his wife of 42+ years, to devote his time to fishing, bird watching, gardening and enjoying his children and grandchildren, and it is fitting and proper as Governor to recognize the many accomplishments of this outstanding South Dakotan:

Now, therefore, I, George S. Mickelson, Governor of the state of South Dakota, do hereby proclaim April 9, 1993, as "Wallace L. Larsen Day" in South Dakota, and I join with Wally's family, friends, and co-workers in wishing him a fulfilling and happy retirement.

WELCOMING PRESIDENT CLINTON'S SPEECH ON RUSSIA

Mr. PELL. Mr. President, today in Annapolis, 2 days before the summit with Russian President Yeltsin in Vancouver, President Clinton made an excellent case to the American people for the need to support Russian reform. He also offered a broad overview of the principles that he believes should drive our efforts to help Russia, and he gave us a sense of the issues that he will raise with President Yeltsin.

I agree wholeheartedly with the President that the United States has a

large stake in the successful establishment of democracy and a free market in Russia and the other countries of the former Soviet Union. The end of the Communist system has freed not only the people of Russia, but the people of the United States as well. With the end of the cold war, we have reached historic arms control agreements which greatly lessen the threat of nuclear war; we have been able to reduce our defense budget and to increase our investments here at home; and we can begin to look forward to opening new markets to U.S. business.

The ongoing power struggle in Moscow clearly demonstrates that there are still those who eschew reform, and who cling to the old ways. The President has made it clear that we must bolster the reform process and to extend the hand of friendship and partnership to Russia during this difficult period. We should work with our allies to ensure that democracy takes root by providing well targeted assistance to Russia and the other countries of the former Soviet Union. I join with the administration in calling for the support of the American people as well as our allies abroad in coordinating efforts to assist reform in Russia.

Building such support is not an easy task, but President Clinton has proven himself extremely adept at bringing people into the process. To prepare for the summit and to seek input on how to bolster the reform effort in Russia, President Clinton has held a series of White House meetings of experts in Russian studies, economists, and Members of Congress. I was privileged to be part of a Senate group that met with the President last Friday on this subject, and I must say that in all my years in the Senate, I have never seen a President so willing to listen and solicit ideas.

The principles that the President enunciated today reflect, in part, the sentiments that many of us have expressed to him regarding the need to get assistance to the grassroots level. They also reflect the need to focus on assistance that will have a lasting impact on Russian development. I believe that such a focus will enjoy widespread congressional support.

I was very pleased to learn that the President will present at Vancouver a package that can be paid for out of previously appropriated funds as well as a second phase package that will expand the U.S. effort. The Freedom Support Act, which I helped shepherd through final congressional passage last fall, provides authorities for among other things, $410 million for 13 categories of bilateral humanitarian and technical assistance. The majority of these funds has not been spent or ever obligated, and U.S. technical assistance programs have just begun to get off the ground.

I believe that efforts should focus on a quick influx of low-cost technical assistance in key areas such as agriculture, energy, and transportation, and I am pleased to learn that the President also chose to emphasize some of these areas. Russia has vast resources, but lacks the technology to exploit them to feed its own people and to get fuel to the factories to manufacture consumer goods. Without carefully directed assistance, the new states could be relying on emergency humanitarian assistance for years. Getting U.S. experts and technology in these fields on the ground should be a top priority.

The effort to assist Russia cannot and should not be a unilateral one, and I welcome the importance the President attaches to a coordinated multilateral effort. Aid to Russia will top the agenda at the upcoming G-7 ministerial meeting in Tokyo, and I am hopeful that a multilateral package will be announced at that meeting.

As the President said, we have much hard work ahead of us if we are to succeed. Aid to Russia is a hard sell when we have our own troubles at home. But I believe that the President has made a compelling case that we cannot afford to miss the opportunity to consolidate reform in Russia.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, there will be no further votes this evening. There will be a caucus of Republican Senators at 8:30 p.m. in the Republican leader's office. And during this period, prior to and during that, the floor will be open for statements by Senators.

I will be discussing the pending legislation further with the Republican leader following that caucus, either at 9 or at such time as the caucus completes its deliberations.

I yield the floor.

THE POWER OF RECOGNITION ON THE SENATE FLOOR

Mr. SPECTER. Mr. President, I have been on my feet for a little more than an hour, during the rollcall on the amendment by the distinguished Senator from New Mexico [Mr. DOMENICI] because I was next in line. And immediately following the conclusion of that amendment, I sought recognition to offer an amendment, and the distinguished majority leader put in a quorum call. Then the distinguished President pro tempore sought recognition and took the quorum call off and made a statement.

At the conclusion of that statement, a quorum call was reinstated, and I twice asked that the quorum call be taken off so that I could send my amendment to the desk and ask for its immediate consideration.

Before proceeding with the argument on the amendment, I wanted to make a reply to what the distinguished Senator from West Virginia said. On both occasions when I sought to take the quorum all off, the distinguished majority leader objected. I think we have seen something, of course, in the past 30, 35 minutes of the power of recognition. I will say no more about it.

With respect to the statement by the distinguished Senator from West Virginia, I begin by agreeing totally with one of his statements: "I have given the best of my life to this institution." That was Senator BYRD speaking. I begin by agreeing with that.

But I must disagree, and very decisively, with virtually everything else the distinguished Senator from West Virginia said, when he argues—and I wrote this down as best I could—that he had "a belly full of this abuse by the minority"—and I may be slightly off, but that is how I wrote it down. I could not help but reflect on the minority's views when the tree was filled last week and when the distinguished Senator from West Virginia says that he was facing an amendment by the three B's, Senator BREAUX, Senator BOREN, and Senator BROWN——

Mr. BYRD. Mr. President, I meant Senator BRYAN. I am sorry.

Mr. SPECTER. When the distinguished Senator from West Virginia said the 3 B's, he said it was Senator BRYAN and not Senator BROWN. I apparently heard it incorrectly. It seemed to this Senator and I think all of the Senators on this side of the aisle, and at least some Senators—perhaps many Senators on the other side of the aisle that the Senate was being governed by one man. It was not a minority of 43 as we assert our rights on this side of the aisle but it was a control by one man.

And as I understand the facts, and I am glad that Senator BYRD is on the floor, and I would yield without losing my right to the floor if he seeks to correct me, that the issue was resolved.

I had a call from one of the Senators asking my joinder about noon and when I next heard early Monday the issue had been resolved substantially before the tree was unlocked. But I can say without fear of contradiction that the Republicans on this side of the aisle felt that that was not an appropriate way to proceed in the Senate. I say that with all due deference to the use of the rules.

When the distinguished Senator from West Virginia said, and I quote him again, "The Republican leader abused the rights of recognition," as I have heard the distinguished Senator from Kansas, [Mr. DOLE] explain what he had done back in 1985 as he articulated it, there was no abuse of any sort whatsoever. When the distinguished Senator from West Virginia says, "The Republicans are unwilling to let a new President have a chance," and calls us obstructionists, I have to disagree very, very, very decisively.

In the Federal Government today there is one place and only one place

where the Republicans can assert a modicum, a little bit of power, and that is to continue to debate. We face an overwhelming majority in the House where the minority's rights have been trampled. There is a decisive majority, 57 to 43, in the Senate. The President is of the same party, and I have said both publicly and privately and also on the floor of the Senate that I want to cooperate with President Clinton.

The American people are fed up with gridlock and they want the problem solved. They do not care whether it is solved by Democrats or Republicans. But we are not being obstructionists when we oppose a budget resolution which has new taxes on all Americans on the energy tax, and we are not obstructionists when we oppose a budget resolution which has a tax on increasing Social Security taxes for those who are earning $25,000 a year as individuals, or $32,000 a year as married couples.

We are not obstructionists when we seek to bring amendments to the floor, and we are not conducting a filibuster by amendments but, if we are, then let the majority use the rules to end the filibuster, if the majority can.

I suggest to you that it is a very unusual act for all the Republican Senators to join together as we did to have our leader deliver that letter to the Democrat leader last night. I speak for myself in talking about the care and thoughtfulness that this Senator exercised before signing that letter.

I did not sign that letter lightly. There are a lot of unemployed people in Pennsylvania who need the extension of unemployment benefits. There are many Pennsylvanians who need the inoculations. We have a real need for funds under the highway bill and mass transit. I do not want to see this emergency appropriation bill defeated without having those matters go forward. But when we face a steamroller and the American people voted to end gridlock, I will agree with that. Some would argue against it. I will agree with it. But the American people did not vote to have a steamroller take over the U.S. Government.

We fought very hard for every one of our seats, and we have enough to stop a bill from passing in this body when we think we have been unfairly dealt with. When I say "unfairly," I immediately add to that that it is a conclusion and a characterization, but that is this man's opinion. It started when the tree was filled up, and it was not filled up only against Republicans. It was filled up against Democrats as well.

And it continued when we offered amendment after amendment, and you can argue about the merit of all the amendments, but there were some which were excellent amendments, and we got the party line all the way down the line.

I have sought recognition to offer an amendment on health care reform. I had circulated a "Dear Colleague" letter on Monday of this week stating my intention to offer the health care legislation as an amendment when the debt ceiling bill would come to the floor later this week.

I ask unanimous consent that this letter be printed in the RECORD at the conclusion of my statement.

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

[See exhibit 1.]

Mr. SPECTER. Then I was advised that the debt ceiling was to be structured in such a way not to permit amendments. That was the first bill that would come to the floor this year which would accommodate an amendment with tax provisions.

This is not a matter that I am starting on this week on this bill. I have been working on health care legislation for the 12½ years I have been in the Senate. I offered amendments last July, and I will not detail it in any great length, and had hoped there would be health care legislation on the floor last year.

In offering the amendment which I intend to offer tomorrow, assuming I can acquire recognition, it is to tell the American people that we are ready for legislation on health care, that there are an enormous number of bills pending, that in the 102d Congress there were 524 bills offered in the Senate, 940 in the House, for a total of 1,464, and this year up until March 31, 70 bills on health care were offered in the Senate and 119 in the House.

When I offer the amendment, I will do so not with the expectation of overcoming the party-line vote on the other side but to say as emphaticly as I can that we are ready to proceed, and when people like Congressman ROSTENKOWSKI and Congressman GEPHARDT raise doubts as to the passage of health care legislation this year I think it is time for the American people to know that the Republicans have an alternative or there are Democrats who have an alternative. When I offer the amendment which, as I say, I had not intended to offer and so advised the distinguished Senator from West Virginia, but I have changed my plans because I cannot offer it on the raising of the debt ceiling. It is not an amendment. It is not the offering of an amendment to filibuster. And we are not conducting a filibuster by amendments.

I think it is unfortunate, Mr. President, to put it mildly, that a Republican Senator has to wait for 35 minutes to respond to what the Senator from West Virginia had to say. Our proceedings are carried live on C-SPAN2 and I think many people were wondering what was going on in the U.S. Senate. I certainly was. When I heard talk about obstructionism, and I heard talk about abuse by the minority, and I heard talk about abuse by the Republican leader, it seems to me that someone on this side of the aisle ought to have had an opportunity to stand up promptly and deny that and to state the reasons why it was not true.

This is my 13th year in the Senate, Mr. President. I have not been here for 35 years like the distinguished President pro tempore.

But I do not like the way this body is heading. I have not seen the kind of anger that is present in the U.S. Senate that I have seen in the course of the past few weeks, as we move to party-line votes.

The way to govern America is not on a party line. The way to govern America is not by having the tree locked up so that nobody can offer an amendment. And the way to govern America is not to criticize 43 Republican Senators for exerting our rights.

It is not a filibuster by amendment, but, if it is, let the majority break the filibuster if they can.

I think we are heading for some very tough days in this body.

All my colleagues know that I have not hesitated to break party lines in my 12 years and 3 months in this body where I thought the national interest called for it or Pennsylvania's interest called for it. But when I see what is being done on locking up the tree and not listening to any Republican amendments and having a steamroller, then I have had enough.

I thank the Chair and I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, March 29, 1993.

DEAR COLLEAGUE: We intend to offer health care legislation as an amendment when the debt ceiling bill comes to the Senate floor later this week.

The debt ceiling bill will be the first legislative measure to be considered by the Senate this year which would permit amendments with tax provisions such as health care reform; and we have further awaited the work of the Republican Health Care Task Force chaired by Senator John Chafee to determine if that group would produce legislation which could be offered at this time. Despite considerable work by that Task Force, that legislation is not now ready.

The amendment which we intend to offer will be the text of S. 631 which is a combination of proposals extracted from legislation previously offered by Senator Kassebaum, Senator Cohen, Senator McCain, Senator Bond and Senator Specter.

We intend to offer this measure to make the point, as emphatically as we can, that the time has long been ripe for the Congress to move ahead with such a legislative effort. We also note:

(1) The likelihood that the Senate will reject such an amendment citing the group being chaired by the First Lady, Mrs. Hillary Clinton;

(2) For years the Congress has had numerous bills on health care reform which could have provided the basis for such legislative action;

(3) Recent statements by House Majority Leader Richard A. Gephardt and Chairman of the House Ways and Means Committee Dan D. Rostenkowski that it is unlikely that health care legislation will be enacted this year;

(3) Action by the states, such as New York Governor Cuomo's announcement as reported in the New York Times on March 28, that his "state could not wait for federal solutions."

We believe that the Senate is equipped now to legislate as we did on the Clean Air Act in 1990 when a bill was brought to the floor. The bill was divided among three task forces, amendments were offered and legislation was enacted. We do not suggest that S. 631 is a perfect bill, but we do not want to wait weeks or months for a bill to be proposed and then to undertake lengthy hearings etc. which may produce no action at all.

The summary of S. 631 (a copy enclosed) shows on its face the many subjects where the Senate is in a position to act at this time. We urge your support of this measure.

Sincerely,

AL D'AMATO.
LARRY PRESSLER.
ARLEN SPECTER.
HANK BROWN.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I listened with great interest to my colleague from Pennsylvania. In some ways, it is an interesting presentation, until you read the letter that the Republican Senators presented to the able majority leader, which says, "We will not vote to invoke cloture on this measure."

Now, if that is not a filibuster, I do not know what a filibuster is. I mean, it is stated right here.

In effect, you are going to keep the Senate from getting to this measure in order to vote up or down on it by—I take it all of you have joined; there are 42 signatures, and I assume the minority leader concurs in it himself. I do not perceive it as a petition to him, but as an expression of opinion. I do not think I am wrong on that score.

I have seen the distinguished Senator from West Virginia, Senator BYRD, time and time again on this floor seek to preserve the Senate as an institution and to protect the rights to the minority when he was in the majority. This is not protecting the rights of the minority when he was in the minority. This is protecting the rights of the minority when he was in the majority, in the belief that the institution of the Senate was a very important, indeed, a very treasured American asset.

Now, the other side has run us through the wringer, and we are prepared to deal with that politically. But we have now been on this bill 7 days, I believe, from early in the morning until late at night. Stress and strain builds up over that period of time. And yet we cannot get to a vote.

My own view is that we ought to just stay here and continue with this.

I happen to feel that this so-called scheduled Easter recess ought to just go right on out the window. I have absolutely no problem with that aspect of this proposal.

I do have a problem with sort of making this kind of ironbound statement, presenting it in a letter and saying, "Well, we are not going to vote for cloture. Here it is. Here it is. Here is our letter."

If that is not a filibuster, I want to know what the definition of it is. The only thing missing is you do not have to stand out on the floor and talk indefinitely. You just sign the letter and file it in the proper box, and supposedly it accomplishes the same purpose.

I have to say, it is very difficult for me to stand here and see someone who has fought throughout his public service in this body to sustain the Senate as an institution—through good times and bad times, when he was in the majority and when he was in the minority, he sought to keep the Senate going as a body.

There are many countries in the world. It is no trick to have a strong executive. Many countries have strong executives. In fact, if they are too strong, we call them dictatorships.

But there are not all that many countries that have some checks and balances in their political system and have a legislative branch that amounts to something; and, in particular, that have an institution like the U.S. Senate.

Now, we have to walk a fine line here because the majority has to act on policy questions. The American people need to know that, on this issue, a majority of the Members of the U.S. Senate are for this legislation. And if not, we will find out if we go to a vote on the bill itself. But I predict that a majority are for this legislation.

What we have is a minority, a minority of the institution, in effect, saying: We are not going to let you get to it, an essential part of the President's program; we are not going to allow you to get to it to vote yes or no. We are just going to preclude that from happening.

Mr. REID. Will the Senator yield for a question?

Mr. SARBANES. I yield for a question.

Mr. REID. Will the Senator agree that the vast majority of the American people believe in majority rule?

Mr. SARBANES. How can you have a Democratic Government that is able to do anything if you do not have majority rule? We have a system where we try to protect or preserve certain minority rights. But I think when those are carried to the point where they are thwarting the opportunity to have the majority register its preference, to respond to these issues that the country is facing, then you have a difficult situation on your hands.

Mr. REID. Mr. President, I also ask the Senator from Maryland this question: Is it not also true, during the last several days, that there have been numerous opportunities for the minority to determine whether or not they had the votes to pass any amendment? And what was the result of those votes?

Mr. SARBANES. They failed to prevail. The amendments that they offered were defeated or they were tabled. The motion to table them was made and they were tabled.

Mr. REID. I will ask one last question of the Senator from Maryland.

In the constitutional framework, which has ruled this country for 200-odd years, the Senator from Nevada, being from a small, sparsely populated State is aware of the fact that the Senate was developed to protect the rights of all small, sparsely populated States. That is principally the reason we have the Senate set up the way it is; is that not true?

Mr. SARBANES. That is correct.

Mr. REID. Does the Senator recall anything in any of the writings that he is aware of that the Senate was ever set up to protect the rights of a party, a political party?

Mr. SARBANES. Well, that was not the theory of the Founding Fathers, because they did not think there were going to be parties.

Madison and the others wrote about this. One of the developments that came subsequent to writing the Constitution was the development of political parties.

That was not—they talked about factions, but it was not in their anticipation that we would have political parties of the sort we have.

Mr. REID. I apologize. This will be the last question to the Senator from Maryland.

Does there not come a time in these proceedings, especially in that we have just had a Presidential election, where the American public deserves to know whether the majority of the Congress of the United States supports the programs the President submits to us?

Mr. SARBANES. I think absolutely. The President says that this proposal that is before us is an essential part of his economic package. The President has stated that. I agree with the President. I think it is an essential part. We are trying to get to this legislation so we can vote it up or down. We are being thwarted in doing that by a minority that is, in effect, saying we are not going to let you get to that legislation.

People must understand that utilizing the Senate rules, in effect, 42 people out of 100 are in effect precluding dealing directly with a measure that the President has said is essential to the future economic strength of this Nation; 42 out of 100. That is not a majority of the body. That is a minority of the body.

Many of us feel we need to get to this legislation and vote it up or down. People who are against it will vote against it. I assume people who are for it will

vote for it. And we will see where a majority of the body lies. But at the moment 42 people, a minority of this body, a minority, are preventing action on a measure that the President has indicated is essential for the strength of the country.

You have unemployed people in every State in the United States depending on this measure for their benefits. You have a range of programs in here designed to put people to work, to restore jobs. We have been at this now 6 days, 7 days, I think, on this piece of legislation. Now we have developed a new technique. We have developed a new technique. I have never seen this before. I invite any of my colleagues, if they have ever seen it, this letter technique, I would like to hear about it. I have never seen this before.

They go around, they get 42 people to sign this, "Therefore we will not vote to invoke cloture on this measure."

Mr. SASSER. Will the Senator yield on that point?

Mr. SARBANES. If that is not a filibuster—we are told there is no filibuster by my colleague from Pennsylvania. He said that earlier in his remarks.

This is not a filibuster? It is right here. It is written. It is in black and white. Here it is and here are all the names. I did not count them, but I am told there are 42 of them, and I assume the Republican leader agrees with the sentiments, and now it has been sort of passed over to us, as I understand it.

Mr. SASSER. Will the Senator yield for a question on this letter?

Mr. SARBANES. Certainly.

Mr. SASSER. If we have a letter that simply says that 42 Senators are going to prevent a matter from coming to a vote, why could we not just start transacting the business of the Senate partially by letter? In other words, we could bring up a measure here and we could debate it and then a letter would arrive that says we are not going to allow a vote on this particular measure. Then we would just take that measure and dispense with it, bring up another measure, wait for the letter to arrive and, if the letter arrives, then we take that measure down, we do not act on it. Finally, we get to a measure where the postman does not deliver the letter, and then I assume the Senate is free to go forward.

Is that the way the Senate would transact its business if we follow this procedure here, and this precedent of this letter? It appears to this Senator that would be the case.

Mr. SARBANES. I assume that would be the case. I want to make the point, to my knowledge the Senate has never done business this way before. It has never done business this way before. Here it is. Then it is said there is no filibuster. It is right here in the third paragraph of this letter, a clear statement of the filibuster, keeping the Senate from dealing with a measure that the President has said is an essential part of his overall economic package, a measure that is important for every State and locality in this country in order to put the American people back to work. In every State there is unemployment and the need to put people back to work. This measure contains programs which would do exactly that.

The other side says we do not agree, it does not contain measures that would do that. Fine, put the bill to a vote. You have one judgment. We have another judgment. Let us see how it comes out. But do not prevent this measure from being considered. I think the American people want action. I do not think the American people want this Senate tied up in knots the way this letter does.

I assume in the days to come it will become clearer and clearer that in fact the Senate has been tied up into knots by this letter. I do not think that is what the American public voted for last November, and I do not think that is what the American public wants in terms of the behavior of their elected representatives to the U.S. Senate. The House of Representatives has passed this measure by a substantial majority. By a substantial majority in the House they passed this measure.

The President says, "The Nation needs this measure. If you will send it to me I will sign it into law so we can get on about our business of restoring economic growth and putting people back to work." Forty-two Members of the Senate out of 100 say, "We are not even going to let you vote on that measure. We are not going to let you get to the measure to vote yea or nay. We are just not going to do it." Here it is. "We will not vote to invoke cloture."

So a minority says, we, in effect, are going to determine absolutely what the business of this body shall be. As the Senator points out, this is a new technique. The guardians of gridlock are back at it. They have just discovered a new way to do it through the use of the letter. But it is gridlock. That is what this letter is, gridlock. And the guardians of gridlock are back at it here in the U.S. Senate and they are preventing this body from getting to this measure.

I want to make one other point. I can remember times, more than once, when a Republican President went to an international conference that was of importance to our Nation and situations arose here of a potential conduct of our business in such a way that it would seem to undercut or reflect upon the President. And I can remember the distinguished Senator from West Virginia—because I want to address this very directly—part of that time the minority leader and part of the time the majority leader—coming to Members of his own party on an issue like that and saying: We do not want this to happen.

He is our President and he is in this international arena; we have to be careful here. Well, here is this letter that appears on the scene today. And the minority is saying, "We are not going to let the President even get a crack at his program. We are not going to allow the Senate to vote on this issue. We are going to use this minority status to thwart the ability of the Senate and the Nation to do its business."

The rule is there. The Senator from West Virginia has helped to protect that rule. Anyone who assaults the Senator for not having a concern for minority rights in this institution does not know their history, if I may be so frank as to say so. But it is important for the American people to understand what is happening here. It is important for the American people to understand that a minority of this body are joining together by delivering this letter, in effect, is preventing us from moving on, from moving on to make the decision as to whether the measure should be approved.

Here is a measure designed to put people to work, restore economic growth. It has passed the House. The President wants it, and we cannot get to it to vote. We cannot get it up in order to pass the final judgment upon it. And my friend says, "Well, we are not filibustering." Well, it is right here; it is right here.

Mr. President, I do not know how this impasse is going to be resolved, but I think it is important to make it very clear where the impediment, where the obstacle is coming from that is preventing the Senate from acting finally on this legislation, and it is coming from a minority of the Members of this body.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I want to thank the Chair, and I want to commend the distinguished Senator from Maryland for his most eloquent statement. I think he was right on point. He has been a brave warrior, one of several during the last long days and evenings on the floor of the U.S. Senate in attempting to have this new and young and vibrant President bring his package to the floor of the U.S. Senate. I want to tell him, Mr. President, how much the Senator from Arkansas respects the Senator from Maryland and his tenacity and his commitment to this particular proposal.

I think, too, to expand upon what the Senator from Maryland has just stated, I think it might be advantageous for a moment or two, to sort of characterize or put in perspective the types of amendments. What might be included in these amendments that the U.S. Senate is now being forced to vote

upon? Are they substantive? Are they real? Or are they, as the majority leader characterized one of those amendments the other evening, I think most appropriately, he called it a phantom amendment, a phantom amendment.

Mr. President, actually on vote No. 98, just less than an hour ago, which was, I believe, amendment No. 294—this was an amendment allegedly that was going to take 18 percent of other funds, discretionary funds, and give the military people, the Federal and civilian employees, a pay raise, a cost-of-living increase.

The fallacy in this particular amendment, which fortunately was just tabled by the U.S. Senate, was that had this amendment been adopted, there would have been no pay raise, there would have been no cost-of-living increase for those military and civilian Federal personnel. This was a phantom amendment, Mr. President. It has no meaning, it had no substance. But yet it was offered and debated for a good while. So, in effect, Mr. President, it was a meaningless debate, just as we have seen other meaningless debates on some of these other proposals.

The Senator from Maryland, I think, has pointed out, especially following the eloquent statement by the distinguished President pro tempore, about how the other side is filibustering by amendment. Amendment by filibuster.

Mr. SASSER. Will the Senator yield?

Mr. PRYOR. I will be glad to yield to my friend from Tennessee.

Mr. SASSER. As the Senator is aware, the amendment that we voted on just a short time ago was offered by my friend, the distinguished Senator from New Mexico, for whom I have very high regard and great respect. But just to illustrate the point of my friend from Arkansas that these are indeed phantom amendments, is the Senator from Arkansas aware that in the 1983 budget resolution, when the Budget Committee was chaired by our friend from New Mexico, that a freeze was imposed upon civilian and military retirees in that budget resolution? And that the sponsor of that amendment—the amendment here this evening—chaired the committee and voted against a Democratic initiative in the committee to restore that COLA freeze and was supported by the Senator from Washington, who spoke strongly for the Domenici amendment just this evening.

So a total reversal of roles, I say to my friend from Arkansas, has occurred. The world is turned upside down here this evening, as these phantom amendments are launched here on the floor of the U.S. Senate.

I was not sure my friend from Arkansas was aware of this role reversal that had taken place.

Mr. PRYOR. Mr. President, I will respond to my neighbor and good friend and colleague from Tennessee by saying I am always learning something from my colleague, and I have learned something tonight. The Senator from Arkansas was not aware of that.

I would like to ask my friend from Tennessee if he might be aware of something, something that happened as recently as this past Wednesday when the so-called Dole-Domenici alternative was thrown, I think, into the Budget Committee for consideration. Two items were specifically excepted by Dole-Domenici: One, all mandatory savings, except all discretionary savings and all mandatory and discretionary cuts. But the most important exceptance by our friends from across the aisle, they excepted freezing domestic discretionary baseline.

Now all of a sudden a few days later, they offer an amendment which would reverse this position taken only this past Wednesday.

I wonder if my friend from Tennessee was aware of that exceptance by our friends from across the aisle?

Mr. SASSER. Indeed, I was aware of it. I must say that it slipped my memory. I thank my friend from Arkansas for reminding me of it.

I think this illustrates the frustration that many of us feel here this evening that was so eloquently articulated by the President pro tempore just a little earlier. In other words, there is, indeed, clearly an effort to prevent the Senate and the majority in the Senate from working its will on this jobs bill, which the President has asked us to pass here. It is the President's jobs bill. It is the President's program for economic recovery, as my friend from Arkansas knows. And quite frankly, I thank him for reminding me that the group that had the proposal of restoring the cost-of-living adjustment to Government employees was the same group that a few days ago wanted to freeze discretionary spending that in all likelihood would have wiped out all of those.

(Mrs. BOXER assumed the chair.)

Mr. PRYOR. I appreciate, Madam President, the Senator from Tennessee for coming forward with that clarification. I am very grateful to him.

Madam President, at this point I yield the floor.

Mr. SPECTER addressed the Chair.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. SPECTER. Will the majority leader yield for 1 minute?

Mr. MITCHELL. Madam President, I yield for 1 minute to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the distinguished majority leader.

Mr. MITCHELL. Speaking as if morning business.

Mr. SPECTER. Yes.

Mr. MITCHELL. As if in morning business.

Mr. SPECTER. Madam President, by way of a very, very brief reply, when the distinguished Senator from Maryland repeatedly talks about 42 Senators being in the minority, that is precisely what the rules provide, for that protection.

When the Senator from Maryland talks about the will of the American people in an election, that is subject to the Constitution and to the rules of the Senate.

And when the Senator from Maryland talks about the line, "We will not invoke cloture on this measure," he at least on one occasion did not repeat the line——

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. SPECTER. I ask for 1 minute.

Mr. MITCHELL. I ask unanimous consent that the Senator speak for 1 minute.

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

Mr. SPECTER. I thank the Chair—as presently constituted.

And as the distinguished Senator from West Virginia noted earlier, the Republican leader was about to offer an amendment which would put in unemployment compensation and certain other items.

I ask, Madam President, unanimous consent that the full text of the letter be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, March 31, 1993.

Hon. BOB DOLE,
Republican Leader,
U.S. Senate, Washington, DC.

DEAR BOB: As currently written, H.R. 1335, the so-called "Emergency Supplemental Appropriations," contains $19.5 billion in additional deficit spending. This increase is $8.5 billion more than the net domestic spending cuts contained in the entire five year budget reduction plan.

The American people are asking the Congress to cut spending first, and then consider other options to reduce the deficit. The enactment of H.R. 1335, in its current form, would be contrary to demands from taxpayers all across America.

Therefore, we will not vote to invoke cloture on this measure as presently constituted, notwithstanding the scheduled Easter recess.

Sincerely,

JOHN WARNER, CHUCK GRASSLEY, LARRY PRESSLER, AL D'AMATO, JOHN MCCAIN, CONNIE MACK, LARRY E. CRAIG, TRENT LOTT, NANCY KASSEBAUM, ARLEN SPECTER, ALAN SIMPSON, KIT BOND, BOB PACKWOOD, PAUL D. COVERDELL, FRANK H. MURKOWSKI, LAUCH FAIRCLOTH, CONRAD BURNS, ROBERT F. BENNETT, SLADE GORTON, BILL COHEN, THAD COCHRAN, PETE V. DOMENICI.

JIM JEFFORDS, DON NICKLES, DAN COATS, MALCOLM WALLOP, DIRK KEMPTHORNE, JUDD GREGG, MARK HATFIELD, JOHN DANFORTH, MITCH MCCONNELL, BOB SMITH, STROM THURMOND, PHIL GRAMM, RICHARD G. LUGAR, JESSE HELMS, JOHN H. CHAFEE, ORIN HATCH, BILL ROTH, TED STEVENS, HANK BROWN.

Mr. SPECTER. And my concluding comment is when they talk about a phantom amendment, on rollcall No. 98, Senator DOMENICI's amendment to restore military pay, let the record show that Senators NUNN, ROBB, and SHELBY, all from the Armed Services Committee, supported it, as did Senators MIKULSKI, CAMPBELL, and KRUEGER. And at the very conclusion of that vote a number of Democrats voted, bringing the total to 49, so that it would still be defeated with as many Democrats voting that way as they could put in and still have the motion to table carry.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 57, 58, 59 and 60. I further ask unanimous consent that the nominees be confirmed en bloc; that any statements that appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc, the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS

DEPARTMENT OF DEFENSE

John M. Deutch, of Massachusetts, to be Under Secretary of Defense for Acquisition.

IN THE NAVY

The following named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370;

To be vice admiral

Vice Adm. Roger F. Bacon [redacted], U.S. Navy.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Terrence R. Duvernay, Sr., of Georgia, to be Deputy Secretary of Housing and Urban Development, vice Alfred A. DelliBovi, resigned.

Jean Nolan, of Maryland to be an Assistant Secretary of Housing and Urban Development.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

SEEKING AN OIL EMBARGO AGAINST LIBYA

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 52 (S. Res. 68) the resolution relating to an oil embargo against Libya; that the committee amendments be agreed to; that the resolution be adopted; that the amendments to the preamble be agreed to; that the preamble be agreed to; that the motion to reconsider be tabled en bloc; and that any statements relative to the passage of this item appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 68), as amended, and its preamble, as amended, are as follows:

S. RES. 68

Whereas 189 Americans were murdered in the terrorist bombing of Pan Am Flight 103 in 1988 and 7 Americans were murdered in the terrorist bombing of UTA Flight 772 in 1989;

Whereas these bombings killed nationals from over 30 nations;

Whereas the United Nations Security Council first passed Resolution 731 on January 21, 1992, and subsequently adopted Resolution 748 on March 31, 1992 in response to the inaction of the Libyan government on this issue;

Whereas Libya has refused to provide all information in its possession regarding the bombings;

Whereas Libya has refused to remand into American, British, or French custody, the suspected Libyan agents;

Whereas Libya has refused to pay compensation to the families of the victims of both flights; and

Whereas Libya has long been a state sponsor of international terrorism, providing financial, logistical, and armed support for a variety of terrorist groups and movements: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should immediately seek an international oil embargo through the United Nations against Libya for its refusal to comply with United Nations Security Council Resolutions 731 and 748 concerning the bombings of Pan Am Flight 103 and UTA 772;

(2) Libya should comply with all provisions of United Nations Security Council Resolutions 731 and 748;

(3) Libya should release to the United States or Great Britain for trial, the Libyan agents indicted in the bombing of Pan Am Flight 103 and to France those responsible for the bombing of UTA Flight 772;

(4) Libya should provide all information in its possession regarding the two bombings;

(5) Libya should pay compensation to the families of the victims of both flights;

(6) all United States nationals in Libya who, in defiance of United States law, continue to contribute to the economy of Libya, should leave immediately; and

(7) Libya should cease support, training, and the arming of terrorist groups and movements throughout the world.

SENATE RESOLUTION 68—URGING AN INTERNATIONAL OIL EMBARGO AGAINST LIBYA

Mr. JEFFORDS. Madam President, I am pleased to join my colleagues in supporting adoption of Senate Resolution 68, urging the President to seek an international oil embargo against Libya because of its refusal to hand over the Libyan agents indicted in the bombing of Pan Am Flight 103.

I am sure my colleagues all remember as vividly as I do the moment on December 21, 1988, when we first heard that flight 103 had gone down over Scotland with 259 people on board. America and Europe grieved at the tragic loss of so many lives, and the anger built as it became clear that terrorists had carefully planned the murder. This was clearly an attack upon America and an attempt to intimidate us as a Nation.

Through incredibly hard work and persistence, the America-British investigative team was able to piece together the origin of the bomb, and eventually to determine who executed the act. However, our demands that the Government of Libya hand over the suspected bombers to Great Britain or the United States for trial fell on deaf ears. After months of frustration, the United States, Great Britain, and France were able to persuade the U.N. Security Council to unanimously endorse Resolution 731, condemning the bombing of Pan Am Flight 103 and France's UTA Flight 772. Two months later, the Security Council adopted Resolution 748, banning airline flights to Libya until Libya cooperates with the investigations.

Unfortunately, flouting international law and multilateral pressure, Libya has chosen to ignore the United States and the United Nations. One year later, we are no closer to bringing the suspects to trial. And the Libyan Government is no closer to meeting demands that it pay restitution to the families of the victims. It is time to increase the pressure on Libya and to clarify the consequences of Qadhafi's refusal to allow justice to be done.

This resolution calls upon the President to organize an international oil embargo, through the United Nations, of Libyan oil. Although we do not purchase oil from Libya, others do, and the revenues generated by foreign oil sales are important factors in Libya's economy. Both the political and economic force of a U.N.-backed embargo would bring critical new pressure on Qadhafi.

I'd like to take my colleagues' time for a moment to share with them a few comments about one of the victims of Pan Am Flight 103.

Amy Beth Gallagher was on her way home from Europe on December 21, 1988. The previous May, Amy had graduated from Emerson College in Boston with a degree in public relations. That fall, she decided to do some traveling in Europe before settling into a full-time job. Through her college, Amy qualified for a British temporary work permit and found a job in London working for an engineering company.

In her free time she traveled throughout the British Isles, taking in all the history and culture she could find. Upon finishing her job, Amy set off on a tour of 14 countries in Eastern and Western Europe, sharing her observations of every country in letters home to her parents. Staying at youth hostels and traveling by train, Amy made friends throughout Europe. She was a bright and promising woman, eager to see the world and to understand its people.

On December 19, Amy returned to London to say goodbye to her friends and prepare for her flight home. On the morning of December 21, just before embarking on Pan Am flight 103, she called her parents, very excited that she was coming home and anxious to see her family.

For Amy Gallagher and her family we demand that justice be served. And for all Americans we must keep the pressure on Libya, to prove that terrorism will not go unpunished, and that international resolve to fight terrorism will remain strong in the face of intransigence.

I thank my colleagues for their patience and I support adoption of Senate Resolution 68.

COMMENDATION OF PETER S. TAYLOR

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 87, as submitted earlier today by Senators INOUYE and MCCAIN, a resolution to commend Peter Taylor, former staff member of the Indian Affairs Committee; that the resolution be agreed to and the motion to reconsider be laid upon the table; that the preamble be agreed to; that any statements relating to this bill appear in the RECORD at the appropriate place.

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

The resolution (S. Res. 87) and its preamble are as follows:

S. RES. 87

Whereas Peter S. Taylor is a native of Kansas, and a graduate of Washburn University, Topeka, Kansas, and George Washington University School of Law, Washington, District of Columbia;

Whereas Peter S. Taylor was in the private practice of law from 1963 to 1970, and entered into the practice of Indian law in 1971 when he was named co-director of the Indian Civil Rights Task Force in the Office of the Solicitor at the United States Department of the Interior;

Whereas one of the accomplishments of Peter S. Taylor was his work in updating Kappler's "Indian Affairs, Laws and Treaties";

Whereas Peter S. Taylor was Chairman of the Task Force on Revision and Codification of Federal Indian Law of the American Indian Policy Review Commission, a Joint Congressional Commission established to study Indian policy and law;

Whereas Peter S. Taylor joined the staff of the Select Committee on Indian Affairs of the United States Senate, now the Committee on Indian Affairs of the United States Senate, at the time of the Committee's inception in 1977;

Whereas Peter S. Taylor served with distinction as Senior Counsel, Staff Director, and General Counsel of such Committee, from the 95th Congress to the 103d Congress;

Whereas Peter S. Taylor is acknowledged by the Members of the Senate, by his colleagues on the staff of the Committee on Indian Affairs, by Indian tribal leaders throughout the United States, and by numerous other individuals engaged in the practice of Indian law, to be a person with an outstanding knowledge and understanding of Indian law and policy;

Whereas Peter S. Taylor has contributed immensely to the development of modern Indian law through his leadership as a staff member of the Committee on Indian Affairs, on such diverse issues as the Indian Child Welfare Act, the Maine Indian Land Claims Settlement Act, the Mashantucket Pequot Indian Claims Settlement Act, restoration of lands to the Cochiti Pueblo, the Indian Land Consolidation Act, the Indian Gaming Regulatory Act, the White Earth Indian Reservation Land Settlement Act, the Hoopa-Yurok Settlement Act, the Farm Credit Act Amendments, the Seneca Nation Lease Renegotiation Act, the Aroostook Band of Micmac-Maine Settlement Act, the Indian Agricultural Resources Management Act, and numerous other Acts of Congress;

Whereas the United States Senate, Indian tribal leaders, legal scholars, and others involved in Indian law and policy have come to rely on the wisdom and knowledge of Peter S. Taylor in the area of Indian Affairs; and

Whereas the retirement of Peter S. Taylor will deprive the United States Senate and the Committee on Indian Affairs of the services of a local and dedicated staff member: Now, therefore, be it

Resolved, That the United States Senate commends Peter S. Taylor for his many outstanding contributions and accomplishments in the field of Indian law and policy, express the gratitude and appreciation of the United States Senate and the American people for his long, loyal and dedicated services to the Senate, and extend to him the best wishes of the Senate and the American people for a long and happy future.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Peter S. Taylor.

STOCK RAISING HOMESTEAD ACT

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Resolution 239 amending the Stock Raising Homestead Act just received from the House; that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table.

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

The bill (H.R. 239) was deemed to have been read three times and passed.

Mr. MITCHELL. Madam President, I ask unanimous consent that Calendar No. 35 be indefinitely postponed.

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

AUTHORIZATION OF ACTION BY SENATE LEGAL COUNSEL

Mr. MITCHELL. Madam President, on behalf of myself and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution authorizing testimony and authorizing representation by the Senate legal counsel and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 88) to authorize testimony and to authorize representation by Senate legal counsel.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Madam President, in the case of *United States* v. *Armand D'Amato*, Cr. No. 92-00274, pending in the U.S. District Court for the Eastern District of New York, the United States seeks the trial testimony of two Senate witnesses. This resolution would authorize the employees' testimony in this case, except concerning matters for which a privilege should be asserted, and would authorize the Senate legal counsel to represent the employees in connection with that testimony.

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

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 88) and its preamble are as follows:

S. RES. 88

Whereas, in the case of United States *v.* Armand D'Amato, Cr. No. 92-00274, pending in the United States District Court for the Eastern District of New York, the United States seeks the trial testimony of Senate employees, Claudia Breggia and Shirley Tucker;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to requests for testimony made to them in their official capacities: Now, therefore, be it *Resolved*, That Claudia Breggia and Shirley Tucker are authorized to testify in United States *v.* Armand D'Amato, Cr. No. 92-00274 (E.D. N.Y.), except concerning for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Claudia Breggia and Shirley Tucker in connection with the testimony authorized by section 1 of this resolution.

Mr. MITCHELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

CHILDHOOD IMMUNIZATION ACT—MESSAGES FROM THE PRESIDENT—PM 11

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

To the Congress of the United States:

I am pleased to transmit for your immediate consideration and enactment the "Comprehensive Child Immunization Act of 1993." Also transmitted is a section-by-section analysis.

This legislation launches a new partnership among parents and guardians; health care providers; vaccine manufacturers; and Federal, State, and local governments to protect our Nation's children from the deadly onslaught of infectious diseases. The legislation is a comprehensive initiative to remove existing barriers to immunization. It will ensure that all children in the United States are immunized against vaccine-preventable diseases by their second birthday. Because of the importance of this initiative to the health of our children, I am transmitting this legislation in advance of my proposal for comprehensive reform of the Nation's health care system, which I expect to submit to the Congress in May.

Beginning in fiscal year 1995, the bill would authorize the Secretary of Health and Human Services to purchase and provide childhood vaccines in quantities sufficient to meet the immunization needs of children in the United States. It would also institute a national immunization tracking system through grants to the States to establish State immunization registries. In addition, the bill contains provisions to ensure that the National Vaccine Injury Compensation Program, an essential link in our Nation's immunization system, remains operational. Funding for the program of vaccine purchase and distribution will be identified in my legislation for broad-based reform of the national health care system and made available beginning in fiscal year 1995 from the Comprehensive Child Immunization Account in the United States Treasury.

Immunizations are cost-effective. For example, the measles vaccine saves over $10 in health care costs for every $1 invested in prevention. We know that children are most vulnerable before their second birthday and that approximately 80 percent of vaccine doses should be given before then. Many children, however, do not receive even their basic immunizations by that age. We must remove the financial barriers to immunization that impede children from being vaccinated on time, and facilitate development of a national tracking system to ensure children are immunized at the earliest appropriate age.

The problem posed by soaring vaccine costs is exacerbated by a deteriorating immunization infrastructure. This legislation continues the rebuilding of our capacity to deliver vaccines and educate parents started in my economic stimulus package.

This proposal would direct the Secretary to purchase and provide vaccine without charge to health care providers who serve children and are located in a State that participates in the State registry grant program. In nonparticipating States, free vaccine would be distributed to Federal health care centers and providers, including those serving Indian populations. Health care providers could not charge patients for the cost of the vaccine. They could, however, impose a fee for its administration, unless such a fee would result in the denial of vaccine to someone unable to pay. The authority of the Secretary established under this legislation, to purchase and provide vaccines, shall cease to be in effect beginning on such date as may be specified in a Federal law providing for immunization services for all children as part of a broad-based reform of the national health care system.

In addition, the bill would provide for a collaborative Federal and State effort to track the immunization status of the Nation's children. It would authorize the Secretary to make grants to States to establish and operate State immunization registries containing specific information for each child in the State. Entering infant birth and immunization data into registries will enable identification of children who need vaccinations and will help parents and providers ensure that children are appropriately immunized.

A keystone of the Nation's vaccine immunization effort is the National Vaccine Injury Compensation Program. This legislation would authorize payments from the Vaccine Injury Compensation Trust Fund for compensable injuries from vaccines administered on or after October 1, 1992, and would reinstate and permanently extend the vaccine excise tax.

I urge the Congress to take prompt and favorable action on this legislation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 1, 1993.*

MESSAGES FROM THE HOUSE

At 1:22 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 joint resolution; in which it requests the concurrence of the Senate:

H.J. Res. 156. A joint resolution to concerning the dedication of the United States Holocaust Memorial Museum.

At 3:42 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2) to establish national voter registration procedures for Federal elections, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. ROSE, Mr. SWIFT, Mr. FROST, Mr. HOYER, Mr. KLECZKA, Mr. CONYERS, Mr. THOMAS of California, Mr. LIVINGSTON, and Mr. ROBERTS as managers of the conference on the part of the House.

At 8:42 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution; in which it requests the concurrence of the Senate.

H.J. Res. 174. Joint resolution increasing the statutory limit on the public debt.

MEASURE READ THE FIRST TIME

The following joint resolution was read the first time.

H.J. Res. 174. Joint Resolution increasing the statutory limit on the public debt.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, April 1, 1993, he had presented to the President of the United States the following enrolled bills and joint resolutions:

S. 164. An act to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes;

S. 252. An act to provide for certain land exchanges in the State of Idaho, and for other purposes;

S. 662. An act to amend title 38, United States Code, and title XIX of the Social Se-

curity Act to make technical corrections relating to the Veterans Health Care Act of 1992;

S.J. Res. 27. Joint resolution providing for the appointment of Hanna Holborn Gray as a citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 28. Joint resolution providing for the appointment of Barber B. Conable, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 29. Joint resolution providing for the appointment of Wesley S. Williams Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 53. Joint resolution designating March 1993 and March 1994 both as "Women's History Month."

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-57. A resolution adopted by the General Assembly of the State of New Jersey relative to the Turkish blockade of Armenia; to the Committee on Foreign Relations.

"ASSEMBLY RESOLUTION No. 116

"Whereas, The Republic of Armenia was the first independent democracy to emerge from the former Soviet Union and to join with the United States in a broad array of international agreements and cooperative undertakings; and

"Whereas, The Republic of Armenia is neither at war with any other country nor making any territorial claim against any other country; and

"Whereas, The Republic of Armenia is the victim of an economic blockade which prevents food and hearing fuel from reaching its more than 3.5 million inhabitants, causing untold human suffering from freezing and starvation; and

"Whereas, The blockade of the Republic of Armenia constitutes an act of war or aggression prohibited by the Charter of the United Nation and violates numerous international legal accords for human rights and for the protection of populations of landlocked countries; and

"Whereas, The blockade is being perpetrated in part by the Republic of Turkey, which is a NATO ally of the United States and a recipient of foreign assistance and investment funds from the United States; and

"Whereas, New Jersey is vitally concerned with the survival and well being of the democratic Republic of Armenia and its people; and

"Whereas, New Jersey is unwilling to bear witness to a second genocide of Armenians in this century, especially at a time when the United States can exercise significant influence on Turkey to comport itself in accordance with international law; now, therefore,

"BE IT RESOLVED *by the General Assembly of the State of New Jersey:*

"1. The General Assembly of the State of New Jersey respectfully memorializes the President of the United States and Congress to take the immediate steps necessary to cause Turkey to cease its illicit blockade of Armenia and to resume honoring transit rights for shipments of food and fuel to the neighboring people of the Republic of Armenia.

"2. The General Assembly of the State of New Jersey also calls upon the President of the United States to seek immediate United Nations intervention in the Nagorno Karabagh conflict, where the ethnically Armenian enclave is under siege by Azerbaijan to deny the rights of its inhabitants to self-determination.

"3. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk of the General Assembly, shall be transmitted to the President of the United States, to the presiding officers of the United States Senate and House of Representatives, and to every member of Congress elected from the State of New Jersey."

POM-58. A resolution adopted by the General Assembly of the State of New Jersey relative to state property tax; to the Committee on Banking, Housing and Urban Affairs.

ASSEMBLY RESOLUTION No. 106

"Whereas, The high cost of housing is causing serious financial problems for renters, especially low-income families, fixed-income senior citizens and the disabled; and

"Whereas, This legislature has attempted to alleviate these problems by passing legislation intended to return excess property taxes in the form of rebates to those suffering the greatest tax hardships; and

"Whereas, The United States Department of Housing and Urban Development (HUD), through an interpretation of an existing regulation, will be undermining the efforts of this legislative body by requiring payment under the State's property tax rebate programs to be treated as income in calculating whether or not low-income residents are eligible for certain rental subsidies; and

"Whereas, Such regulations should not be allowed to nullify these worthwhile State programs because the property tax rebates granted are not new income but represent a return of income already included in HUD calculations; and

"Whereas, H.R. 753 was introduced in Congress by Representative Donald M. Payne of this State on February 2, 1993 and has been referred to the Banking Committee of the U.S. House of Representatives; and

"Whereas, H.R. 753 addresses the problem created by the HUD interpretation by exempting the New Jersey property tax rebate from being included as income in that agency's calculation of eligibility for low-income housing assistance; now, therefore,

"BE IT RESOLVED *by the General Assembly of the State of New Jersey:*

"1. This House memorializes the Congress of the United States to pass H.R. 753.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be sent to the presiding officers of each House of Congress, to Rep. Henry B. Gonzalez, chairman of the Banking Committee of the U.S. House of Representatives, and to each member of Congress from New Jersey."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 714. An original bill to provide funding for the resolution of failed savings associations, and for other purposes (Rept. No. 103-36).

By Mr. GLENN, from the Committee on Governmental Affairs, with amendments:

S. 349. A bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes (Rept. No. 103-37).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committee were submitted:

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

Timothy E. Wirth, of Colorado, to be Counselor of the Department of State.

Winston Lord, of New York, to be an Assistant Secretary of State.

Mr. GLENN, from the Committee on Governmental Affairs:

James Lee Witt, of Arkansas, to be Director of the Federal Emergency Management Agency.

James B. King, of Massachusetts, to be Director of the Office of Personnel Management for a term of four years.

By Mr. RIEGLE, from the Committee on Banking, Housing and Urban Affairs:

Eugene Allan Ludwig, of Pennsylvania, to be Comptroller of the Currency for a term of five years.

(The above nominations were approved subject to the nominees' committment to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LUGAR:

S. 688. A bill to temporarily suspend duties on certain composite diagnostic or laboratory reagents; to the Committee on Finance.

By Mr. BRADLEY (for himself, Mrs. FEINSTEIN, Mr. GLENN, Mr. MITCHELL, Mr. ROBB, and Mr. REID):

S. 689. A bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes; to the Committee on Finance.

By Mr. CRAIG (for himself, Mr. COHEN, and Mr. KEMPTHORNE):

S. 690. A bill to amend the Congressional Budget Control and Impoundment Act of 1974 to establish procedures for the expedited consideration by the Congress of certain proposals by the President to rescind amounts of budget authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. MURKOWSKI (for himself, Mr. PELL, Mr. PRESSLER, Mr. WALLOP, Mr. LUGAR, and Mr. DODD):

S. 691. A bill to terminate certain economic sanctions against Vietnam, to provide for less restrictive controls on exports of sensitive technology, material, and data to Vietnam, and to increase access by United States citizens to the territory of Vietnam in order to obtain a fuller accounting of the fate of certain American servicemen for the Vietnam War; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSTON:

S. 692. A bill to suspend temporarily the duty on B-naphthol; to the Committee on Finance.

S. 693. A bill to suspend temporarily the duty on Pigment Blue 60; to the Committee on Finance.

S. 694. A bill to suspend temporarily the duty on rosachloride lumps; to the Committee on Finance.

S. 695. A bill to suspend temporarily the duty on C.I. Pigment Yellow 183; to the Committee on Finance.

S. 696. A bill to suspend temporarily the duty on diamino imid sp; to the Committee on Finance.

S. 697. A bill to suspend temporarily the duty on 2-(4-aminophenyl)-6- methylbenzothiazole-7-sulfonic acid; to the Committee on Finance.

S. 698. A bill to suspend temporarily the duty on sethoxydim; to the Committee on Finance.

S. 699. A bill to extend certain existing temporary duty suspensions; to the Committee on Finance.

S. 700. A bill to extend the temporary reduction of duty on caffeine; to the Committee on Finance.

S. 701. A bill to suspend temporarily the duty on 6-amino-1-naphthol-3-sulfonic acid; to the Committee on Finance.

S. 702. A bill to suspend temporarily the duty on 3-ethylamino-p-cresol; to the Committee on Finance.

S. 703. A bill to suspend temporarily the duty on Pigment Blue 16; to the Committee on Finance.

S. 704. A bill to suspend temporarily the duty on 3,7,11,15, tetramethyl-1-hexadecen-3-01; to the Committee on Finance.

S. 705. A bill to suspend temporarily the duty on a-Isopropyl-a [(N-methyl-N-homoveratryl)-g-aminopropyl]-3, 4-Dimethoxyphenylacetonitril-hydrochloride; to the Committee on Finance.

S. 706. A bill to suspend temporarily the duty on disperse red 279; to the Committee on Finance.

S. 707. A bill to suspend temporarily the duty on 2-Hydroxy-4-Methoxy Benzophenone Sulfonic Acid; to the Committee on Finance.

S. 708. A bill to suspend temporarily the duty on fastusol C blue 76L; to the Committee on Finance.

S. 709. A bill to suspend temporarily the duty on C.I. Pigment Yellow 138; to the Committee on Finance.

S. 710. A bill to suspend temporarily the duty on certain chemicals; to the Committee on Finance.

S. 711. A bill to suspend temporarily the duty on riboflavin; to the Committee on Finance.

S. 712. A bill to suspend temporarily the duty on 2,3,5-Trimethylhydroquinone; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 713. A bill to require that the salaries of Members of Congress be sequestered first, before any sequester occurs under the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on Governmental Affairs.

By Mr. RIEGLE:

S. 714. An original bill to provide funding for the resolution of failed savings associations, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. BOND (for himself, Mr. DODD, Mr. ROCKEFELLER, Mr. CHAFEE, Mr. HEFLIN, Mr. COCHRAN, Mr. SHELBY, Mr. STEVENS, Mr. INOUYE, Mr. DANFORTH, Mr. LIEBERMAN, and Mr. COHEN):

S. 715. A bill to establish parents as teachers programs; to the Committee on Labor and Human Resources.

By Mr. BOND (for himself, Mr. WELLSTONE, Mr. HEFLIN, Mr. DORGAN, Mr. DASCHLE, Mr. KERREY, Mr. SIMON, Mr. GLENN, Mr. PRYOR, Mr. HARKIN, Mr. GRASSLEY, Mr. DURENBERGER, Mr. PRESSLER, Mr. LEVIN, Mr. MCCONNELL, and Mr. JOHNSTON):

S. 716. A bill to require that all Federal lithographic printing be performed using ink made of vegetable oil, and for other purposes; to the Committee on Rules and Administration.

By Mr. PRYOR (for himself, Mr. HEFLIN, and Mr. COCHRAN):

S. 717. A bill to amend the Egg Research and Consumer Information Act to modify the provisions governing the rate of assessment, to expand the exemption of egg producers from such Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERREY (for himself and Mr. DASCHLE):

S. 718. A bill to amend the Agricultural Trade Act of 1978 to promote the export of agricultural commodities and products to foreign countries, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BREAUX (for himself and Mr. BRYAN):

S. 719. A bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain qualified small issue bonds; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. INOUYE, and Mr. REID):

S. 720. A bill to clean up open dumps on Indian lands, and for other purposes; to the Committee on Indian Affairs.

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

S. 721. A bill to amend the Land and Water Conservation Fund Act of 1965, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOREN (for himself, Mr. BYRD, Mr. BAUCUS, Mr. LIEBERMAN, and Mr. ROTH):

S. 722. A bill to amend the Foreign Assistance Act of 1961 to reform United States bilateral economic assistance programs, and for other purposes; to the Committee on Foreign Relations.

By Mr. LAUTENBERG:

S. 723. A bill to provide for an analysis of the secondary and tertiary Arab boycotts of United States firms doing business with Israel, and for other purposes; to the Committee on Finance.

S. 724. A bill to extend the temporary suspension of duty on 2,3,6-Trimethylphenol (TMP); to the Committee on Finance.

By Mr. KENNEDY:

S. 725. A bill to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself, Mr. BREAUX, and Mr. BAUCUS):

S. 726. A bill to amend the Social Security Act to create a new program to update and maintain the infrastructure requirements of our Nation's essential urban and rural safety net health care facilities, and for other purposes; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 727. A bill to establish a California Ocean Protection Zone, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL:

S. 728. A bill to provide for a comprehensive health care plan for all Americans, and for other purposes; to the Committee on Finance.

By Mr. REID (for himself, Mr. BRADLEY, Mr. LIEBERMAN, Mr. BRYAN, Mr. HARKIN, Mr. JEFFORDS, Mr. SIMON, Mr. KENNEDY, Mr. LEAHY, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. PELL, Mr. SARBANES, Mr. WELLSTONE, and Mr. WOFFORD):

S. 729. A bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DORGAN (for himself and Mr. CONRAD):

S. 730. A bill to ensure fair and free trade of certain agricultural commodities between the United States and Canada, and for other purposes; to the Committee on Finance.

By Mr. PRESSLER:

S. 731. A bill to assist rural rail infrastructure, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself, Mr. RIEGLE, Mr. SIMON, Mr. WELLSTONE, Mr. METZENBAUM, and Ms. MIKULSKI):

S. 732. A bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. RIEGLE (for himself, Mr. KENNEDY, Mr. METZENBAUM, Mr. WELLSTONE, and Ms. MIKULSKI):

S. 733. A bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

By Mr. FEINGOLD:

S. 734. A bill to amend the Agricultural Act of 1949 to require the Secretary to conduct a study of the economic impact of the use of bovine growth hormone on the dairy industry and the Federal milk price support program, to temporarily prohibit the sale of milk produced by cows injected with bovine growth hormone, and to require that the Secretary of Agriculture issue regulations temporarily requiring records to be kept by producers regarding the manufacture and sale of bovine growth hormone, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 735. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the labeling of milk and milk products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 736. A bill to amend the Agriculture Act of 1949 to require the Secretary of Agriculture to reduce the price received by producers for milk that is produced by cows injected with bovine growth hormone, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATFIELD (for himself, Mr. GORTON, Mr. PACKWOOD, and Mr. GRASSLEY):

S. 737. A bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies; to the Committee on Small Business.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUYE:

S. Res. 86. A resolution relating to jurisdiction and authority of the Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. INOUYE (for himself and Mr. MCCAIN):

S. Res. 87. A resolution commending Peter S. Taylor for his long, loyal and dedicated service to the United States Senate and the Senate Committee on Indian Affairs; considered and agreed to.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 88. A resolution to authorize testimony and to authorize representation by the Senate Legal Counsel; considered and agreed to.

By Ms. MOSELEY-BRAUN (for herself and Mr. FEINGOLD):

S. Res. 89. A resolution relating to restoration of democracy in Haiti; to the Committee on Foreign Relations.

By Mr. DURENBERGER (for himself and Mrs. KASSEBAUM):

S. Res. 90. A resolution to express the sense of the Senate concerning the exercise of rights secured under the First Amendment to the Constitution; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 688. A bill to temporarily suspend duties on certain composite diagnostic or laboratory reagents; to the Committee on Finance

DUTY SUSPENSION LEGISLATION

• Mr. LUGAR. Mr. President, today I am reintroducing legislation to suspend temporarily the duty on certain composite diagnostic or laboratory reagents. This bill is similar to S. 763, which I introduced in the last Congress, but includes technical changes suggested by the staff of the International Trade Commission.

Boehringer-Mannheim Corp. is a U.S. company with headquarters in Indianapolis, employing 3,300 Hoosiers. BMC manufactures the Reflotron Analyzer, a system used by physicians to make various tests on patients' blood samples. A drop of the patient's blood is placed on a reagent strip, which is then inserted into the Reflotron machine. The Reflotron measures glucose, hemoglobin, cholesterol, and other factors. A different reagent strip is used for each specific characteristic the doctor wishes to measure.

It is these reagent strips which are the subject of this legislation. The strips are classified under Harmonized Tariff Schedule item No. 3822.00.50, "Composite diagnostic or laboratory reagents, other." They are not manufactured in this country and Reflotron imports them from Germany. The present U.S. tariff is 5 percent ad valorem, and reducing it offers the potential to reduce the cost of blood testing services to doctors and patients.

Last year, the House counterpart of S. 763 was included as section 1141 of H.R. 4318, the miscellaneous tariff bill passed by the House of Representatives on July 31, 1992. I hope the Finance Committee will give it favorable consideration this year.•

By Mr. BRADLEY (for himself, Mrs. FEINSTEIN, Mr. GLENN, Mr. MITCHELL, Mr. ROBB, and Mr. REID):

S. 689. A bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes; to the Committee on Finance.

INTERSTATE CHILD SUPPORT ENFORCEMENT ACT

Mr. BRADLEY. Madam President, imagine a system where parents can escape the responsibility of supporting their children by simply crossing State lines, where individuals can live outrageously lavish lifestyles while their children wallow in poverty, and where children can be born right onto the welfare rolls because their fathers do not acknowledge paternity. Imagine a system where computer systems are so outdated that they provide only minimal help in tracking down delinquent parents, and caseworkers are asked to handle, on average, 1,000 cases each. If you can imagine this system, Madam President, you can begin to understand the confusing and socially damaging system of child support enforcement in this country.

I rise today to introduce the Interstate Child Support Enforcement Act of 1993 to overhaul this system. Joining me as cosponsors of this legislation are Senators FEINSTEIN, GLENN, ROBB, MITCHELL, and REID. A comprehensive plan to improve the system of child support enforcement, this bill is based on the report and recommendations of the U.S. Commission on Interstate Child Support. I was extremely proud to serve with some very able people on this Commission. At the end of last session I introduced a bill based on its recommendations. Over the last few months, I have received comments from individuals and groups across the country and have tried to take account of what they have told me.

The bill I introduce today attempts to make several changes to the current system. It seeks to promote uniformity in the laws and practices of the States, encourage voluntary and quick paternity establishment, and enhance the capacity of the States to locate delinquent child support obligors. The bill also takes tough enforcement measures to make those, who are shirking their responsibility to their children, pay. Madam President, the message this bill sends to delinquent parents is clear: We will find you and we will make you pay the money you owe your children.

Every year, an average of $5 billion in child support obligations goes unpaid. The amount of unpaid child support has increased so dramatically that few custodial parents expect to receive all the money due them before their children reach the age of majority. Of the estimated 12.8 million single-parent families in this country, only about 60 percent have child support orders. Those that have child support orders only receive, on average, about 60 percent of what is owed them in a given year. Many custodial parents receive no child support, which forces a sizable number into the AFDC Program.

As bad as the overall system is, Madam President, the system of interstate child support enforcement is even worse. One-third of all child support cases are interstate, yet only $1 of every $10 collected is from an interstate case. Behind this statistic are millions of families drowning in red-tape trying to collect billions of dollars from noncustodial parents. Some people who owe child support make it a habit to move from State to State to avoid paying. Others change jobs, or refuse to pay taxes, so that child support officials cannot keep up with them. These and many other efforts are conducted against a backdrop of inconsistent State laws, inadequate staff and computer resources, and a continually growing case load due to the tremendous rise in out-of-wedlock births. We can do things to change this, Madam President, and the bill I introduce today starts us in that direction.

Expanded paternity establishment is key to improving interstate child support enforcement. In 1990, there were over 1 million births to unmarried women, about one-fourth of all births that year. About 57 percent of black children, 23 percent of Hispanic children, and 17 percent of white children born in 1990 were born to unwed mothers. In 1990, 68 percent of all births to woman between the ages of 15 to 19 were out of wedlock.

Before a custodial parent can get a child support order, paternity must be established. And when you consider that it is more difficult to establish paternity when the father of the child lives in another State, you start to see why early and quick paternity establishment is so important.

This bill requires States to establish hospital-based paternity establishment programs, such as the successful programs which now operate in the States of Washington and Virginia, so that fathers can be identified in hospitals. About 85 percent of fathers are in touch with the child and mother at, or soon after, the birth. Many fathers visit their children in the hospital or birthing center. Programs that target these fathers and provide opportunities for them to acknowledge paternity can do a lot to cut down on the number of children for whom paternity has not been established.

For the situations where the father was not targeted at the hospital, this bill contains provisions which would make it easier for paternity to be established by courts or administrative

agencies. It makes it less difficult to locate out-of-State fathers by expanding the locate information and services available to custodial parents and child support professionals. It mandates changes in evidence standards which remove many of the obstacles that now exist to paternity establishment across State lines. This bill also promotes the use of paternity testing procedures which are very accurate at resolving contested paternity cases.

Even where parentage is established, it is difficult to locate absent parents so that a support order can be established. When those parents live in other States it becomes even more difficult.

In interstate cases, custodial parents always seem to be one step behind noncustodial parents. If a noncustodial parent gets a job, child support officials do not usually learn about the job change until the next quarter in which the employer has to report payroll information. By the time child support officials in the custodial parent's State learn the information, the noncustodial parent has often moved to another job. Imagine the frustration, Madam President, of custodial parents who find out where the noncustodial parent was working only after he has left the job. This scenario is played out over and over in interstate cases.

To eliminate this problem, this bill requires the printing of a new W-4 form. On that form, all new employees would have to disclose whether they are required to pay child support and if so, the amount they have to pay and whether it is to be paid by wage withholding. If the employee is required to pay child support through wage withholding, this bill requires the employer to begin the withholding immediately after confirming the monthly amount.

Just as important, Madam President, the bill I introduce today requires that the W-4 form information be sent directly to the State child support enforcement agency. The State child support enforcement agency would then broadcast the information over a national network, created by this bill, which links all the States and certain data bases of the Federal Government. The W-4 form information would be compared with information in electronic, State-based child support order registries across the country. If the new employee did not accurately acknowledge a child support obligation, the network would pick this up. Instead of always being one step behind the noncustodial parent, the custodial parent and the child support worker will be able to find the noncustodial parent much sooner, and target him for enforcement. The combination of an electronic data bank of support order information, a national network, and the amended W-4 form deal a serious blow to noncustodial parents who are now successfully avoiding payment of child support.

To eliminate the problems associated with establishing a support order across State lines, my bill requires the States to expand their long-arm statutes to reach more out-of-State noncustodial parents. It requires States to recognize and enforce child support orders from other States, and it also requires all States to adopt the Uniform Interstate Family Support Act, adopted by the National Conference of Commissioners on Uniform State Laws, verbatim so that inconsistencies between the States in case processing and enforcement can be eliminated.

Even where a support order has been established, custodial parents still have problems collecting money, especially in interstate cases. In response, this bill requires the States to take tougher measures against parents who do not pay their child support. It requires them to pass laws making it possible for delinquent parents to lose their professional and occupational licenses, hitting them in a sense at their livelihood. It requires the States to hold off issuing driver's licenses to delinquent parents. It calls for the expanded use of credit reporting—it is interesting that a noncustodial parent can be delinquent on a car loan and that fact can be reported on a credit report, but the fact that he or she is delinquent on child support might not be reported. In addition, this bill requires the States to intercept lottery winnings, money judgments, and other income of noncustodial parents who owe child support. This bill also requires the States to make it easier to freeze the bank accounts of delinquent parents, and requires the States to make it a State crime to willfully fail to pay child support.

Finally, this bill responds to staffing and training issues which have plagued child support professionals for decades. In a GAO report I and the other congressional members of the Commission requested, it was reported that the average case load per child support case worker is 1,000 cases. Can you imagine, Madam President, 1,000 cases? This bill requires the Department of Health and Human Services to conduct staffing studies in every State and report such findings to this body and the States. It also requires the Office of Child Support Enforcement to make training assistance available to State child support agencies.

Madam President, I realize that this is a very complicated bill and that others might have chosen different paths to reforming the child support system. However, I believe this bill and the recommendations upon which it is based will make significant improvements over the current system. I also expect bipartisan support for many of the bill's provisions. In fact, my colleague on the Commission, MARGE ROUKEMA, is today introducing a companion measure to my legislation in the House.

Madam President, the failure of noncustodial parents to pay child support should be the concern us all—not just because tax dollars are at stake, but because nonpayment of child support is taking a heavy toll on the children of this Nation. Fifty percent of the marriages in this country end in divorce. A quarter of the children born every year are born out of wedlock. According to the National Commission on Children, nearly 75 percent of all American children growing up in single-parent families will experience poverty for some period during the first 10 years of their lives. These disturbing statistics suggest that millions of children can be helped if we toughen our Nation's child support system and improve our ability to locate absent parents. In the Commission, we took a comprehensive look at the problem of child support enforcement, and I think Members should pay special attention to the recommendations we produced. I stand ready to work with any Member of this body on the provisions laid out in this bill.

I ask unanimous consent that the full text of the bill and two summaries of the bill's provisions be entered into the RECORD following my remarks.

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

S. 689

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

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Interstate Child Support Enforcement Act".

(b) REFERENCE TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; reference; table of contents.
Sec. 2. Findings, declarations, and purposes.
TITLE I—LOCATE AND CASE TRACKING
Sec. 101. Expansion of use of Federal parent locator system.
Sec. 102. Expansion of data bases accessed by parent locator systems.
Sec. 103. Expansion of access to national network for location of parents.
Sec. 104. Private attorney access to locate and enforcement services.
Sec. 105. Access to law enforcement systems of records.
Sec. 106. State networks for broadcasting warrants.
TITLE II—ESTABLISHMENT
Sec. 201. Jurisdiction, service of process, and full faith and credit.
Sec. 202. Service of process on Federal employees and members of the armed services relating to child support, alimony, and parentage obligations.

Sec. 203. Presumed address of obligor and obligee.
Sec. 204. Notification to custodial parents.
Sec. 205. State uniformity regarding establishment of parentage and support, jurisdiction and venue, and Federal employee residential status.
Sec. 206. Fair Credit Reporting Act amendments.
Sec. 207. National Child Support Guideline Commission.
Sec. 208. State child support guideline principles.
Sec. 209. Duration of support.
Sec. 210. National subpoena duces tecum.
Sec. 211. Uniform terms in orders.
Sec. 212. Social security numbers on marriage licenses and child support orders.
Sec. 213. Administrative subpoena power.

TITLE III—PARENTAGE

Sec. 301. Parentage.

TITLE IV—ENFORCEMENT

Sec. 401. Anti-assignment clauses amended.
Sec. 402. National reporting of new hires and child support information.
Sec. 403. Direct income withholding.
Sec. 404. Priority of wage withholding.
Sec. 405. Definition of income subject to withholding includes workers' compensation.
Sec. 406. Consumer Credit Protection Act amendments.
Sec. 407. Election of remedies prohibition.
Sec. 408. Occupational, professional and business licenses.
Sec. 409. Driver's licenses.
Sec. 410. Attachment of bank accounts.
Sec. 411. Lotteries, settlements, payouts, awards, and forfeitures.
Sec. 412. Fraudulent transfer pursuit.
Sec. 413. Full IRS collection.
Sec. 414. Bonds.
Sec. 415. Tax offset for non-AFDC post-minor child.
Sec. 416. Attachment of public and private retirement funds.
Sec. 417. Reporting to credit bureaus.
Sec. 418. Criminal nonsupport.
Sec. 419. Statutes of limitation.
Sec. 420. Interest.
Sec. 421. Health-care enforcement.
Sec. 422. Bankruptcy.
Sec. 423. Federal Government cooperation in enforcement of support obligations of members of the armed forces and other persons entitled to payments by the Federal Government.
Sec. 424. UIFSA endorsement.

TITLE V—COLLECTION AND DISTRIBUTION

Sec. 501. Priority of distribution of collections.
Sec. 502. Relationship of AFDC to CSE—limiting reimbursement claims to award amount.
Sec. 503. Fees for non-AFDC clients.
Sec. 504. Collection and disbursement points for child support.

TITLE VI—FEDERAL ROLE

Sec. 601. Placement and role of the Federal Child Support Agency.
Sec. 602. Training.
Sec. 603. Staffing.
Sec. 604. Funding and incentives for child support agencies.
Sec. 605. Child support definition.
Sec. 606. Audits.
Sec. 607. Child support assurance demonstration projects.

TITLE VII—STATE ROLE

Sec. 701. Prohibition of residency requirement for IV-D services.
Sec. 702. Advocating for children's economic security.
Sec. 703. Duties of IV-D agencies.
Sec. 704. Broader access to services.
Sec. 705. Process for change of payee in IV-D cases.

TITLE VIII—EFFECTIVE DATE

Sec. 801. Effective date.

SEC. 2. FINDINGS, DECLARATIONS, AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) there is a large and growing number of child support and parentage cases annually involving disputes between parents or presumed parents who reside in different States;

(2) the laws by which the courts of the various States determine their authority to establish, enforce, or modify a child support order, or to establish parentage are not uniform;

(3) those laws, along with the limits imposed by a Federal system, on the authority of each State to take certain actions outside its own boundaries, contribute to—

(A) the pressing problem of parties moving to avoid jurisdiction,

(B) inequities based solely on choice of domicile,

(C) disregard of court orders resulting in massive arrearages nationwide,

(D) excessive relitigation of cases,

(E) the establishment of conflicting orders by the courts of various States, and

(F) inter-jurisdiction travel and communication that is so expensive and time consuming as to disrupt parties' occupations and commercial activities; and

(4) among the results of these conditions are—

(A) the failure of the courts of such jurisdictions to give full faith and credit to the judicial proceedings of the other States,

(B) the deprivation of rights of liberty and property without due process of law,

(C) burdens on commerce among the States, and

(D) harm to the welfare of children and their parents and other custodians.

(b) DECLARATION.—Based on the findings stated in subsection (a), it is necessary to establish national standards under which the courts of each State will determine their jurisdiction to establish, enforce, or modify a child support order, or to establish parentage and the effect to be given by each State to such determinations by the courts of other States.

(c) PURPOSE.—The general purposes of this Act are to—

(1) expand the forums available to establish, enforce, or modify a child support order, or to establish parentage so that such actions may be heard in the State that has the strongest interest in the child's financial security;

(2) promote and expand the exchange of information and other forms of mutual assistance between States that are concerned with the same child;

(3) facilitate the enforcement of support decrees among the States;

(4) discourage continuing interstate controversies over child support in the interest of greater financial stability and secure family relationships for the child; and

(5) avoid jurisdictional competition and conflict between courts in matters relating to the establishment, enforcement, and modification of child support orders, and to the establishment of parentage, which have resulted in the movement of parties among States and a low percentage of interstate cases with support orders, thereby adversely affecting children's well-being.

(d) DEFINITIONS.—For purposes of this Act—

(1) STATE.—The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, and Indian country as defined in section 1151 of title 18, United States Code.

(2) COURT.—The term "court" means a court, administrative process, or quasi-judicial process of a State that is authorized to—

(A) establish and enforce parentage orders;

(B) establish and enforce orders regarding the amount of support payable by a contestant; or

(C) modify orders regarding the amount of support payable by a contestant.

TITLE I—LOCATE AND CASE TRACKING

SEC. 101. EXPANSION OF USE OF FEDERAL PARENT LOCATOR SYSTEM.

Section 453 (42 U.S.C. 653) is amended—

(1) by striking "for the purpose of enforcing support obligations against such parent" in subsection (a) and inserting "for the purposes of parentage establishment, child support establishment, modification, and enforcement, and child visitation enforcement, provided that safeguards are in place to prevent release of information when it may jeopardize the safety of the children or either parent", and

(2) by inserting "and such reasonable fees" after "such documents" in subsection (d).

SEC. 102. EXPANSION OF DATA BASES ACCESSED BY PARENT LOCATOR SYSTEMS.

(a) ADDITIONAL INFORMATION FOR FEDERAL PARENT LOCATOR SERVICE.—Section 453 (42 U.S.C. 653) is amended—

(1) by striking "the most recent address and place of employment" in subsection (b) and inserting "the most recent residential address, employer name and address, and amounts and nature of income and assets",

(2) by striking "the resident parent" in subsection (c)(3) and inserting "either parent", and

(3) by adding at the end of subsection (e) the following new paragraph:

"(4) The Secretary of the Treasury shall enter into an agreement with the Secretary to provide prompt access for the Secretary (in accordance with this subsection and section 6103(l)(6) of the Internal Revenue Code of 1986) to the quarterly estimated Federal income tax returns filed by individuals with the Internal Revenue Service.".

(b) STATE INFORMATION.—Section 466(a) (42 U.S.C. 666(a)) is amended by inserting after paragraph (10) the following new paragraphs:

"(11) Procedures under which the State agency shall have automated on-line or batch access (or, if necessary, nonautomated access) to information regarding residential addresses, employers and employer addresses, income and assets, and medical insurance benefits with respect to absent parents through various data bases. Such data bases shall include data bases belonging to:

"(A) the State revenue or taxation department;

"(B) the State motor vehicle registration department;

"(C) the State employment security department;

"(D) the State crime information system;

"(E) the State bureau of corrections;

"(F) the State recreational, occupational, and professional licensing department;

"(G) the Secretary of State's office;

"(H) the State bureau of vital statistics;

"(I) State or local agencies administering public assistance;

"(J) State or local real and personal property record departments;

"(K) publicly regulated utility companies located in the State;

"(L) credit reporting agencies located in the State; and

"(M) trade and labor unions located in the State.

"(12) Procedures under which the State agency shall maintain a child support order registry which shall include—

"(A) each child support order in the State in which the parties agree to the inclusion of such order in the registry; and

"(B) at the option of the State, all other child support orders in the State.".

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Secretary of Health and Human Services should investigate pursuant to section 453(e) of the Social Security Act (42 U.S.C. 653(e)) accessing Federal data banks not already linked to the Parent Locator Service which are deemed more-than-marginally useful to locate absent parents.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on and after January 1, 1998.

SEC. 103. EXPANSION OF ACCESS TO NATIONAL NETWORK FOR LOCATION OF PARENTS.

(a) IN GENERAL.—Section 453 (42 U.S.C. 653) is amended by adding at the end the following new subsection:

"(g) The Secretary, through the Office of Child Support Enforcement, shall expand the Parent Locator System, established under this section to provide a national network based on the comprehensive statewide child support enforcement systems developed by the various States. Such an expansion—

"(1) would allow each State to—

"(A) locate any absent parent who owes a child support obligation, for whom an obligation is being established, or for whom an order for visitation is being enforced by—

"(i) accessing the records of other State agencies and sources of locate information, and

"(ii) accessing Federal sources of locate information in the same fashion;

"(B) access the files of other States to determine whether there are other child support orders and obtain the details of those orders;

"(C) provide for both on-line and batch processing of located requests, with on-line access restricted to cases in which the information is needed immediately (i.e., court appearances) and batch processing used to 'troll' data bases to locate individuals or update information periodically; and

"(D) direct locate requests to individual States or Federal agencies, broadcast requests to selected States, or broadcast cases to all States when there is no indication of the source of needed information;

"(2) provide for a maximum of 72-hour turnaround time for information to be broadcast and returned to a requesting State;

"(3) provide ready access to courts of the information on the network; and

"(4) access the registry of child support orders for public and private cases maintained at the State level by the State agencies as described in section 466(a)(12).".

(b) EXPANDED STATE INTERACTION WITH NATIONAL NETWORK.—Section 454(16) (42 U.S.C. 654(16)) is amended—

(1) by striking "and (E)" and inserting "(E)", and

(2) by striking "enforcement;" at the end of subparagraph (E) and inserting "enforcement, and (F) to provide access to the national network developed pursuant to section 453(g);".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on and after January 1, 1998.

SEC. 104. PRIVATE ATTORNEY ACCESS TO LOCATE AND ENFORCEMENT SERVICES.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 102, is amended by inserting after paragraph (12) the following new paragraph:

"(13) Procedures under which private attorneys and pro se obligees are given access to State locate information and enforcement techniques of the State child support enforcement agency, for the limited purpose of establishing, modifying, and enforcing child support, visitation, and parentage orders, provided that safeguards are in place to prevent release of information when it may jeopardize the safety of the children or either parent. Such procedures may provide for reasonable fees for such access.".

SEC. 105. ACCESS TO LAW ENFORCEMENT SYSTEMS OF RECORDS.

The head of the National Criminal Information Center, of the National Law Enforcement Telecommunications Network, and of any other national or regional system for tracking individuals shall—

(1) allow access to Federal, State, and local child support enforcement agencies to information held by the Center, Network, or other system; and

(2) if an access code is required to allow such access, provide an access code to each child support enforcement agency that applies for one.

SEC. 106. STATE NETWORKS FOR BROADCASTING WARRANTS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 104, is amended by inserting after paragraph (13) the following new paragraph:

"(14) Procedures under which the State—

"(A) shall make available for broadcasting on its local and State crime information system failure-to-appear warrants, capiases and bench warrants issued by courts in civil and criminal parentage and child support proceedings; and

"(B) if a defendant or anyone on behalf of the defendant posts security after being arrested, shall remit any subsequent forfeiture to the individual owed the child support obligation to the extent of any arrearage in such obligation.".

TITLE II—ESTABLISHMENT

SEC. 201. JURISDICTION, SERVICE OF PROCESS, AND FULL FAITH AND CREDIT.

(a) STATE LAW.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 106, is amended by inserting after paragraph (14) the following new paragraph:

"(15) Procedures under which the State shall—

"(A) treat out-of-State service of process in child support and parentage actions in the same manner as in-State service of process;

"(B) require that notice for the exercise of jurisdiction over nonresident be given in a manner reasonably calculated to give actual notice and may be—

"(i) by personal delivery outside the State in the manner prescribed for service of process within the State;

"(ii) in the manner prescribed by the law of the place in which the service is made;

"(iii) by first-class mail addressed to the individual to be served (if allowed by the State's rules of civil procedure) or any other form of mail that includes a request for a receipt or signature of such individual, subject to the requirements of such rules of civil procedure; or

"(iv) as directed by the court, including publication if other means of notification are ineffective, subject to the requirements of the State's rules of civil procedure;

"(C) require that notice to commence a child support or parentage action be delivered, mailed, or published with sufficient time to allow for serving an answer or other response before any hearing in the State, in accordance with the otherwise applicable rule regarding the commencement of an original action in the State;

"(D) require notice of the commencement of a child support or parentage action to each party whose rights, privileges, duties, or powers may be affected by the action;

"(E) require that proof of service outside the State may be made by the affidavit of the individual who made the service, or in the manner prescribed by the law of the State, by the order under which the service is made, or by the law of the place in which service is made, and if service is made by mail, proof of service may be by a receipt signed by the addressee or other evidence of delivery to the addressee; and

"(F) require the availability of first-class mail service after the service of the summons and initial pleadings.".

(b) DECLARATION OF CONGRESSIONAL POLICY.—Based on the findings specified in section 2(a) and pursuant to its powers to enforce the Due Process Clause of the Fifth Amendment, section 5 of the Fourteenth Amendment, the Commerce Clause, the General Welfare Clause, and the Full Faith and Credit Clause of the United States Constitution, the Congress declares that due process is satisfied if the courts of a State exercise personal jurisdiction over a nonresident who is the parent or presumed parent of a resident child in order to establish, enforce, or modify a child support order or to establish parentage.

(c) INTERSTATE RECOGNITION OF CHILD SUPPORT AND PARENTAGE ORDERS.—

(1) IN GENERAL.—Chapter 115 of title 28, United States Code, is amended by inserting after section 1738A the following new section:

"§ 1738B. Full faith and credit to child support and parentage orders

"(a) DEFINITIONS.—As used in this section, the term:

"'Child' means any individual under the age of 18 years, and any individual who has attained the age of 18 years or more for whom a child support order has been issued pursuant to the laws of a State.

"'Child support' includes periodic and lump sum payments for current and past due economic support, payments of premiums for health insurance for children, payments for or provision of child care, and payments for educational expenses.

"'Child support order' means a judgment, decree or order of a court requiring the payment of money, whether in periodic amounts or lump sum, for the support of a child and includes permanent and temporary orders, initial orders and modifications, ongoing support and arrearages.

"'Child's State' means the State in which the child currently resides with a parent, or an individual acting as a parent.

"'Contestant' means an individual, including a parent, who claims a right to receive child support or is under an order to pay child support, and includes States and political subdivisions to which support rights have been assigned.

"'Court' means a court, administrative process, or quasijudicial process of a State that is authorized to—

"(1) establish and enforce parentage orders;

"(2) establish and enforce orders regarding the amount of support payable by a contestant; or

"(3) modify orders regarding the amount of support payable by a contestant.

"'Modification' and 'modify' refer to a change in a child support order or an order establishing parentage that modifies, replaces, supersedes, or otherwise is made subsequent to such prior order, whether or not made by the same court that issued such prior order.

"'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, and Indian country as defined in section 1151 of title 18, United States Code.

"(b) FULL FAITH AND CREDIT.—The courts of each State shall recognize and enforce according to its terms a child support order or an order establishing parentage against an individual over whom personal jurisdiction has been exercised, including an order pursuant to a State law that authorizes the courts of the State to exercise personal jurisdiction over nonresidents to the extent permitted by the Constitution of the United States, and shall not modify such an order except as provided in subsection (c).

"(c) MODIFICATION.—A court of a State may modify a child support order or an order establishing parentage made by a court of another State if—

"(1) it has jurisdiction to make such an order; and

"(2) the court of the other State no longer has continuing, exclusive jurisdiction because—

"(A) the other State no longer is the child's State or the residence of any contestant; or

"(B) each contestant has filed written consent for the State to modify the order and assume continuing, exclusive jurisdiction of such order.

"(d) ENFORCEMENT OF PRIOR ORDERS.—A court of a State which no longer has continuing, exclusive jurisdiction of a child support order or an order establishing parentage may enforce such order with respect to unsatisfied obligations which accrued before the date on which a modification of such order is made under subsection (c).".

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 115 of title 28, United States Code, is amended by inserting after the item relating to section 1738A the following new item:

"1738B. Full faith and credit to child support and parentage orders.".

SEC. 202. SERVICE OF PROCESS ON FEDERAL EMPLOYEES AND MEMBERS OF THE ARMED SERVICES RELATING TO CHILD SUPPORT, ALIMONY, AND PARENTAGE OBLIGATIONS.

(a) IN GENERAL.—Part D of title IV is amended by inserting after section 460 the following new section:

"SERVICE OF PROCESS ON FEDERAL EMPLOYEES AND MEMBERS OF THE ARMED SERVICES RELATING TO CHILD SUPPORT, ALIMONY, AND PARENTAGE OBLIGATIONS.

"SEC. 460A. (a) The head of each agency shall designate an agent for receipt of service of process for any employee or member of the armed services of such agency relating to any action filed in a State court to establish, enforce, or modify a child support order or an alimony order, or to establish parentage.

"(b) The agent designated under subsection (a) shall receive service of process—

"(1) at the designated post of duty or regular place of business of the employee or member of the armed services; or

"(2) at a location within the United States for an employee or member of the uniformed services whose post of duty is outside of the United States.

"(c) Nothing in this section shall be construed to prohibit any employee or member of the armed services from requesting or being granted a stay or continuance in any action in a Federal or State court, including any relief available under the Soldiers and Sailors Civil Relief Act of 1940 (50 U.S.C. App. 501 et seq.).

"(d) For purposes of this section, the term 'agency' means each agency of the Federal Government, including—

"(1) an Executive agency as defined under section 105 of title 5, United States Code;

"(2) the Department of Defense with regard to employees of such department and members of the armed services;

"(3) the United States Postal Service and Postal Rate Commission;

"(4) any agency of the government of the District of Columbia;

"(5) any agency of the legislative or judicial branch of the Government; and

"(6) any advisory committee to which the Federal Advisory Committee Act (5 U.S.C. App. 2) applies.".

(b) CONFORMING AMENDMENT FOR GARNISHMENT PROCEEDINGS.—Section 459(b) (42 U.S.C. 659(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

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

"(2) With respect to any Federal employee, including any member of the armed services, the agent designated under paragraph (1) shall receive service of process—

"(A) at the designated post of duty or regular place of business of the employee or member of the armed services; or

"(B) at a location within the United States for an employee or member of the armed services whose post of duty is outside of the United States.

"(3) Nothing in this section shall be construed to prohibit any employee or member of the armed services from requesting or being granted a stay or continuance in any action in a Federal or State court, including any relief available under the Soldiers and Sailors Civil Relief Act of 1940 (50 U.S.C. App. 501 et seq.).".

(c) REGULATIONS.—No later than 270 days after the date of the enactment of this Act, the head of each agency shall promulgate and publish regulations implementing the amendments made by this section.

SEC. 203. PRESUMED ADDRESS OF OBLIGOR AND OBLIGEE.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 201, is amended by inserting after paragraph (15) the following new paragraph:

"(16) Procedures under which the State shall—

"(A) require the filing of parents' residential addresses, mailing addresses, home telephone numbers, driver's license numbers, social security numbers, names of employers, addresses of places of employment, and work telephone numbers with the appropriate court or administrative agency, on or before the date the final order is issued;

"(B) create the presumption that for the purpose of providing sufficient notice in any support-related action other than the initial notice in an action to establish parentage or establish a child support order that the last residential address of the party given to the appropriate agency or court is the current address of the party; and

"(C) ensure that information concerning the location of a parent or child shall not be released to the other parent if there is a court order for the physical protection of one parent or child entered against the other parent.".

SEC. 204. NOTIFICATION TO CUSTODIAL PARENTS.

Section 454 (42 U.S.C. 654) is amended by striking "and" at the end of paragraph (23), by striking the period at the end of paragraph (24) and inserting "; and", and by inserting after paragraph (24) the following new paragraph:

"(25) provide that the agency administering the plan—

"(A) notify any individual owed a child support obligation of all hearings in which such obligation might be established, modified, or enforced, in a timely fashion to allow custodial parents the opportunity to attend and present evidence to the court, except that failure to actually notify such individual may not be used as a ground for delay and shall not prevent a court from rendering a decision if the agency made reasonable attempts to provide such notice; and

"(B) provide custodial parents with a copy of any order that establishes, modifies, or enforces a child support obligation within 14 days of the date of the issuance of such order.".

SEC. 205. STATE UNIFORMITY REGARDING ESTABLISHMENT OF PARENTAGE AND SUPPORT, JURISDICTION AND VENUE, AND FEDERAL EMPLOYEE RESIDENTIAL STATUS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 203, is amended by inserting after paragraph (16) the following new paragraph:

"(17) Procedures under which within the State—

"(A) a party seeking both parentage and child support establishment shall be able to bring both in a single cause of action;

"(B) the venue for parentage establishment shall be in the county of residence of the child, when the child and alleged parent who is the defendant reside in different counties within the State;

"(C) a court or agency that issues a parentage or child support order shall have continuing and exclusive jurisdiction over the order until that court or agency transfers jurisdiction to the appropriate court or agency in the county where the child resides, or the parties consent to be bound by another court or agency in the State that has subject matter jurisdiction;

"(D) proceedings for purposes of enforcement and modification shall be transferred to the city, county, or district where the child resides without the need for refiling by the plaintiff or re-serving the defendant;

"(E) a court or agency that hears parentage or child support claims shall have statewide jurisdiction over the parties, and the parentage and child support orders issued by the court or agency shall have statewide effect for enforcement purposes; and

"(F) visitation denial is not a defense to child support enforcement and the nonpayment of support is not a defense to visitation enforcement.".

SEC. 206. FAIR CREDIT REPORTING ACT AMENDMENTS.

Section 604 of the Consumer Credit Protection Act (15 U.S.C. 1681b) is amended by adding at the end thereof the following new paragraph:

"(4) To an agency administering a State plan under section 454 of the Social Security Act (42 U.S.C. 654) to use the information relevant to the setting of an initial or modified

child support award, without the necessity of a court order.".

SEC. 207. NATIONAL CHILD SUPPORT GUIDELINE COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "National Child Support Guidelines Commission" (in this section referred to as the "Commission").

(b) GENERAL DUTIES.—The Commission shall convene a conference to study the desirability of a national child support guideline, and if such guideline is advisable, the Commission shall develop for congressional consideration a national child support guideline that is based on the conference's study of various guideline models, the deficiencies of such models and any needed improvements.

(c) MEMBERSHIP.—

(1) NUMBER; APPOINTMENT.—

(A) IN GENERAL.—The Commission shall be composed of 9 individuals appointed jointly by the Secretary of Health and Human Services and the Congress, not later than January 15, 1994.

(B) QUALIFICATIONS OF MEMBERS.—Members of the Commission shall be appointed from among those who are able to provide expertise and experience in the evaluation and development of child support guidelines. At least 2 of the members shall represent parent child support advocacy groups.

(2) TERMS OF OFFICE.—Each member shall be appointed for a term of 1 year. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) COMMISSION POWERS, COMPENSATION, ACCESS TO INFORMATION, AND SUPERVISION.—The first sentence of subparagraph (C), the first and third sentences of subparagraph (D), subparagraph (F) (except with respect to the conduct of medical studies), clauses (ii) and (iii) of subparagraph (G), and subparagraph (H) of section 1886(e)(6) of the Social Security Act shall apply to the Commission in the same manner in which such provisions apply to the Prospective Payment Assessment Commission.

(e) REPORT.—Not later than 1 year after the appointment of members, the Commission shall report to the President and the Congress on the results of the study described in subsection (b) and the final assessment by the Commission of issues relating to a national child support guideline.

(f) TERMINATION.—The Commission shall terminate upon the submission of the report described in subsection (e).

SEC. 208. STATE CHILD SUPPORT GUIDELINE PRINCIPLES.

Section 467 (42 U.S.C. 667) is amended by adding at the end the following new subsections:

"(d) The guidelines established pursuant to subsection (a) shall include the following principles:

"(1) A change in the child support amount resulting from the application of the guidelines since the entry of the last support order is sufficient reason for modification of a child support obligation without the necessity of showing any other change in circumstance.

"(2) Any custodial parent requesting a review of a child support award who is not receiving aid for families with dependent children under part A of this title must agree to both review and modification of such award. Such custodial parent shall be advised of a recalculated support amount based on such review and given an opportunity to decline the pursuit of the modification.

"(e) The guidelines established pursuant to subsection (a) shall take into account the following:

"(1) Work-related or job-training-related child care expenses of either parent for the care of children of either parent.

"(2) Health insurance and related uninsured health care expenses, and extraordinary school expenses incurred on behalf of the child of such parents for whom the child support order is sought.

"(3) Multiple family child raising obligations other than those for the child for whom the child support order is sought.".

SEC. 209. DURATION OF SUPPORT.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 205, is amended by inserting after paragraph (17) the following new paragraph:

"(18) Procedures under which the State—

"(A) requires a continuing support obligation by one or both parents until at least the latter of when a child reaches the age of eighteen, or graduates from or is no longer enrolled in secondary school or its equivalent, unless a child marries, or is otherwise emancipated by a court of competent jurisdiction;

"(B) provides that courts with child support jurisdiction have the discretionary power, pursuant to criteria established by the State, to order—

"(i) child support, payable to an adult child, at least up to the age of 22 for a child enrolled in an accredited postsecondary or vocational school or college and who is a student in good standing;

"(ii) either or both parents to pay for postsecondary school support based on each parent's financial ability to pay;

"(C) provides for child support to continue beyond the child's age of majority provided the child is disabled, unable to be self-supportive, and the disability arose during the child's minority; and

"(D) provides that courts should consider the effect of child support received on means-tested governmental benefits and whether to credit governmental benefits against a support award amount.".

SEC. 210. NATIONAL SUBPOENA DUCES TECUM.

Section 452(a) (42 U.S.C. 652(a)) is amended by striking "and" at the end of paragraph (9), by striking the period at the end of paragraph (10), and by inserting after paragraph (10) the following new paragraphs:

"(11) draft and distribute a national subpoena duces tecum for use by local and State child support agencies and child support litigants to reach income information pertaining to all private, Federal, State, and local government employees, as well as any receivers of income, such subpoena duces tecum—

"(A) to be limited to evidence regarding the prior 12 months of income or evidence of accumulated income to date,

"(B) to be honored by payors with the timely mailing of the information to a supplied address on the subpoena,

"(C) to be enforced by a hearing held in the payor's State at which time the payor bears, under penalty of State sanction, the burden of specifying the reasons for not timely honoring the subpoena, and

"(D) the information of which is to be admitted once offered to prove the truth of the matter asserted; and

"(12) establish a simplified certification process and admissibility procedure for out-of-State documents in child support or parentage cases.".

SEC. 211. UNIFORM TERMS IN ORDERS.

Section 452(a) (42 U.S.C. 652(a)), as amended by section 210, is amended by striking "and" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting "; and", and by inserting after paragraph (12) the following new paragraph:

"(13) develop, in conjunction with State executive and judicial organizations, a uniform abstract of a child support order, to be used by all State courts to record the facts of a child support order in a registry of child support orders established under section 466(a)(12), such abstract to include—

"(A) the date that support payments are to commence;

"(B) the circumstances upon which support payments are to terminate;

"(C) the amount of current child support expressed as a sum certain, arrearages expressed as a sum certain as of a certain date, and any payback schedule for the arrearages;

"(D) whether the support award is in a lump sum (nonallocated) or per child;

"(E) if the award is lump sum, the event causing a change in the support award and the amount of any change;

"(F) other expenses, such as those for child care and health care;

"(G) names of the parents;

"(H) social security numbers and dates of birth of the parents;

"(I) names of all children covered by the order;

"(J) dates of birth and social security numbers of children covered by the order;

"(K) court identification (FIPS code, name and address) of the court issuing the order;

"(L) health-care support information; and

"(M) party to contact when additional information is obtained.".

SEC. 212. SOCIAL SECURITY NUMBERS ON MARRIAGE LICENSES AND CHILD SUPPORT ORDERS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 209, is amended by inserting after paragraph (18) the following new paragraph:

"(19) Procedures under which social security numbers of the individuals applying for a marriage license are listed on the license by each applicant's name.".

SEC. 213. ADMINISTRATIVE SUBPOENA POWER.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 212, is amended by inserting after paragraph (19) the following new paragraph:

"(20) Procedures under which the State agency may issue subpoenas that require the individual served to produce and deliver documents to or to appear at a court or administrative agency on a certain date and may sanction an individual for failing to obey the subpoena's command.".

TITLE III—PARENTAGE

SEC. 301. PARENTAGE.

(a) STATE PLAN.—

(1) IN GENERAL.—Section 454 (42 U.S.C. 654), as amended by section 204, is amended by striking "and" at the end of paragraph (24), by striking the period at the end of paragraph (25) and inserting "; and", and by inserting after paragraph (25) the following new paragraph:

"(26) in order to encourage voluntary paternity acknowledgement, provide for—

"(A) the development and distribution of material at schools, hospitals, agencies administering the programs under part A of this title and title XIX, prenatal health-care providers, WIC programs, health departments, clinics, and other appropriate locations that describe the benefits and responsibilities of paternity establishment and the process by which paternity services may be obtained,

"(B) outreach programs at hospitals and birthing facilities and programs for prenatal care, child birth, and parenting, and

"(C) the use of consent procedures.".

(2) ENHANCED FEDERAL MATCH.—Section 455(a)(1) (42 U.S.C. 655(a)(1)) is amended by striking "and" at the end of subparagraph (B), by inserting "and" after the semicolon at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:

"(D) equal to 90 percent (rather than the percentage specified in subparagraph (A)) of so much of the sums expended during such quarter as are attributable to costs incurred in carrying out the purposes of section 454(26);".

(b) STATE LAW.—Section 466(a) (42 U.S.C. 666(a)) is amended—

(1) by striking "at the option of the State," in paragraph (2)(B), and

(2) by adding at the end of paragraph (5) the following new subparagraphs:

"(C) Procedures under which—

"(i) the opportunity to establish paternity voluntarily and by simple affidavit is available to the unmarried parents of a child at the time of the child's birth by requiring hospitals and birthing facilities to make explanatory materials and forms available to the parents as part of the birth certificate process;

"(ii) a simple, civil consent procedure is available at any time for individuals who agree to acknowledge parentage of a child;

"(iii) an acknowledgment of parentage may be incorporated in a witnessed, written statement that includes a statement that—

"(I) the individual signing such statement understands the consequences of paternity establishment,

"(II) such individual is signing the statement voluntarily,

"(III) such individual does not object to the court entering an order for parentage, based on the acknowledgment, without notice prior to the entry of the order and without the requirement of pleadings, service, summons, testimony or a hearing, and

"(IV) such individual understands that signing such statement may create an obligation to provide child support; and

"(iv) if under State law a court order is required to establish paternity, an acknowledgment of parentage as provided for under clause (iii) shall be filed with a State court of appropriate jurisdiction within 10 days and a paternity order based on such acknowledgment shall be established without the requirement of pleadings, service, summons, testimony or a hearing.

"(D) Procedures under which the opportunity to establish paternity is available to unmarried parents when paternity is contested through an administrative procedure in accordance with State due process and subject to review de novo by a court of competent jurisdiction.

"(E) Procedures under which an individual who voluntarily acknowledges paternity may request genetic tests within 1 year of such acknowledgment.

"(F) Procedures under which collection of information for support determination may be done concurrently with the parentage acknowledgment process, so long as consistent with State constitutional law.

"(G) Procedures under which—

"(i) the State shall use a civil procedure (and not a criminal procedure) for the establishment of parentage;

"(ii) the standard of evidence for such establishment is a preponderance of the evidence; and

"(iii) a party may bring a parentage action without joinder of the named child and the State's law regarding privity of the parties shall govern the res judicata effect of nonjoinder.

"(H) Procedures under which the State establishes a threshold percentage of probability of parentage or a threshold percentage of likelihood of exclusion of those wrongfully accused which creates a presumption of parentage if such parentage testing results are admitted and uncontroverted.

"(I) Procedures under which a resolution of parentage may be made against a noncooperative party who refuses to submit to an order by a court for parentage testing.

"(J) Procedures under which any objection to the parentage testing or to the results of that testing must be made in writing at least 21 days prior to trial, and if no objection is made, the test result is admitted to prove the truth of the matter asserted, without the need for the attendance of a representative of the hospital, clinic, or parentage laboratory, except that a party is not prohibited from calling an outside expert witness to refute or support the testing procedure or results, or the mathematical theory on which the test results are based.

"(K) Procedures under which the introduction and admission into evidence, without the need for third-party foundation testimony, of prenatal and post-natal parentage-testing bills is allowed and each bill is regarded as prima facie evidence of the amount incurred on behalf of the child for the procedures included in the bill.

"(L) Procedures under which the State may enter a default order in parentage cases upon proper showing of evidence of parentage and of service of process on the defendant, without requiring the personal presence of the plaintiff.

"(M) Procedures under which temporary support orders are entered if—

"(i) the parentage testing results create a presumption of parentage,

"(ii) the individual from whom support is sought has signed a verified statement of parentage; or

"(iii) other clear and convincing evidence is presented that such individual is the child's parent.

"(N) Procedures under which a party whose parentage has been previously established by law may not plead nonparentage as a defense to a child support action.".

TITLE IV—ENFORCEMENT

SEC. 401. ANTI-ASSIGNMENT CLAUSES AMENDED.

Section 462(f)(2) (42 U.S.C. 662(f)(2)) is amended by striking "(not including" and all that follows through "compensation)".

SEC. 402. NATIONAL REPORTING OF NEW HIRES AND CHILD SUPPORT INFORMATION.

(a) FEDERAL IMPLEMENTATION OF SYSTEM.—

(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Labor, shall establish a system of reporting of new employees by requiring employers to provide a copy of every new employee's W-4 form to the child support enforcement agency of the State in which the employment is located.

(2) EXPANDED USE OF FORM.—The Secretary of the Treasury shall modify the W-4 form completed by the new employee to include—

(A) whether a child support obligation is owed by the new employee, and if so, to whom such obligation is payable and the amount of such obligation,

(B) whether payment of such obligation is to be by income withholding, and

(C) whether the new employee has health care insurance available.

(3) EMPLOYER WITHHOLDING OBLIGATION.—

(A) IN GENERAL.—Subtitle C of the Internal Revenue Code of 1986 (relating to employment taxes) is amended by inserting after chapter 24 the following new chapter:

"CHAPTER 24A—COLLECTION OF CHILD SUPPORT OBLIGATIONS AT SOURCE OF WAGES

"Sec. 3411. Child support obligations collected at source of wages.

"SEC. 3411. CHILD SUPPORT OBLIGATIONS COLLECTED AT SOURCE OF WAGES.

"(a) REQUIREMENT OF WITHHOLDING.—Every employer making payment of wages shall deduct and withhold upon such wages a specified child support obligation amount.

"(b) SPECIFIED CHILD SUPPORT OBLIGATION AMOUNT.—For purposes of this chapter, the specified child support obligation amount with respect to any employee shall be determined based on information provided by the employee that has been confirmed or corrected by the State enforcing the wage withholding within which the employer is located under procedures described in section 466(a)(21) of the Social Security Act.

"(c) LIABILITY FOR PAYMENT.—The employer shall be liable for the payment of the specified child support obligation amount to the payee identified by the employee.

"(d) SPECIAL RULES.—For purposes of this chapter (and so much of subtitle F as relates to this chapter), any specified child support obligation amount shall be treated as if it were a tax withheld under chapter 24 and rules similar to the rules of such chapter shall apply.

"(e) DEFINITIONS.—For purposes of this section, the terms 'wages', 'employee' and "employer' shall have the meanings given to such terms by subsections (a), (c), and (d), respectively."

(B) CLERICAL AMENDMENT.—The table of chapters of subtitle C of the Internal Revenue Code of 1986 is amended by inserting after the item relating to chapter 24 the following new item:

"CHAPTER 24A. Child support obligations collected at source of wages.".

(4) WITHHELD CHILD SUPPORT OBLIGATIONS REPORTED ON W-2 FORMS.—Subsection (a) of section 6051 of the Internal Revenue Code of 1986 (relating to receipts for employees) is amended by striking "and" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting ", and", and by inserting after paragraph (9) the following new paragraph:

"(10) the total amount of specified child support obligations withheld under section 3411.".

(b) STATE IMPLEMENTATION OF SYSTEM.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 213, is amended by inserting after paragraph (20) the following new paragraph:

"(21) Procedures under which the State shall—

"(A) impose monetary penalties on—

"(i) any individual who owes child support obligations who fails to report such obligations on a Federal income tax W-4 form at time of employment;

"(ii) any employer who fails to forward such W-4 form to the State child support enforcement agency within 10 calendar days of the date of the employment of such individual; and

"(iii) any employer who fails to withhold the child support obligation and disburse such obligation to the individual owed such obligation within 10 calendar days of the date of the payroll, using electronic funds transfer, if possible, unless otherwise notified by such State agency;

"(B) confirm the information provided under subparagraph (A)(ii) or identify child

support obligations that have not been reported by the new employee through the use of the Parent Locator System established under section 453;

"(C) notify the employer in cases where the employee has not correctly reported on the W-4 using a standard wage withholding notice developed by the Federal Office of Child Support Enforcement under section 452(a)(14);

"(D) broadcast over the Parent Locator System to other States information based on W-4 form information that has been sent to the State child support enforcement agency; and

"(E) in the event of a match between the W-4 related information and the abstract of support orders on file in the State registry of child support orders, notify the individual owed a child support obligation or such individual's designee of such information.

If an individual owed a child support obligation who is not utilizing the State program under this part desires the wage withholding services described in this paragraph, such individual shall be required to apply for assistance under the State plan.".

(c) EFFECTIVE DATE.—The provisions and amendments made by this section shall take effect on and after January 1, 1998.

SEC. 403. DIRECT INCOME WITHHOLDING.

(a) STATE LAW.—

(1) IN GENERAL.—Section 466(b) (42 U.S.C. 666(b)) is amended by adding at the end the following new paragraphs:

"(11) Any individual or entity engaged in commerce, as a condition of doing business in the State, shall honor income withholding notices or orders issued by a court or agency of any other State. Service of the notice may be by first-class mail, or directly served on the income source. The individual or entity served shall immediately provide a copy of the notice to the employee. The individual or entity shall honor the withholding notice or order—

"(A) if such notice or order is regular on its face,

"(B) regardless of the location of the employee's workplace.

If such notice or order is fully complied with, the individual or entity may not be held liable for wrongful withholding.

"(12) In any case under this part, if a contest to or refusal to comply with an income withholding notice or order occurs, the State seeking withholding shall send an informational copy of the withholding notice or order to the registry established under subsection (a)(14) in the State in which the employee is employed or which is the source of the income.".

(2) CONTEST HEARING.—Paragraph (4) of section 466(b) (42 U.S.C. 666(b)) is amended by adding at the end the following new subparagraph:

"(C) If the employee requests a hearing to contest the withholding based on a mistake of fact, that hearing may be held in the State of the income source or the State of the employee's employment, with a determination made within 45 days of the mailing of the withholding notice or order to the income source. The State where any hearing is held shall provide the appropriate services in cases enforced under the State plan to ensure that the interests of the individual owed the child support obligation are represented.".

(3) EMPLOYER RECORDS.—Paragraph (6) of section 466(b) (42 U.S.C. 666(b)) is amended by adding at the end the following new subparagraph:

"(E) The employer shall maintain records of payroll deductions taken in compliance with this section and make such records available upon request to the State or individual enforcing the wage withholding order.".

(b) UNIFORM WITHHOLDING NOTICE.—Section 452(a) (42 U.S.C. 652(a)), as amended by section 211, is amended by striking "and" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting "; and", and by inserting after paragraph (13) the following new paragraph:

"(14) develop a uniform withholding notice to be used in all income withholding cases, such notice to list the number of children covered by such notice and to be generic to allow for the service of the same notice on subsequent or concurrent sources of income without the necessity of obtaining from the decisionmaker a new, income-source-specific notice.".

SEC. 404. PRIORITY OF WAGE WITHHOLDING.

Section 466(b) (42 U.S.C. 666(a)), as amended by section 403, is amended by inserting after paragraph (14) the following new paragraph:

"(13) Procedures under which, absent a request by the custodial parent, the presumptive priority of withholding under a child support or income withholding order is—

"(A) payments on current support obligations,

"(B) payments of premiums for health insurance for dependent children, and

"(C) payments on past due child support obligations and unreimbursed health-care expenses.

In the case of multiple withholding orders affecting the same employee, payments shall be made to each child on a pro rata basis.".

SEC. 405. DEFINITION OF INCOME SUBJECT TO WITHHOLDING INCLUDES WORKERS' COMPENSATION.

Section 462 (42 U.S.C. 662(f)) is amended—

(1) by striking "For purposes of section 459" and inserting "For purposes of section 459 and, in the case of subsection (f), this part",

(2) by striking the period at the end of paragraph (2) of subsection (f) and inserting ", or", and

(3) by adding at the end of subsection (f) the following new paragraph:

"(3) workers' compensation benefits.".

SEC. 406. CONSUMER CREDIT PROTECTION ACT AMENDMENTS.

(a) PREEMPTION OF STATE LAWS.—Section 307 of the Consumer Credit Protection Act (15 U.S.C. 1677) is amended—

(1) by striking "This" and inserting "(a) IN GENERAL.—Subject to subsection (b), this";

(2) by striking "or" at the end of paragraph (1);

(3) by striking the period at the end of paragraph (2) and inserting ", or"; and

(4) by adding at the end the following:

"(3) providing a cause of action, either by the State or a private individual, to enforce a Federal or State law related to garnishment for the purpose of securing child support.

"(b) EXCEPTION.—Subsection (a)(1) does not apply to the laws of any State that prohibit or restrict garnishments for the purpose of securing support for any person.".

(b) OTHER FORMS OF INCOME.—Title III of the Consumer Credit Protection Act (15 U.S.C. 1671 et seq.) is amended by adding at the end the following new section:

"SEC. 308. OTHER FORMS OF INCOME.

"This title does not apply to forms of income that are not earnings within the definition contained in section 302(a).".

(c) PRIORITY OF DEBTS.—Title III of the Consumer Credit Protection Act (15 U.S.C. 1671 et seq.), as amended by subsection (b), is further amended by adding at the end the following new section:

"SEC. 309. PRIORITY OF DEBTS.

"If an individual's disposable earnings are not sufficient to pay—

"(1) a garnishment intended to satisfy a Federal debt; and

"(2) a garnishment intended to satisfy a debt related to the support of any child,

the Federal debt shall be satisfied through garnishment only after the debt related to child support has first been satisfied.".

(d) ADDITIONAL INDEBTEDNESS IN ANTI-DISCHARGE SECTION.—Section 304 of the Consumer Credit Protection Act (16 U.S.C. 1674) is amended by adding at the end the following:

"(c) The prohibition contained in subsection (a) shall apply to any employee whose earnings are subject to garnishment for more than one indebtedness, if the additional indebtedness arises from an order for the support of a child.".

SEC. 407. ELECTION OF REMEDIES PROHIBITION.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 402, is amended by inserting after paragraph (21) the following new paragraph:

"(22) Procedures under which the doctrine of election of remedies may not be invoked in child support cases.".

SEC. 408. OCCUPATIONAL, PROFESSIONAL AND BUSINESS LICENSES

(a) STATE HOLD BASED ON WARRANT OR SUPPORT DELINQUENCY.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 407, is amended by inserting after paragraph (22) the following new paragraph:

"(23) Procedures under which the State occupational licensing and regulating departments and agencies may not issue or renew occupational, professional, or business licenses of—

"(A) noncustodial parents who are the subject of outstanding failure to appear warrants, capiases, and bench warrants related to a child support proceeding that appear on the State's crime information system, until removed from the system; and

"(B) individuals who are delinquent in their child support obligation, until the pro se obligee, the obligee's attorney, or a State prosecutor responsible for child support enforcement consents to, or a court that is responsible for the order's enforcement orders, the release of the hold on the license, or an expedited inquiry and review is completed while such individual is granted a 60-day temporary license.".

(b) FEDERAL HOLD BASED ON SUPPORT DELINQUENCY.—No Federal agency may issue or renew occupational, professional, or business licenses of individuals who are delinquent in their child support obligation, until the pro se obligee, the obligee's attorney or a State prosecutor responsible for child support enforcement consents to, or a court that is responsible for the order's enforcement orders, the release of the hold on the license, or an expedited inquiry and review is completed while such individual is granted a 60-day temporary license.

(c) WAIVER OF FEDERAL IMMUNITY.—The Federal Government shall waive its sovereign immunity claims for this limited purpose and cooperate fully with local and State officials regarding license issuances or renewals.

SEC. 409. DRIVER'S LICENSES.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 408, is amended by inserting after paragraph (23) the following new paragraph:

"(24) Procedures under which the State motor vehicle department may not issue or

renew a driver's license (other than a temporary license of not more than 60-days duration) of any noncustodial parent who is the subject of an outstanding failure to appear warrant, capias, or bench warrant related to a child support proceeding that appears on the State's crime information system, until removed from the system.".

SEC. 410. ATTACHMENT OF BANK ACCOUNTS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 409, is amended by inserting after paragraph (24) the following new paragraph:

"(25) Procedures under which the State shall authorize post-judgment seizure of the bank accounts of delinquent child support obligors without the need to obtain a separate court order for the attachment. The funds shall be frozen pending notice to and an expedited opportunity to be heard for the account holder or holders. If the account holder or holders do not successfully challenge the freeze, the part of the account subject to the freeze up to the amount of the child support debt shall be turned over to the individual or State seeking the execution.".

SEC. 411. LOTTERIES, SETTLEMENTS, PAYOUTS, AWARDS, AND FORFEITURES.

Paragraph (4) of section 466(a) (42 U.S.C. 666(a)) is amended by inserting before the period the following: ", including the following:

"(A) A lottery player's winnings from a State lottery or a gambler's winnings in a State-sanctioned or tribal-sanctioned gambling house or casino held by the distributor.

"(B) Insurance settlements or policy payouts held by the insurance carrier or the risk-holder.

"(C) State or Federal court awards, judgments, or settlements held by either the attorney for the payor or the pro se payor.

"(D) Property seized and forfeited to the State when an individual has been convicted of a crime involving forfeiture of property.".

SEC. 412. FRAUDULENT TRANSFER PURSUIT.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 410, is amended by inserting after paragraph (25) the following new paragraph:

"(26) Procedures that allow the State to void fraudulent conveyances of property that are made in an attempt to avoid child support obligations.".

SEC. 413. FULL IRS COLLECTION.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Commissioner of the Internal Revenue Service should instruct the field offices and agents of the Internal Revenue Service to give a high priority to requests for the use of full collection in delinquent child support cases, and to set uniform standards for full collection to ensure its expeditious and effective implementation.

(b) SIMPLIFIED PROCEDURE.—The Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall by regulation simplify the full collection process and reduce the amount of child support arrearage needed before an individual may apply for full collection, and shall report to the Congress by January 1, 1995, on the actions taken and the effect of such actions.

SEC. 414. BONDS.

Paragraph (6) of section 466(a) (42 U.S.C. 666(a)) is amended by inserting "(A)" after "(6)" and by adding at the end the following new subparagraph:

"(B) In cases not involving absent parents, procedures which allow the posting of a cash bond, security deposit, or personal undertaking with the State child enforcement agency if child support payments are not timely made, with the refund of funds (other than the costs of posting) if the individual who owes a child support obligation makes full payments for a prescribed period of time.".

SEC. 415. TAX OFFSET FOR NONAFDC POST-MINOR CHILD.

Section 464(c) (42 U.S.C. 664(c)) is amended—

(1) by striking "(1) Except as provided in paragraph (2), as" and inserting "As", and

(2) by striking paragraphs (2) and (3).

SEC. 416. ATTACHMENT OF PUBLIC AND PRIVATE RETIREMENT FUNDS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 412, is amended by inserting after paragraph (26) the following new paragraph:

"(27) Procedures under which—

"(A) an individual owed a child support obligation may attach lump sum funds invested by the individual who owes such obligation or the employer of such individual in public and private retirement plans, including any funds that are prematurely reachable by such individual without loss of employment even if the distribution would cause a penalty or tax to such individual for early withdrawal;

"(B) all early withdrawal penalties or taxes remain the responsibility of the individual who owes such obligation; and

"(C) the attachment is made without the requirement of a separate court order, with notice and an expedited hearing provided if requested.".

SEC. 417. REPORTING TO CREDIT BUREAUS.

Section 466(a)(7)(A) (42 U.S.C. 666(a)(7)(A)) is amended by striking "$1,000" and inserting "2-month's worth of support".

SEC. 418. CRIMINAL NONSUPPORT.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 416 is amended by inserting after paragraph (27) the following new paragraph:

"(28) Procedures under which—

"(A) criminal nonsupport penalties may be imposed; and

"(B) the use immunity may be granted to compel testimony in civil child support proceedings where the defendant claims a Fifth Amendment privilege against self-incrimination, and once granted, bars Federal or other State prosecution for criminal nonsupport based on the testimony given in the civil proceeding in which use immunity was granted.".

SEC. 419. STATUTES OF LIMITATION.

(a) IN GENERAL.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 418, is amended by inserting after paragraph (28) the following new paragraph:

"(29) Procedures which permit the enforcement of any child support order until at least the child's 30th birthday.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to orders entered before, on, and after the date of the enactment of this Act.

SEC. 420. INTEREST.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 419, is amended by inserting after paragraph (29) the following new paragraph:

"(30) Procedures under which the State child support enforcement agency is required to assess and collect interest on all child support judgments, at the rate determined for interest on money judgments, and in addition to any late payment fee imposed by the State under section 454(21).".

SEC. 421. HEALTH-CARE ENFORCEMENT.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 420, is amended by inserting after paragraph (30) the following new paragraph:

"(31) Procedures under which—

"(A) a rebuttable presumption is established that the individual owed a child support obligation shall have the right to choose the appropriate health care insurance for the children of the parties;

"(B) in making the appropriate order for health care insurance, the court shall consider the availability, coverage, and cost of any proposed insurance plan;

"(C) the insurance premium and noncovered health care expenses are apportioned between the parents pursuant to a formula included in the State's child support guideline;

"(D) any insurance premium or sum-certain health care expense for which the individual who owes such obligation is responsible shall be included in the child support order;

"(E) the individual owed such obligation under the child support order may act in the place of the insured, including the right to make direct application for insurance, and to make claims and sign claim forms to the same extent as the insured could;

"(F) if the individual who owes such obligation is securing the insurance, such individual shall provide, within 30 days of the order, written proof to the individual owed such obligation and the State child support enforcement agency that insurance has been obtained or an application made for insurance, and the date the insurance coverage is to take effect;

"(G) each welfare benefit plan operating under the laws of the State is required to include in such plan that—

"(i) the employer or union shall release to the individual owed such obligation or the State child enforcement agency, upon request, information on the dependent coverage including the name of the insurer,

"(ii) the employer or union or insurer shall provide all necessary reimbursement forms to such individual, and

"(iii) the employer or union shall provide claim forms and enrollment cards to the such individual and honor the signature of such individual on the claim form;

"(H) courts shall quantify 'reasonable cost' in the order providing for medical support; and

"(I) employers located in the State are required to provide notice, using an address provided by the State child support enforcement agency, to the custodial parent for children of any termination or change in benefit of an insurance plan under which children in the parent's care are covered.".

SEC. 422. BANKRUPTCY.

(a) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (12) the following new paragraph:

"(12a) 'debt for child support' means a debt to a child for maintenance for or support of the child within the meaning of section 523(a)(5).".

(b) EXCEPTION FROM AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended—

(1) by inserting "(A)" after "(2);

(2) by adding "or" after the semicolon; and

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

"(B) under subsection (a), of the commencement or continuation of a civil action or administrative proceeding against the debtor—

"(i) to establish parentage;

"(ii) to establish, review, adjust, or modify a judgment or order creating a debt for child support; or

"(iii) to enforce or collect on a judgment or order issued in such an action or proceeding;".

(c) TREATMENT OF DEBT FOR CHILD SUPPORT IN PROCEEDINGS UNDER CHAPTERS 11, 12, AND 13.—

(1) CHAPTER 11.—Section 1123(a) of title 11, United States Code, is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(8) provide for the full payment when due of debts for child support, unless the parent in custody or guardian of the child agrees otherwise.".

(2) CHAPTER 12.—Section 1222(a) of title 11, United States Code, is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) provide for the full payment when due of debts for child support, unless the parent in custody or guardian of the child agrees otherwise.".

(3) CHAPTER 13.—Section 1322(a) of title 11, United States Code, is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) provide for the full payment when due of debts for child support, unless the parent in custody or guardian of the child agrees otherwise.".

(d) ASSERTION OF CLAIM FOR CHILD SUPPORT.—

(1) IN GENERAL.—Subchapter I of chapter 5 of title 11, United States Code, is amended by adding at the end the following new section:

"§ 511. Assertion of claim for child support

"(a) IN GENERAL.—A claim for payment of a debt for child support may be asserted by the filing of a claim form that describes the debt.

"(b) FEE.—No fee shall be charged for the filing of a claim described in subsection (a).

"(c) REQUIREMENTS FOR APPEARANCE.—A claim described in subsection (a) may be made in any court by a person appearing—

"(1) in proper person; or

"(2) through an attorney admitted to practice in any district court, without the attorney's being required to meet any admission requirements other than those applicable in the district in which the attorney is admitted to practice.".

(2) BANKRUPTCY RULES.—Pursuant to section 2705 of title 28, United States Code, the Bankruptcy Rules shall be amended as necessary to implement section 511 of title 11, United States Code, as added by paragraph (1); until the Bankruptcy Rules are so amended, any provision of the Bankruptcy Rules or the rules of any court that is inconsistent with that section is superseded by that section.

(e) CLARIFICATION OF THE NONDISCHARGEABILITY OF STATE PUBLIC DEBTS AND ASSIGNED CHILD SUPPORT BASED ON THE PROVISION OF EXPENDITURES UNDER PARTS A AND E OF TITLE IV OF THE SOCIAL SECURITY ACT.—Section 523 of title 11, United States Code, is amended by adding at the end the following new subsection:

"(f) For the purposes of subsection (a)(5), a debt to a child of the debtor for maintenance for or support of the child includes State public debts and assigned child support based on the provision of expenditures under parts A and E of title IV of the Social Security Act (43 U.S.C. 401 et seq. and 470 et seq.).".

SEC. 423. FEDERAL GOVERNMENT COOPERATION IN ENFORCEMENT OF SUPPORT OBLIGATIONS OF MEMBERS OF THE ARMED FORCES AND OTHER PERSONS ENTITLED TO PAYMENTS BY THE FEDERAL GOVERNMENT.

(a) AVAILABILITY OF CURRENT LOCATOR INFORMATION.—The Secretary of Defense shall prescribe regulations providing for each worldwide personnel locator service of the Armed Forces and each installation personnel locator service of the Armed Forces—

(1) to include the residential address of each member of the Armed Forces listed in such service;

(2) in the case of a change of duty station or residential address of a member so listed, to be updated with regard to the residential address of the member within 30 days after the change of duty station or residential address; and

(3) to make the information regarding the member's residential address available, on request, to any authorized person (as defined in section 453(c) of the Social Security Act (42 U.S.C. 653(c)) for the purposes of part D of title IV of such Act.

(b) FACILITATING THE GRANTING OF LEAVE FOR ATTENDANCE AT HEARINGS.—

(1) REGULATIONS REQUIRED.—The Secretary of each military department shall prescribe regulations to facilitate the granting of leave to a member of the Armed Forces under the jurisdiction of that Secretary when necessary for the member to attend a hearing of a Court that is conducted in connection with a civil action—

(A) to determine whether the member is a natural parent of a child; or

(B) to determine an obligation of the member to provide child support.

(2) WAIVER AUTHORITY.—The regulations may authorize a waiver of the applicability of the regulations to a member of the Armed Forces when—

(A) the member is serving in an area of combat operations; or

(B) such a waiver is otherwise necessary in the national security interest of the United States.

(3) DEFINITIONS.—In this section:

(A) The term "Court" has the meaning given such term in section 1408(a) of title 10, United States Code.

(B) The term "child support" has the meaning given such term in section 462 of the Social Security Act (42 U.S.C. 662).

(c) PAYMENT OF MILITARY RETIRED PAY IN COMPLIANCE WITH COURT ORDERS.—

(1) DATE OF CERTIFICATION OF COURT ORDER.—Section 1408 of title 10, United States Code, is amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following new subsection (h):

"(h) CERTIFICATION DATE.—It is not necessary that the date of a certification of the authenticity or completeness of a copy of a court order for child support received by the Secretary concerned for the purposes of this section be recent in relation to the date of receipt.".

(2) PAYMENTS CONSISTENT WITH ASSIGNMENTS OF RIGHTS TO STATES.—

(A) AUTHORITY.—Subsection (d)(1) of such section is amended by inserting after the first sentence the following: "In the case of a spouse or former spouse who, pursuant to section 402(a)(26) of the Social Security Act (42 U.S.C. 602(26)), assigns to a State the rights of the spouse or former spouse to receive support, the Secretary concerned may make the child support payments referred to in the preceding sentence to that State in amounts consistent with the assignment of rights.".

(B) RULE OF CONSTRUCTION.—Subsection (c)(2) of such section is amended—

(i) by inserting after the first sentence the following: "The second sentence of subsection (d)(1) shall not be construed to create any such right, title, or interest.";

(ii) by inserting "(A)" after "(2)"; and

(iii) by designating the last sentence as subparagraph (B).

(3) ARREARAGES OWED BY MEMBERS OF THE UNIFORMED SERVICES.—Part D of title IV (42 U.S.C. 651 et seq.) is amended by inserting after section 465 the following new section:

"SEC. 465A. PAYMENT OF CHILD SUPPORT ARREARAGES OWED BY MEMBERS OF THE UNIFORMED SERVICES.

"Any authority, requirement, or procedure provided in this part or section 1408 of title 10, United States Code, that applies to the payment of child support owed by a member of the uniformed services (as defined in section 101 of title 37, United States Code) shall apply to the payment of child support arrearages as well as to amounts of child support that are currently due.".

SEC. 424. UIFSA ENDORSEMENT.

Section 466 (42 U.S.C. 666) is amended by adding at the end the following new subsection:

"(f) In order to satisfy section 454(20)(A), each State must have in effect laws which adopt without material change by January 1, 1996, the officially approved version of the Uniform Interstate Family Support Act adopted by the National Conference of Commissioners on Uniform State Laws and approved by the American Bar Association House of Delegates on February 9, 1993.".

TITLE V—COLLECTION AND DISTRIBUTION

SEC. 501. PRIORITY OF DISTRIBUTION OF COLLECTIONS.

(a) STATE DISTRIBUTION PLAN.—Section 457 (42 U.S.C. 657) is amended by adding at the end the following new subsection:

"(e) The amounts collected as support by a State pursuant to a plan approved under this part during any fiscal year beginning after September 30, 1994 (except amounts collected through a tax refund offset), shall (subject to subsection (d) be distributed as follows:

"(1) To a current month's child support obligation.

"(2) After the fulfillment of the current month's obligation, to debts owed the family (other than obligations under this title); if any right to child support were assigned to the State, then all arrearages that accrued after the child no longer received assistance under this title are to be distributed to the family; States may include any preassignment family-debt arrearages at this priority level.

"(3) To reimburse the State making the collection for any assistance payments made to the family (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing).

"(4) To reimburse other States for payments described in paragraph (3) (in the order in which such payments occurred). The collecting State shall continue to enforce the order until all such payments have been reimbursed and to transmit the collections and identifying information to the other State.".

(b) STUDY AND PILOT PROJECTS.—The Comptroller General of the United States (hereafter in this subsection referred to as the "Comptroller General") shall analyze the

existing child support distribution system under section 457 of the Social Security Act and authorize pilot projects for the distribution of arrearages in the following order:

(1) Application of all support collected first to a current month's child support obligation.

(2) Application of funds collected in excess of the amount of the current month's obligation to debts owed the family (other than obligations under this title).

(3) Using funds collected in excess of the debts to the family and in excess of the amount of the current support obligation, to reimburse the State making the collection for any assistance payments made to the family (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing).

(4) Using funds collected in excess of the current month's support obligation after the debt to the family and the collecting State have been satisfied, to reimburse other States for payments described in paragraph (3) (in the order in which such payments occurred). The collecting State shall continue to enforce the order until all such payments have been reimbursed and to transmit the collections and identifying information to the other State.

(5) Subject to paragraph (6), the priority of distribution of interest shall reflect the distribution priority for the child support installment or the title IV of the Social Security Act grant on which the interest accrued.

(6) A State's right to retain interest on assigned support is limited to the grant amount paid by that State. All additional interest is to be distributed to the individual owed such support.

The pilot projects shall be awarded to States that allow for the indefinite tolling of the statute of limitations on debts under title IV of the Social Security Act and are not governed by Federal case law that allows for the dischargeability of such debts in bankruptcy. In analyzing each pilot project a cost-benefit analysis, a welfare-medicaid-food stamp cost-avoidance analysis, and an analysis of the family impact including a present value dollar valuation of the distribution scheme shall be reported to the Comptroller General. The Comptroller General shall report the results of the study and pilot projects to the Congress.

(c) REVISION OF FEDERAL INCOME TAX REFUND OFFSET.—Section 6402 of the Internal Revenue Code of 1986 (relating to authority to make credits or refunds) is amended—

(1) by striking "after any other reductions allowed by law (but before" in subsection (c) and inserting "before any other reductions allowed by law (and before", and

(2) by striking "with respect to past-due support collected pursuant to an assignment under section 402(a)(26) of the Social Security Act" in subsection (d).

(d) FIFTY-DOLLAR DISREGARDED FOR ALL MEANS-TESTED PROGRAM.—Section 457(b)(1) (42 U.S.C. 657(b)(1)) is amended by inserting "under this part or under any other Federal program which determines eligibility for assistance or amount of such assistance based on the income or assets of the applicant for or recipient of such assistance" after "during such month".

(e) FILL-THE-GAP POLICIES ENCOURAGED.—The Secretary of Health and Human Services shall, upon request by any State, grant a waiver under section 1115(a)(1) of the Social Security Act with respect to the date limitations under section 402(a)(28) of such Act.

SEC. 502. RELATIONSHIP OF AFDC TO CSE—LIMITING REIMBURSEMENT CLAIMS TO AWARD AMOUNT.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 421, is amended by inserting after paragraph (31) the following new paragraph:

"(32) Procedures under which any claims for the child's portion of the assistance under this title such State may have against a noncustodial parent shall be limited to the amount specified as child support under a court or administrative order.".

SEC. 503. FEES FOR NONAFDC CLIENTS.

Clause (ii) of section 454(6)(E) (42 U.S.C. 654(6)(E)) shall be amended to read as follows:

"(ii) at the option of the State, from any individual other than the custodial parent;".

SEC. 504. COLLECTION AND DISBURSEMENT POINTS FOR CHILD SUPPORT.

Section 454 (42 U.S.C. 654), as amended by section 301, is amended by striking "and" at the end of paragraph (25), by striking the period at the end of paragraph (26) and inserting "; and", and by inserting after paragraph (26) the following new paragraph:

"(27) provide either one central, statewide collection, accounting, and disbursement point for cases under this part or several local or regional collection and disbursement points throughout the State for all cases.".

TITLE VI—FEDERAL ROLE

SEC. 601. PLACEMENT AND ROLE OF THE FEDERAL CHILD SUPPORT AGENCY.

Section 452(a) (42 U.S.C. 652(a)), as amended by section 403 is amended—

(1) by striking "under the direction of a designee of the Secretary" and inserting "to be known as the Office of Child Support Enforcement, under the direction of an assistant secretary appointed by the President with the advice and consent of the Senate";

(2) by inserting "using a methodology that reflects cost-avoidance as well as cost-recovery" after "the States and the Federal Government" in paragraph (10)(A);

(3) by inserting ", including a separate legal counsel for the Office" after "Enforcement" in paragraph (10)(B);

(4) by redesignating subparagraphs (H) and (I) of paragraph (10) as subparagraphs (I) and (J) of such paragraph, respectively, and by inserting after subparagraph (G) of such paragraph the following new subparagraph:

"(H) the budgetary allocation of the $50 pass through equally between part A and this part;"; and

(5) by striking "and" at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting "; and", and by inserting after paragraph (14) the following new paragraph:

"(15) initiate and actively pursue with other Federal agencies, coordinated efforts on Federal legislation.".

SEC. 602. TRAINING.

(a) FEDERAL TRAINING ASSISTANCE.—Section 452(a)(7) (42 U.S.C. 652(a)(7)) is amended by inserting "and training" after "technical assistance"

(b) STATE TRAINING PROGRAM.—Section 454 (42 U.S.C. 654), as amended by section 504, is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting "; and", and by inserting after paragraph (27) the following new paragraph:

"(28) provide that the State will develop and implement a training program which provides training no less than annually to all personnel providing functions under the State plan.".

(c) REPORT.—Section 452(a)(10) (42 U.S.C. 652(a)(10)), as amended by section 601, is amended by redesignating subparagraphs (I) and (J) as subparagraphs (J) and (K), respectively, and by inserting after subparagraph (H) the following new subparagraph:

"(I) the training activities at the Federal and State levels, the training audit, and the amount of funds expended on training;".

SEC. 603. STAFFING.

Section 452(a) (42 U.S.C. 652(a)), as amended by section 601, is amended by striking "and" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting "; and", and by inserting after paragraph (15) the following new paragraph:

"(16) conduct staffing studies for each State child support enforcement program, including each agency and court involved in the child support process, and report such results to the Congress and State officials.".

SEC. 604. FUNDING AND INCENTIVES FOR CHILD SUPPORT AGENCIES.

(a) STUDY.—The Comptroller General of the United States shall study the incentive formula under section 458 of the Social Security Act (42 U.S.C. 458) and investigate the feasibility, costs, and benefits of the following:

(1) Encouraging States to centralize functions at the State level.

(2) Abolishing minimum incentives to States as well as the requirement that incentive funds be passed to local child support enforcement agencies.

(3) Exploring incentive formula that are based on increases in FFP for States that exceed performance criteria instead of the present percentage of collections formula.

(4) Promoting quality control.

(5) Providing financial incentives for the enforcement of health-care expenses.

(6) Providing for a Federal incentive formula that would include tying incentive amounts to performance criteria that include total collections as a denominator (not solely the amount of AFDC collections) and which are not solely based on cost-benefit criteria alone.

(b) REPORT.—The Comptroller General of the United States shall report the results of the study described in subsection (a) to the Congress not later than 1996.

SEC. 605. CHILD SUPPORT DEFINITION.

(a) IN GENERAL.—Section 452 (42 U.S.C. 652) is amended by adding at the end the following new subsection:

"(j) For purposes of this part, the term 'child support' includes periodic and lump sum payments for current and past due economic support, payments of premiums for health insurance for children, payments for or provision of child care, and payments for educational expenses.".

(b) CONFORMING AMENDMENT.—Section 462(b) (42 U.S.C. 662(b)) is amended—

(1) by inserting "and lump sum" after "periodic", and

(2) by inserting "child care," after "clothing,".

SEC. 606. AUDITS.

(a) STUDY.—The Secretary of Health and Human Services shall contract for a study of the audit process of the Office of Child Support Enforcement to develop criteria and methodology for auditing State child support enforcement agencies established under part D of title IV of the Social Security Act. The study shall be designed to result in improvements to the auditing process that include—

(1) reduction in the resources required to perform the audit,

(2) simplified procedures for States to follow in obtaining samples,

(3) the feasibility of sampling cases for needed action as opposed to the present

audit methods that require sampling plans for each audit criteria, and

(4) a more timely audit period of review.

The study shall also be designed to determine a penalty process that focuses on improving the delivery of child support services and not harming families, specifically a penalty that is not tied to the reduction of funds available to the States to provide payments under the Aid to Families with Dependent Children program. Such a plan should include the escrowing of funds withheld as penalties for use by States in a federally approved program improvement.

(b) REPORT.—The Secretary of Health and Human Services shall report the results of the study described in subsection (a) to the Congress not later than 90 days after completion of the study.

(c) CONTINUATION OF OCSE'S AUDIT REVIEW.—From the date of the report described in subsection (b), the audit review of the Office of Child Support Enforcement shall be limited to cases open on such date and cases closed within 180 days before such date, unless there is a specific need for a longitudinal review of State agency case handling that includes cases that have been closed for more than 180 days. The criteria for longitudinal reviews shall be established by regulation by the Secretary of Health and Human Services. The Office of Child Support Enforcement shall continue to impose timeframes for implementation and audit standards for each mandated function under part D of title IV of the Social Security Act.

SEC. 607. CHILD SUPPORT ASSURANCE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—In order to encourage States to provide a guaranteed minimum level of child support for every child not receiving such support, the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall make grants to not less than 6 States to conduct demonstration projects for the purpose of establishing or improving a system of assured minimum child support payments in accordance with this section.

(b) CONTENTS OF APPLICATION.—An application for grants under this section shall be submitted by the Governor of a State and shall—

(1) contain a description of the proposed child support assurance project to be established, implemented, or enhanced using amounts provided under this section, including the specific activities to be undertaken and the agencies that will be involved;

(2) specify whether the project will be carried out throughout the State or in limited areas of the State;

(3) estimate the number of children who will be eligible for assured minimum child support payments under the project, and the amounts to which such children will be entitled on average as individuals and in the aggregate;

(4) describe the child support guidelines and review procedures which are in use in the State and any expected modifications;

(5) contain a commitment by the State to carry out the project during a period of not less than 3 fiscal years beginning with fiscal year 1994;

(6) specify the extent to which the State has implemented (or will implement during the duration of the project) major enforcement initiatives, such as central registries, centralized administration, automated computer systems, administrative law systems, universal wage withholding, updating of orders, access to State data bases, legal procedures for paternity establishment (including in-hospital paternity establishment), and enforcement tools;

(7) specify the current relative quality of the State enforcement system as compared to other States, including the ratio of collections to accounts receivables for the immediate past year, the ratio of collections to accounts receivables for all past years, the ratio of collections to administrative expenditures, and the paternity establishment rate;

(8) provide assurances that the State performance meets or exceeds the national median paternity establishment rate (as defined in section 452(g)(2) of the Social Security Act) and provide assurances the State will continue to improve its performance in the number of cases in which—

(A) paternity is established,

(B) child support orders are collected, and

(C) child support collections are made; and

(9) contain such other information as the Secretary may require by regulation.

(c) USE OF FUNDS.—A State shall use amounts provided under a grant awarded under this section to carry out a child support assurance project designed to provide a minimum monthly child support benefit for each child in the State to the extent that such minimum child support is not paid in a month by the noncustodial parent.

(d) REQUIREMENTS.—(1) A child support assurance project funded under this section shall provide that—

(A) the custodial parent is eligible for the assured child support benefit if—

(i) such parent establishes paternity and has a child support order established;

(ii) more than 1 year has passed since such parent applied, in writing to the State for the establishment of paternity and a child support order and has complied with the requirements of paragraph (3), but neither paternity nor a child support order has been established due to circumstances beyond the control of the parent; or

(iii) with respect to the custodial parent, the danger of physical abuse of such parent is shown;

(B) the assured child support benefit shall be paid promptly to the custodial parent at least once a month and shall be offset and reduced to the extent that the custodial parent receives child support in a month from the noncustodial parent; and

(C) in the event that the family as a whole becomes ineligible for Aid to Families With Dependent Children under part A of title IV of the Social Security Act due to consideration of assured child support benefits, the continuing eligibility of the caretaker for Aid to Families With Dependent Children under such title shall be calculated without consideration of the assured child support benefit.

(2) For purposes of this section, the term "child" means an individual who is of such an age, disability, or educational status as to be eligible for child support as provided by the law of the State in which such individual resides.

(3) The requirements of this paragraph are as follows:

(A) Provide the name of the alleged father.

(B) Provide sufficient information to verify the identity of the person named, including the present address of the person, the past or present place of employment of the person, the past or present school attended by the person, the name and address of the person's parents, friends or relatives that can provide location information for the person, the telephone number of the person, the social security number of the person, the date of birth of the person, or other information that, if reasonable efforts were made by the State, could lead to identify a particular person to be served with process.

(C) Continue to provide all other relevant information that the applicant has that may be requested by the State.

(D) Appear at required interviews, conference hearings or legal proceedings, if notified in advance and an illness or emergency does not prevent attendance.

(E) Submit (along with the child) to genetic tests.

(4) For purposes of this section, the term "circumstances beyond the control of the parent" includes—

(A) failure of the State to make reasonable and timely efforts to locate the noncustodial parent,

(B) instances in which the noncustodial parent cannot be located despite the State's reasonable efforts because the noncustodial parent has disappeared or moved out of the country,

(C) instances in which the noncustodial parent has been located but the State has failed to serve such parent with the legal papers,

(D) cases in which the State or courts have failed to complete the legal process to establish paternity or set an award, and

(E) other cases in which the State's or court's action or inaction has resulted in the failure to establish paternity or set an award.

(e) CONSIDERATION AND PRIORITY OF APPLICATIONS.—The Secretary shall consider all applications received from States desiring to conduct demonstration projects under this section and shall approve the 6 applications which appear likely to contribute significantly to the achievement of the purpose of this section. In selecting States to conduct demonstration projects under this section, the Secretary shall consider geographic diversity, variety in types of support guideline models used, and variation in population of the applicants.

(f) EVALUATION AND REPORTS.—(1) Each State that conducts a demonstration project under this section shall, as a part of such demonstration project, conduct an interim and a final evaluation of the effectiveness of the demonstration project and shall submit an interim and final report to the Secretary concerning the results of the evaluation and any improvements in child support enforcement.

(2) The evaluation and report submitted by a State to the Secretary shall analyze and describe (in such a manner as prescribed by the Secretary)—

(A) the impact of the child support assurance project on the economic and noneconomic well-being of children and adults in both custodial and noncustodial households;

(B) the work force participation rates of both custodial and noncustodial parents as a result of participation in the child support assurance project;

(C) the impact of the child support assurance project on Aid to Families With Dependent Children participation rates, grants, and funding levels;

(D) the impact of the child support assurance project on paternity establishment;

(E) a comparison of enforcement effectiveness in intrastate and interstate cases;

(F) administrative policies and laws of the Federal Government and the State or a political subdivision of the State, identified by the State as impediments to the implementation of child support assurance;

(G) the measures that the State has taken to implement the project and the lessons learned therefrom by the State; and

(H) any other relevant items as the Secretary may require.

(g) DURATION.—A demonstration project conducted under this section shall be commenced not later than fiscal year 1994 and shall be conducted for not less than 3 and not more than 5 consecutive fiscal years, except that the Secretary may terminate a project before the end of such period if the Secretary determines that the State conducting the project is not in substantial compliance with the terms of the application approved by the Secretary under this section.

(h) COST SAVINGS RECOVERY.—The Secretary shall develop a methodology to identify any State cost savings realized in connection with the implementation of a child support assurance project conducted under this section. Any such savings realized as a result of the implementation of a child support assurance project shall be utilized for child support enforcement improvements or expansions and improvements in the Aid to Families With Dependent Children Program conducted under part A of title IV of the Social Security Act within the participating State, and Federal expenditures for such project within the State shall be reduced in proportion to any such savings.

(i) EVALUATION AND REPORT TO CONGRESS.—Three and 5 years after commencement of the first State child support assurance project, the Secretary shall conduct an evaluation of each such project and submit a report to the Committee on Finance and the Committee on Labor and Human Resources of the Senate, and the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives concerning the effectiveness of the child support assurance projects funded under this section. Such report shall analyze the reports received by the Secretary under subsection (f) from each participating State and shall compare the effects of different types of child support guidelines.

(j) RESTRICTIONS ON MATCHING AND USE OF FUNDS.—(1) A State conducting a demonstration project under this section shall be required—

(A) except as provided in paragraph (2), to provide not less than 15 percent of the total amounts expended in each calendar year of the project to pay the costs associated with the project funded under this section; and

(B) to maintain its level of expenditures for child support collection, enforcement, and payment at the same level, or at a higher level, than such expenditures were prior to such State's participation in a demonstration project provided by this section.

(2) A State participating in a demonstration project under this section may provide no less than 10 percent of the total amounts expended to pay the costs associated with the project funded under this section in years after the first year such project is conducted in a State if the State meets the improvements specified in subsection (b)(6).

(k) TREATMENT OF CHILD SUPPORT BENEFIT.—Any assured child support benefit received by an individual under this section shall be considered child support for purposes of the Internal Revenue Code of 1986.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated and are appropriated such sums as may be necessary in each of the fiscal years 1994, 1995, 1996, 1997, and 1998, to carry out the purposes of this section.

TITLE VII—STATE ROLE

SEC. 701. PROHIBITION OF RESIDENCY REQUIREMENT FOR IV-D SERVICES.

Section 454 (42 U.S.C. 654), as amended by section 602, is amended by striking "and" at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting "; and", and by inserting after paragraph (28) the following new paragraph:

"(29) provide that an applicant may not be denied services under the plan solely because of the applicant's nonresidency in that State.".

SEC. 702. ADVOCATING FOR CHILDREN'S ECONOMIC SECURITY.

Section 454 (42 U.S.C. 654), as amended by section 701, is amended by striking "and" at the end of paragraph (28), by striking the period at the end of paragraph (29) and inserting "; and", and by inserting after paragraph (29) the following new paragraph:

"(30) provide that the State agency administering the plan shall advocate to promote the greatest economic security possible for children, within the ability of the individual who owes a child support obligation to pay such obligation.".

SEC. 703. DUTIES OF IV-D AGENCIES.

Section 454 (42 U.S.C. 654), as amended by section 702, is amended by striking "and" at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting "; and", and by inserting after paragraph (30) the following new paragraph:

"(31) provide that the State agency administering the plan shall provide to all custodial parents—

"(A) a written description of available services and a statement articulating the priority of distribution and the degree of confidentiality of information;

"(B) a statement that before the agency consents to a dismissal with prejudice or a reduction of arrearages, the agency shall provide notice to the last known address at least 30 days before dismissal;

"(C) written quarterly reports on case status;

"(D) a statement that services under this part are mandatory if an individual is determined eligible under part A; and

"(E) a statement that while eligibility under part A is being determined, an applicant is eligible for services under this part and all application fees are deferred pending such determination.".

SEC. 704. BROADER ACCESS TO SERVICES.

It is the sense of the Congress that State and local child support enforcement agencies should provide—

(1) offices in easily accessible locations near public transportation,

(2) office hours that allow parents to meet with attorneys and caseworkers without taking time off from work, and

(3) office environments conducive to discussion of legal and personal matters in privacy (e.g., individual interview rooms and child care facilities).

SEC. 705. PROCESS FOR CHANGE OF PAYEE IN IV-D CASES.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 502, is amended by inserting after paragraph (32) the following new paragraph:

"(33) Procedures under which a change in payee may not require a court hearing or order to take effect and may be done administratively, as long as a statement by an agency official is included in the court or administrative file documenting the change.".

TITLE VIII—EFFECTIVE DATE

SEC. 801. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect on and after January 1, 1996.

INTERSTATE CHILD SUPPORT ENFORCEMENT ACT—SHORT SUMMARY

PATERNITY ESTABLISHMENT

1. Mandates hospital-based paternity acknowledgment programs.

2. Mandates voluntary paternity establishment processes.

3. Mandates state parentage outreach programs.

LOCATE NON-CUSTODIAL PARENTS

1. Changes the federal W-4 form to provide for a new line on which new hires have to note whether or not they are the subjects of a support order, and if so, whether that order requires wage withholding.

2. Requires every employer to submit a copy of every new employee's W-4 form to his state's child support enforcement agency.

3. Establishes a national computer network connecting information held in the states and requires that the W-4 information be broadcast over this national network in order to match information against an abstract of outstanding support orders in the various states to identify non-custodial parents who are sought for parentage or child support.

SUPPORT ORDER ESTABLISHMENT

Expands long-arm statutes in every state to allow states to reach out and assert jurisdiction over non-resident parents.

ENFORCEMENT TECHNIQUES

1. Suspends driver's and professional licenses of parents who do not pay child support.

2. Increases the use of credit reporting, liens on tangible property, interception of lottery winnings, lawsuit settlements and other awards.

3. Uses more actively the fraudulent conveyance laws to invalidate transfers of assets that were made to avoid paying child support.

4. Requires all states to make it a state crime to willfully fail to pay child support.

STAFFING AND TRAINING

Encourages staffing studies and training assistance from the federal government to the states.

LEGISLATIVE SUMMARY—INTERSTATE CHILD SUPPORT ENFORCEMENT ACT

TITLE I—LOCATE AND CASE TRACKING

Sec. 101. Expansion of the use of the Federal parent locator system

Allows the Federal Parent Locator System to be used for the purposes of parentage establishment, child support establishment, modification and enforcement, and child visitation enforcement, provided that safeguards are in place to prevent release of information when it may jeopardize the safety of the children or either parent.

Sec. 102. Expansion of data bases accessed by parent locator systems

(1) Allows the Federal Parent Locator System access to the quarterly estimated Federal income tax returns filed by individuals with the IRS.

(2) Requires the states to have in place procedures under which the state agency responsible for child support enforcement shall have automated on-line or batch access to information regarding residential addresses,

employers and employer addresses, income and assets, and medical insurance benefits of absent parents. Data bases to which the state child support agency shall have access include: (a) the state revenue or taxation department; (b) the state motor vehicle registration department; (c) the state employment security department; (d) the state crime information system; (e) the State bureau of corrections; (f) the state recreational, occupational, and professional licensing department; (g) the Secretary of State's office; (h) the State bureau of vital statistics; (i) state or local agencies administering public assistance; (j) state or local real and personal property record departments; (k) publicly regulated utility companies located in the state; (l) credit reporting agencies located in the state; and; (m) trade and labor unions located in the State.

(3) Requires the States to maintain child support order registries.

Sec. 103. Expansion of access to national network for location of parents

(1) Requires the Department of Health and Human Services, through the Office of Child Support Enforcement to expand the Federal Parent Locator System to provide for a national network which allows states to: (i) access the records of other state agencies and federal sources of locate information; (ii) access the files of other states to determine whether there are other child support orders and obtain the details of those orders; (iii) process locate requests; and (iv) direct locate requests to individual states or Federal agencies, broadcast requests to selected states, or broadcast cases to all states when the source of needed information is not known.

Sec. 104. Private attorney access to locate and enforcement services

Requires that private attorneys and pro se obligees be allowed access to state locate resources, tax refund offsets and other public enforcement techniques for the limited purpose of locating individuals for parentage establishment, child support establishment, modification and enforcement of orders, and enforcement of visitation orders with appropriate privacy safeguards for the information provided.

Sec. 105. Access of law enforcement systems of records

Requires the heads of the National Criminal Information Center, the National Law Enforcement Telecommunications Network, and any other national or regional systems for tracking individuals to allow access to information held to federal, state and local child support agencies.

Sec. 106. State networks for broadcasting warrants

(1) Requires the states to broadcast on their local and state crime information systems failure-to-appear warrants, capiases, and bench warrants issued by courts in civil and criminal parentage and child support cases in their states.

(2) If a defendant posts security after being arrested, requires the states to remit any subsequent forfeiture to the child support obligee to the extent of any child support arrearage.

TITLE II—ESTABLISHMENT

Sec. 201. Jurisdiction, service of process and full faith and credit

(1) Makes a Congressional finding that child-state jurisdiction is consistent with the Due Process clause of the Fifth and Fourteenth Amendments, Section 5 of the Fourteenth Amendment, the Commerce Clause, the General Welfare Clause, and the Full Faith and Credit Clause of the U.S. Constitution.

(2) Requires the states to promulgate procedures under which the states shall treat out-of-state service of process in parentage and child support actions in the same manner as in-state service of process.

(3) Requires the states to provide for service of process outside a state by: (i) personal delivery according to the law relating to in-state service of process; (ii) personal delivery according to the law of the state in which the service is made; (iii) by mail, subject to the Rules of Civil Procedure of the state serving process; (iv) other means of notification which are consistent with state rules of civil procedure.

(4) Requires the states to recognize and enforce parentage and child support orders including on-going orders of other states where jurisdiction was properly asserted.

(5) Allows a state court to modify the parentage or child support order of a court of another state only: (1) if it has jurisdiction to make such order and (2) the court of the other state no longer has continuing, exclusive jurisdiction because (a) the other state no longer is the child's state or the resident of any contestant; (b) after notice and hearing, the court of the other state has declined in writing to exercise its jurisdiction to modify the order; or (c) all the parties consent to the exercise of jurisdiction by the forum court.

Sec. 202. Service of process on Federal employees and members of the Armed Forces relating to child support, alimony and parentage obligations

Requires the heads of each federal military agency to designate an agent for receipt of service of process of a child support action for any employee or member of the armed services of such agencies.

Sec. 203. Presumed address of obligor and obligee

(1) Requires that parents' identification and locate information be left with the state court adjudicating parentage and child support actions.

(2) Requires the states to create a presumption that, for the purposes of providing sufficient notice in any child support-related action other than the initial notice in an action to adjudicate parentage or establish a child support order, the last residential address of the party given to the appropriate agency or court is the current address of the party.

Sec. 204. Notification to custodial parents

(1) Requires state child support agencies to notify custodial parents in a timely fashion of all hearings in which child support obligations might be established or modified.

(2) Requires state child support agencies to provide custodial parents with a copy of any order that establishes or modifies a child support obligation within 14 days of the issuance of such order.

Sec. 205. State uniformity regarding establishment of parentage and support, jurisdiction and venue, and Federal employee residential status

(1) Requires the states to allow parties seeking both parentage adjudication and child support establishment in a judicial proceeding to bring a joint action in a single cause of action.

(2) Requires the states to provide for venue for parentage adjudication in the county of residence of the child when the child and alleged parent who is the defendant reside in different counties within the state.

(3) Requires the states to mandate that a state court or agency that issues a parentage or child support order has continuing and exclusive jurisdiction over a child support case until that court or agency transfers jurisdiction to another court or agency that has jurisdiction in the county where the child resides, or the parties consent to be bound by the appropriate court or agency that has jurisdiction.

(4) Requires the states to provide for transfers of cases to the city, county, or district where the child resides for purposes of enforcement and modification, without the need for refiling by the plaintiff or re-serving the defendant.

(5) Requires the state child support agencies or state courts that hear child support claims to exert stateside jurisdiction over the parties and allow the child support orders to have statewide effect for enforcement purposes.

(6) Requires the states to make clear that visitation denial is not a defense to child support enforcement and the defense of nonsupport is not available as a defense when visitation is at issue.

Sec. 206. Fair Credit Reporting Act amendments

Allows state child support agencies to access and use credit reporting agencies for the purposes of obtaining information relevant to the setting of an initial or modified support order, without the necessity of obtaining a court order to authorize access.

Sec. 207. National child support guideline commission

Creates a National Child Support Guidelines Commission no later than 1994, for the purpose of studying the desirability of national child support guidelines.

Sec. 208. State child support guideline principles

(1) Requires the states in promulgating their child support guidelines to make the application of the guidelines a sufficient reason for modification of a child support obligation without the necessity of showing any other change in circumstances.

(2) Requires state guidelines to provide that any custodial parent requesting a review of a child support award who is not receiving AFDC must agree to both review and modification of a child support order in IV-D cases. To ensure that IV-D agency resources are used effectively and that parents' rights are protected, the agency should notify the custodial parent of the time for a review and of the right to request an "opt-out."

(3) Requires that state child support guidelines take into account work-related or job-training related child care expenses of either parent or the children of these parents, health insurance and related uninsured health care expenses, and extraordinary school expenses incurred on behalf of the child of these parents.

Sec. 209. Duration of support

(1) Requires the states to provide for a continuing support obligation by one or both parents until the date upon which a child reaches the age of 18 or graduates from or is no longer enrolled in secondary school or its equivalent, whichever is later. The support order would also cease when a child marries or is otherwise emancipated by a court of competent jurisdiction.

(2) Requires the states give their courts discretionary power to order: (i) child support payable at least up to the age of 22 for a child enrolled in an accredited post-secondary school or vocational school or college and who is a student in good standing; (ii)

child support from either or both parents to pay post-secondary school support based on each parent's financial ability to pay.

(3) Requires the states to provide for the continuation of child support beyond the child's age of majority provided the child is disabled and unable to be self-supportive, and the disability arose during the child's minority.

(4) Requires the state courts to consider the effect of child support received on means-tested governmental benefits and whether to credit governmental benefits against a support award amount.

Sec. 210. National subpoena duces tecum

(1) Requires the Office of Child Support Enforcement to draft and distribute to local and state child support agencies a national subpoena duces tecum with nation-wide reach to reach income information pertaining to all private, federal, state, and local government employees.

(2) Requires that the scope of the subpoena be limited to the prior 12 months of income.

(3) Provides that payors may honor the subpoena by timely mailing the information to a supplied address on the subpoena.

(4) Provides that the information provided pursuant to the subpoena shall be admitted once offered to prove the truth of the matter asserted.

(5) Requires the Office of Child Support Enforcement to establish a simplified certification process and admissibility procedure for out-of-state documents in parentage or child support cases.

Sec. 211. Uniform terms in orders

(1) Requires the Department of Health and Human Services to develop a uniform abstract of a child support order to be used by all states to record the facts of a child support order in a registry of child support orders.

(2) Requires that the uniform abstract of a child support order include: (a) the date that support payments are to commence; (b) the circumstances upon which support payments are to terminate; (c) the amount of current child support expressed as a sum certain as of a certain date, and any payback schedule for the arrearages; (d) whether the support award is in a lump sum (nonallocated) or per child; (e) if the award is lump sum, the event causing a change in the support award and the amount of any change; (f) other expenses, such as those for child care and health care; (g) names of the parents; (h) social security numbers and dates of birth of the parents; (i) names of all children covered by the order; (j) dates of birth and social security numbers of children covered by the order; (k) court identification (FIPS code, name and address) of the court issuing the order; (l) health-care support information; and (m) the party to contact when additional information is obtained.

Sec. 212. Social Security numbers on marriage licenses and child support orders

Requires the states to list on marriage licenses the social security numbers of persons applying for and receiving such marriage licenses.

Sec. 213. Administrative subpoena power

Requires the states to have and use laws that empower IV-D agencies to issue subpoenas requiring defendants in paternity and child support actions to produce and deliver documents to or to appear at a court or administrative agency on a certain date.

TITLE III—PARENTAGE

Sec. 301. Parentage

(1) Requires the states to provide for hospital-based paternity establishment and the establishment of paternity outreach programs.

(2) Provides a 90% FFP for state paternity outreach programs.

(3) Requires the states to promulgate procedures that allow voluntary establishment of paternity by affidavit as part of the birth certificate process at the time of birth.

(4) Requires the states to promulgate procedures under which the states may bring parentage actions without joinder of the named child.

(5) Requires the states to use civil, instead of criminal, procedures for parentage actions, including a preponderance of the evidence standard for finding parentage.

(6) Requires the states to determine a threshold percentage of probability of parentage or a threshold percentage of likelihood of exclusion of those wrongfully accused of parentage. Requires the states to create a rebuttable presumption of parentage if admitted and uncontroverted parentage testing results satisfy such thresholds.

(7) Requires the states to provide for a resolution of parentage against a noncooperative party who refuses to submit to an order by a court for parentage testing.

(8) Requires the states to provide for the use of temporary support orders where appropriate.

(9) Requires states to establish procedures by which a parentage finding is treated as res judicata to the same extent as any other civil judgment.

(10) Requires the states to establish procedures by which a signature by an individual on a signature line provided for a father on a state birth certificate shall create a rebuttable presumption of parentage of the signatory, and the birth certificate shall be admitted as evidence for the truth of the matter asserted.

(11) Requires the states to develop expedited processes for the establishment of paternity when paternity is contested.

(12) Requires the states to implement procedures by which a person who voluntarily acknowledges parentage can request genetic testing within 1 year of acknowledgement.

(13) Requires the states to develop procedures that would allow the collection of information for support to be done concurrently with the parentage acknowledgment process, where such procedures would be consistent with state constitutional law.

(14) Requires the states to promulgate procedures which provide for the introduction and admission into evidence, without the need for third-party foundation testimony, of pre-natal and post-natal parentage testing bills.

(15) Requires the states to establish procedures under which the state may enter a default order in parentage cases against the defendant upon a showing of evidence of parentage and service of process on the defendant, without the personal presence of the petitioner.

(16) Requires the states to establish procedures: (a) Requiring that objection to parentage testing or its results be made in writing at least 21 days prior to trial; (b) specifying that if no objection is made, the test result will be admitted to prove the truth of the matter asserted, without the need for the attendance of a representative of the hospital, clinic, or parentage laboratory; (c) that make it possible for the parties in a parentage case to call on outside expert witnesses to refute or support the testing procedure or results, or the mathematical theory upon which the test results are based, if they so desire.

TITLE IV—ENFORCEMENT

Sec. 401. Anti-assignment clauses amended

Amends several anti-assignment provisions to make it possible for child support to be withheld from certain governmental sources, including veteran's disability, military disability, railroad workers disability and retirement, long shore and harbor workers benefits, black lung benefits, and federal health benefits.

Sec. 402. National reporting of new hires and child support information

(1) Requires the Secretary of the Treasury to modify the W-4 form completed by new employees to include a statement of whether: (a) a child support obligation is owed and, if so, to whom it is payable and the amount to be paid and (b) if payment is by income withholding; and (c) if the employee has health insurance available.

(2) Requires the Secretary of the Treasury to establish a system of reporting new employees by requiring all employers to provide a copy of every new employee's W-4 form to the child support enforcement agency of the state in which the employer is located.

(3) Requires the states to confirm the information provided on the W-4 form or identify child support obligations that had not been reported through the use of the network established in the expanded Parent Locator System.

(4) Requires the states to notify the employer using a standard wage withholding notice developed by the Federal Office of Child Enforcement in cases where the employee has not correctly reported information regarding his or her child support obligations on the W-4 form and initiate immediate wage withholding of child support.

(5) Requires the states to broadcast and make available to other states over the network information based on the W-4 form that had been sent to the child support enforcement agency.

(6) Requires the states to notify a child support payee or payee's designee when there is a match between W-4 information broadcast over the network and the abstract of support orders on file in the state registry of child support orders.

(7) Requires the Secretary of Treasury to modify the federal income tax W-4 form to include a report of the amount of child support withheld for each employee by the employer.

(8) Makes it a federal crime for an employer to misappropriate a child support obligor's income that was purported to be withheld by the employer for the benefit of a child support obligee.

Sec. 403: Direct income withholding

(1) Requires states to mandate that any person or entity in commerce, as a condition of doing business in that state, honor income withholding notices issued by a child support tribunal or agency of any state.

(2) Requires employers to maintain records of payroll deductions for child support payments and to make such records available to the state or person seeking to enforce a child support order.

(3) Requires the Secretary of Health and Human Services to develop a uniform withholding notice to be used in all income withholding cases.

Sec. 404: Priority of wage withholding

Requires the states to apply proceeds from income withholding in the following manner: (1) payments on current support obligations; (2) payment of premiums for health insurance for the defendant's children; and (3)

payments on past due child support obligations and unreimbursed health-care expenses.

Sec. 405: Definition of income subject to withholding includes workers' compensation

Allows worker's compensation income to be subject to income withholding.

Sec. 406: Consumer Credit Protection Act Amendments.

(1) Acknowledges that state and federal child support garnishment laws are not preempted by the Consumer Credit Protection Act.

(2) Prohibits the counting of child support garnishments against the more-than-one garnishment exception to the antidiscrimination section of the Consumer Credit Protection Act.

(3) Prohibits state discretion in setting garnishment limitations based on the obligor's disposable income.

(4) Requires that federal debts receive a lower priority than child support debts when the obligor's disposable income cannot satisfy both debts through withholding.

Sec. 407. Election of remedies prohibition

Requires the states to provide that the election of remedies doctrine does not apply in child support cases, so that when mandatory wage withholding is expanded to most cases in 1994, alternative collection efforts, such as tax refund offset and contempt actions, are not prohibited.

Sec. 408. Occupational, professional and business licenses

(1) Requires the states to establish procedures for withholding professional or occupational licenses from noncustodial parents who are the subjects of outstanding failure-to-appear warrants, capiases, and bench warrants related to child support cases. Licenses are withheld until approved for release by the pro se obligee, the obligee's attorney, the state prosecutor or the court enforcing the child support order.

(2) Requires the states to establish expedited review procedures of withheld licensing applications and provide 60-day temporary licenses during the review period.

(4) Requires the federal government to withhold a professional, occupational, or business license of a delinquent child support obligor until the pro se obligee, obligee's attorney, prosecutor, or court enforcing the child support order consents to release of the license.

(5) Requires the federal government to establish expedited review procedures of withheld licensing applications and provide a 60-day temporary license during the review period.

Sec. 409. Driver's licenses

(1) Requires the states to develop procedures under which motor vehicle departments withhold the driver's license of noncustodial parents that the state's crime information system indicate are the subject of child support-related failure-to-appear warrants, capiases or bench warrants.

(2) Requires the states to provide for the use of temporary licenses or registrations by the subjects of the warrants pending the show-cause hearing or the removal of the warrants, whichever occurs first.

Sec. 410. Attachment of bank accounts

Requires the states to authorize post-judgment seizure of bank accounts in child support cases without the need to obtain a separate court order for attachment.

Sec. 411. Lotteries, settlements, payouts, awards and forfeitures

Requires the states to establish procedures under which liens can be imposed against lottery winnings, gambler's winnings, insurance settlements or policy payouts, awards, judgments or settlements resulting from lawsuits, and property seized or forfeited to the state if the beneficiary owes past-due child support.

Sec. 412. Fraudulent transfer pursuit

Requires the states to establish procedures that provide for indicia or badges of fraud that create a prima facie case that an obligor transferred income or property to avoid paying a child support creditor.

Sec. 413. Full IRS collection

(1) Expresses the sense of the Congress that the Commissioner of the IRS should instruct the field officers and agents of the IRS to give a high priority to requests for the use of IRS full collection of child support arrearages.

(2) Requires the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, to simplify by regulation the full collection process and reduce the amount of child support needed before an individual may apply for full collection.

Sec. 414. Bonds

Requires the states to develop procedures which allow the posting of a cash bond, security deposit or personal undertaking to provide for child support payments. This could prove helpful in cases where wage withholding is not optimal or appropriate.

Sec. 415. Tax offset for non-AFDC post-minor child

Makes it possible for a IV-D applicant with a child support arrearage who does not receive AFDC to use the federal and state tax refund procedures to collect the arrearage, regardless of the age of the child.

Sec. 416. Attachment of public and private retirement funds

Requires the states to establish procedures under which a child support obligor may attach lump sum funds invested by the obligor or the employer of the obligor in public and private retirement funds. These funds include Keoghs, Simplified Employment Pensions (SEPs), and Individual Retirement Accounts (IRAs).

Sec. 417. Reporting to credit bureaus

Requires the states to mandate reporting to credit bureaus of all child support obligations when the arrearages reach an amount equal to one month's payment of child support.

Sec. 418. Criminal nonsupport

Requires the states to have laws that provide for criminal penalties for nonsupport.

Sec. 419. Statutes of limitation

Requires the states to permit the enforcement of any child support order until at least the child's 30th birthday.

Sec. 420. Interest

Requires the states to have and use laws that assess interest on all child support judgments.

Sec. 421. Health-care enforcement

(1) Requires the states to establish laws which provide for a rebuttable presumption that the choice made by the child support obligee regarding health care insurance for the children is appropriate.

(2) Requires the states to provide that any insurance premium or sum-certain health care expense for which the obligor is responsible shall be included in the child support order.

(3) Requires the states to have and use laws that allow the obligee under a child support order to act in the place of the uninsured with respect to insurance claims relating to children who are beneficiaries of the child support order. The powers of the obligee would include the right to make direct application for insurance, the right to make claims, and the right to sign claim forms to the same extent as the obligor.

(4) Requires the states to mandate that the covered parent securing the insurance shall provide within 30 days of the health insurance order, written to the noncovered parent and/or the state IV-D agency, that insurance has been obtained or an application has been made for insurance, and the date the insurance is to take effect.

(5) Requires the states to require each welfare benefit plan operating under the laws of the state to include in the plan a commitment to: (i) releasing to the obligee or the state child enforcement agency, upon request, information on the dependent coverage, including the name of the insurer, (ii) providing all necessary reimbursement forms to the obligee; and (iii) providing claim forms and enrollment cards to the obligee and honoring the signature of the obligee on the claim form.

(6) Requires the states to require employers located in the state to provide notice, using an address provided by the state child support agency, to the custodial parent of any termination or change in benefit of an insurance plan under which children in the parent's care are covered.

Sec. 422. Bankruptcy

(1) Amends the U.S. Bankruptcy Code to allow parentage and child support case establishment, modification, and enforcement of child support to proceed without interruption after the filing of a bankruptcy petition.

(2) Treats the debt owed to child support creditors as debt outside the chapter 11, 12, or 13 plan, unless the child support creditor affirmatively acts to opt in as a creditor whose debt is part of the plan.

Sec. 423. Federal Government cooperation in enforcement of support obligations of members of the Armed Forces and other persons entitled to payments by the Federal Government

(1) Directs the U.S. military agencies to provide locate information on all military personnel that is updated within one month of a change in duty station or residential address.

(2) Directs the U.S. military agencies to provide for leave-granting procedures for use by service members facing parentage or support establishment hearings.

Sec. 424. UIFSA Endorsement

Requires that each state adopt without material change by January 1, 1996, the officially approved version of the Uniform Interstate Family Support Act, adopted by the National Conference of Commissioners on Uniform State Laws and approved by the American Bar Association House of Delegates on February 9, 1993.

TITLE V—COLLECTION AND DISTRIBUTION

Sec. 501. Priority of distribution of collections

(1) Requires the states to, beginning on October 1, 1994, distribute child support collections in the following priority: (1) to a current month's child support obligation; (2) after the fulfillment of the current month's obligation, to debts owed the family; if any rights to child support were assigned to the state, then all arrearages that accrued after the child no longer received assistance are to be distributed to the family. States may include any pre-assignment family-debt arrearages at this priority level; (3) to reim-

burse the state making collection for any assistance payments made to the family (with appropriate reimbursement of the federal government to the extent of its participation in the financing); and (4) to reimburse other states for assistance payments they made to the family (in the order in which such payments were made).

(2) Authorizes the Comptroller General of the U.S. to analyze the existing child support distribution system and authorize, under certain circumstances, pilot projects for the distribution of arrearages in the following manner: (1) application of all support collected first to a current month's child support obligation; (2) application of funds collected in excess of the amount of the current month's obligation to debts owed the family; (3) using funds collected in excess of the amount of the current support obligation, to reimburse the state making the collection for any assistance payments made to the family (with appropriate reimbursement of the federal government to the extent of its participation in the financing); and (4) using funds collected in excess of the current month's support obligation after the debt to the family and the collecting state have been satisfied, to reimburse other states for assistance payments to the family.

(3) Precludes the counting of the $50 passthrough in AFDC cases for any means tested program.

Sec. 502. Relationship of AFDC to CSE—limited reimbursement claims to award amount

Requires the states to enact laws limiting any claims they may have against a noncustodial parent for reimbursement of the child's portion of the AFDC grant to the amount specified as child support under a court or administrative order.

Sec. 503. Fees for non-AFDC clients

Allows the states to assess charges above the application fee for non-AFDC child support services against persons other than the custodial parent. Such fees are only to be collected after the current and past-due support and interest charges are collected.

Sec. 504. Collection and disbursement points for child support

Requires the states to provide either one central state-wide collecting, accounting, and disbursement point for child support cases, or regional collection and disbursement points throughout the state.

TITLE VI—FEDERAL ROLE

Sec. 601. Placement and role of the Federal child support agency

(1) Changes the organizational structure of the Office of Child Support Enforcement so that it is headed by an assistant secretary who reports directly to the Secretary of Health and Human Services and is confirmed by the Senate.

(2) Allows the Office of Child Support Enforcement to have its own legal counsel.

Sec. 602. Training

(1) Requires the states to provide training to child support personnel providing functions under the state plan.

(2) Requires the Department of Health and Human Services to provide training assistance to the states.

(3) Requires the Department of Health and Human Services to report annually to Congress on training activities.

Sec. 602. Staffing

(1) Requires the Secretary of Health and Human Services to conduct staffing studies of each state's child support enforcement program.

(2) Requires the Secretary of Health and Human Services to report the results of such staffing studies to the Congress and the states.

Sec. 604. Funding and incentives for child support agencies

Requires the Comptroller General to conduct a study of the incentive formula operating with respect to state child support agencies in the federal system. The study would investigate the feasibility, costs, and benefits of: (1) encouraging states to centralize functions at the state level; (2) abolishing minimum incentives to states, as well as the ramifications of imposing the requirement that incentive funds be passed to local child support enforcement agencies; (3) exploring incentive formula that are based on increases in FFP for states that exceed performance criteria, instead of the present percentage of collection formula; (4) promoting quality control; (5) providing financial incentives for the enforcement of health-care support; and (6) tying incentives amounts to performance criteria that include total collections as a denominator (not solely the amount of AFDC collections) which are not solely based on cost-benefit criteria.

Sec. 605. Child support definition

Defines "child support" to include periodic and lump sum payments for current and past-due economic support, payments of premiums for health insurance for children, payments for or provisions of child care, and payments for educational services.

Sec. 606. Audits

Requires the Secretary of Health and Human Services to commission a study of the audit process of the Office of Child Support Enforcement to improve the criteria and methodology for auditing state child support enforcement agencies.

Sec. 607. Child support assurance demonstration projects

(1) Requires the Department of Health and Human Services to fund 6 demonstrations in selected states to determine the feasibility and utility of a child support assurance program.

(2) Requires the Governor of the state to submit an application that: (i) describes child support assurance project, including the specific activities to be undertaken and the agencies involved; (ii) specifies geographic area covered by project; (iii) estimates number of children eligible for assurance payments and amount of entitlement; (iv) describes child support guidelines and review procedures used in the states; (v) contains commitment to conduct project for at least 3 years; (vi) specifies extent to which the state has or will implement major child support enforcement initiatives; (vii) specifies current relative quality of state enforcement system as compared to other states.

(3) Requires the Secretary of Health and Human Services be satisfied that child support assurance projects provide that: (i) the custodial parent meets the eligibility requirement for the assured child support benefit; (ii) the child support assured benefit is paid each month and child support payments from the noncustodial parent are offset as required; (iii) eligibility of caretaker for Aid to Families With Dependent Children shall be calculated without consideration of the assured benefit.

TITLE VII—STATE ROLE

Sec. 701. Prohibition of residency requirement for IV-D services

Requires that the states not deny establishment, enforcement, or modification services to applicants because of their nonresidency in the state.

Sec. 702. Advocating for children's economic security

Clarifies that the mission of every IV-D agency is to promote the greatest economic security possible for children, within the obligor's ability to pay.

Sec. 703. Duties of IV-D agencies

Requires state IV-D agencies to provide all custodial parents with: (i) a written description of available services and a statement articulating the priority of distribution and the degree of confidentiality of information; (ii) a statement that before the agency consents to a dismissal with prejudice or a reduction of arrearages, the agency shall provide notice to the last known address at least 30 days before a dismissal;

(iii) written quarterly reports on case status;

(iv) a statement that services under the IV-D programs are mandatory to those who are eligible for such services; and

(v) a statement that while eligibility for services is being determined, an applicant is eligible for services under the program pending such determination.

Sec. 704. Broader access to services

Expresses the sense of the Congress that state and local child support enforcement agencies should provide: (i) offices in easily accessible locations near public transportation; (ii) office hours that allow parents to visit with attorneys and caseworkers without taking time off from work; and (iii) office environments conducive to discussion of legal and personal matters in privacy.

Sec. 705. Process for change of payee in IV-D cases

Requires the states to develop procedures under which a change in child support payee does not require a court hearing or order to take effect and may be done administratively, as long as a statement by an official is included in the court or administrative file documenting the change.

TITLE VIII—EFFECTIVE DATE

Sec. 801. Effective date

Provides that, unless otherwise stated, the amendments made by this Act shall take effect on January 1, 1996.

Mrs. FEINSTEIN. Madam President, I rise today as a cosponsor of the Interstate Child Support Enforcement Act. I would like to commend my colleague, Senator BRADLEY, from New Jersey for his long-term commitment to find a solution to one of America's most pressing problems.

Yes, Madam President, it is a most pressing problem, and the obligation to support one's child is an obligation about which I feel passionately because it is so fundamental. It is the anchor obligation. Unfortunately, many individuals make their car payments before they support their children.

In California, my own State, since 1975 when child-support laws were put into place, more than $3.3 billion in court-ordered child support payments are outstanding.

Madam President, the absence of child support payments is the major reason children today live in poverty in this country. In my State, 1 out of 4 children lives in poverty. By the end of

this decade, it is likely to be 1 out of 3 children.

So if we do nothing, we will have 1 out of every 3 youngsters in this country in poverty.

Based on the recommendations from the U.S. Commission on Interstate Child Support, Senator BRADLEY's legislation establishes effective means to have an absent parent meet the financial responsibility for his or her children, and it would enable better enforcement across State lines.

This bill would put into place effective enforcement techniques such as garnishing wages and suspension of a driver's or professional licenses, if one is not making support payments.

Madam President, this bill will begin the debate on the critical need for child support in the Senate of the United States, and I am pleased to support it. I believe that the time has come to take Federal action that is strong and forceful and will say to every American clearly and definitively, if you bring a child on this Earth, you have an obligation to support that child. We will not let you walk away from that obligation, and we will not let you cross State lines to avoid that obligation.

Frankly, it is my strongly held belief that if an individual leaves the State to avoid child care responsibilities, a system should be established to locate that individual, garnish the wages of the individual, and to see that those funds are returned and provided to the child in need.

After all, the child did not ask to be brought on Earth. Parents brought that child on Earth. And after all, a child, a small child, cannot support itself.

So the time has come to say to all of the parents of this Nation, you have an obligation to support your children. You have an obligation to help raise your child as well as possible. You have an obligation to be responsible.

Madam President, the time is right for this bill. I am proud to join Senator BRADLEY as a cosponsor of this important legislation.

Mr. BRADLEY. I thank the distinguished Senator from California, who has been a champion of children throughout her career, for once again coming to the aid of families. I commend the leadership we have come to expect of her, and I thank her for her cosponsorship of this bill.

By Mr. CRAIG (for himself, Mr. COHEN, and Mr. KEMPTHORNE):

S. 690. A bill to amend the Congressional Budget Control and Impoundment Act of 1974 to establish procedures for the expedited consideration by the Congress of certain proposals by the President to rescind amounts of budget authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be charged.

MODIFIED LINE-ITEM VETO/EXPEDITED RESCISSION ACT OF 1993

Mr. CRAIG. Mr. President, I rise to invite my colleagues to join me today in introducing legislation that would give the President of the United States a modified line-item veto power, by requiring the expedited consideration of special rescission messages submitted by the President upon enactment of appropriations bills.

GENERAL COMMENTS

Why has there been so much debate lately, and why am I introducing a bill regarding, the line-item veto?

Because the American people are demanding greater fiscal responsibility.

There is broad support from Republicans, Democrats, and Perot supporters. My colleagues will recall that Ross Perot endorsed balanced budget and line-item veto when he testified before the Joint Committee on the Organization of Congress.

A line-item veto is not all of the answer to current fiscal dilemma, but an important part of it.

Such a measure would increase accountability—spending items will have to stand up on their own merits.

It promotes legislating in the sunshine—spending that can't stand the spotlight—and heat—will wither.

The bill I am introducing today is the companion to H.R. 1013, introduced in the other body by Representatives CHARLIE STENHOLM AND DICK ARMEY of Texas, and several dozen others.

This is the bill most likely to pass the other body and, I believe, this body as well. It is possible they will be voting today in the House on this issue.

This is the bipartisan, balanced consensus bill that has been developed over the course of several years.

It is similar to last year's H.R. 2164, which passed the other body 312–97, with endorsements by the leadership of both parties in the other body and was endorsed by both President Bush and candidate Clinton.

OPERATION OF THE BILL, IN GENERAL

The Modified Line-Item Veto/Expedited Rescission Act allows the President to focus scrutiny on items that are hidden and bundled into omnibus appropriations bills. It will prevent Congress from ignoring the President's proposed rescissions, as happens today.

The modified line-item veto process is an add on to current Budget Act procedures.

It does not in any way prevent the President from proposing and Congress from enacting additional rescissions under current law procedure.

The bill would mandate and expedite consideration of rescissions proposed by the President.

As my colleagues know, this differs from most traditional variations of the line-item veto, by essentially allowing a majority of Congress to override Presidential disapproval of an individual spending item, instead of requiring a two-thirds majority.

I would prefer to enact a stronger line-item veto, but the important thing is isolating and forcing reconsideration of individually indefensible spending items. That is the core purpose, the essential virtue, at the heart of all line-item veto proposals.

The only substantial difference from the House companion is that the bill I am introducing today does not contain a sunset after 2 years, for several reasons:

My colleagues on the other side of the aisle shouldn't want to take this procedure away from their President in midstream;

The modified line-item veto approach already represents a compromise; and

We don't need a sunset to review and revise after some experience with the new procedure.

TIMELINE

Under this bill, the President would have 3 days after date of enactment of an appropriations act to transmit a special message and draft bill proposing rescissions to that act;

The majority and/or minority leader in the House of Representatives would have 2 legislative days to introduce, by request, the President's rescission package;

The House must vote on final passage of the rescission package within 10 legislative days of introduction of the bill;

The clerk of the House would have 1 calendar day to engross, certify, and transmit the House-passed rescission bill to the Senate;

The Senate must then consider and vote on final passage within 10 legislative days after the rescission bill is transmitted from the House;

If the Senate does not strike any item of rescission from the House-passed bill, it then goes to the President for signature. If any item is struck, the remaining package is returned to the House, where any Member may offer a privileged motion to concur in the Senate amendment in an up-or-down vote.

STRIKING PROPOSED ITEMS OF RESCISSION

Under this bill, the President's rescission package could not be amended. However, the question may be divided, for the purpose of striking one or more rescission, or in other words, reinstating that item of appropriation, only if 50 Members in the House or 15 Members in the Senate stand in support of a motion to divide.

The purpose of the procedure allowing a motion to divide and strike an item is to strike a reasonable balance between legitimate, competing interests:

Congress can protect an individual item of appropriation when there is strong, national support for that item;

Striking one rescission would not jeopardize the rest of the President's package; and

The entire process strikes a balance between Congress' ability to package many items together when passing the initial appropriations bill and the President's ability to package multiple items in his rescission message.

DIFFERENTIATION BETWEEN AUTHORIZED AND UNAUTHORIZED ITEMS

In this bill, the President could propose to strike 100 percent of an appropriated program or item not previously authorized by law. The President could propose striking 25 percent of previously authorized items. There are several reasons for this difference:

An item previously authorized has already received legislative scrutiny at least once in each body;

Midnight pork is 100 percent penalized;

An earmark in an appropriation that is not previously authorized is 100 percent vulnerable, even if its parent program was previously authorized.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

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

S. 690

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 "Modified Line Item Veto/Expedited Rescissions Act of 1993".

SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

(a) IN GENERAL.—Part B of title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) is amended by redesignating sections 1013 through 1017 as sections 1014 through 1018, respectively, and inserting after section 1012 the following new section:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1013. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY.—In addition to the method of rescinding budget authority specified in section 1012, the President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriations Act. Funds made available for obligation under this procedure may not be proposed for rescission again under this section or section 1012.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) Not later than 3 days after the date of enactment of an appropriation Act, the President may transmit to Congress a special message proposing to rescind amounts of budget authority provided in that Act and include with that special message a draft bill that, if enacted, would only rescind that budget authority. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates.

"(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the matters referred to in paragraphs (1) through (5) of section 1012(a).

"(c) LIMITATION ON AMOUNTS SUBJECT TO RESCISSION.—

"(1) The amount of budget authority which the President may propose to rescind in a special message under this section for a particular program, project, or activity for a fiscal year may not exceed 25 percent of the amount appropriated for that program, project, or activity in that Act.

"(2) The limitation contained in paragraph (1) shall only apply to amounts specifically authorized to be appropriated for a particular program, project, or activity.

"(d) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) The bill shall be referred to the Committee on Appropriations of the House of Representatives. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If the Committee on Appropriations fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) During consideration under this paragraph, any Member of the House of Representatives may move to strike any proposed rescission or rescissions of budget authority if supported by 49 other Members.

"(D) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives.

"(3)(A) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

"(B) During consideration under this paragraph, any Member of the Senate may move to strike any proposed rescission or rescissions of budget authority if supported by 14 other Members.

"(C) A vote on final passage of a bill transmitted to the Senate shall be taken on or before the close of the 10th legislative day of the Senate after the date on which the bill is transmitted. If the bill is passed in the Senate without amendment, the Secretary of the Senate shall cause the engrossed bill to be returned to the House of Representatives.

"(D) If the bill is amended in the Senate solely as provided by subparagraph (B), the Secretary of the Senate shall cause an engrossed amendment (in the nature of a substitute) to be returned to the House of Representatives. Any Member of the House may offer a privileged motion that the House concur in that Senate amendment. That motion is not subject to a demand for division of the question and the previous question is considered as ordered on the motion to final adoption without intervening motion.

"(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

"(e) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as provided by paragraph (1)(C) or (3)(B) of subsection (d), no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the

House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(f) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House defeats the bill transmitted with that special message.

"(g) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations; and

"(2) the term 'legislative day' means, with respect to either House of Congress, any day during which that House is in session.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of such Act (2 U.S.C. 621 note) is amended—

(1) by striking "and 1017" in subsection (a) and inserting "1013, and 1018"; and

(2) by striking "section 1017" in subsection (d) and inserting "sections 1013 and 1018"; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of such Act (2 U.S.C. 682(5)) is amended—

(A) in paragraph (4), by striking "1013" and inserting "1014"; and

(B) in paragraph (5)—

(i) by striking "1016" and inserting "1017"; and

(ii) by striking "1017(b)(1)" and inserting "1018(b)(1)".

(2) Section 1015 of such Act (2 U.S.C. 685) (as redesignated by section 2(a)) is amended—

(A) by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014";

(B) in subsection (b)(1), by striking "1012" and inserting "1012 or 1013";

(C) in subsection (b)(2), by striking "1013" and inserting "1014"; and

(D) in subsection (e)(2)—

(i) by striking "and" at the end of subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by striking "1013" in subparagraph (C) (as so redesignated) and inserting "1014"; and

(iv) by inserting after subparagraph (A) the following new subparagraph:

"(B) he has transmitted a special message under section 1013 with respect to a proposed rescission; and".

(3) Section 1016 of such Act (2 U.S.C. 686) (as redesignated by section 2(a)) is amended by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014".

(d) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of such Act is amended—

(1) by redesignating the items relating to sections 1013 through 1017 as items relating to sections 1014 through 1018; and

(2) by inserting after the item relating to section 1012 the following new item:

"Sec. 1013. Expedited consideration of certain proposed rescissions.".

SUMMARY OF MODIFIED LINE-ITEM VETO/EXPEDITED RESCISSION LEGISLATION

The legislation would amend the Budget Control and Impoundment Act of 1974 to set in place the following supplemental procedure for rescissions for a two-year trial period:

After signing an appropriations bill into law, the president would have three days to submit to the House a rescission message that includes all proposed rescissions from the Appropriations bill just signed and a draft bill that would enact the proposed rescissions.

The president could propose to rescind 100 percent of unauthorized programs and up to 25 percent of specifically authorized programs or projects.

The resolution would be introduced in the House at the earliest opportunity by the majority and minority leaders. The bill would be referred to the Appropriations Committee, which must report it out without substantive amendment within seven days.

Within ten legislative days of introduction, a vote shall be taken on the rescission bill. The bill may not be amended on the floor, except that 50 House members can request a vote on a motion to strike an individual rescission from the rescission bill.

If approved by a simple majority of the House, the bill would be sent to the Senate for consideration under the same expedited procedure. Fifteen Senators may request a separate vote on an individual rescission.

If a simple majority in either the House or Senate defeats a rescission proposal, the funds for programs covered by the proposal would be released for obligation in accordance with the previously enacted appropriation.

If a rescission bill is approved by the House and Senate, it would be sent to the President for his signature.

Mr. KEMPTHORNE. Mr. President, I rise today in support of the amendment offered by my colleague from Idaho.

And I think I speak for a number of Senators, on both sides of the aisle, when I say it's about time!

For too long, Congress and the President have been engaging in finger-pointing over whose to blame for our country's growing budget crisis. It's time to stop finger-pointing, and start doing something about it!

The President campaigned for a line-item veto. I applaud him for that. I also campaigned for a line-item veto. Idahoans made it very clear that this is an issue that crosses party lines. Republicans, Democrats, and Independents all want the President to have the ability to cut excess spending that finds its way into legislation.

The line-item veto is an effective tool for cutting that excess. Most of our State governments think so; 43 Governors have the line-item veto. It's time our Chief Executive has that same ability.

It's significant that Republicans are offering this amendment while a Democrat is in the White House. A Democrat who told me, just a few weeks ago when he met with Republican Senators, that he still wants the line-item veto. In fact, when I asked the President that question directly, he told me, "Yes, send it to me and I'll sign it." President Clinton realizes how important a tool the line-item veto is to getting our fiscal year house in order, and we must give it to him.

There are times when I will genuinely disagree with the President on economic issues. I disagreed with his budget—I voted against the largest tax increases in our Nation's history. I disagree that more spending and more Government is really an economic stimulus. But in those areas where I agree, I will do so—not necessarily as a Republican—but as an American. An American worried about the future my two children will face if we don't reign in this insatiable Government appetite for spending.

As the Senate debates the President's economic stimulus plan, I keep hearing it referred to as an emergency package. Mr. President, yes, we have an emergency. The real emergency in America is cutting the Federal deficit. The fear in America is that we are drowning in debt. And now to add to that fear of enormous debt is the fear of new taxes, new regulations, and more Government.

In the Senate, we get caught up arguing over the nuances of a bill or proposal. I campaigned on the line-item veto. Idahoans told me they don't care about the nuances. They just know the system isn't working, and needs to be fixed.

The farmer in his pickup truck who met me in Hamer, ID, at 6:30 in the morning; the logging family in Sandpoint; and the folks who took time to meet with me at an Emmett cafe—all had one request: Don't forget about us. Mr. President, that's advice all of us should take to heart. Don't forget the hard-working American taxpayer. Don't forget the people we work for. If a line-item veto is a tool the President says he needs to meet the expections my constituents have for real, meaningful deficit reduction, let's give it to him.

By Mr. MURKOWSKI (for himself, Mr. PELL, Mr. PRESSLER, Mr. WALLOP, Mr. LUGAR, and Mr. DODD.

S. 691. A bill to terminate certain economic sanctions against Vietnam, to provide for less restrictive controls on exports of sensitive technology, material, and data to Vietnam, and to increase access by United States citizens to the territory of Vietnam in order to obtain a fuller accounting of the fate of certain American servicemen for the Vietnam war; to the Committee on Banking, Housing, and Urban Affairs.

VIETNAM ACCESS ACT OF 1993

Mr. MURKOWSKI. Mr. President, I rise today to introduce the Vietnam Access Act of 1993, on behalf of myself, Senators PELL, LUGAR, PRESSLER, and WALLOP. My bill would do what I believe is long overdue—lift the extreme economic sanctions currently in place against Vietnam under the Trading With the Enemy Act of 1917.

RESOLVING THE POW/MIA ISSUE

Mr. President, there is one aspect of United States policy toward Vietnam

on which we can all agree. It is this Nation's highest priority to have the fullest possible accounting of our missing-in-action and prisoners-of-war. This Nation owes that to the men and the families of the men that made the ultimate sacrifice for their country and for freedom.

But what have we done to achieve this goal? Since 1975 the United States has had an airtight trade embargo on Vietnam. In just 3 weeks, this trade embargo will have been in place for 18 years. Up until just recently, we have dealt with Vietnam only through a policy of complete and total isolation—no talks, no trade, no cultural exchanges, nothing.

How close are we to resolving this issue today? Another item that strikes me is we use the issue of most-favored-nations status with China, the theory being that as long as we are communicating, we are bringing about change, we are bringing a sensitivity to human rights, reparations, and other things. The same application should be applicable to Vietnam. If we want to maintain that communication so we can bring about change, and there is a start in that process.

Then, in the past few years, we eased up just a little bit. In 1987 President Reagan appointed former Joint Chief of Staff, Gen. Jack Vessey, to head a special mission to Vietnam to look into finally resolving the fates of our POW/MIA's. In 1991, the United States opened a tiny office in Hanoi, devoted to the same cause. Also in 1991, several of my colleagues formed the Senate Select Committee on POW/MIA Affairs, which dealt directly with the Vietnamese Government on this matter, as well as the Cambodian and Laotian Governments.

Mr. President, the results from just these small steps have been significant. The Vietnamese have allowed United States investigation teams to look at crash sites, to followup on live sighting reports, and very importantly, they have allowed access to their government and military archives.

To me this suggests that our policy needs to change. When dealing from isolation we achieved nothing. When dealing directly, we saw progress. The more Americans that are in Vietnam—be it in a humanitarian effort, a educational effort, or a business endeavor—the greater our chances for resolving this matter of highest national priority.

ECONOMIC REASONS

There are valid economic reasons for ending this trade embargo as well. For many years our allies joined us in isolating Vietnam. They no longer do so. Nations like Taiwan, South Korea, and Singapore—the nations that have the most to fear from communism—are leading the way in trade and investment in Vietnam. Our embargo no longer deprives Vietnam of goods and services, it only deprives Vietnam of American goods and services. In this day of growing trade deficits and high unemployment, it makes little sense to keep America out of promising markets.

Trading with the people of Vietnam goes far beyond business competitiveness. It gets down to the basics of freedom, democracy, human rights, and the marketplace. When Americans go abroad or export their products, they export an idea. They send the same message that Americans went to Vietnam to fight a war for. They say democracy and a free market will give you a better life, a way to feed your family, a chance to educate your children. It is time that we start sending this message to Vietnam.

CONCLUSION

Mr. President, I do not mean to suggest that our Government has not acted in good faith in the past. But when we recognize that a certain policy is not leading us closer to our goals, it is time to try a new approach. Today, with this bill, I am proposing a new approach. Greater access to Vietnam will give us greater opportunities to resolve the POW/MIA issue. Greater access to Vietnam will give us an opportunity to compete in a growing market. And greater access to Vietnam will allow the free flow of American ideals like freedom, democracy, and open markets.

I ask my colleagues to have a look at the Vietnam Access Act, and I urge your support.

Mr. PRESSLER. Mr. President, I am pleased to join with my good friend from Alaska, Senator MURKOWSKI, as an original cosponsor of legislation that would lift most of the United States trade sanctions on Vietnam.

On February 16 of this year, I became the first Member of the U.S. Senate to call on the Clinton administration to lift our Nation's current economic and diplomatic isolation of Vietnam. It is time to normalize our trade relations with Vietnam. It is time to establish diplomatic relations with Vietnam. It is time to send an American Ambassador to Vietnam.

Five years ago this month, in March 1988, I traveled to Vietnam. It was my first visit since 1967–68, when I served our country in Vietnam as a U.S. Army lieutenant. After my 1988 visit, I concluded that our Government's 13-year policy of isolation had become outdated. I believed then, and now, that diplomatic and economic isolation had reached a point of diminishing returns for America's strategic, humanitarian, and international trade interests. It was time for the United States to write a new chapter in its relations with Vietnam, one of regular official contacts, increased tourism, and growing economic and humanitarian cooperation.

Earlier this year, I had the opportunity to discuss current policies as a participant in a United States-Vietnam conference, which included official Vietnamese participants. Our discussions of current events and their future implications once again prompted me to reexamine American policy toward Vietnam.

We have had isolation. Over the last 4 years, we have had a guarded transition. The time has come for the next historic step. The time has come for normalization of relations. The time has come to send an American Ambassador to Hanoi.

As my colleagues know, since our evacuation of South Vietnam in 1975, the United States consistently has maintained a cold war policy of diplomatic and economic isolation of Vietnam. This policy escalated in 1978, when Vietnam invaded Cambodia, deposed the Chinese Communist-backed Khmer Rouge regime, and installed a Soviet-backed puppet regime.

Vietnam's alliance with, and dependence on, the Soviet Union changed with the rise of Mikhail Gorbachev. When Gorbachev came to power in 1985, Soviet economic and military assistance exceeded $1.6 billion annually. Not long after, the Soviet Union began to reduce financial support of its Asian outposts in Vietnam. All aid ceased when the Soviet regime collapsed in 1991.

The hard realities brought on by the Soviet Union's demise and the effects of the United States trade embargo have compelled Vietnam to institute market-oriented economic reforms. Since 1986, Vietnam has pursued an economic policy of doi moi or renovation. This policy calls for greater autonomy of state-owned business; incentives for private and foreign investment in the economy; and relaxation of price controls.

As a result of doi moi, Vietnam is now the world's third biggest supplier of rice. The Government—once the manager of the entire Vietnamese economy—now holds 60 percent of Vietnamese industry, 40 percent of services, and only 2 percent of agriculture.

Vietnam is moving toward a free economy. However, I am not satisfied with the fact that there is still a Communist government in Hanoi.

Since 1978, United States policy toward Vietnam was simple: Normal relations would not occur until Vietnam withdrew its forces from Cambodia, and cooperated with the United States in obtaining the fullest possible accounting of the more than 2,200 United States personnel listed as prisoners of war or missing in action [POW/MIAs]. The fall of the Soviet Union did not change this general policy. Instead, it heightened the prospects of its success.

First, with respect to Cambodia, in October 1991, the United States and Vietnam joined in a 17-nation peace settlement for Cambodia. With this peace agreement, the Bush administration announced a four-phase plan or

roadmap to gradually tear down nearly 17 years of economic and political isolation. President Bush correctly recognized that it is not easy to reverse 13 years of isolation with the stroke of a pen or a handshake. This is particularly true given the emotional feelings millions of Americans have toward this remote region, whether they are veterans, family and friends of fallen or missing veterans, or refugees from Vietnam.

Therefore, President Bush cautiously moved away from isolationism. Moving through each phase was contingent on continued Vietnamese cooperation in enforcing the terms of the Cambodian peace accords. However, the pace of this change would be dictated by Vietnamese cooperation on POW/MIA matters.

Again, the Vietnamese Government has taken action designed to hasten the pace toward normalization. Since 1987, Vietnam has returned hundreds of remains of United States MIA's. In 1991, Vietnam agreed to host a United States office in Hanoi to handle POW/MIA affairs. In March 1992, a United States delegation headed by Assistant Secretary of State Richard Solomon visited Hanoi, where they gained constructive breakthroughs on United States POW/MIA investigations. In the past year, Vietnam has permitted short-notice investigations of alleged live sightings; provided a private researcher with more than 4,600 photographs of live American POW's and dead soldiers; and expanded United States access to archival information on MIA's.

Pursuant to the Bush roadmap, a number of reciprocal concessions have been granted to the Vietnamese Government, including humanitarian aid and direct communications. United States commercial sales can be made to meet basic human needs in Vietnam. Finally, United States business now can open offices and sign contracts in Vietnam, but these contracts cannot be implemented unless the trade embargo is lifted. The United States and Vietnam literally are at the doorstep of economic normalization.

President Clinton and the new Congress have inherited a policy in transition. We can opt for a continuation of the Bush roadmap, or chart a new course of our own. The time has come for a new course.

Though the roadmap has achieved progress in United States-Vietnam relations, much has changed. First, recent instability in Cambodia makes prospects for a free and fair election there uncertain. That being the case, can the United States afford to postpone indefinitely diplomatic recognition of Vietnam?

Second, Vietnam is making an effort to privatize its economy, but it cannot succeed without help from capitalist nations. Already, several western nations have committed millions in humanitarian and economic support to Vietnam. That being the case, can the United States afford to take a back seat in the economic reform and trade expansion now occurring in Vietnam?

The answer to both questions should be, "no."

The premise behind the roadmap was that normalization of relations represented the ultimate leverage to push Vietnam to make concessions on two key issues: POW/MIA's, and Cambodian autonomy. That premise no longer holds. Today, if the United States is to retain leverage and achieve the goals established in 1991, then we must plot a new course on the roadmap, with the first stops being the lifting of the trade embargo and diplomatic recognition.

The legislation we are introducing today would launch that new course. Mr. President, as I have stated, the carrot-and-stick approach of the Bush roadmap has been a success. As a result, we have made progress on Cambodia and in gaining a better accounting of POW/MIA's in Indochina. With these diplomatic gains, American business is poised to explore new economic opportunities in Vietnam.

We must not view the application and results of our policies in a vacuum. Western nations have opted to invest in Vietnam's adolescent privatized economy. Taiwan, Hong Kong, Australia, Holland, and Britain have invested hundreds of millions of dollars in capital there. Last February, the Japanese Federation of Economic Organizations held a joint conference with Vietnamese authorities, with representatives of more than 100 Japanese firms in attendance. Also, earlier this year, French President, Francois Mitterand, became the first Western leader to visit Communist Vietnam. With him was a guarantee of $65 million in aid and an entourage of 200 government ministers and leaders of business and finance.

Meanwhile, American business remains at the starting gate. As other nations seize the investment initiative in Vietnam, the potential for strong U.S. involvement in economic reform and expansion declines. With each passing day the U.S. trade embargo loses its current value as a leveraging tool to extract concessions from Vietnam, particularly on the POW/MIA issue. In addition, the United States embargo reduces our ability to influence Vietnam's future economic, political, and human rights development.

We must not lose sight of Vietnam's future importance in international trade policy. At present, Japan is Vietnam's leading trade partner, with $1.2 billion in total volume in 1992. The continued absence of American investment affords more time for Japan to increase its economic and investment ties with Vietnam, enabling it to establish economic and political dominance in Southeast Asia.

Mr. President, the issue is timing. The time for action on this legislation is now. If fact, I believe we should go one step further. Congress should send this legislation to the President, and the President should send to Congress the name of an Ambassador to Vietnam.

Opponents will argue that rushing to normalization sacrifices our ability to exercise leverage on the issues of long-term peace in Cambodia, accounting for POW/MIA data, and human rights guarantees for political dissidents.

I disagree. Isolationism is losing its value as a leveraging tool. Isolationism also is hurting our Nation's ability to be a steady participant in Vietnam's growth toward privatization.

Further, normalization is not the last card in the U.S. diplomatic deck. The Vietnamese Government has called on the United States for foreign aid assistance. The bill being introduced today does not lift all the trade sanctions or grant Vietnam most-favored-nation trade status. Nor does it offer foreign aid. These issues provide plenty of real leverage for Washington to extract concessions on issues of concern to the United States, whether they be POW/MIA's, Cambodia, or human rights.

I feel very strongly that it is time to normalize relations with Vietnam. The legislation being introduced today accomplishes part of that goal. I have written to President Clinton, urging him to lift the trade embargo and establish diplomatic relations with the Hanoi Government. An American Ambassador is needed to build diplomatic relations between the United States and Vietnam. American know-how is needed to privatize Vietnam, and lift its people from the weights of Communism. American tourists are needed to bridge our cultures and histories, which would enhance our cooperative diplomatic efforts.

Most important, we stand a better chance of finding American POW/MIA's by having tourists, businessmen, and others present. The people of Vietnam want to privatize. The people of Vietnam want good relations with the people of the United States. The time has come to recognize Vietnam—to grant full diplomatic recognition. I urge the Congress and the President to work together to achieve this goal.

By Mr. LAUTENBERG:

S. 713. A bill to require that the salaries of Members of Congress be sequestered first before any sequester occurs under the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on Governmental Affairs.

CONGRESSIONAL OVERSPENDING PAY ACCOUNTABILITY ACT

• Mr. LAUTENBERG. Mr. President, today I am introducing legislation, the Congressional Overspending Pay Ac-

countability Act, to cut the pay of Members of Congress if the Congress fails to abide by limits on Government spending.

The bill eliminates a loophole in current law that excludes congressional pay from across-the-board cuts, known as sequester, when spending limits are exceeded.

Mr. President, there could hardly be a more egregious double standard than the special exception that Congress provided itself in the 1990 budget agreement that protects congressional pay from automatic spending cuts. Currently, if spending limits are exceeded, programs that help ordinary Americans will be cut, sometimes severely. But the Members of Congress responsible for that overspending won't lose a penny.

That's wrong, Mr. President, And it's the kind of special treatment that infuriates the American people, and contributes to the cynicism about Congress that pervades our Nation.

Mr. President, it is especially important that we eliminate this special exception now. The administration has asked the American people to sacrifice in order to get our fiscal house in order. But many Americans, understandably, are reluctant to support the President's plan because they don't trust Congress to abide by the President's proposed spending limits. It will be hard to restore that trust so long as Congress continues to avoid accountability, and exempts itself from the sacrifice that is being asked of ordinary Americans.

Mr. President, the failure of Congress to be held directly accountable for poor performance mirrors a similar problem in the private sector. In my view, a significant cause of our Nation's recent economic problems is that many of our businesses have suffered from poor management. As a former CEO of a major corporation, I do not say that lightly. But the fact is too many of our country's corporate leaders have operated without any meaningful check on their power, and have been rewarded with ridiculously high compensation packages regardless of their performance. I have long supported basing corporate pay on performance. The same principle should apply to Congress when it overspends taxpayer dollars.

Mr. President, I do not claim that we will balance the budget simply by reducing congressional pay. But by holding Members of Congress personally accountable for overspending, the likelihood of such overspending will be reduced. Perhaps as important, the public's distrust of Congress just might be reduced as well.

Mr. President, I urge my colleagues to support the bill, and ask unanimous consent that a copy of the legislation be printed in the RECORD at this point.

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

S. 713

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 "Congressional Overspending Pay Accountability Act".

SEC. 2. SEQUESTERING THE PAY OF MEMBERS OF CONGRESS.

(a) MEMBER SEQUESTER.—Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end thereof the following:

"(c) CONGRESSIONAL PAY.—The pay of each Member of Congress shall be reduced by the uniform percentage determined under subsection (a)(2) in any fiscal year in which there is a sequester under this section before such sequester occurs.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall take effect on the date of enactment of this section.

(2) 27TH AMENDMENT.—If the application of the amendment made by subsection (a) to the pay of Members of Congress pursuant to paragraph (1) is held to be unconstitutional under the XXVII Amendment of the Constitution, the amendment made by subsection (a) shall take effect upon convening of the 104th Congress.●

By Mr. BOND (for himself, Mr. DODD, Mr. ROCKEFELLER, Mr. CHAFEE, Mr. HEFLIN, Mr. COCHRAN, Mr. SHELBY, Mr. STEVENS, Mr. INOUYE, Mr. DANFORTH, Mr. LIEBERMAN, and Mr. COHEN):

S. 715. A bill to establish parents as teachers programs; to the Committee on Labor and Human Resources.

PARENTS AS TEACHERS ACT

Mr. BOND. Mr. President, I thank our ranking member. I rise today to thank our very wise and gracious Chaplain for making the argument for the piece of legislation I wish to introduce this morning. He said that in the first 3 years of life, children learn half of all they are going to know.

I am today reintroducing a parents as teachers bill which provides assistance for parents of children from birth to 3 years old. We have found it to be extremely effective in Missouri. It helps the parents and provides the knowledge and the guidance to develop their children's learning intelligence.

Mr. President, we have spent the better part of the last 2 weeks debating budget and appropriations bills. We are in the process of making taxation and spending decisions which will affect our economy for years to come. Important as that debate is, I'd like to take a few moments to direct the attention of fellow Senators to some alarming social problems, and to an antidote the State of Missouri has found to a few of them.

There is general agreement that many of the problems facing society today can be attributed to the weakening of the American family.

We are living in a society which glamorizes violence and promiscuous sex, in which children must go to schools which resemble war zones rather than places of learning, in which younger and younger teenagers become pregnant at an ever-increasing rate, and in which almost all children spend less time with their parents than ever before.

The tax burden on American families has increased over 1,000 percent in the last 40 years. Between 1979 and 1990, real median income of families with children fell by 5 percent, while the costs of housing, health care, transportation, and education rose. One in two marriages now ends in divorce, and one in five children lives in a single-parent family. America's families are being weakened on many fronts, and it is the children that pay the highest price.

Mothers of small children have entered the paid work force in record numbers during the last 20 years in an effort to make ends meet. But as most employed mothers will attest, the cost of working outside the home is often great in terms of lost time for family. Recent studies have shown that most parents spend less time in direct communications with their children than ever—mintues per day rather than hours—and far less time than their children spend watching television. Not surprisingly, a recent survey showed that the majority of parents feel they need more time with their families.

And, while parents suffer from a lack of time with their children, it is the children who suffer more. When children fail to receive love and attention at home and when they do not receive high-quality day care outside the home, the consequences can be disastrous. Children who are not supervised properly are more likely than their peers to do poorly in school, drop out, use illegal drugs, and engage in premature and unprotected sexual activity.

The reasons behind these trends are complex and varied. Many are far beyond the scope of government.

Some great thinkers have concluded that we are facing a spiritual deficit greater than any material deficit. And I believe this may be true. If it is true, it is something that government can't fix.

But I believe there are plenty of things that government can do to reinforce the natural ties between parents and children, and to strengthen and preserve the family unit.

It is in the interest of all of us—of any political party or no political party—to keep families strong. We have a unique opportunity to forge a bipartisan consensus on children and family issues in this Congress. We have just enacted a family leave law—I am now working hard with Senator ROCKEFELLER to build bipartisan momentum for our bill which provides services to keep families together as an alternative to foster care.

And today I am introducing a bill which I believe can make a very great impact on the lives of young children when they need it most—before they even go to school.

Mr. President, Missouri has developed a wonderful program for helping families—and not just low-income families—called Parents As Teachers. Parents As Teachers is a comprehensive, early childhood/parent education program which began as a pilot project and which is now a model for the Nation and the world. The program helps parents enhance the language, motor, and social development of their children. It provides useful information at each stage of development from birth to age 3.

Many a new parent has come home from the hospital wondering "What in the world do I do now?" After all, babies don't come with instruction manuals. They do come with colic, teething, nightmares, tantrums, illnesses, and other wonderful traits. Parents As Teachers helps parents deal with all of these challenges. Perhaps most important, each child is screened for potential vision or hearing problems or motor delays while they participate in the program. This results in problems—even those as simple as a buildup in ear wax—being detected early, before they are allowed to develop into chronic conditions that adversely affect learning.

Health and education experts now agree that the first few years of life, before school even starts, are critical to the development of a child's language skills, social skills, and personality. The kinds of experiences children have in the first few years of their lives have a significant impact on their lifelong learning capacities.

We also know that parental involvement in the education of their children is the key to long-term gains for youngsters. Parents are their children's first and most influential teachers. What parents do to help their children learn is more important to academic success than how financially well off the family is or any other single factor. We need to ensure strong links between the home and school from the earliest possible time.

Parents As Teachers starts early in strengthening the foundations of later learning—language and intellectual development, curiosity, and social skills.

Parents As Teachers has proven effective. Two independent research studies have shown that children participating in the program consistently scored significantly higher on all measures of intellectual achievement, auditory comprehension, verbal ability, and language ability than their peers who did not participate. And these gains held true regardless of the socioeconomic status of the family, or marital status of the parents.

While I was Governor of Missouri, I fought long and hard to implement Parents As Teachers statewide. There were some who claimed that we were promoting a subversive idea. And we were. The subversive idea is that parents are responsible for the education of their children; parents must be involved in the education of their children; parents are best equipped to determine what their children need to grow into mature, responsible adults.

Mr. President, over 100,000 families have benefited from Parents As Teachers in Missouri. I want to duplicate that success throughout the country. Our bill would provide $20 million per year in Federal seed money to States to begin or expand these programs. Over a period of 5 years, programs would be weaned from Federal assistance, and would have to develop other sources of revenue. I believe funding programs like these, which emphasize parental responsibility and involvement, are the most important investment we can make in education today.

I do not believe we will continue to have a strong, stable society if current social trends continue. Nor will our economy remain competitive. We must all recognize, and act on the recognition, that stable families are the heart of a stable, productive nation. I urge support of the Parents As Teachers legislation.

I ask unanimous consent to include the bill in the RECORD.

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

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

SECTION 1. FINDINGS.

The Congress finds that—

(1) increased parental involvement in the education of their children appears to be the key to long-term gains for youngsters;

(2) providing seed money is an appropriate role for the Federal Government to play in education;

(3) children participating in the parents as teachers program in Missouri are found to have increased cognitive or intellectual skills, language ability, social skills and other predictors of school success;

(4) most early childhood programs begin at age 3 or 4 when remediation may already be necessary; and

(5) many children receive no health screening between birth and the time they enter school, thus such children miss the opportunity of having developmental delays detected early.

SEC. 2. STATEMENT OF PURPOSE.

It is the purpose of this Act to encourage States and eligible entities to develop and expand parent and early childhood education programs in an effort to—

(1) increase parents' knowledge of and confidence in child-rearing activities, such as teaching and nurturing their young children;

(2) strengthen partnerships between parents and schools; and

(3) enhance the developmental progress of participating children.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "developmental screening" means the process of measuring the progress of children to determine if there are problems or potential problems or advanced abilities in the areas of understanding and use of language, perception through sight, perception through hearing, motor development and hand-eye coordination, health, and physical development;

(2) the term "eligible entity" means an entity in a State operating a parents as teachers program on the date of enactment of this Act;

(3) the term "eligible family" means any parent with one or more children between birth and 3 years of age;

(4) the term "lead agency" means—

(A) except as provided in subparagraph (B), the office, agency, or other entity in a State designated by the Governor to administer the parents as teachers program authorized by this Act; or

(B) in the case of a grant awarded under this Act to an eligible entity, such eligible entity;

(5) the term "parent education" includes parent support activities, the provision of resource materials on child development and parent-child learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home; and

(6) the term "parent educator" means a person hired by the lead agency of a State or designated by local entities who administers group meetings, home visits and developmental screening for eligible families, and is trained by the Parents As Teachers National Center established under section 7.

SEC. 4. PROGRAM ESTABLISHED.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary is authorized to make grants in order to pay the Federal share of the cost of establishing, expanding, or operating parents as teachers programs in a State.

(2) ELIGIBLE RECIPIENTS.—The Secretary may make a grant under paragraph (1) to a State, except that, in the case of a State having an eligible entity, the Secretary shall make the grant directly to the eligible entity.

(b) FUNDING RULE.—Grant funds awarded under this section shall be used so as to supplement, and to the extent practicable, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

SEC. 5. PROGRAM REQUIREMENTS.

(a) REQUIREMENTS.—Each State or eligible entity receiving a grant pursuant to section 4 shall conduct a parents as teachers program which—

(1) establishes and operates parent education programs, including programs of developmental screening of children; and

(2) designates a lead State agency which—

(A) shall hire parent educators who have had supervised experience in the care and education of children;

(B) shall establish the number of group meetings and home visits required to be provided each year for each participating family, with a minimum of 2 group meetings and 10 home visits for each participating family;

(C) shall be responsible for administering the periodic screening of participating children's educational, hearing and visual development, using the Denver Developmental Test, Zimmerman Preschool Language Scale, or other approved screening instruments; and

(D) shall develop recruitment and retention programs for hard-to-reach populations.

(b) LIMITATION.—Grant funds awarded under this Act shall only be used for parents as teachers programs which serve families during the period beginning with the birth of a child and ending when the child attains the age of 3.

SEC. 6. SPECIAL RULES.

Notwithstanding any other provision of this section—

(1) no person, including home school parents, public school parents, or private school parents, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this Act;

(2) no parents as teachers program assisted under this Act shall take any action that infringes in any manner on the right of parents to direct the education of their children; and

(3) the provisions of section 438(c) of the General Education Provisions Act shall apply to States and eligible entities awarded grants under this Act.

SEC. 7. PARENTS AS TEACHERS NATIONAL CENTER.

The Secretary shall establish a Parents As Teachers National Center to disseminate information to, and provide technical and training assistance to, States and eligible entities establishing and operating parents as teachers programs.

SEC. 8. EVALUATIONS.

The Secretary shall complete an evaluation of the parents as teachers programs assisted under this Act within 4 years from the date of enactment of this Act, including an assessment of such programs' impact on at-risk children.

SEC. 9. APPLICATION.

Each State or eligible entity desiring a grant under this Act shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall describe the activities and services for which assistance is sought.

SEC. 10. PAYMENTS AND FEDERAL SHARE.

(a) PAYMENTS.—The Secretary shall pay to each State or eligible entity having an application approved under section 9 the Federal share of the cost of the activities described in the application.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share—

(A) for the first year for which a State or eligible entity receives assistance under this Act shall be 100 percent;

(B) for the second such year shall be 100 percent;

(C) for the third such year shall be 75 percent;

(D) for the fourth such year shall be 50 percent; and

(E) for the fifth such year shall be 25 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of payments under this Act may be in cash or in kind, fairly evaluated, including planned equipment or services.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997, to carry out this Act.

Mr. ROCKEFELLER. Mr. President, today I rise to support one of the best investments we can make in our country's future: the education of our children. While teachers in our schools have the important responsibility of educating our children, parents are truly the most meaningful, lifelong educators of children. Because of this, we should not wait until children go to school to worry about their education. Early childhood education and school readiness are crucial for every child's success. It is important to reach out and offer help to parents who want guidance and training about ways, beginning at birth, of providing their children with the safe, loving, and secure environment that is vital for every child's health development and education.

I am proud to be a cosponsor of the Parents as Teachers/Family Involvement in Education Act because it recognizes that parents are a child's earliest and most important teachers. I commend Senator BOND for his leadership and dedicated work on this important legislation. We share a longstanding commitment to children and work together on our mutual priorities on children and families.

As chairman of the National Commission on Children, I have seen how essential a strong family is to a child's development. This bill reflects the Commission's recommendations for strengthening American families by expanding community-based family support programs to provide parents with the knowledge, skills, training, and support they need to raise their children in a more positive and healthy environment.

This cost-effective bill would provide States with the impetus and financial startup support they need to establish more Parents as Teachers programs, which have proved to be successful in numerous communities. In West Virginia, we have three new Parents as Teachers programs where dedicated parent educators are reaching out to provide assistance to parents who voluntarily seek to learn how to better fulfill their role as their child's first teacher. These programs, located in Huntington, Wheeling, and Kanawha Counties, use home visits, group counseling sessions, and other community services to provide information to parents, improve interactions between parents and children, and detect potential problems. The programs also allow parents to share their concerns and experiences with the staff as well as other parents in a welcomed, supportive, nonthreatening atmosphere.

While these West Virginia programs are attracting wide interest, they have only had the funds to provide services to primarily special needs families and have not been able to serve many other families who would like the program's help. The parents as teachers bill would help establish more programs so that all families, no matter what income level or background, could participate in this voluntary program.

Not only can this program help parents become better educators of their children, but such initiatives, at the earliest stage of a child's development, can help prevent problems of poor health care, child abuse, student dropout, child suicide, and illiteracy.

I strongly support Senator BOND's parents as teachers bill because it not only invests in parents as educators of children, but also invests in our children, who clearly represent our Nation's future. I am confident that, through early childhood education, we help plant the seeds for future generations by strengthening their education and development where it counts the most—at home.

Mr. CHAFEE. Mr. President, I am pleased to join in introducing, with Senator BOND and others, the Parents as Teachers/Family Involvement in Education Act. This legislation has been introduced in previous Congresses, but, regrettably, has never become law. Improving education is a stated priority of this Congress and new administration, and I believe the Parents as Teachers Program is a good place to start.

In brief, the legislation would authorize a modest $20 million over 5 years to be used as seed money for States operating or establishing Parents as Teachers programs. This sum would fund programs in approximately 1,000 school districts nationwide.

Often we hear the phrase "our children are our Nation's future," but are we giving those children—our future—the attention and guidance that they need in order to grow up and be of benefit to society? When one quarter of our Nation's children drop out of school before completing the 12th grade, the answer is a resounding "No."

There is no more important job or greater responsibility than raising children. Certainly there are few jobs in which one individual has total responsibility for the very existence of another person, yet being a parent is one job for which no training is provided.

The Parents as Teachers Program changes that, by providing parent education and early childhood education from the last 3 months of pregnancy until the child is age 3. The program would be voluntary and open to all income levels and would include group meetings and home visits.

This program has a proven track record. Begun in Missouri in 1981, there are pilot programs in several States, including Rhode Island. Independent evaluations of the program show that children who have participated score better in assessments of intellectual achievement, comprehension, and general language skills. In addition, parents from the program were shown to be more knowledgeable about childrearing and child development.

We know that the first years of life are critical to a child's later development and education. The Parents as Teachers Program helps to develop the child's language, social, and personality skills.

The Parents as Teachers Program may also help to establish an important pattern of parent involvement in education. Schools with strong parent-teacher organizations and high levels of parental involvement flourish. I believe that parents are the key to improving education. This legislation gives us the chance to help willing parents to truly become their children's most important teachers.

Mr. SHELBY. Mr. President, I rise in support of the parents as first teachers bill. I cosponsored similar legislation in the 101st and 102d Congresses because I believed then, as I do now, that parents must be actively involved in the education of their children if children are to reach their fullest potential.

I am sure that if any of us could remember the very first thing we learned, there is a high probability that a parent taught it to us—whether it was shaking a rattle or reading a nursery rhyme. Since parents are children's first teachers, it is important that parents have the necessary knowledge and skills to ensure that their children's preschool years are spent in a positive and productive educational environment.

Numerous studies indicate that the first years of a child's life profoundly affect his later learning capabilities. For example, during the early years, children learn more at a faster rate than at other periods of their lives. In addition, the development of language, intelligence, and curiosity occur during the first 3 years of life. A child's personality also is most actively molded during this period. Thus, it is important that parents reflect a loving and enthusiastic attitude towards the child. Parents must know:

How to show affection for the child;

How to express pride in the child's accomplishments;

How to choose educational toys;

How to answer the child's questions; and

How to allow the child to explore his environment freely as long as the exploration does not endanger the child's safety.

Parents who do these things well can reasonably expect that their children will grow up emotionally stable and intellectually prepared for school.

Because the first 3 years of a child's life are so important, we must put forth our best efforts to ensure that parents know how to teach and care for their children. While this statement seems clearly obvious to most of us, we must realize that childrearing to a great extent in America is trial and error often based on the experiences of our parents or other adults in our lives. However, we have an opportunity here to take advantage of years of research in early childhood development to compensate for some of the experiences which have been passed on that may not contribute to a positive learning environment.

It is especially important that parents be educated to be good parents because so many of today's parents are mere children themselves. However, the Parents as Teachers Program addresses the needs of all parents—young and old, poor and middle class.

According to "A Vision of Change for America," President Clinton is proposing to increase funding for Head Start by $3.2 billion in 1997, and to $8 billion over 4 years, achieving full funding by 1999. The administration is hopeful that the increased funding for Head Start will enable all eligible, at-risk children to be served by the program. Although Head Start is an extremely effective program which I wholeheartedly support, for many children, Head Start, which begins at age 3, is too late.

The parents as teachers bill would go a long way in bridging the gap between birth and Head Start. The legislation would provide seed money to States to fund an early childhood education program for parents. Specifically, the legislation would authorize a $100 million competitive grant program over 5 years for States desiring to begin or expand Parents as Teachers programs. Under the legislation, Federal funding would decline to 75 percent in the third year, 50 percent in the fourth year, and 25 percent in the fifth year. After the fifth year, the legislation would require the States to pick up the cost of the program.

I am pleased to support this legislation because I am familiar with the success of the Parents as Teachers Program in my home State of Alabama. The Alabama program enrolls parents when the mother is pregnant, and the family remains in the program until the child's third birthday. The program provides services such as:

Home visits by parent educators trained in child development;

Group meetings to help parents share experiences;

Periodic health screening of children to check sensory and educational development; and

Referral to community and professional services if problems are detected during the screenings.

The Alabama Parents as Teachers Program is based on a Missouri model established in 1984. A recent study of the children who participated in the Missouri program in the early 1980's, indicated that the children were significantly ahead of other children in academic performance at the end of the first grade. In addition, the study also revealed that the parents in the Missouri program have continued to play a more active role in their children's education than other parents.

The results of the Missouri study and the success of the program in Alabama are enough for me to know that this legislation is worthy of my support. We cannot skimp when it comes to the education of our children—they are our country's future. Although the funding of the Parents as Teachers Program would result in budget expenditures, the long-term benefit to society would far outweigh the short-term costs of the program. The results would translate into a sound financial investment that will save future costs for welfare, social services, and the criminal justice system. I strongly urge all of my colleagues to support this legislation which represents an investment in the human capital of our Nation. Thank you, Mr. President, I yield back the balance of my time.

By Mr. BOND (for himself, Mr. WELLSTONE, Mr. HEFLIN, Mr. DORGAN, Mr. DASCHLE, Mr. KERREY, Mr. SIMON, Mr. GLENN, Mr. PRYOR, Mr. HARKINS, Mr. GRASSLEY, Mr. DURENBERGER, Mr. PRESSLER, Mr. LEVIN, Mr. MCCONNELL and Mr. JOHNSTON):

S. 716. A bill to require that all Federal lithographic printing be performed using ink made from vegetable oil, and for other purposes; to the committee on Rules and Administration.

VEGETABLE INK PRINTING ACT OF 1993

• Mr. BOND. Mr. President, today I, along with Senators WELLSTONE, GRASSLEY and others, introduce the Vegetable Ink Printing Act of 1993. This legislation would require all Federal lithographic printing be performed using ink made from vegetable oil.

In the 102d Congress, I along with 13 of my colleagues, introduced the All-Soy Ink Printing Act of 1992. It is now time to include other vegetable producing products like corn, sunflowers, rapeseeds, and cotton in this legislation to assure we use these renewable resources. Vegetable ink also enhances the paper recycling process and contributes to better quality recycled paper. Since vegetable ink is more easily removed from paper pulp, there is less damage to paper fibers in the deinking process.

The increased use of vegetable ink would help decrease our reliance on foreign oil that is used in the petroleum-based inks, reduce risks to our environment, and help the millions of American farmers who currently grow agricultural products.

According to the American Soybean Association, if all newspaper ink were made from soybean oil, the oil from 35 to 40 million bushels of soybeans would be utilized. However, as soy ink use broadly expands into other printing mediums, soybean usage could approach the 100 million bushel level—or

the soybean production from approximately 3 million acres of cropland.

Research to develop soybean oil-based printing ink has been a phenomenal success. Since 1987, soy ink has been successfully used by newspapers for black and color printing. Soy ink is now being used by one-half of the Nation's 9,100 newspapers, including 75 percent of the 1,700 daily newspapers. Some Missouri papers using soy ink are the St. Joseph News-Press/Gazette, Kansas City Star, Clarence Courier, Bolivar Herald-Free Press, the Trenton Republican-Times, and the Rural Missouri.

Many States, like my home State of Missouri, are ahead of the Federal Government in using soy inks for their State government printing work. It is time we included all vegetable inks in the process and I urge Members of the Senate to support this legislation.

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. 716

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 "Vegetable Ink Printing Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) more than 95 percent of Federal printing involving documents or publications is performed using lithographic inks;

(2) various types of oil including petroleum and vegetable oil, are used in lithographic ink;

(3) increasing the amount of vegetable oil used in a lithographic ink would—

(A) help reduce the Nation's use of nonrenewable energy resources;

(B) result in the use of products that are less damaging to the environment;

(C) result in a reduction of volatile organic compound emissions; and

(D) increase the use of renewable agricultural products.

(4) the technology exists to use vegetable oil in lithographic ink and, in some applications, to use lithographic ink that uses no petroleum distillates in the liquid portion of the ink;

(5) some lithographic inks have contained vegetable oils for many years; other lithographic inks have more recently begun to use vegetable oil;

(6) according to the Government Printing Office, using vegetable-based ink appears to add little if any additional cost to Government printing;

(7) use of vegetable-based ink in Federal Government printing should further develop—

(A) the commercial viability of vegetable-based ink, which could result in demand, for domestic use alone, for 2,500,000,000 pounds of vegetable crops or 500,000,000 pounds of vegetable oil; and

(B) a product that could help the United States retain or enlarge its share of the world market for vegetable ink.

SEC. 3 FEDERAL PRINTING REQUIREMENTS.

(a) DEFINITION.—In this section, "Federal agency" means—

(1) an executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency; and

(2) an establishment or component of the legislative or judicial branch of the Government.

(b) VEGETABLE-BASED INKS.—

(1) IN GENERAL.—Notwithstanding any other law, beginning on the date that is 180 days after the date of enactment of this Act, all lithographic printing performed or procured by a Federal agency that uses oil in its ink shall use the maximum amount of vegetable oil that is technologically feasible and results in printing costs that are cost-competitive with printing using petroleum-based inks.

(2) MINIMUM PERCENTAGES.—Except as provided in paragraph (3), in no event shall a Federal agency use any ink that contains less than the following percentages of vegetable oil in its ink used for lithographic printing:

(A) In the case of news inks, 40 percent.

(B) In the case of sheet-fed inks, 20 percent.

(C) In the case of forms inks, 20 percent.

(D) In the case of heat-set inks, 10 percent.

(3) SUSPENSION OF EFFECTIVENESS OF PARAGRAPH (2).—(A) At any time at which a Federal agency determines the cost of printing with vegetable-based ink is significantly greater than the cost of printing with petroleum-based ink, the Federal agency may perform or procure lithographic printing using ink that contains less than the percentages of vegetable oil in its ink than those specified in paragraph (2) until such time as the cost of printing with vegetable-based ink is not significantly greater than the cost of printing with petroleum-based ink.

(B) A determination made under subparagraph (A) shall be reviewed—

(i) at least once every quarter, for the performance or procurement of printing of materials that are printed on a regular basis; and

(ii) prior to performing or procuring the printing of particular material of significant size that is printed once or is printed at intervals of 6 months or more.•

• Mr. WELLSTONE. Mr. President. I am pleased to join today with my colleague from Missouri, Senator BOND, in introducing the Vegetable Ink Printing Act of 1993. We are introducing the bill on behalf of ourselves and Senators HEFLIN, DORGAN, DASCHLE, KERREY, SIMON, GLENN, HARKIN, PRYOR, GRASSLEY, DURENBERGER, and PRESSLER.

This legislation would require the Federal Government, in its offset printing, to use as much vegetable-oil ink as is technologically feasible, as long as that use results in printing costs that are competitive with printing using petroleum-based inks.

The bill also would establish minimum percentages of vegetable-oil ink to be used in Federal printing. These minimum percentages were established in consultation with the National Association of Printing Ink Manufacturers and the American Soybean Association.

Our bill would require use of vegetable oil ink in the government's offset, or lithographic, printing. Lithographic printing is simply a process whereby ink is transferred from a plate to a rubber blanket which, in turn, transfers the image to the surface being printed. This constitutes a large majority of the printing done by the Government, which currently utilizes about 1,400 tons of ink for its in-house and contract printing operations. The bill would require the use of the maximum amount of vegetable ink that is feasible and cost competitive.

Further, the bill also would establish minimum percentages of vegetable ink to be used in each of four different categories of lithographic printing. In the case of news inks, the amount is 40 percent; for sheet-fed inks, 20 percent; for forms inks, 20 percent; and for heat-set inks, 10 percent. These categories cover nearly all Government printing—various forms, documents, annual reports, and even some stamp printing. The bill would not apply to the printing of money, which uses a different process.

Requiring the Government to use more vegetable ink should hardly be a shocking proposal. In fact, it is surprising we have not done it before. Vegetable ink has steadily improved its performance in the market since the 1980s. The journal Print and Mail reports that approximately one-third of all U.S. newspapers use vegetable oil ink, including half of the dailies. The Government Printing Office [GPO] already uses vegetable ink when client agencies request it. And officials in 26 States responding to a survey conducted by the National Association of State Purchasing Officials said that they purchase soybean ink for State printing. I believe it is simply inertia and lack of awareness that are holding this trend back.

As the new chair of the Small Business Committee's Subcommittee on Rural Economy and Family Farming, I am happy to say that I believe this is precisely the type of legislation that can link promotion of rural America's economy with protection of the environment. The bill would encourage the new-uses movement in American agriculture while directing the Government to buy green in a key area of procurement.

Through the Rural Economy and Family Farming Subcommittee, I intend to investigate the small business possibilities of the trend toward new uses for agricultural products. I am convinced that any vision for sustainable economic development in this country must include a prominent role for agriculture as a key to our future renewable resource base.

Agricultural practices must be made more environmentally sound, to be sure. But the economic vitality of rural America continues to depend on the health of our agricultural sector. New, industrial uses for both traditional and new crops will become ever more important economically. As was pointed

out in last year's Yearbook of Agriculture, published by USDA and titled, "New Crops, New Uses, New Markets," we have opportunities to add billions of dollars worth of new demand for agricultural products, with environmental benefits ranging from the development of cleaner technologies to the reduction of imports of non-renewable resources.

There are several environmental advantages to using vegetable-oil inks, according to Eleanor Lewis of Ralph Nader's public procurement project. Ms. Lewis lists these in a fascinating and sensible recent booklet, "Forty Ways to Make Government Purchasing Green," published by Nader's Center for Study of Responsive Law. I'm sure that Ms. Lewis' booklet, as well as the work of many other activists who have pressed the Federal Government to become a more responsible consumer, is being studied by the new administration. At least I hope it is. And I look forward to a significant change in the approach to Government procurement in the coming years. The Federal Government must realize its potential as a positive force in the marketplace—encouraging desirable new products and technologies by creating a market for them, while also serving as a moral example for individual consumers and commercial buyers.

The benefits of vegetable inks listed by Ms. Lewis in her booklet include the utilization of renewable agricultural products, such as soybeans, instead of largely imported oil, as well as the fact that paper with vegetable ink printed on it is more easily recycled than that with petroleum ink because the deinking process is easier and cheaper. In addition, the production of vegetable inks appears to result in lower emissions of volatile organic compounds [VOC's], which promote the formation of ozone smog pollution.

The cost of ink is a very small portion of the overall cost of printing. Thus, based on discussions with GPO officials, we expect negligible impact on the cost of printing jobs, even when the cost, per pound, of vegetable inks is somewhat higher than the cost of petroleum-based ink. The same GPO officials have indicated to us that, in their opinion, there should be no serious practical difficulties in meeting the standards in the bill.

The bill has been endorsed by the American Soybean Association, the Consumer Federation of America, Ralph Nader's government purchasing project, and Communicating for Agriculture. I expect many more groups will support us as we move into hearings on it.

I urge my colleagues to join with Senator BOND and myself in supporting this legislation.●

By Mr. PRYOR (for himself, Mr. HEFLIN, and Mr. COCHRAN):

S. 717. A bill to amend the Egg Research and Consumer Information Act to modify the provisions governing the rate of assessment, to expand the exemption of egg producers from such Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EGG RESEARCH AND CONSUMER INFORMATION IMPROVEMENT ACT OF 1993

● Mr. PRYOR. Mr. President, today I am introducing a bill to amend the Egg Research and Consumer Information Act, a statute that authorizes research, food safety, and consumer education programs conducted by the American Egg Board.

I have been a long-time supporter of the egg program and similar commodity programs because they provide farmers with the opportunity to join together as an industry to improve their product through valuable research, promotion, and important consumer information.

Through a collective assessment, producers are able to fund vital programs of significant benefit to both consumers and their industry. From the development of food handling and safety information for food service operations, to television advertising and nutrition research, these commodity checkoff programs provide producers and consumers with a wealth of information and supporting materials that have proven very valuable.

Through these programs, agricultural industries have been able to maintain and expand markets for their products—at no cost to the Government—which has had a positive impact on their ability to stay competitive. Without such a collective effort, it would be very difficult for individual producers to create, fund, and implement programs like those that have been developed and carried out by the commodity organizations representing them.

The legislation I am introducing today would enable egg producers to vote in a referendum to increase their assessment level, which is currently 5 cents per case. A cap of 30 cents per case would be established by this amendment as well. Egg producers could vote to increase their assessment level to any amount, provided it does not exceed the 30-cents-per-case ceiling of this amendment. Any increase would have to be approved in referendum by two-thirds of egg producers voting, or a majority of producers if that majority is responsible for at least two-thirds of the egg production of voting producers.

The exemption level, which is currently egg producers with 30,000 or less laying hens, would be raised to egg producers with 50,000 or less laying hens, to more accurately reflect the definition of a small producer in today's market. Thus, any egg producer with 50,000 or less layers would not be required to pay an assessment.

Mr. President, I ask that this bill and a detailed description of the bill be printed in the RECORD following my statement.

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

S. 717

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 "Egg Research and Consumer Information Improvement Act of 1993".

SEC. 2. RATE OF ASSESSMENT.

(a) IN GENERAL.—Section 8(e) of the Egg Research and Consumer Information Act (7 U.S.C. 2707(e)) is amended—

(1) by designating the first and second sentences as paragraph (1);

(2) by designating the fifth and sixth sentences as paragraph (3); and

(3) by striking the third and fourth sentences and inserting the following new paragraph:

"(2) The rate of assessment shall be prescribed by the order. The rate shall not exceed 30 cents per case of commercial eggs or the equivalent of a case. Subject to the preceding sentence, the order may be amended to change the rate of assessment if the change is recommended by the Egg Board and approved by egg producers in a referendum conducted under section 9(b).".

(b) REFERENDUM.—Section 9 of such Act (7 U.S.C. 2708) is amended—

(1) by designating the first and second sentences as subsection (a);

(2) by designating the third sentence as subsection (c); and

(3) by inserting after subsection (a) (as designated by paragraph (1) of this subsection) the following new subsection:

"(b)(1) If the Egg Board determines, based on a scientific study, marketing analysis, or other similar competent evidence, that an increase in the rate of assessment is needed to ensure that the assessment under the order is established at an appropriate level to effectuate the declared policy of this Act, the Egg Board may request that the Secretary conduct a referendum, as provided in paragraph (2).

"(2) If the Egg Board requests the Secretary to conduct a referendum under paragraph (1) or (4), the Secretary shall conduct a referendum among egg producers who are not exempt from this Act and who, during a representative period determined by the Secretary, have been engaged in the production of commercial eggs, for the purpose of ascertaining whether the producers approve the change in the rate of assessment proposed by the Egg Board.

"(3) The change in the assessment rate shall become effective if the change is approved or favored by—

"(A) not less than two-thirds of the producers voting in the referendum; or

"(B) a majority of the producers voting in the referendum, if the majority produced not less than two-thirds of all the commercial eggs produced by the producers voting during a representative period defined by the Secretary.

"(4) In the case of the order in effect on the date of the enactment of this subsection, the Egg Board shall determine under paragraph (1), as soon as practicable after such date of enactment, whether to request that the Secretary conduct a referendum under paragraph (2). If the Egg Board makes such a re-

quest on competent evidence, as provided in paragraph (1), the Secretary shall conduct the referendum as soon as practicable, but not later than 90 days after receipt of the request from the Egg Board.

"(5) Notwithstanding any other provision of this Act, if an increase in the assessment rate and the authority for additional increases is approved by producers in a referendum conducted under this subsection, the Secretary shall amend the order to reflect the vote of the producers. The amendment to the order shall become effective on the date of issuance.".

SEC. 3. EXEMPTED EGG PRODUCERS.

Section 12(a)(1) of the Egg Research and Consumer Information Act (7 U.S.C. 2711(a)(1)) is amended by striking "30,000 laying hens" and inserting "50,000 laying hens".

SEC. 4. AMENDMENTS TO ORDER.

(a) IN GENERAL.—The Secretary of Agriculture shall issue amendments to the order issued pursuant to the Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.) to implement the amendments made by this Act. The amendments shall be issued after public notice and opportunity for comment in accordance with section 553 of title 5, United States Code, and without regard to sections 556 and 557 of such title. The Secretary shall issue the proposed amendments to the order not later than 30 days after the date of the enactment of this Act.

(b) EFFECTIVE DATE.—The amendments to the order required by subsection (a) shall become effective not later than 90 days, as determined by the Secretary, after the date of the enactment of this Act. The amendments shall not be subject to a referendum conducted under the Egg Research and Consumer Information Act.

SHORT SUMMARY

This legislation to amend the Egg Research and Consumer Information Act will accomplish two primary goals: It will expand eligibility for exemption from assessments under the Act and authorize increased assessment rates if approved by egg producers.

Specifically, the bill will do the following:

(1) It will increase the trigger level for exemption from assessments under the egg promotion and research order. Currently, the Act provides that any egg producer whose aggregate number of laying hens at any time during a 3-consecutive-month period immediately prior to the date of assessment has not exceeded 30,000 laying hens will be exempt from specific provisions of the Act (such as assessment requirements). The bill will increase that exemption trigger level from 30,000 laying hens to 50,000 laying hens.

(2) It will authorize the Egg Board to request increases in assessment rates, and provide for a referendum of producers on any such request, as follows:

(a) The Board could request a change in assessment rates if it determines (based on scientific studies, marketing analyses or other competent evidence) that a change in assessment rates is necessary to achieve the policy goals of the Act.

(b) The Board can request a change in the assessment rate under the order of any amount, increase or decrease, except that in no case could the assessment rate ever exceed 30 cents per case.

(c) The Secretary would be required to conduct a referendum on any change requested by the Board and the change would go into effect only if approved by two-thirds of the producers voting in the referendum or a majority of those voting if they produced not less than two-thirds of the commercial eggs produced during a representative period (this requirement remains unchanged from current law).

(d) Specifically, the Board would be required to determine, as soon as practicable after enactment of the bill, whether a change in the assessment rate is needed. If the Egg Board requests this initial change in assessments the Secretary would have to conduct the referendum within three months. (Sec. 2.)

(3) The Secretary would be required to implement these changes in the egg promotion and research program by an amendment to the order (without a referendum) effective not later than 90 days after enactment of the bill. (Sec. 4.)●

By Mr. KERREY (for himself and Mr. DASCHLE):

S. 718. A bill to amend the Agricultural Trade Act of 1978 to promote the export of agricultural commodities and products to foreign countries, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL EXPORT CREDIT ACT OF 1993

● Mr. KERREY. Mr. President, today I am introducing, along with Senator DASCHLE, legislation that would amend the Department of Agriculture's export credit guarantee program by reinstating the identical lending criteria that guided the program prior to 1990.

I believe it is time, Mr. President, that Congress admit it made a grave mistake in 1990 when it significantly tightened the lending criteria applied to all borrowers—including Russia—under United States Department of Argriculture's export credit program. As the Washington Post editorialized in May of 1991, Congress, in changing the program, was unwilling to let well enough alone. The Post said:

> In fact, the old program wasn't broken. It had some ambiguities, including whether every loan would be repaid, but this is implicit in having a special program for uncertain buyers in the first place. The best course would be to revert to the old, muddy way of doing business.

Prior to enactment of the 1990 farm bill, USDA could take three factors into account before deciding whether to extend credit guarantees to purchasers of U.S. farm commodities. Those factors included: First, the export credit needs of countries that are potential buyers; second, the creditworthiness of those countries; and third, whether the credit would improve the competitive position of U.S. exports in world markets. For emphasis, I repeat that those criteria included consideration of the creditworthiness of potential purchasers.

In 1990, out of a legitimate concern that Commodity Credit Corporation [CCC] guarantees had been used as a costly, backdoor foreign aid program, particularly in Egypt and Poland, Congress decided to throw out the bath water—with the baby. Congress wiped out the lending guidelines that had applied to the program, and replaced them with a series of new restrictions, any one of which, if its test was not met, would kick a country out of the program.

The new restrictions said that the program could not be used for foreign aid, foreign policy, or debt rescheduling. And they were crowned by a tough new creditworthiness test. That test prohibited CCC from making guarantees to any country that the Secretary of Agriculture determined could not adequately service the debt guaranteed by CCC.

Unlike the previous lending criteria, which CCC had only to take into account before extending credit, the current restrictions constitute a series of hurdles, each of which has to be cleared before an export sale can be supported by USDA. It is this last hurdle—the creditworthiness test—that has tripped up further United States grain sales to Russia.

That Russia needs both additional grain and credit is clear. According to the Food and Agricultural Policy Research Institute [FAPRI] real gross domestic product in the former Soviet Union has fallen by 38 percent since 1990. By comparison, during the Great Depression, GDP in the United States fell by 27 percent.

By 1996, according to FAPRI, the size of the livestock herd in the former Soviet Union is expected to drop by 40 percent compared to its level 3 years ago. During the same 6-year period, meat consumption is likely to drop by 36 percent.

That American farmers need the Russian market is equally apparent. A drop in meat production means hardship for the Russian consumer, but it also spells a sustained reduction in demand for the grain produced on United States farms. In 1991, the former Soviet Union imported about 44 million metric tons of wheat, feed grains, and oilseeds. That number is expected to collapse to less than 15 million metric tons by 1996. American farmers are bearing the brunt of this contraction.

Some say that we cannot rescind the present creditworthiness test that offering credit to Russia is too risky. Such credit is indeed risky—very risky—but perhaps the only thing that entails more risk is if we do nothing and thereby deny financing and food to Russia. Hunger and poor diets breed domestic discontent, and domestic strife gives rise to revolutions and upheavals, the kind that could lead to a renewed military confrontation between the United States and Russia and a second cold war. If such a development came to pass, the tens of billions in defense savings that we hope to achieve could evaporate, literally overnight.

Additional costs could be incurred if the Russian grain market collapses along with the Government. According to a recent estimate by the Department of Agriculture, the cost of United States farm programs could increase

by as much as $1.4 billion in fiscal 1994 alone if the former Soviet Union is no longer able to purchase United States grain.

No one understands what's at stake better than President Clinton himself. When asked recently how increased assistance to Russia could be sold to the American people, when polls show 75 percent of them to be opposed to increases in foreign aid, he responded with the following:

We've got a big interest [in Russia]. I realize the responsibility is on me to communicate to the American people any kind of aid package and to justify it. That's my responsibility and I intend to assume it. Foreign aid is unpopular in every country in the world. It's always been unpopular here. I haven't really had much of a chance to talk directly to the American people about what's going on there, and what their stake in it is.

Mr. President, I am quite confident that with the summit between President Clinton and President Yeltsin approaching, and the political turmoil in Russia continuing, our President will seize the opportunity to make this case to the American people, and make it in a convincing and compelling way. I intend to support him in this effort.

Even Ross Perot has said on more than one occasion that financial assistance to the Russians at this critical juncture in history is cents on the dollar when compared to the likely expenditures that United States taxpayers will face if instability in Russia knocks that country off the path toward democracy and a market economy.

Mr. President, I am somewhat mystified by those who cite the risk of offering credit to the Russians and then suggest that as an alternative we simply give our commodities away or offer long-term, concessional financing. Both of these options entail certain direct costs to the taxpayer. I believe that some humanitarian assistance is, indeed, necessary, but it is not realistic, from a budgetary or political standpoint, to suggest that such direct or concessional aid can be a substitute for the credit guaranteed under USDA's export program. The policy paralysis that has characterized this issue for the past many months should be ample evidence of that.

I am also puzzled by those who are reluctant to relax the creditworthiness test for fear that other countries will seek the same treatment that may be extended to Russia. My first response is that Russia is not just any other country. Russia's importance in the strategic scheme of things cannot be ignored. My second point would be that the pre-1990 guidelines that I am urging we return to served our country and U.S. agriculture quite well, as the Washington Post noted. Third, I would say that I am not calling for special treatment for Russia, but acknowledgment of the importance of that market to United States agriculture, a consideration that is allowed under the pre-1990 program guidelines. Finally, I would ask, what alternatives would others suggest that do not involve some form of special treatment for Russia?

Although I believe, and believe strongly, that the United States should return to its former policy with respect to the approval of USDA export credits, I do not believe that credits should constitute the whole of our financial agreements with the Russians on the subject of grain sales. In fact, I agree fully with the senior Senator from Nebraska, Senator EXON, who has been urging for several years now that the United States step up its efforts to collateralize credit agreements with bartered commodities involving the former Soviet Union's rich deposits of natural resources. I also agree that the issue of rescheduling the debt of the former Soviet Union must be resolved separately by Western creditors in the form of a new Paris Club agreement.

In fact, the current impasse over the credit issue stems from the debt accrued by the defunct Soviet Union. While Russia itself must and has accepted responsibility for it's share of that debt, it cannot be expected to assume it all. After all, Russia's performance since the dissolution of the Soviet Union is rather remarkable, given the economic straits it confronts. Few people realize, for example, that Russia had a positive trade balance of $3.1 billion in 1992, and that Russia is current with respect to any new debt that it has incurred with CCC since the breakup of the Soviet Union.

Mr. President, I recognize that there will be some reluctance for Congress to reverse itself on this issue. After all, as recently as July 1 of last year, during consideration of a bill to provide assistance to the former Soviet Union, the Senate voted 93 to 2 to reaffirm the creditworthiness standards adopted in the 1990 farm bill. However, as one who was on the losing side of that lopsided vote, I respectfully urge my colleagues to examine the policy corner that two administrations have been painted into and to repeal this provision—before it's too late.

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. 718

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 "Agricultural Export Credit Act of 1993".

SEC. 2. STANDARDS FOR DETERMINING CREDIT WORTHINESS.

(a) DIRECT CREDIT SALES PROGRAM.—Section 201 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621) is amended by striking subsection (f).

(b) EXPORT CREDIT GUARANTEE PROGRAM.—Subsections (e) and (f) of section 202 of such Act (7 U.S.C. 5622) are amended to read as follow:

"(e) CONSIDERATIONS FOR DETERMINATIONS REGARDING CREDIT GUARANTEES.—In determining whether to make credit guarantees available to a country in connection with sales of agricultural commodities under this section, the Commodity Credit Corporation shall take into account—

"(1) the credit needs of countries that are potential purchasers of United States agricultural exports;

"(2) the credit worthiness of the countries; and

"(3) whether the availability of Commodity Credit Corporation guarantees will improve the competitive position of United States agricultural exports in world markets.

"(f) CARGO PREFERENCE REQUIREMENTS.—The provisions of the cargo preference laws shall not apply to export sales with respect to which credit is guaranteed under this section.".•

By Mr. BREAUX (for himself and Mr. BRYAN):

S. 719. A bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain qualified small issue bonds; to the Committee on Finance.

PERMANENT EXTENSION OF SMALL ISSUE BONDS

• Mr. BREAUX. Mr. President, I rise today, with my colleague Senator BRYAN, to reintroduce legislation to extend permanently the small issue Industrial Development Bond [IDB] Program. This program expired along with the other so-called expiring provisions last June. Congress needs to extend this program once and for all. Taxpayers should not have to live with the uncertainty of whether this program will be authorized year by year.

These small issue bonds, which are now carefully targeted to smaller manufacturers, provide a critical source of financing necessary to establish new plants or modernize existing facilities. They will be essential to strengthen the economic recovery.

Mr. President, I am pleased that President Clinton has recommended as part of his economic recovery plan, the permanent extension of this program. I look forward to working with this administration to see enactment of this bill. I urge my colleagues to join me as a cosponsor of this important legislation.•

By Mr. MCCAIN (for himself, Mr. INOUYE, and Mr. REID):

S. 720. A bill to clean up open dumps on Indian lands, and for other purposes; to the Committee on Indian Affairs.

INDIAN LANDS OPEN DUMP CLEAN-UP ACT OF 1993

• Mr. MCCAIN. Mr. President, today I am introducing the Indian Lands Open Dump Clean-Up Act of 1993. I am pleased to be joined on this legislation by Senators INOUYE and REID.

This legislation is intended to provide the Indian Health Service with the authority to conduct an inventory of

all of the open dump sites located on Indian lands and to assess the relative risks which such sites pose to human health and the environment. Once the IHS has completed the inventory and assessment, it will be required to develop a priority list to determine the order of closure of such dumps based on the severity of the threat to human health and the environment. The IHS would then develop cost estimates and conduct all activities necessary for closure and postclosure maintenance. Indian tribal governments could enter into contracts under the Indian Self-Determination and Education Assistance Act to carry out part or all of the duties of the IHS.

During the past 4 years the Committee on Indian Affairs has held several hearings on environmental protection on Indian lands. All of these hearings have revealed serious deficiencies in Federal efforts to assist tribal governments. Indeed, for many years there was no Federal effort at all.

The problems associated with solid waste disposal on Indian lands are among the most serious threats to the environment which we have identified. In the 102d Congress I introduced S. 1687, the Indian Tribal Government Waste Management Act, to provide a comprehensive statutory framework for tribal and Federal regulation of solid waste disposal on Indian lands. Senators INOUYE, CONRAD, DOMENICI, KASSEBAUM, SIMON, and RIEGLE cosponsored S. 1687 and provided invaluable assistance during the consideration of the bill by the Committee on Indian Affairs. Although S. 1687 was favorably reported to the full Senate by the committee, it was not considered by the full Senate because we were unable to resolve concerns which were raised by the Committee on Environment and Public Works and the Environmental Protection Agency.

The bill I am introducing today responds to the concerns which were raised with regard to the treatment of existing solid waste sites on Indian lands. This bill does not contain provisions regarding the problems associated with commercial solid waste facilities or new noncommercial facilities. It is my intention to introduce legislation later this year to address these facilities. It is clear to me from our experience last year that a single comprehensive statutory framework for the regulation of solid waste on Indian lands probably cannot be enacted any time soon. Accordingly, the bill I am introducing today is limited in its scope to correcting the problems arising from existing solid waste sites on Indian lands.

At the present time, the record before the Committee on Indian Affairs indicates that there are at least 600 open dumps on Indian lands. Many of these dumps were constructed by the Bureau of Indian Affairs or the Indian Health Service and both agencies have used the dumps. Many of the dumps are apparently no longer in use, but few, if any have been closed in conformity with standards designed to protect human health and the environment. Most Indian tribal governments lack the financial resources and technical capability to assess the threat to health and the environment and provide for proper closure and post closure maintenance.

Mr. President, as we have investigated environmental quality issues on Indian lands over the past 4 years I have constantly been amazed by the willingness of the Bureau of Indian Affairs, the Indian Health Service and the Environmental Protection Agency to cast blame on one another and the tribal governments rather than seek constructive solutions to problems which actually pose serious threats to public health and the environment. I share the deep frustration often voiced by tribal leaders who are shuffled from agency to agency without ever receiving a straight answer. One of the goals which we had hoped to address in S. 1687 in the last Congress was a fair division of authority and responsibility between the three Federal agencies. I must regretfully report to my colleagues that the agencies successfully blocked that effort.

The bill I am introducing today vests all authority for dealing with the problem of existing solid waste sites on Indian lands in the Indian Health Service. I am hopeful that this bill will lead to a more constructive approach to this issue by the Federal Government. In view of the fact that the proper handling of this issue involves human health, the environment and the Federal trust responsibility it does not seem to me to be unrealistic to expect a more constructive response from the agencies. I want to emphasize to all interested parties that I am open to any and all constructive ideas. This bill will hopefully stimulate the discussion of such ideas and lead to the enactment of workable legislation.

I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

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

S. 720

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 "Indian Lands Open Dump Clean-Up Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) there are over 600 open dumps on Indian lands;

(2) these dumps threaten the health and safety of residents of Indian lands;

(3) many of these dumps were established and are used by Federal agencies such as the Bureau of Indian Affairs and the Indian Health Service;

(4) these dumps threaten the environment; and

(5) the United States has a trust responsibility to protect Indian lands.

(b) PURPOSES.—The purposes of this Act are to—

(1) identify the location of all open dumps on Indian lands;

(2) assess the relative health and environmental hazards of each dump;

(3) develop a priority list to establish the order in which such dumps should be closed in compliance with applicable Federal and tribal standards; and

(4) close such dumps in compliance with applicable Federal standards, or standards promulgated by an Indian tribal government, if such standards are more stringent than the Federal standards.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) CLOSURE OR CLOSE.—The terms "closure or close" mean all actions necessary to terminate operations at open dumps and bring such dumps into compliance with applicable Federal standards, or standards promulgated by an Indian tribal government, if such standards are more stringent than the Federal standards.

(2) DIRECTOR.—The term "Director" means the Director of the Indian Health Service.

(3) INDIAN LAND.—The term "Indian land" means—

(A) land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(B) dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State;

(C) Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same; and

(D) land held by Alaska Native villages under the Alaska Native Claims Settlement Act (43 U.S.C. 1600 et seq.).

(4) INDIAN TRIBAL GOVERNMENT.—The term "Indian tribal government" means the governing body of any Indian tribe, band, nation, pueblo, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, including any Alaska Native village as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)).

(5) INVENTORY.—The term "inventory" means a complete listing of the geographic location of all open dumps, an evaluation of the contents of each dump, and an assessment of the impact of each dump on the environment and public health.

(6) OPEN DUMP.—The term "open dump" means any facility or site where solid waste is disposed of which does not meet the criteria for a sanitary landfill promulgated under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(7) POSTCLOSURE MAINTENANCE.—The term "postclosure maintenance" means any activity undertaken at a closed solid or hazardous waste facility to maintain the integrity of containment features, monitor compliance with applicable performance standards, or remedy any situation or occurrence that violates standards consistent with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(8) SOLID WASTE.—The term "solid waste" has the same meaning given such term in the

Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), except that such term does not include hazardous waste as defined in such Act.

SEC. 4. INVENTORY BY DIRECTOR OF INDIAN HEALTH SERVICE.

The Director shall—

(1) conduct an inventory of open dumps on Indian lands;

(2) determine the severity of the threat to public health and the environment posed by each dump;

(3) develop a priority list to determine the order of closure of such dumps;

(4) develop cost estimates for the closure and postclosure maintenance of open dumps on the priority list developed under this section; and

(5) conduct all activities required to close such dumps and conduct postclosure maintenance of such dumps.

SEC. 6. CONTRACT AUTHORITY.

The Director may carry out duties under this Act through contracts with Indian tribes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.●

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

S. 721. A bill to amend the Land and Water Conservation Fund Act of 1965, and for other purposes; to the Committee on Energy and Natural Resources.

LAND AND WATER CONSERVATION FUND EMERGENCY FUNDING ACT

● Mr. JOHNSTON. Mr. President, today I am introducing legislation to provide a significant increase in funding for the land and water conservation fund over the next 5 years. This legislation represents a bold initiative to help reduce the backlog of land acquisition projects on Federal lands and to provide money to States and local governments for outdoor recreation facilities and open space acquisition.

In 1964, Congress enacted the Land and Water Conservation Fund Act. The act established a land and water conservation fund [LWCF] which has two essential components. First, it is the principal source of Federal funding for the addition of lands to America's National Park, Forest, Wildlife Refuge, Trail and Wild and Scenic River Systems, and public lands administered by the Bureau of Land Management. Secondly, it is the source of Federal matching grants to State and local governments for open space and recreation planning, land acquisition and development of recreation facilities.

Several basic philosophies guided the establishment of the Land and Water Conservation Fund. First it represents America's commitment to pass on to future generations a natural, cultural and historic heritage expressive of this Nation's enormous breadth and depth. The LWCF also stands on the idea of investment in the future. Since 1968, the LWCF has been financed largely from revenues generated by oil and gas leasing and development on the Outer Continental Shelf [OCS]. The principle is that the proceeds from the depletion of non-renewable resources, in this case, oil and gas, should be reinvested in a permanent asset of lasting benefit to future generations.

Since 1965, over $5 billion has been appropriated from the LWCF for Federal land acquisition projects. This has financed the acquisition of approximately 4 million acres of land and water by the National Park Service, the Fish and Wildlife Service, the Bureau of Land Management and the Forest Service. These acquisitions have made possible many of the parks, wildlife refuges, forests and other special places that so distinguish America. They represent the backbone of America's legacy of caring for its natural heritage. That legacy includes areas such as the Appalachian Trail; Fire Island, Cumberland Island, and Cape Cod National Seashores; Voyagers, North Cascades, Everglades, and Channel Islands National Parks; and the Chattahoochee River and Golden Gate National Recreation Areas. In addition, numerous wildlife refuges vital to preservation of wildlife and endangered species, including the California condor, the whooping crane and the American crocodile have been protected. Forests and river corridors have been acquired and made accessible to the public. Even the venerable crown jewels of America's conservation history—Yosemite, Olympic, Grand Teton National Parks, and many others—have benefited from LWCF-financed acquisition of smaller, but critical lands within their boundaries.

These are areas that all Americans treasure; they are areas that in many ways define us as a people; and in many instances they are preserved and protected today because of the land and water conservation fund.

While perhaps less well known to the public, the fund's State grant program has an equally impressive record of success. Almost $3.2 billion has been appropriated to the State matching grants program since 1965. These grants have been used to acquire over 2 million acres of recreation lands and develop recreation facilities at more than 25,000 other State and local sites. The roster of State and local parks, marinas, bike paths, ball fields, golf courses, tennis courts, pools, picnic areas is impressive and includes scores of communities in every State in the Nation.

Whether urban, suburban or rural, Americans overwhelmingly identify places like these as essential to their idea of a good life. The recreation, physical activity and relaxation opportunities they offer are increasingly recognized as vital to our physical health. They often serve as focal points for community activity, pride and cohesion. They upgrade neighborhoods and are often central features of local and regional economic development and revitalization plans. They are places where American youth can be a part of something constructive.

Provisions of the land and water conservation fund act allow State and local communities to prioritize which projects will be funded, and require them to match the Federal grant with an equal financial commitment of their own. This means the program is a true partnership in which the Federal Government lends a helping hand to local citizens who decide for themselves what is best for their communities. But in return it requires those citizens to make a substantial investment of energy and resources to demonstrate their commitment to a given project.

If the LWCF has been such a success story, why is the legislation I am introducing today necessary? The answer is simple: while the number of new Federal park, refuge and forest areas has grown rapidly in recent years, and while the need and the demand for recreation facilities and open space have increased exponentially, funding from the LWCF has lagged far behind.

Although the LWCF is credited up to $900 million per year from OCS receipts, no funds may be expended for LWCF purpose unless appropriated by the Congress. Over the past 10 years, Federal land acquisition appropriations have averaged less than $225 million per year. Funding for the State grant program has averaged only $50 million annually in that same period, with annual sums ranging from zero in fiscal year 1982 to a high of $110 million in fiscal year 1983. As small as these appropriated levels are, it should be noted that during this same 10-year period, the Congress has, for the most part, appropriated significantly more for the LWCF than has been requested by President Reagan or Bush. In fact, without the effort and determination of some of us in Congress, including key members of the Senate and House Appropriations Committee, it is questionable whether the program could have survived the past 12 years.

While the amount of money appropriated from the LWCF has declined significantly over the past several years, the demand for additional funding for both the State and Federal programs has steadily increased. For example with respect to the State grant program, in fiscal year 1991, over 2,660 State grants were requested while only 412 were awarded, due to the limited amount of money appropriated. The demand is even greater than these numbers indicate. Many States negotiate the amounts requested by State and local applicants based upon the amount of total funding available; as adequate LWCF funding has become more and more difficult to obtain, the requests for State and local projects have become increasingly restricted.

The problem facing the Federal side of the LWCF are just as acute. I and

others concerned about this issue have watched for many years now as the list of conservation properties identified by the Nation as important for Federal acquisition has grown longer and longer. This so-called backlog represents broken or at best delayed promises by the American Government to the American people. Current estimates are that the estimated values of these properties is approaching $3 billion. Because of the lack of available funds, property owners who wish to sell are often unable to do so. Those who do not wish to sell or are unsure about selling are kept in an interminable limbo wondering what the Federal Government will do and when. This situation cannot be allowed to continue.

Today, the authorized but unobligated balance of the LWCF is in excess of $9 billion. Unfortunately, this is not money stashed away in a safe in the Treasury Department ready to be spent. The funds earmarked but unappropriated for the LWCF have been diverted to other programs or used to reduce the deficit. It is only a paper balance and no longer available for the purposes for which it was intended.

The legislation I am introducing today will change that. Under my legislation, during the next 5 fiscal years, 1994 through 1998, the sum of $1 billion would be made available annually, without further appropriation, for LWCF purposes. This amount would be deducted from the authorized but unappropriated balance of the LWCF. Under this legislation $200 million per year would be available for the State grant program; $200 million for Forest Service land acquisitions; and $600 million to the Department of the Interior to be allocated between the National Park Service, Fish and Wildlife Service, and the Bureau of Land Management for priority land acquisition projects.

My bill would direct the Secretary of the Interior—for National Park Service, Fish and Wildlife Service, and Bureau of Land Management land acquisition projects—and the Secretary of Agriculture—for Forest Service land acquisition projects—to prepare a priority list of land acquisition projects within each agency. The legislation requires that the priority lists are to be prepared in consultation with the head of each bureau and agency, and are to take into account the best professional judgment regarding the land acquisition policies of each bureau or agency. The priority lists would be submitted to the Senate and House Appropriations Committees no later than 90 days after the date of enactment of this bill for fiscal year 1994 projects, and thereafter with the administration's annual budget request.

Unless modified by an act of Congress, the $800 million made available for Federal purposes would be expended in accordance with these priority lists. Congress would have the ability to change the priority lists through legislation, but not to change the $1 billion annual expenditure. Finally, the bill makes clear that funds would not be made available each year until after the enactment of the Interior and Related Agencies Appropriations Act for that fiscal year.

Mr. President, we are all aware of the difficult budget decisions now facing us, and I realize that the passage of any legislation which provides a significant funding increase will be difficult. It is clear, however, that the current funding levels for LWCF projects are inadequate. It is equally clear that without bold initiative such as this, the problem will only continue to get worse. I believe there is little doubt that the investments we have made in protecting and preserving our Nation's natural and cultural heritage have rewarded us many times over in an increased quality of life. I urge my colleagues to support this vitally needed emergency funding and I look forward to its early consideration and passage by the Senate.

This legislation has been endorsed by a coalition of more than 30 environmental organizations, including the Wilderness Society, the Sierra Club, the National Audubon Society, Trust for Public Land, the Izaak Walton League, and American Rivers.

Mr. President, I ask unanimous consent that the text of the bill, a section-by-section analysis, and a letter from the Land and Water Fund Coalition supporting this legislation be printed immediately following my statement.

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

S. 721

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Land and Water Conservation Fund Emergency Funding Act of 1993".

SEC. 2. EMERGENCY FUNDING.

Title I of the Land and Water Conservation Fund Act of 1965, as amended, (16 U.S.C. 460-4 through 460-11) is further amended by adding the following new section at the end thereof: EMERGENCY FUNDING.

"SEC. 13. (a) For the purpose of reducing the significant backlog of unacquired lands within the authorized boundaries of units of the national park, wildlife refuge, wilderness, wild and scenic river, trail, and forest systems, and providing critically needed funding to the states for the purposes of section 6 of this Act, the Secretary of the Treasury shall make available, in each of fiscal years 1994, 1995, 1996, 1997, and 1998, without further appropriation and notwithstanding any other provision of this Act, to the Secretary of the Interior (hereinafter referred to as the "Secretary") and the Secretary of Agriculture, the sum of $1,000,000,000, which amount shall be deducted from the authorized but unappropriated balance of the fund, to be expended solely in accordance with the provisions of this section.

"(b) From the funds made available in each fiscal year pursuant to subsection (a)—

"(1) $200,000,000 shall be utilized by the Secretary for state purposes as provided in section 6 of this Act;

"(2) $600,000,000 shall be utilized by the Secretary for federal purposes as provided in section 7 of this Act; and

"(3) $200,000,000 shall be utilized by the Secretary of Agriculture for federal purposes as provided in section 7 of this Act.

"(c)(1) Not later than 90 days after the date of enactment of the Land and Water Conservation Fund Emergency Funding Act of 1993, and thereafter as part of the Department's annual budget submission to the Congress for fiscal years 1995, 1996, 1997, and 1998, the Secretary (for National Park Service, United States Fish and Wildlife Service, and Bureau of Land Management land acquisition projects) and the Secretary of Agriculture (for Forest Service land acquisition projects) shall transmit to the Committees on Appropriations of the United States Senate and United States House of Representatives lists, in descending order of priority, of land acquisition projects within each agency or bureau, which have been authorized by law (hereinafter in this section referred to as "priority lists").

"(2) Such priority lists shall be prepared in consultation with the head of the affected bureau or agency, taking into account the best professional judgment regarding the land acquisition priorities and policies of each bureau or agency. In preparing such priority lists, the Secretaries shall consider—

"(A) the availability of land appraisal and other information necessary to complete the acquisition in a timely manner;

"(B) the potential adverse impacts which might result if the acquisition is not undertaken; and

"(C) such other factors as the Secretaries deem appropriate.

"(3) The Secretary shall, when preparing such priority lists, ensure that the National Park Service, the United States Fish and Wildlife Service, and the Bureau of Land Management receive a fair and equitable share of the funds allocated pursuant to subsection (b)(2), consistent with the land acquisition needs of each bureau and the historical patterns of distribution from the fund to each bureau: *Provided*, That no bureau shall be allocated more than fifty per centum of the funds made available pursuant to subsection (b)(2) nor shall any bureau be allocated less than ten per centum of the funds made available pursuant to subsection (b)(2).

"(d) Funds made available pursuant to paragraphs (b)(2) and (3) shall be allocated to projects in accordance with the priority lists transmitted pursuant to this section unless such priority lists are modified by law.

"(e) No funds shall be made available for the purposes of this section until after the enactment of the Appropriations Act for the Department of the Interior and Related Agencies for the appropriate fiscal year.".

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill the "Land and Water Conservation Fund Emergency Fund Act of 1993."

Section 2 amends the Land and Water Conservation Fund Act of 1965 to add a new section 13 entitled "Emergency Funding." Subsection (a) directs the Secretary of the Treasury to make available to the Secretary of the Interior and the Secretary of Agriculture the sum of $1 billion in each of fiscal years 1994 through 1998. The funds are to be used for the purpose of reducing the significant backlog of unaquired lands within the authorized boundaries of units of the Na-

tional Park System, National Wildlife System, National Forests. National Wilderness Preservation System, National Trails System, and Wild and Scenic Rivers. The funds are also to be used.

Subsection (b) provides that of the $1 billion annual funding—

$200 million is to be made available to the Secretary of the Interior for state purposes as provided in section 6 of the Land and Water Conservation Fund Act;

$600 million is to be made available to the Secretary for federal purposes (land acquisition projects for the National Park Service, Fish and Wildlife Service, and Bureau of Land Management) as provided in section 7 of the Land and Water Conservation Fund Act; and

$200 million is to be made available to the Secretary of Agriculture for federal purposes (for National Forest land acquisition projects) as provided in section 7 of the Land and Water Conservation Fund Act.

Subsection (c)(1) directs the Secretary of the Interior (for National Park Service, Fish and Wildlife Service, and Bureau of Land Management land acquisition projects), and the Secretary of Agriculture (for National Forest land acquisition projects) to transmit annual land acquisition priority lists to the Senate and House Appropriations Committees. The priority lists for FY 1994 are to be submitted no later than 90 days after the date of enactment of this Act. The priority lists for FY 1995 through 1998 are to be transmitted as part of the Department's annual budget submission to the Congress.

Paragraph (2) states that the priority lists are to be prepared by the Secretaries with the head of the affected bureau or agency, and are to take into account the best professional judgment regarding the land acquisition projects of each bureau or agency. The Secretaries, in preparing the lists, are to consider the availability of land appraisal and other information necessary to complete land acquisition project in a timely manner, potential adverse impacts which might result if the acquisition is not undertaken, and such other factors as the Secretaries deem appropriate.

Paragraph (3) provides that the Secretary of the Interior is to ensure that the National Park Service, the Fish and Wildlife Service, and the Bureau of Land Management are to receive a fair and equitable share of the $600 million allocated annually to the Secretary, consistent with the land acquisition needs of each bureau and the historical patterns of distribution from the Land and Water Conservation Fund to each bureau. The paragraph provides that no bureau is to be allocated more than 50 percent nor less than 10 percent of the $600 million annual allocation.

Subsection (d) states that funds made available pursuant to subsections (b)(2) and (b)(3) (the $800 million made available annually to the Secretary of the Interior and the Secretary of Agriculture) are to be allocated in accordance with the priority lists transmitted by the Secretaries pursuant to this section, unless such priority lists are modified by an Act of Congress.

Subsection (e) provides that no fees are to be made available pursuant to this Act until after the enactment of the Appropriations Act for the Department of the Interior and Related Agencies for the appropriate fiscal year.

THE WILDERNESS SOCIETY,
Washington, DC, March 31, 1993.

Hon. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Land and Water Conservation Fund Coalition and the following organizations, we are pleased to offer our strong support for your legislation, the "Land and Water Conservation Fund emergency Funding Act of 1993":

The Adirondack Council; American Hiking Society; American Land Conservancy; American Society of Landscape Architects; American Trails; Appalachian Trail Conference; Coachella Valley Mountains Conservancy; Defenders of Wildlife; Desert Tortoise Preserve Committee; Endangered Habitats League; Friends of Back Bay; Friends of the Earth; Friends of the Stone Lakes National Wildlife Refuge; Greater Yellowstone Coalition; The Green Mountain Club; and

Idaho Conservation League; Isaak Walton League; Jackson Hole Alliance for Responsible Planning; Land Conservation Fund of America; National Audubon Society; National Wildlife Refuge Association; North Cascades Conservation Council; Olympic Park Associates; Oregon Coastal Wetlands Joint Venture; Peninsula Open Space Trust; Save Open Space; Sierra Club; Southern Utah Wilderness Alliance; Texas Committee on Natural Resources; Trust for Public Land; The Wilderness Society.

We agree with your goal of eliminating the significant backlog of unacquired lands within the authorized boundaries of our national parks, forests, wildlife refuges, BLM areas, wild and scenic rivers, trails, and wilderness areas. In addition, we support significant increases in funding for the state grants program to provide the states with a dependable source of funding for acquisition programs in communities throughout the nation.

As you know, money dedicated to land acquisition in the Land and Water Conservation Fund has been diverted over the past twelve years for other purposes. This has led to a significant number of acres awaiting acquisition through commitments Congress made during the creation of new units of our park, forest, and refuge systems as well as other public lands designations.

Federal acquisition provides numerous benefits including the preservation of lands threatened with development, decreased federal costs through early acquisition that eliminates emergency measures costing the federal government much more, better management of our public lands by the elimination of conflicting and threatening activities, and the reduction of the backlog of properties awaiting acquisition.

We commend you for your leadership on this legislation and look forward to working with you to see it enacted soon.

Sincerely,

DONALD J. HELLMANN,
Vice President, Conservation.●

By Mr. BOREN (for himself, Mr. BYRD, Mr. BAUCUS, Mr. LIEBERMAN, and Mr. ROTH):

S. 722. A bill to amend the Foreign Assistance Act of 1961 to reform United States bilateral economic assistance programs, and for other purposes.

AID FOR TRADE ACT OF 1993

● Mr. BOREN. Mr. President, I rise today to introduce the Aid for Trade Act of 1993. This legislation, cosponsored by Senators BYRD, BAUCUS, LIEBERMAN, and ROTH has a simple, commonsense goal: To change the way we give foreign aid, so that more of our tax dollars are used to purchase American goods and services.

The world has changed enormously since I introduced similar legislation in 1991. And it has changed in ways that make a reordering of foreign aid priorities even more urgent. Economic power has replaced military power as the key element of global influence. In this new era of fierce economic competition, we must leverage every foreign policy asset we possess to improve our position.

For too long, we have been handing out foreign aid with no strings attached, while our economic competitors have used their foreign aid programs to create new markets for their products. In Eastern Europe, for instance, less than a third of United States aid has been tied to the purchase of United States products. Meanwhile, over two-thirds of Japanese and German aid to the region has been in the form of credits to buy their products.

Last year, almost 70 percent of our economic support aid went out as cash transfers. That was $2.8 billion in cash, spent largely on the products of other nations. That is unacceptable, Mr. President, to the American people and for American interests.

And yet our foreign aid establishment has not awakened to this reality. Last fall, Mr. President, we saw reports on television and in the newspapers about efforts by the Agency for International Development [AID] to encourage the export of American jobs. Indeed, I uncovered one egregious incident—a foreign aid program in Mozambique in which United States taxpayers funded the purchase of $56 million of trucks, tractors, and spare parts made in Japan, Germany, England, and Brazil. Not a single American truck or tractor was purchased. American foreign aid dollars were spent, in effect, to help establish Japanese dealerships abroad.

This may have been, as AID officials claimed, an unusual case. But in fact, it was typical of a general trend in our aid program—a growing disregard for our own interests.

It was to reverse this trend that I introduced the Aid for Trade Act of 1991 in the last Congress. Senators BENTSEN, BYRD, and BAUCUS joined me in that effort, as did Senator LIEBERMAN. That bill would have increased the share of our foreign aid devoted to capital projects built with American goods and services. It would have cut down on the share of aid being handed out as cash with no strings attached. It would have created a fund of credits for the purchase of American goods.

A revised version of that legislation passed 99 to 0 in this Chamber almost 2 years ago. And yet the Bush administration, at every opportunity, ob-

structed its enactment. They threatened a veto. Why? Because they wanted to maximize what they called flexibility in the management of foreign aid. In other words, they did not want to be told by Congress, by the American people, by American workers, how to spend this money.

Today, such an attitude is not only dismaying, but actually harmful, to our long-term interests, and I believe the new administration recognizes this. Japan, Germany, Italy, Britain, and other countries know how to tie their aid programs to the purchase of their products. These countries, our competitors, are, in fact, becoming very sophisticated at this.

The United States no longer has the luxury of throwing away foreign aid without regard to the return it might provide to Americans. Americans are a generous people. But there is a way to help those in need while helping ourselves at the same time.

The legislation I am introducing today is straightforward. First, it would shift responsibility for capital projects from AID to the Trade and Development Agency, by expanding TDA's authority and budget. Second, it phases in caps on the share of our aid that is handed out as cash. Third, it tightens "Buy American" regulations in the foreign aid program, using language that was approved by the Senate last year. Finally, the bill requires the Secretary of the Treasury to report to Congress on the credibility of an agreement the United States reached with other nations to reduce the practice of tied aid. Mr. President, let me explain each of these proposals in turn.

What this legislation does first is to transfer funds previously allocated to AID—over $400 million—to the Trade and Development Agency, a small and effective organization about which I will elaborate on later.

For several years, many of my colleagues and I have pressed AID to reform itself, to become more responsive to the interests of the American taxpayers who fund their multibillion dollar programs. The result has been an increase in "Buy American" rhetoric from AID representatives. But as we saw in Mozambique, business as usual continued. The foreign aid bureaucrats at AID have fallen out of touch, Mr. President, and we are telling them in this legislation that they are out of time.

Why has AID been slow to respond to popular and Congressional calls for greater accountability? Part of the problem is mismanagement, and part of it admittedly is the confusing list of Congressional mandates that AID must contend with. But a significant obstacle is the prevalent culture at AID, one which mistakenly views trade promotion as incompatible with traditional development assistance.

A well-run agency could do both. The staff of Japan's aid bureaucracy is one-third that of AID's, manages roughly the same disbursement levels, emphasizes developmentally sound projects—and yet achieves a significantly higher return on the aid disbursed. AID has demonstrated that it can not do the same.

Consider, for instance, capital projects. These infrastructure projects have high appeal among recipient countries. They provide roads, phones, schools, power lines, and other building blocks of development. These projects also happen to be the form of foreign assistance which provides the highest level of return to American businesses and workers.

And yet, since fiscal year 1984, the share of AID's budget devoted to capital projects has sunk from 20 percent to 5 percent in fiscal year 1993. At the same time, Japan was devoting 56 percent of its aid to capital projects, and Germany 35 percent. According to an interagency report coordinated by the State Department and released last month, "Japan remains the principal donor of large-scale, grant-financed tied aid infrastructure projects."

These countries understand the value of capital projects. The way they ensure that these projects will be build with their products is by funding the initial feasibility studies. By financing these studies, Japan, for instance, is able to draw up the specifications and the project parameters to benefit Japanese firms.

The United States has slowly caught on to this subtle method, and for the last several years, the Trade and Development Agency, in existence only since 1981, has been using feasibility studies, engineering services, and technical assistance to channel projects to American businesses.

In fiscal year 1991, the Trade and Development Agency provided $35 million to fund 215 different activities on 184 separate project in 47 countries. By relying on the U.S. private sector for advice; by coordinating with other trade-related government agencies; and by focusing on energy, telecommunications, transportation, and other infrastructure-related sectors, TDA was able to leverage its $35 million investment into $3.6 billion in exports from U.S. companies last year. That, Mr. President, is an impressive return.

TDA has succeeded because its mandate is clear. It was created specifically for the export promotion mission which AID has failed to undertake. As an entity within the State Department, TDA is perfectly positioned to be the window through which more of our foreign aid dollars can be devoted to projects build with American products and know-how.

Accordingly, the aid for trade legislation I am introducing today would shift significant responsibility for capital projects—including design, funding, and implementation—from AID to TDA. It expands the mandate of TDA and it authorizes a total of $500 million for the agency. Let me be clear: this does not constitute new budget authority. It is a reallocation of funds.

In some ways, Mr. President, this shift of authority and responsibility will appeal to those who might have had reservations about the aid for trade initiative last Congress. At that time, our legislation was designed to push AID into more capital projects, more buy American programs. Some critics, sensitive to the original mission of AID to provide for basic human needs, felt that AID should not be asked to get in the business of export promotion. For somewhat different reasons, I have come to the same conclusion. And I hope that my colleagues who believe both in traditional development and in providing jobs for Americans will endorse the new approach undertaken in this legislation.

The second purpose of this legislation is to place limits on cash transfers. Currently, Mr. President, almost 70 percent of our economic support fund assistance is handed out in cash transfers, government to government, no strings attached. This bill would ratchet that percentage down to 30 percent by fiscal year 1998. At a time when Japan is providing only 20 percent of its aid as cash, this is a reasonable ceiling to set.

The third purpose of this legislation is to articulate more strict buy American rules for our foreign aid bureaucrats in Washington and abroad. The language in this section is borrowed from last year's Senate-passed foreign aid appropriations bill.

Finally, Mr. President, this legislation directs the Secretary of the Treasury to report on the effectiveness of an agreement reached last year by the United States and other major donor nations to restrict the practice of tied aid. It appears that this agreement has succeeded only in tying one hand behind our back: It has broad waiver provisions, no enforcement mechanism, and a grandfather clause which allows our competitors to continue tying aid even as the United States vows not to. It is my sense, Mr. President, that no agreement would be preferable to a bad agreement full of loopholes.

My colleagues are well aware that while foreign aid constitutes a small portion of the overall budget, it is a lightning rod for public criticism. This need not be so, Mr. President. If the American people had confidence that foreign aid was not a mismanaged and wasteful giveaway, they might support it. If the American people knew that foreign aid—while certainly assisting those in need—also meant jobs and exports for Americans, they might support it.

Mr. President, there are those who would pull America from the world scene at a time when international en-

gagement is ever more critical to our prosperity. Let us not give the isolationists so convenient a reason to call for American withdrawal. Let us demonstrate that by providing foreign aid, we can establish long-term markets and economic relations.

Time is short, Mr. President. Our competitors know that foreign aid is not the blunt instrument of influence that it was in the cold war. They understand that foreign aid is a subtle and useful strategic asset. And they know how to make the best use of such assets. This legislation will allow America to do the same.

I ask unanimous consent that the Aid for Trade Act of 1993 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. 722

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 "Aid for Trade Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the end of the Cold War affords the United States the opportunity to reevaluate its foreign assistance priorities;

(2) the United States must leverage its foreign assistance program, in a humane and balanced way, to enhance American economic competitiveness and to build long-term commercial relationships with recipient countries;

(3) notwithstanding an agreement by member nations of the Organization for Economic Cooperation and Development (OECD) to restrict the practice of tied aid, America's economic competitors are skillfully using their foreign assistance programs to expand markets for their goods;

(4) at the same time, only 35 cents of the foreign aid dollar were spent on American goods in 1989, while in 1991, 70 percent of United States Economic Support Fund assistance was provided as cash; and

(5) the Agency for International Development has not responded adequately to the need to use foreign assistance to develop long-term commercial relationships.

SEC. 3. TRADE AND DEVELOPMENT AGENCY.

(a) AUTHORITY TO FINANCE CAPITAL PROJECTS.—Section 661(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(a)) is amended by inserting ", including capital projects" after "development projects in developing and middle-income countries".

(b) FUNDING.—Section 661(f) of such Act (22 U.S.C. 2421(f)) is amended by adding at the end the following new paragraph:

"(3) Of the amounts authorized to be appropriated by part I of this Act other than chapter 1 (relating to development assistance), by chapter 4 of part II of this Act, or by section 201(b) of the Support for East European Democracy (SEED) Act of 1989, there is authorized to be available $435,000,000 for fiscal year 1994 to carry out this section.".

(c) DEFINITION.—Section 661 of such Act is amended by adding at the end the following new subsection:

"(g) DEFINITION.—The term 'capital project' means a project involving the construction, expansion, alteration of, or the acquisition of equipment for, a physical facility or physical infrastructure, including related engineering design (concept and detail) and other services, the procurement of equipment (including any related services), and feasibility studies or similar engineering and economic services.".

SEC. 4. LIMITS ON CASH TRANSFERS.

(a) LIMITATION.—For each of the following fiscal years, cash transfers shall not represent more than the corresponding percentage of Economic Support Funds:

(1) For fiscal year 1994, 50 percent.

(2) For fiscal year 1995, 45 percent.

(3) For fiscal year 1996, 40 percent.

(4) For fiscal year 1997, 35 percent.

(5) For fiscal year 1998, 30 percent.

(b) DEFINITIONS.—For purposes of this section—

(1) the term "cash transfers" means Economic Support Fund assistance provided as cash payments which are not used for the purchase of United States goods and services or the repayment of debt owed to the United States Treasury; and

(2) the term "Economic Support Funds" means assistance under chapter 4 of part II of the Foreign Assistance Act of 1961.

SEC. 5. PROCUREMENT REQUIREMENTS.

(a) PROCUREMENT.—Section 604 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 604. PROCUREMENT.

"(a) STATEMENT OF POLICY.—It shall be the policy of the United States—

"(1) to give preference to the procurement of commodities and services from the United States in foreign assistance programs using funds authorized to be appropriated by this Act; and

"(2) to the extent that United States suppliers, contractors and goods are eligible for procurements financed by such donor or lender countries, to permit suppliers, contractors and goods of other donor or lender countries to compete for United States Government-financed procurements.

"(b) LIMITATIONS ON PROCUREMENT OUTSIDE THE UNITED STATES.—

"(1) IN GENERAL.—Funds made available for assistance under this Act may be used by the President for procurement only in the United States, the recipient country, or developing countries, except as provided otherwise in this subsection. For purposes of this section, the term 'developing countries' shall not include advanced developing countries.

"(2) OTHER PROCUREMENT.—The provisions of paragraph (1) shall be applicable except where it is determined that—

"(A) the provision of such assistance requires commodities or services of a type that are not produced in and available for purchase in any country described in paragraph (1); or

"(B) procurement in such other country is essential—

"(i) to meet emergency situations; or

"(ii) to promote efficiency in the use of United States foreign assistance resources, including to avoid impairment of foreign assistance objectives, where such other country permits United States firms to compete for the procurement of similar commodities and services under its foreign assistance programs.

"(C) DELEGATION OF AUTHORITY.—With respect to determinations made by the agency primarily responsible for administering Part I (the 'agency'), the authority to make determinations under subparagraph (B) shall—

"(i) in the case of paragraph (2)(B)(i), not be delegated below the level of Mission Director, country representative or, with respect to determinations made in Washington, the responsible Assistant Administrator, as appropriate; and

"(ii) in the case of paragraph (2)(B)(ii) with respect to procurement transactions exceeding $100,000, not be delegated below the level of Assistant Administrator and, where such procurement is at or below that amount, below the level of Mission Director or country representative.

"(3) PROCUREMENT OF MOTOR VEHICLES.—

"(A) IN GENERAL.—None of the funds (including commodity import program assistance) made available to carry out this Act shall be used to finance the purchase, sale, long-term lease, exchange, or guaranty of a sale of motor vehicles unless such motor vehicles are manufactured in the United States.

"(B) EXCEPTION.—Subparagraph (A) shall not apply where a determination is made that—

"(i) motor vehicles cannot be manufactured in the United States to meet demands when time is of the essence;

"(ii) there is a projected lack of adequate spare parts and service facilities for United States manufactured vehicles, based on information provided by the Buy-America Advocate; or

"(iii) there are no United States manufacturers for export of the particular type of vehicle needed.

"(C) DETERMINATION.—With respect to determinations made by the agency under subparagraph (B), such determinations shall be in writing and, in the case of a determination to procure in excess of 10 vehicles per project or in excess of 5 vehicles for use by a field mission, shall be made at a level not lower than the Assistant Administrator of such agency.

"(4) PRICE LIMITATION.—No funds made available under this Act may be used for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States at the time of purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

"(5) AGRICULTURE COMMODITIES.—

"(A) IN GENERAL.—In providing for the procurement of any agricultural commodity or product available for disposition under the Agricultural Trade Development and Assistance Act of 1954 for transfer by grant under this Act to any recipient country in accordance with its requirements, the President shall, insofar as practicable and when in furtherance of the purposes of this Act, authorize the procurement of such agricultural commodity only within the United States except to the extent that such agricultural commodity is not available in the United States in sufficient quantities to supply emergency requirements of recipients under this Act.

"(B) LIMITATION.—No funds made available under this Act may be used for the procurement of any agricultural commodity or product thereof outside the United States when the domestic price of such commodity is less than parity, unless the commodity to be financed could not reasonably be produced in the United States in fulfillment of the objectives of a particular assistance program under which such commodity procurement is to be financed.

"(6) CONSTRUCTION AND ENGINEERING SERVICES.—Funds made available under this Act may be made available for the procurement of construction or engineering services from advanced developing countries eligible under the Geographic Code 941 which have attained

a competitive capability in international markets for construction services only if such country—

"(A) is receiving direct economic assistance under chapter 1 of part I or chapter 4 of part II of this Act, and

"(B) has its own foreign assistance programs which finance the procurement of construction or engineering services and permits United States firms to compete for those services.

"(7) MARINE INSURANCE.—In providing assistance in the procurement of commodities in the United States, United States dollars shall be made available for marine insurance on such commodities where such insurance is placed on a competitive basis in accordance with normal trade practice prevailing prior to the outbreak of World War II. In the event a participating country, by statute, decree, rule, or regulation, discriminates against any marine insurance company authorized to do business in any State of the United States, then commodities which are purchased with funds provided under this Act and which are destined for such country shall be insured in the United States against marine risk with a company or companies authorized to do a marine insurance business in any State of the United States.

"(c) NON-PROJECT ASSISTANCE.—

"(1) COMMODITY IMPORT PROGRAMS.—None of the funds made available to carry out chapters 1 and 10 of part I and chapter 4 of part II of this Act may be used under any commodity import program to make any payment to a supplier unless the supplier has certified to the agency such information as such agency shall by regulation prescribe, including but not limited to, a description of the commodity supplied by the supplier, its condition, and its source and origin, and on the basis of such information such agency shall have approved such commodity as eligible and suitable for financing under this Act.

"(2) CERTAIN CASH TRANSFER PROGRAMS.—

"(A) RESTRICTIONS ON USE OF FUNDS.—Funds made available under cash transfers or similar programs pursuant to chapters 1 and 10 of part I and chapter 4 of part II of this Act shall not be used to finance directly or indirectly, commodity import transactions unless such transactions meet agency requirements for United States source, origin, and nationality.

"(B) EXCEPTION.—Subparagraph (A) shall not apply where the proposed use of such funds to directly or indirectly finance transactions from countries other than the United States is approved by the responsible Assistant Administrator or higher-level official of the agency.

"(d) ANNUAL REPORT.—The Administrator of the agency shall submit an annual procurement report to Congress which—

"(1) details procurement by the agency of United States commodities and services during the preceding reporting period;

"(2) compares Buy-America procurement for the same period of the preceding year;

"(3) contains data for all agency activities that reflect the percentages of commodities and services financed by the agency that are of United States source or origin;

"(4) analyzes mission or bureau programs to identify shortfalls in performance in meeting Buy-America requirements contained in law and regulations; and

"(5) identifies remedial action to overcome such shortfalls.".

(b) BUY-AMERICA ADVOCATE.—Part III of the Foreign Assistance Act of 1961 is amended by inserting after section 604 (as amended by this section) the following new section:

"SEC. 604A. BUY-AMERICA ADVOCATE.

"(a) DESIGNATION OF FUNCTIONS.—The Administrator of the agency primarily responsible for administering part I shall designate within the agency a Buy-America Advocate for the purpose of fostering the participation of United States business in the development process. The Buy-America Advocate shall be a senior career employee of the agency and shall have experience in commodity import transactions and private enterprise activities. The Advocate shall report directly to the Administrator with respect to the responsibilities described in subsection (b).

"(b) RESPONSIBILITIES OF THE BUY-AMERICA ADVOCATE.—The Buy-America Advocate shall have such responsibilities and duties as the Administrator shall determine including, in conjunction with other agency offices as appropriate—

"(1) to have access to and the authority to review all documentation involving procurement activities of the agency;

"(2) to have full access to technical services and information involving procurement activities, particularly the procurement of commodities and the entering into of contracts, including all information provided under the Buy America Reporting System (BARS) or any successor system to BARS;

"(3) to review all programs involving cash transfers to determine whether a commodity import program would accomplish the same policy objectives as the cash transfer; any disagreement with a determination by the Buy-America Advocate that the same policy objectives can be accomplished by a commodity import program shall, as appropriate, be resolved by the Administrator;

"(4) to receive and review all waiver actions approved at the level of Assistant Administrator and, based on that review, to recommend to the Administrator, as appropriate, any actions which may be necessary to ensure that Buy America procurement opportunities are maximized;

"(5) to develop and support general outreach activities with the United States business community, including procedures whereby interested United States contractors and suppliers can be apprised of, and encouraged to participate in, prospective procurement actions under this Act;

"(6) to coordinate its efforts with agency officials who perform duties in the area of trade and investment promotion and information; and

"(7) to assist in the preparation of the report required in section 604(d).

"(c) SUPPORT.—The Administrator shall ensure that the Buy-America Advocate is assisted by qualified staff and receives such other support, including access to all procurement documentation of the Agency, as may be necessary to carry out the responsibilities specified in this section.".

(c) REPEALS.—Sections 496(n)(4) and 636(i) of the Foreign Assistance Act of 1961 are repealed.

SEC. 6. OECD AGREEMENT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall submit a report to Congress on the agreement of the Organization for Economic Cooperation and Development (OECD) to restrict tied aid practices.

(b) CONTENT OF REPORT.—The report required by subsection (a) shall include—

(1) the intentions and history of the agreement;

(2) a review of efforts by other signatory nations to circumvent the OECD agreement;

(3) an assessment of whether the OECD agreement is enforceable;

(4) an estimate of the value of ongoing tied aid projects; and

(5) a recommendation on whether the United States should reopen negotiations.●

● Mr. BAUCUS. Mr. President, I rise in support of the Aid for Trade Act of 1993.

American trade policy should aim at opening foreign markets for American products. This keeps our own economy strong while it helps maintain a free and mutually beneficial world economic system. Meanwhile, American foreign assistance policy should also aim to strengthen that economic system by helping developing nations become contributing members of the world economy. Mr. President, I believe the Aid for Trade Act of 1993, which I am proud to cosponsor, provides an effective way to link our trade and foreign assistance policies to achieve both market opening and viable economic development for aid recipients.

The fact is, our trading partners are doing this already, an we are paying the price. Our competitors are beating us in developing markets by linking foreign assistance—in formal and informal ways—to export financing. Our current method of providing cash assistance with no strings attached does nothing to promote U.S. exports. In fact, it actually contributes to our trade deficit, as some countries use United States dollars to pay for Japanese goods. This has got to stop.

The Aid for Trade Act of 1993 is intended to change all that by coordinating our trade and foreign assistance policies in the following ways:

It would expand the Trade and Development Agency's mandate by giving it the ability to fund developmentally sound capital projects. Capital projects are an excellent way to help the developing world build the infrastructure it needs while creating new, long-term export opportunities for U.S. firms. Capital projects often lead to follow-on business and expanded economic growth that benefits both the developing country and the United States.

It mandates that countries who buy U.S. goods and services get preferential access to U.S. cash transfers. This will stop the use of United States aid dollars in the purchase of Japanese and European vehicles, farm equipment and spare parts, even when United States equivalents exist.

It directs the Secretary of the Treasury to report regularly on the progress of the recently concluded OECD agreement to restrict tied aid practices. The Congress must be assured that U.S. foreign assistance policy is comparable to those of our competitors.

Mr. President, I urge my colleagues to support this legislation.●

By Mr. LAUTENBERG:

S. 723. A bill to provide for an analysis of the secondary and tertiary Arab boycotts of United States firms doing

business with Israel, and for other purposes; to the Committee on Finance.

LEGISLATION RELATIVE TO ARABS BOYCOTTS

Mr. LAUTENBERG. Mr. President, today, I am introducing legislation to urge the U.S. Trade Representative to press forward with negotiations to remove a very significant barrier to American exports: the Arab boycott of companies doing business with Israel. I am pleased that Senator GRASSLEY is introducing this legislation with me.

The American leadership role in the antiboycott issue was recently evidenced by the settlement in the Baxter International case. Our trading partners' companies should be prevented from complying with the Arab boycott as Baxter International and all American companies are currently prohibited. The Office of the U.S. Trade Representative should aggressively work toward that goal.

The legislation urges the U.S. Trade Representative and other officials in the Government to give the highest priority to seeking an end to enforcement of, and compliance with, the secondary and tertiary Arab boycotts.

To support negotiating efforts, the legislation requires the United States Trade Representative to include a comprehensive analysis of the Arab economic boycott of American companies that do business with or invest in Israel in the United States Representative's annual national trade estimate [NTE] report to Congress.

Currently, the NTE report includes a very limited amount of information about the Arab secondary and tertiary boycotts as a barrier to trade. This action was taken in response to my efforts, those of Senator GRASSLEY and the previous chairman of the Senate Finance Committee, Lloyd Bentsen, as well as Representative MATSUI in the House of Representatives. While the USTR's decision to include some basic information about the Arab boycott was a positive first step, the report did not go far enough.

To that end, the bill we are introducing today would require the U.S. Trade representatives to include a more comprehensive analysis of the boycott in future national trade estimate [NTE] reports.

First, it would require the NTE report to include a country-by-country analysis of the extent to which Arab League and other countries encourage and permit compliance with the secondary and tertiary boycott of American companies as well as the extent to which our major trading partners permit and encourage compliance. When any country encourages or even permits its companies to comply with the boycott, it erects a barrier to trade for American companies. Because it is a violation of United States law for American companies to comply with the boycott, our companies lose contracts when Arab League countries ask them to comply with the boycott. Our companies are put at a further competitive disadvantage when companies in foreign countries are permitted to comply with the boycott.

The American Government has attempted to block efforts to enforce the boycott by making it illegal for American companies to provide certain information about their commercial contacts with Israel. In fact, the United States has the strongest antiboycott laws in the world. Other countries which do not have laws to prohibit compliance with the boycott effectively contribute to Arab League efforts to enforce the boycott. To gain a better understanding of the scope of this problem, the NTE report should include a country-by-country analysis of efforts to enact and enforce laws to prohibit compliance with the Arab League boycott.

Second, it would require the NTE report to analyze how countries blacklist companies and enforce the boycott. To date, very little is known about the list of companies blacklisted by Arab League countries. We know that the Office of Boycott Compliance is headquartered in Damascus, Syria and have read reports that thousands of companies are blacklisted by the Arab League if they do business with or invest in Israel. We also know that once a company is included on the blacklist, all companies are urged not to do business with the blacklisted company or with any business trading with the blacklisted company. In fact, the Wall Street Journal recently reported that Kuwait is still blacklisting American companies. Clearly, any effort to negotiate an end to the secondary and tertiary boycott must include an effort to eliminate the practice of blacklisting American companies and the NTE report should include more information about the blacklisting process.

Third, it would require the NTE report to include a quantitative analysis of the loss to U.S. business resulting from enforcement and compliance with the secondary and tertiary boycott. I believe the U.S. Trade Representative should conduct a survey of American businesses to estimate the lost revenues resulting from the secondary and tertiary boycotts and from the failure of other countries to prohibit compliance with the boycott. Including this type of quantitative analysis in the NTE report would help underscore the lost opportunities and revenues for American companies.

The U.S. Trade Representative should work aggressively to seek an end to the enforcement of, and compliance with, the secondary and tertiary Arab boycott in all international trade negotiations and meetings. Including this information in the NTE report would send a strong signal to our trading partners and the boycotting countries that the United States is serious about securing an end to the boycott. It would also provide the U.S. Trade Representative with important information for negotiations on the boycott.

Mr. President, today, Senators MOYNIHAN, GRASSLEY, and I have sent a letter to U.S. Trade Representative Kantor urging him to make this issue a top priority in trade negotiations and to include the recommendations incorporated in this legislation in future NTE reports. I look forward to his response and action on this issue.

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. 723

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

SECTION 1. FINDINGS.

The Congress finds that—

(1) boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any United States person are discriminatory trade barriers to international trade;

(2) the United States should encourage major trading nations of the world engaged in the export of goods or technology to refuse to take action which would have the effect of furthering or supporting boycotts imposed by any foreign country or association against a country friendly to the United States or against any United States person;

(3) the United States Trade Representative should, in view of the foregoing, be commended for including the Arab boycott in the 1992 National Trade Estimate Report on Foreign Trade Barriers; and

(4) future national trade estimate reports should include expanded information with respect to the Arab boycott.

SEC. 2. EXPANSION OF REPORTING ON ARAB LEAGUE BOYCOTT.

(a) IN GENERAL.—Section 181 of the Trade Act of 1974 (19 U.S.C. 2241) is amended by adding at the end the following new subsection:

"(d) ANALYSIS OF ARAB BOYCOTT.—An analysis under subsection (a) shall include—

"(1) a country-by-country analysis of the extent to which the government of each such country permits or encourages businesses in that country to comply with the secondary and tertiary Arab boycotts of United States businesses that do business with (or invest in) Israel, including the identification of specific activities to enforce the boycotts,

"(2) an analysis of the differences in how foreign countries blacklist businesses and enforce the boycotts, and

"(3) an estimate of—

"(A) the value of additional goods and services of the United States, and

"(B) the value of additional foreign direct investment of the United States,

that would have been exported to, or invested in, each foreign country during the calendar year if the boycotts did not exist."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years 1994 and thereafter.

SEC. 3. NEGOTIATING OBJECTIVE.

It is the sense of the Congress that the United States Trade Representative and other appropriate officials of the United States Government should give the highest

priority to seeking an end to enforcement of, and compliance with, the secondary and tertiary Arab boycotts.

By Mr. LAUTENBERG:

S. 724. A bill to extend the temporary suspension of duty on 2,3,6-trimethylphenol [TMP]; to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN CHEMICALS

Mr. LAUTENBERG. Mr. President, I rise to introduce legislation on behalf of myself and Senator BRADLEY to suspend the duty on 2,3,6-trimethlyphenol [TMP]. Senator BRADLEY and I introduced similar legislation in 1992.

This bill would continue, for 3 years, the suspension of duties on TMP. TMP is an intermediate in the production of vitamin E. Vitamin E is one of the 13 vitamins recognized as being essential for man and animals. The role of vitamin E in disease prevention is under study in such areas as cholestatic disease, a serious deteriorating condition in children, and retrolental fibroplasia, which may lead to blindness in premature infants. Hoffman-LaRoche is one of four companies manufacturing vitamin E in the United States, however it is the only company which imports the intermediate TMP. TMP is not manufactured in the United States and must be imported from Germany and Japan.

Mr. President, I urge my colleagues to support this measure.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 724

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

SECTION 1. TMP.

(a) IN GENERAL.—Heading 9902.30.08 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/93" and inserting "12/31/95".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION TO CERTAIN ENTRIES.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the appropriate customs officer before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any goods described in subheading 9902.30.08 of the harmonized Tariff Schedule of the United States (as added by subsection (a)) that was made—

(A) after December 31, 1992; and

(B) before the 15th day after the date of the enactment of this Act;

shall be liquidated or reliquidated as though such entry or withdrawal occurred on the 15th day after the date of the enactment of this Act.

By Mr. KENNEDY:

S. 725. A bill to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes; to the Committee on Labor and Human Resources.

TRAUMATIC BRAIN INJURY ACT OF 1993

Mr. KENNEDY. Mr. President, today I am introducing legislation to assist the 2 million citizens who suffer traumatic head injuries each year from automobile collisions, bicycle falls, recreational accidents, assaults, and other tragic incidents. Each year 400,000 children suffer serious head injuries and approximately 100,000 people die, and a large number of those who survive require extensive hospitalization or suffer lifelong disabilities.

Traumatic brain injury is the leading cause of death and disability among young Americans in the 15–24 year age group. It is the third leading neurological cause of disability. More than half of all brain injuries are caused by motor vehicle accidents.

Medical bills are often astronomical, leaving families facing near or total financial ruin. The cost of providing medical services for those who suffer such injuries is estimated at over $25 billion a year.

In 1988, Congress recommended to the Secretary of Health and Human Services that an Interagency Head Injury Task Force be established to identify the gaps in research, training, and acute medical management, rehabilitation, and community services, and to recommend solutions to meet the obvious needs. Congress also recommended the development of a coordinated national data system for such injuries.

In February 1989, the Department of HHS issued an interagency task force report that recommended development of a national strategy to address prevention, acute and long-term care, and community reintegration of TBI survivors. The task force recommended that traumatic brain injury be a reportable disease and that a lead Federal agency be designated to encourage coordination and planning. It called for working groups at the State and local level; a network of regional head injury research centers; and a decentralized system of care to ensure access to appropriate treatment. It also recommended a study of the economic impact of TBI.

Improving the delivery and quality of care for persons with traumatic brain injury requires expanding research and prevention activities, establishing effective guidelines for treatment and rehabilitation services, and coordinating medical, vocational, and social services. We need to develop more effective strategies to prevent these injuries, and to reduce the severe disability it causes by improving the delivery and quality of care.

Through the insights gained from basic and clinical research, there is hope that we can make dramatic progress in reducing the heavy toll for this disease. Although advances have been made in recent years in basic and clinical research, ultimately our best treatment for traumatic brain injuries is prevention.

Much more can be done to reduce this needless suffering, death and long-term disability that too often results.

The Traumatic Brain Injury Act of 1993 will address the gaps in services for survivors. The legislation will establish a data collection and injury reporting system. It will support basic, applied and preventive research, and promote coordination of services to increase independent daily living and reduce the need for institutionalization. It will also establish State advocacy and protection demonstration programs. The bill authorizes a total of $41 million in fiscal year 1994 for those programs, and such sums as may be necessary in each of the following 2 fiscal years.

I urge my colleagues to join me as sponsors of this legislation, and I ask unanimous consent that the text of the bill may be printed in the RECORD.

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

S. 725

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 "Traumatic Brain Injury Act of 1993".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the incidence of head injury in the United States is increasing, with over 2,000,000 head injuries per year resulting from automobile crashes, sports, recreational activities, assaults, violence and other falls and incidents;

(2) a majority of all head injuries are caused by motor vehicle accidents;

(3) individuals between the ages of 15 and 24 are at greatest risk for sustaining head injuries;

(4) of the individuals who sustain head injuries each year, approximately 500,000 require hospitalization, and 75,000 to 100,000 of such individuals die within hours of the injury;

(5) of the individuals who survive head injuries each year, approximately 70,000 to 90,000 will suffer irreversible debilitating loss of function, 5,000 will develop epilepsy as a result of the injury, and 2,000 will exist in a coma;

(6) a significant number of individuals with traumatic brain injury are not easily restored to society and require years of rehabilitation, medical follow-up and integrated community services, which are costly and frequently not readily available;

(7) individuals sustaining traumatic brain injury require coordinated and specialized services, including post-injury supervised programs facilitating reentry into the community;

(8) many health and social service agencies, both public and private, overlook, exclude or inadequately serve individuals surviving traumatic brain injury;

(9) society bears an economic cost of approximately $25,000,000,000 per year for the direct and indirect costs of traumatic brain injury, which include medical treatment, rehabilitative and support services and lost income;

(10) a program to develop national standards for helmets used by bicyclists and others is needed; and

(11) a national plan to provide services for individuals surviving traumatic brain injuries and their families is needed.

(b) PURPOSE.—It is the purpose of this Act to—

(1) facilitate the conduct of research and the collection and compiling of accurate statistical data on traumatic brain injury;

(2) raise public awareness concerning the risks and consequences of such injuries and the distinct needs of individuals (and their families) following survival from traumatic brain injury;

(3) promote the creation of innovative programs and policies to prevent traumatic brain injury and to rehabilitate those individuals who have survived such injuries;

(4) designate a Federal agency to oversee and promote projects relating to the prevention of, and rehabilitation from, traumatic brain injury;

(5) create State advisory boards to coordinate citizen participation in community programs dealing with traumatic brain injury;

(6) create a registry to advance epidemiologic research on such trauma;

(7) establish standards for the marketing of brain injury services;

(8) require the Secretary to publish various reports concerning the activities of the Department of Health and Human Services in this area, including an annual review of relevant activities; and

(9) provide for the initiation of a program to establish national standards for helmets used by bicyclists and others.

SEC. 3. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.) is amended—

(1) by redesignating part C as part D;

(2) in section 1232(a) (42 U.S.C. 300d-32(a)), by inserting "other than part C," after "carrying out this title,"; and

(3) by inserting after part B, the following new part:

"PART C—TRAUMATIC BRAIN INJURY

"SEC. 1225. DEFINITIONS.

"As used in this part:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Agency for Health Care Policy and Research.

"(2) DIRECTOR.—The term 'Director' means the Director of the Centers for Disease Control and Prevention.

"(3) TRAUMATIC BRAIN INJURY.—The term 'traumatic brain injury' means an acquired injury to the brain caused by an external physical force. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor does such term include birth trauma. Such term is synonymous with the term 'head injury'.

"SEC. 1225A. AGENCY FOR HEALTH CARE POLICY AND RESEARCH STUDY OF EFFECTIVENESS OF TRAUMATIC BRAIN INJURY INTERVENTIONS.

"(a) IN GENERAL.—The Secretary, acting through the Administrator, shall conduct a study concerning traumatic brain injury.

"(b) MAJOR FINDINGS.—The study conducted under subsection (a) shall seek to—

"(1) identify common therapeutic interventions which are used for the rehabilitation of individuals with traumatic brain injuries, and shall include an analysis of—

"(A) the effectiveness of each such intervention in improving the functioning of individuals with brain injuries; and

"(B) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

"(2) develop practice guidelines for the rehabilitation of traumatic brain injury.

"(c) REPORTING REQUIREMENTS.—Not later than 4 years after the date of enactment of this part, the Secretary shall prepare and submit to the appropriate committees of Congress, a report containing the results of the studies conducted under this section.

"(d) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section, $2,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1996.

"SEC. 1225B. CENTERS FOR DISEASE CONTROL AND PREVENTION STUDY OF TRAUMATIC BRAIN INJURY OCCURRENCE.

"(a) IN GENERAL.—The Secretary, acting through the Director, and in cooperation with other Public Health Service agencies as may be necessary, shall conduct studies concerning traumatic brain injury, and shall establish a reporting system under subsection (b).

"(b) REPORTING SYSTEM.—To assist in data and information gathering, the Director shall establish a uniform reporting system under which hospitals, State and local health-related agencies will report to the Director on matters including—

"(1) the occurrence of traumatic brain injuries; and

"(2) the health insurance status of individuals with traumatic brain injury.

The reporting system should be established to permit the Director to make an accurate assessment of resource needs and long term outcomes.

"(c) SURVEY AND COOPERATIVE AGREEMENTS.—

"(1) SURVEY.—The Director shall determine which Federal, State, local or other entities collect data on traumatic brain injury and the means by which such entities collect such data.

"(2) COOPERATIVE AGREEMENTS.—The Director may enter into cooperative agreements with other agencies, and provide assistance to other entities with responsibility for data collection, to establish traumatic brain injury as a specific reportable condition in existing and future reporting systems. Any data systems established in conjunction with such agencies should be compatible with other such data systems.

"(d) MAJOR FINDINGS OF STUDIES.—The studies conducted under subsection (a) shall seek to—

"(1) determine the major causes of traumatic brain injury;

"(2) determine the preventive efforts that are being used by States and non-profit agencies to reduce the occurrence of such injuries;

"(3) determine the number of individuals surviving traumatic brain injuries, and the cost of treatment and other related costs;

"(4) develop a uniform reporting system to facilitate the reporting to the Centers for Disease Control and Prevention concerning the occurrence of traumatic brain injury;

"(5) identify States and localities that have approved mandated helmet use laws for bicyclist and others;

"(6) determine the health insurance status of individuals with traumatic brain injury; and

"(7) initiate a program of prevention research to develop effective prevention of traumatic brain injury.

"(e) REPORTING REQUIREMENTS.—Not later than 4 years after the date of enactment of this part, the Secretary shall prepare and submit to the appropriate committees of Congress, a report containing the results of the studies conducted under this section.

"(f) BIENNIAL REPORT.—The Secretary shall biennially prepare a report containing recommendations for the prevention of traumatic brain injuries. The report shall also identify States that have mandated helmet laws for bicyclists and others. Such reports shall be disseminated to State health officers.

"(g) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section, $2,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1996.

"SEC. 1225C. SPECIAL PREVENTION PROJECTS.

"(a) IN GENERAL.—The Secretary shall cooperate with, and may provide assistance to, public and private nonprofit entities to reduce the incidence of traumatic brain injury through the establishment and effectuation of prevention projects. In carrying out this section, the Secretary may award grants to State and local entities, and to public or non-profit private entities, to support—

"(1) special prevention and public awareness initiative projects;

"(2) model traumatic brain injury prevention, research and support programs;

"(3) projects that study the service needs of individuals with traumatic brain injury; and

"(4) projects involving grants for services coordination.

"(b) REQUIREMENTS.—To be eligible to receive assistance under subsection (a), an entity shall—

"(1) prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require; and

"(2) provide assurances to the Secretary that any preventive measures implemented under a prevention project funded under this section may include—

"(A) behavioral and environmental interventions (such as physical restraints or helmets for individuals using bicycles, in-line roller skates, and skateboards);

"(B) the use of innovative and proven model prevention approaches;

"(C) the promotion of activities that will minimize brain injury risk in athletes (such as the use of head protection gear); and

"(D) the improvement of community-level access to data-base systems to assist in designing, developing, and implementing traumatic brain injury prevention programs.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $4,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"SEC. 1225D. BASIC AND APPLIED RESEARCH.

"(a) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, may provide assistance to public and private nonprofit entities to support the conduct of basic and applied research concerning traumatic brain injury, especially with respect to the biomechanics of brain injury, the molecular and cellular characteristics of primary and secondary injury to the brain and the development of improved experimental brain injury models.

"(b) SPECIFIC RESEARCH.—Research to be conducted with assistance provided under

subsection (a) shall be determined by the Secretary, prior to the provision of such assistance, to contribute to the strategies that will limit primary and secondary mechanical, biochemical and metabolic insults to the brain and minimize the extent, severity and progression of resulting dysfunctions. In implementing this section the Secretary shall emphasize—

"(1) the development of new methods and modalities for the more effective diagnosis, measurement of degree of injury, post-injury monitoring and prognostic assessment of head injury for acute, subacute and later phases of care;

"(2) the development, modification and evaluation of therapies that retard, prevent or reverse brain damage after acute head injury, that arrest further deterioration following injury and that provide the restitution of function for individuals with long-term injuries;

"(3) the integration of basic research into clinical care settings;

"(4) the development of a continuum of care from acute care through rehabilitation, designed, to the extent practicable, to integrate rehabilitation and long-term outcome evaluation with acute care research;

"(5) the development of programs that increase the participation of academic centers of excellence in head injury treatment and rehabilitation research and training; and

"(6) the conduct of national consensus conferences on managing head injury and related rehabilitation concerns, the findings of which shall be published.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"SEC. 1225E. STATEWIDE PROGRAM FOR TRAUMATIC BRAIN INJURY.

"(a) GRANTS.—The Secretary shall award grants to States for the establishment of programs related to traumatic brain injury. Such programs shall include State advisory boards, patient advocacy and service coordination systems, and State registries concerning individuals affected by traumatic brain injuries. Services may also be provided under this section, within the limits of service availability, to individuals whose deficits are not due to traumatic brain injury. To be eligible for such services, such individuals should be comparable to traumatic brain injury patients in regard to the range of services needed, the severity and duration of deficits, and the etiology of their deficits being due to a nonprogressive and nonrecurring disorder.

"(b) GENERAL ELIGIBILITY REQUIREMENTS.—To be eligible to receive a grant under subsection (a), a State shall—

"(1) prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require;

"(2) provide assurances that it will prepare and submit to the Secretary reports describing the activities undertaken under the State system established under the grant; and

"(3) provide for the establishment of a Statewide program that includes a State registry for traumatic brain injury information, a program of patient advocacy and service coordination, and a State advisory board with respect to activities under this section.

"(c) SPECIFIC PROGRAM REQUIREMENTS.—

"(1) STATE REGISTRY.—To be eligible to receive a grant under subsection (a), a State shall—

"(A)(i) establish and maintain, through the utilization of procedures to ensure privacy and maintain the confidentiality of information, which are acceptable to the Secretary, a central registry of persons who sustain traumatic brain injury in order to—

"(I) collect information to facilitate the development of injury prevention, treatment, and rehabilitation programs; and

"(II) report data to the Director on an annual basis for State reporting requirements; and

"(ii) a violation of such privacy and confidentiality procedures or the unauthorized use of such information may result in a loss of support under this section; and

"(B) provide summary registry data or data that is not personally identifiable to public and private entities to conduct studies using data collected by the traumatic brain injury registry established under subparagraph (A), for which the coordinator may charge a fee for all expenses associated with the provision of data or data analysis.

"(2) ADVOCACY AND SERVICE COORDINATION.—To be eligible to receive a grant under subsection (a), a State shall—

"(A) designate a State coordinator for traumatic brain injuries who—

"(i) shall establish policies and standards for coordinating services within the State for individuals with traumatic brain injury;

"(ii) may contract with qualified agencies or employ staff to provide services under this section on a statewide basis to eligible individuals;

"(iii) shall be responsible for a program of activities related to preventing and reducing the rate of traumatic brain injuries in the State according to standards established by the Centers for Disease Control and Prevention; and

"(iv) shall, after consultation with the State advisory board established under paragraph (3), establish standards regarding the marketing of services (by hospitals and other providers) to traumatic brain injury patients or family members, disseminate the standards to case management programs, and furnish information on such standards to individuals who sustain traumatic brain injuries (and the family members of such individuals) at the earliest appropriate opportunity after the individual has sustained the injury (such standards to include (at a minimum) a rule prohibiting payments under a case management program under this section for referring patients);

"(B) provide assurances that a protection and advocacy system established under this section will—

"(i) provide legal, administrative and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of individuals with traumatic brain injury within the State who are or may be eligible for treatment, services, or rehabilitation;

"(ii) provide information and referral to programs and services addressing the needs of individuals with traumatic brain injuries; and

"(iii) provide for the investigation of incidents of abuse and neglect of individuals with traumatic brain injuries when incidents are reported for the provision of excessive or unnecessary services or other complaints relating to the care of such individuals, and payment for the referral of patients;

"(C) ensure the provision to persons with traumatic brain injury of information regarding appropriate public or private agencies that provide rehabilitative services so that injured persons or individuals responsible for such persons may obtain needed service to alleviate injuries and avoid secondary problems; and

"(D) for purposes of identifying the services required to prevent the institutionalization or to minimize the need for residential rehabilitation in the case of traumatic brain injuries, establish a services coordination program that shall—

"(i) provide for the initial assessment of the individual's need for traumatic brain injury services;

"(ii) provide for the reassessment of each patient at regular intervals to determine the extent of each patient's progress, to ascertain whether a patient is being kept too long in a given setting or provided services inappropriately, or to determine whether the patient would be better served by other services or in another setting;

"(iii) prepare a treatment plan for each individual requiring services coordination, within an appropriate period after the individual sustains the injury, based on a consultation with the individual (other than an individual who is comatose in which case consultation shall be with a person with legal responsibility over such individual) and any person named by the individual (preparation of the plan may be delayed based on a certification, including a brief explanation of the reason for the delay, by a physician attesting that such a delay is in the individual's best interests with a copy of the treatment plan and any modifications to the plan being presented to the individual or the individual's legal representative);

"(iv) ensure that each individual's treatment plan is regularly updated (based on consultation with the individual and the person responsible for the injured individual) with data and information about treatments and services provided, as well as specific measures of the individual's current performance or activity relative to goals previously established;

"(v) assist the individual in obtaining services necessary to allow the individual to remain in the community;

"(vi) coordinate home care services with other services;

"(vii) ensure appropriate, accessible, and cost-effective services;

"(viii) assist the individual with problems related to the provision of home care services;

"(ix) ensure the quality of home care services;

"(x) assess the individual's need for and level of home care services at appropriate intervals during the course of the individual's treatment under the program; and

"(xi) explore efforts to include services coordination provisions under the State's medicaid program under section 1931 of the Social Security Act.

"(3) STATE ADVISORY BOARD.—

"(A) IN GENERAL.—To be eligible to receive a grant under subsection (a), a State shall establish an advisory board within the appropriate health department of the State or within another department as designated by the chief executive officer of the State.

"(B) FUNCTIONS.—An advisory board established under subparagraph (A) shall be cognizant of findings and concerns of Federal, State and local agencies, citizens groups, and private industry (such as insurance, health care, automobile, and other industry entities). Such advisory boards shall encourage citizen participation through the establishment of public hearings and other types of community outreach programs.

"(C) COMPOSITION.—An advisory board established under subparagraph (A) shall be composed of—

"(i) representatives of—

"(I) the corresponding State agencies involved;

"(II) public and nonprofit private health related organizations;

"(III) other disability advisory or planning groups within the State;

"(IV) members of an organization or foundation representing traumatic brain injury survivors in that State; and

"(V) injury control programs at the State or local level if such programs exist; and

"(ii) a substantial number of individuals who are survivors of traumatic brain injury, or the family members of such individuals; and

"(d) REPORT.—Not later than 2 years after the date of enactment of this part, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the findings and results of the programs established under this section, including measures of outcomes and consumer and surrogate satisfaction.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $27,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 4. NATIONAL HEAD INJURY AWARENESS MONTH.

The month of October, 1993, is hereby designated as "National Head Injury Month" and the President is requested to issue a proclamation calling on the people of the United States to observe such month with appropriate ceremonies and activities.

SEC. 5. EFFECTIVE DATE.

This Act shall become effective on October 1, 1993.

By Mr. DASCHLE (for himself, Mr. BREAUX, and Mr. BAUCUS):

S. 726. A bill to amend the Social Security Act to create a new program to update and maintain the infrastructure requirements of our Nation's essential urban and rural safety net health care facilities, and for other purposes; to the Committee on Finance.

NATIONAL HEALTH SAFETY NET INFRASTRUCTURE ACT

Mr. DASCHLE. Mr. President, today I am introducing the National Health Safety Net Infrastructure Act, legislation that would provide vitally needed help for the Nation's public and rural hospitals. I am pleased that Senators BREAUX and BAUCUS have joined me in this effort.

These hospitals, the only source of health care for so many Americans, are commonly referred to as the Nation's health safety net. It is fortunate for the poor, the uninsured, and the homeless that so many hospitals share that distinction. But the tough job that these hospitals do is beginning to take its toll. You see, the safety net has been showing gaping holes for some time now, and people are falling through it, at a time when a strong net is needed the most.

The neglect of the Nation's infrastructure—our roads, bridges, and schools—is beginning to hit us with full force. Nowhere is the consequence of this neglect more evident than in public and rural hospitals.

These hospitals share a common mission of indigent care, care of the elderly, and community service. But as a consequence of their commitment, as a consequence of their concern, as a consequence of their generosity of spirit, they are disproportionately dependent on their direct government grants or government reimbursement for the care they provide—sources of funding that continue to dry up.

Seriously compounding that problem is a lack of access to capital. These hospitals don't want a free ride; they just want to be able to finance their projects and service their debt like any responsible business. But for many safety net hospitals, gaining access to capital is a futile effort.

The reasons are many. First, State and local governments that support safety net hospitals are increasingly hard pressed to fund capital projects, directly or through the issuance of general obligation funds.

Second, many safety net hospitals' operating margins are far too slim to support debt service payments, and local government budgets are stretched too thin to provide subsidies. And even when debt service payments can be made, bond markets often view local appropriations as too uncertain to be factored into a facility's revenue stream. The result is a low bond rating and higher interest rates for the hospital. FHA bond or mortgage insurance is often unavailable for the same reason.

The situation is equally dismal for other sources of Federal support. The Hill-Burton Program, which used to support so many of these hospitals, essentially died out in the last 1970's and has not been available for years.

And finally, while other hospitals compete for insured patients, safety net hospitals bear the primary burden of indigent and unreimbursed care. This burden is shared by both large, urban public hospitals and small rural hospitals and clinics.

For urban, public hospitals, the average age of the physical plant is nearly 26 years, as compared to the private hospital national average of only 7 years. The average percentage of capital investment and the average per-bed capital expenditures in public hospitals is less than half that of the non-public hospitals. The effect of this underinvestment is to accelerate the deterioration of existing plant and equipment.

A good example is a Los Angeles County hospital, which is part of the LA-USC—University of Southern California—medical center. This facility, General Hospital—unfortunately it is not a soap opera drama, but a real tragedy—does not have a modern fire alarm system, lacks air conditioning and a piped-in gas system, and has a severe shortage of intensive care beds. As a result, the hospital must employ 60 people who do nothing but look for fire hazards all day long; employees must lug around tens of thousands of containers of bottled oxygen and other gases; and severely injured patients must wait on gurneys in the hallways.

This is a 800-plus bed hospital that serves a majority of the area's indigent, homeless, and uninsured.

The same problems beset rural hospitals in the United States. Hundreds of these hospitals have been forced to close their doors in the past several years, and deteriorating physical facilities have been a primary factor in many of these closures.

The financial stability of rural hospitals has been particularly affected by cutbacks in Federal reimbursement, a decline in in-patient utilization, increased growth of uncompensated care and the general economic problems confronting the rural areas of this country. Increasingly, these institutions, which are performing a critical and heroic social function, have nowhere to turn for needed financing.

We have recognized the critical importance of stressing primary and preventive care in a reformed health care system. But it has become virtually impossible for public and rural hospitals to offer the kind of services that would be demanded by a new system. There is a clearly demonstrated need for financial assistance to assure that these hospitals can offer preventive and primary care services so badly needed.

The bill Senators BREAUX, BAUCUS, and I are introducing today would provide that financial assistance to these vitally important institutions. Specifically, it would create a Federal trust fund to provide loan guarantees, interest subsidies, direct loans and grants for updating and maintaining the essential infrastructure requirements of the Nation's urban and rural safety net hospitals.

The programs created by this bill would be narrowly targeted to only the most essential projects and facilities, and would require significant levels of non-Federal participation, including State and community support. Still, this program would provide an important source of leveraging for the substantial unmet capital needs these hospitals face.

Some might ask why proceed with this legislation in the face of the comprehensive health care reform proposal that President Clinton will unveil this spring. The answer is simple. Even if we enact comprehensive health reform in this session, it will take years of investment to make up for the decades of neglect that public and rural hospitals have been forced to endure. The National Health Safety Net Infrastructure Act complements the national health care reform effort.

It would be my hope that over the long term the need for the trust fund established by this bill will ultimately disappear. However, if these urban and rural safety net hospitals are to survive in a managed competition environment, they must be given the opportunity to compete on a level playing field. This act provides an important first step in giving them such a field.

This legislation won't build a bigger or better safety net, but it will begin to patch up those gaping holes in the existing network to prevent many of our most vulnerable populations from falling through the gaps.

I ask unanimous consent that the full text of the National Health Safety Net Infrastructure Act and a brief fact sheet on it be printed in the RECORD.

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

S. 726

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Health Safety Net Infrastructure Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) a small handful of urban and rural health care facilities in America today serve as an essential health safety net for many millions of individuals in underserved inner cities and rural areas;

(2) these safety net health care facilities bear a disproportionate share of the burden of providing care to the Nation's 35,000,000 uninsured, as well as serving as the community hospital and family doctor to millions of other low-income urban and rural residents who are covered by medicaid, medicare, and often inadequate private insurance;

(3) these health care facilities are often also a community's only source of essential, specialized health services, including primary care, emergency and trauma care, burn services, high-risk pregnancy services, and neonatal intensive care;

(4) due to their geographic location and the lack of any other facilities or services (including physicians) in many inner city and rural communities, these safety net health care facilities will continue to play an essential role in the health system even following the enactment of national health system reform;

(5) this safety net threatens to unravel due to the capital infrastructure crisis which these health care facilities face;

(6) the buildings and equipment in which these health care facilities rely to provide high quality medical care have been allowed to deteriorate seriously and have not been able to keep pace with outpatient delivery services, putting in jeopardy the delivery of quality health services to major portions of the Nation's population;

(7) chronic underinvestment in these health care facilities is evidenced by the fact that the average age of physical plant of urban, public hospitals is nearly 26 years, as compared to a national average of only 7 years for private hospitals;

(8) the financial picture of rural hospitals in particular has been affected by cutbacks in Federal reimbursement payments, a decline in inpatient utilization, increased growth rate in uncompensated care for inpatient care and expanded services, negative margins, and rural economic problems;

(9) small rural hospitals find it increasingly difficult to access inexpensive capital markets to maintain and improve their infrastructure to ensure high quality health care services to citizens in rural areas;

(10) the average capital expenditure for urban public hospitals is $12,600 per bed, as compared to a national average expenditure per bed of $23,500;

(11) traditional methods of financing rebuilding and renovation projects are either not available to these health care facilities, or are increasingly limited due to fiscal pressures on local governments who issue their bonds or to the high costs of issuing revenue bonds in a bond market that is skeptical regarding the local appropriations made to these health care facilities; and

(12) the Federal government can help alleviate this crisis with carefully targeted and highly leveraged resources for those health care facilities in the greatest need of assistance.

TITLE I—CAPITAL FINANCING ASSISTANCE FOR SAFETY NET HEALTH CARE FACILITIES PROVIDING INDIGENT CARE

SEC. 101. ESTABLISHMENT OF CAPITAL FINANCING ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Social Security Act is amended by adding at the end the following new title:

"TITLE XXI—CAPITAL FINANCING ASSISTANCE FOR SAFETY NET HEALTH CARE FACILITIES

"Subtitle A—General Provisions

"PAYMENTS TO HEALTH CARE FACILITIES

"SEC. 2101. (a) IN GENERAL.—The Secretary, with the approval of the Health Safety Net Infrastructure Trust Fund Board of Trustees described in section 2104(d) (hereafter in this title referred to as the 'Trust Fund Board'), shall make payments, from amounts in the Health Safety Net Infrastructure Trust Fund established under section 2104(a) (hereafter in this title referred to as the 'Trust Fund'), for capital financing assistance to eligible health care facilities whose applications for assistance have been approved under this title.

"(b) GENERAL ELIGIBILITY REQUIREMENTS FOR ASSISTANCE.—

"(1) ELIGIBLE HEALTH CARE FACILITIES DESCRIBED.—

"(A) IN GENERAL.—A health care facility shall be generally eligible for capital financing assistance under this title if the health care facility—

"(i) receives an additional payment under section 1886(d)(5)(F) and is described in clause (i)(II) or clause (vii)(I) of such section, or is deemed a disproportionate share hospital under a State plan for medical assistance under title XIX on the basis described in section 1923(b)(1);

"(ii) is a hospital which meets the criteria for designation by the Secretary as an essential access community hospital under section 1820(i)(1) or a rural primary care hospital under section 1820(i)(2) (whether or not such hospital is actually designated under such section);

"(iii) is a Federally qualified health center (as defined in section 1905(l)(2)(B));

"(iv) is a hospital which—

"(I) is a sole community provider; or

"(II) has closed within the preceding 12 months;

"(v) is a facility which—

"(I) provides service to ill or injured individuals prior to the transportation of such individuals to a hospital or provides inpatient care to individuals needing such care for a period not longer than 96 hours;

"(II) is located in a county (or equivalent unit of local government) with fewer than 6 residents per square mile or is located more than 35 road miles from the nearest hospital;

"(III) permits a physician assistant or nurse practitioner to admit and treat patients under the supervision of a physician not present in such facility; and

"(IV) has obtained a waiver from the Secretary permitting the facility to participate in the medicare program under title XVIII; or

"(vi) is a hospital that the Secretary otherwise determines to be an appropriate recipient of assistance under this title on the basis of the existence of a patient care operating deficit, a demonstrated inability to secure or repay financing for a qualifying project on reasonable terms, or such other criteria as the Secretary considers appropriate.

"(B) DEVELOPMENT OF CRITERIA.—For purposes of subparagraph (A)(vi), with respect to rural hospitals which are at risk or critical to health care access, the Prospective Payment Review Commission, not later than January 1, 1994, shall develop criteria to assist the Secretary in deciding if such hospitals deserve assistance, after considering, at a minimum, the following factors:

"(i) AT-RISK RURAL HOSPITALS.—In the case of rural hospitals the closure of which within the next year is imminent or the continued operation of which over a 2 to 5 year period is questionable, such factors as the level of health resources available in a community as measured by physician supply, the population base of the area served by the hospital and utilization of services by such population as measured by service area population, and financial indicators predictive of closure.

"(ii) RURAL HOSPITALS CRITICAL TO HEALTH CARE ACCESS.—In the case of rural hospitals which provide access to essential health services within a service area where no other provider of such essential services exists, such factors as the market share of the hospital for an area or population, the number of outpatient visits, the proximity of the next closest provider of such services, and the degree to which the area population is medically underserved.

"(2) OWNERSHIP REQUIREMENTS.—In order to be eligible for assistance under this title, a health care facility (other than a health care facility described in clauses (ii) and (v) of paragraph (1)) must—

"(A) be owned or operated by a unit of State or local government;

"(B) be a quasi-public corporation, defined as a private, nonprofit corporation or public benefit corporation which is formally granted one or more governmental powers by legislative action through (or is otherwise partially funded by) the State legislature, city or county council;

"(C) be a private nonprofit health care facility which has contracted with, or is otherwise funded by, a governmental agency to provide health care services to low income individuals not eligible for assistance under title XVIII or title XIX of this Act, where revenue from such contracts constitute at least 10 percent of the facility's operating revenues over the prior 3 fiscal years; or

"(D) be a nonprofit small rural health care facility (as determined by the Secretary).

"(c) MEETING ADDITIONAL SPECIFIC CRITERIA.—Health care facilities that are generally eligible for assistance under this title

under subsection (b) may apply for the specific programs described in this title and must meet any additional criteria for participation in such programs.

"(d) ASSISTANCE AVAILABLE.—Capital financing assistance available under this title shall include loan guarantees, interest rate subsidies, matching loans and direct grants. Health care facilities determined to be generally eligible for assistance under this title may apply for and receive more than one type of assistance under this title.

"APPLICATION FOR ASSISTANCE

"SEC. 2102. (a) IN GENERAL.—No health care facilities may receive assistance for a qualifying project under this title unless the health care facility—

"(1) has filed with the Secretary, in a form and manner specified by the Secretary, with the advice and approval of the Trust Fund Board (as described in section 2104(d)), an application for assistance under this title;

"(2) establishes in its application (for its most recent cost reporting period) that it meets the criteria for general eligibility under this title;

"(3) includes a description of the project, including the community in which it is located, and describes utilization and services characteristics of the project and the health care facility, and the patient population that is to be served;

"(4) describes the extent to which the project will include the financial participation of State and local governments if assistance is granted under this title, and all other sources of financing sought for the project; and

"(5) establishes, to the satisfaction of the Secretary and the Trust Fund Board, that the project meets the additional criteria for each type of capital financing assistance for which it is applying.

"(b) CRITERIA FOR APPROVAL.—The Secretary, with the approval of the Trust Fund Board, shall determine for each application for assistance under this title—

"(1) whether the health care facility meets the general eligibility criteria under section 2101(b);

"(2) whether the health care facility meets the specific eligibility criteria of each type of assistance for which it has applied, including whether the health care facility meets any criteria for priority consideration for the type of assistance for which it has applied;

"(3) whether the capital project for which assistance is being requested is a qualifying project under this title; and

"(4) whether funds are available, pursuant to the limitations of each program, to fully fund the request for assistance.

"(c) PRIORITY OF APPLICATIONS.—In addition to meeting the criteria otherwise described in this title, at the discretion of the Trust Fund Board, the Secretary shall give preference to those applications for qualifying projects that—

"(1)(A) are necessary to bring existing safety net health care facilities into compliance with accreditation standards or fire and life safety, seismic, or other related Federal, State or local regulatory standards;

"(B) improve the provision of essential services such as emergency medical and trauma services, AIDS and infectious disease, perinatal, burn, primary care, and other services which the Trust Fund Board may designate; or

"(C) provide access to otherwise unavailable essential health services to the indigent and other needy persons within the health care facility's territorial area;

"(2) include specific State or local governmental or other non-Federal assurances of financial support if assistance for a qualifying project is granted under this title; and

"(3) are unlikely to be financed without assistance granted under this title.

"(d) SUBMISSION OF APPLICATIONS.—Applications under this title shall be submitted to the Secretary through the Trust Fund Board. If two or more health care facilities join in the project, the application shall be submitted by all participating health care facilities jointly. Such applications shall set forth all of the descriptions, plans, specifications, and assurances as required by this title and contain other such information as the Trust Fund Board shall require.

"(e) OPPORTUNITY FOR APPEAL.—The Trust Fund Board shall afford a health care facility applying for a loan guarantee under this section an opportunity for a hearing if the guarantee is denied.

"(f) APPLICATIONS FOR AMENDMENTS.—Amendment of an approved application shall be subject to approval in the same manner as an original application.

"PUBLIC SERVICE RESPONSIBILITIES

"SEC. 2103. (a) IN GENERAL.—Any health care facility accepting capital financing assistance under this title shall agree—

"(1) to make the services of the facility or portion thereof to be constructed, acquired, or modernized available to all persons; and

"(2) to provide a significant volume of services to persons unable to pay therefore, consistent with other provisions of this Act and the amount of assistance received under this title.

"(b) ENFORCEMENT.—The Director of the Office of Civil Rights of the Department of Health and Human Services shall be given the power to enforce the public service responsibilities described in this section.

"HEALTH SAFETY NET INFRASTRUCTURE TRUST FUND

"SEC. 2104. (a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the Health Safety Net Infrastructure Trust Fund, consisting of such amounts as may be transferred, appropriated, or credited to such Trust Fund as provided in this title.

"(b) AUTHORIZATION OF APPROPRIATIONS TO TRUST FUND.—There are authorized to be appropriated to the Trust Fund such sums as may be necessary to carry out the purposes of this title.

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Trust Fund shall be available, pursuant to appropriations Acts, only for making expenditures to carry out the purposes of this title.

"(d) BOARD OF TRUSTEES; COMPOSITION; MEETINGS; DUTIES.—

"(1) IN GENERAL.—There shall be created a Health Safety Net Infrastructure Trust Fund Board of Trustees composed of the Secretary of Health and Human Services, the Secretary of the Treasury, the Assistant Secretary for Health, and the Administrator of the Health Care Financing Administration (all serving in their ex officio capacities), and 5 public members who shall be appointed for 4 year terms by the President, from the following categories—

"(A) one chief health officer from a State;

"(B) one chief executive officer of a health care facility that meets the general eligibility criteria of this title;

"(C) one representative of the financial community; and

"(D) two additional public or consumer representatives.

"(2) DUTIES.—The Board of Trustees shall meet no less than quarterly and shall have the responsibility to approve implementing regulations, to establish criteria, and to recommend and approve expenditures by the Secretary under the programs set forth in this title.

"(3) MANAGING TRUSTEE.—The Secretary of the Treasury shall serve as the Managing Trustee of the Trust Fund, and shall be responsible for the investment of funds. The provisions of subsections (b) through (e) of section 1817 shall apply to the Trust Fund and the Managing Trustee of the Trust Fund in the same manner as they apply to the Federal Hospital Insurance Trust Fund and the Managing Trustee of that Trust Fund.

"ADMINISTRATION

"SEC. 2105. (a) IN GENERAL.—The Administrator of the Health Care Financing Administration shall serve as Secretary of the Board of Trustees and shall administer the programs under this title.

"(b) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the funds annually appropriated to the Trust Fund may be available for administration of the Trust Fund or programs under this title.

"Subtitle B—Loan Guarantees

"PROVISION OF LOAN GUARANTEES TO SAFETY NET HEALTH CARE FACILITIES

"SEC. 2110. (a) IN GENERAL.—The Safety Net Infrastructure Trust Fund will provide a Federal guarantee of loan repayment, including guarantees of repayment of refinancing loans, to non-Federal lenders making loans to eligible health care facilities for health care facility replacement (either by construction or acquisition), modernization and renovation projects, and capital equipment acquisition.

"(b) PURPOSES.—The loan guarantee program shall be designed by the Trust Fund Board with the goal of rebuilding and maintaining the essential health services of health care facilities eligible for assistance under this title.

"ELIGIBLE LOANS

"SEC. 2111. (a) IN GENERAL.—Loan guarantees under this subtitle are available for loans made to eligible health care facilities for replacement facilities (either newly constructed or acquired), modernization and renovation of existing facilities, and for capital equipment acquisition.

"(b) LOAN GUARANTEE MUST BE ESSENTIAL TO BOND FINANCING.—Eligible health care facilities must demonstrate that a Federal loan guarantee is essential to obtaining bond financing from non-Federal lenders at a reasonably affordable rate of interest.

"(c) ADDITIONAL ELIGIBILITY CRITERIA FOR LOAN GUARANTEES.—In order to be eligible for assistance under this subtitle, a health care facility must demonstrate that the following criteria are met:

"(1) The health care facility has evidence of an ability to meet debt service.

"(2) The assistance, when considered with other resources available to the project, is necessary and will restore, improve, or maintain the financial or physical soundness of the health care facility.

"(3) The applicant agrees to assume the public service responsibilities described in section 2103.

"(4) The project is being, or will be, operated and managed in accordance with a management-improvement-and-operating plan which is designed to reduce the operating costs of the project, which has been approved by the Trust Fund Board, and which includes—

"(A) a detailed maintenance schedule;

"(B) a schedule for correcting past deficiencies in maintenance, repairs, and replacements;

"(C) a plan to upgrade the project to meet cost-effective energy efficiency standards prescribed by the Trust Fund Board;

"(D) a plan to improve financial and management control systems;

"(E) a detailed annual operating budget taking into account such standards for operating costs in the area as may be determined by the Trust Fund Board; and

"(F) such other requirements as the Trust Fund Board may determine.

"(5) The application includes stringent provisions for continued State or local support of the program, both with respect to operating and financial capital.

"(6) The terms, conditions, maturity, security (if any), and schedule and amount of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulation, including a determination that the rate of interest does not exceed such annual percentage on the principal obligation outstanding as the Trust Fund Board determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States.

"(7) The health care facility must meet such other additional criteria as the Secretary may impose.

"(e) STATE OR LOCAL PARTICIPATION.—Projects in which State or local governmental entities participate in the form of first guarantees of part or all of the total loan value shall be given a preference for loan guarantees under this subtitle.

"GUARANTEE ALLOTMENTS

"SEC. 2112. (a) IN GENERAL.—$150,000,000 shall be annually allocated within the Trust Fund to the loan guarantee program established by this subtitle in order to create a cumulative reserve in support of loan guarantees.

"(b) LOAN GUARANTEES FOR RURAL HEALTH CARE FACILITIES.—At least 20 percent of the dollar value of loan guarantees made under this program during any given year shall be allocated for eligible rural health care facilities, to the extent a sufficient number of applications are made by such health care facilities.

"(c) GUARANTEES FOR SMALL LOANS.—At least $200,000,000 of the annual dollar value of loan guarantees made under the program shall be reserved for loans of under $50,000,000, if there are a sufficient number of applicants for loans of that size.

"(d) SPECIAL RULE FOR REFINANCING LOANS.—Not more than 20 percent of the amount allocated each year to the loan guarantee program established by this subtitle may be allocated to guarantee refinancing loans during the year.

"TERMS AND CONDITIONS OF LOAN GUARANTEES

"SEC. 2113. (a) IN GENERAL.—The principal amount of the guaranteed loan, when added to any Federal grant assistance made under this title, may not exceed 95 percent of the total value of the project, including land.

"(b) GUARANTEES PROVIDED MAY NOT SUPPLANT OTHER FUNDS.—Guarantees provided under this subtitle may not be used to supplant other forms of State or local support.

"(c) RIGHT TO RECOVER FUNDS.—The United States shall be entitled to recover from any applicant health care facility the amount of payments made pursuant to any loan guarantee under this subtitle, unless the Trust Fund Board for good cause waives its right of recovery, and the United States shall, upon making any such payment pursuant to any such loan guarantee be subrogated to all of the rights of the recipients of the payments.

"(d) MODIFICATION OF TERMS.—Loan guarantees made under this subtitle shall be subject to further terms and conditions as the Trust Fund Board determines to be necessary to assure that the purposes of this Act will be achieved, and any such terms and conditions may be modified by the Trust Fund Board to the extent that it determines such modifications to be consistent with the financial interest of the United States.

"(e) TERMS ARE INCONTESTABLE ABSENT FRAUD OR MISREPRESENTATION.—Any loan guarantee made by the Trust Fund Board pursuant to this subtitle shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or other person.

"PREMIUMS FOR LOAN GUARANTEES

"SEC. 2114. (a) IN GENERAL.—The Trust Fund Board shall determine a reasonable loan insurance premium which shall be charged for loan guarantees under this subtitle, taking into account the availability of the reserves created under section 2112. Premium charges shall be payable in cash to the Trust Fund Board, either in full upon issuance, or annually in advance. In addition to the premium charge herein provided for, the Trust Fund Board is authorized to charge and collect such amount as it may deem reasonable for the appraisal of a property or project offered for insurance and for the inspection of such property or project.

"(b) PAYMENT IN ADVANCE.—In the event that the principal obligation of any loan accepted for insurance under this subtitle is paid in full prior to the maturity date, the Trust Fund Board is authorized in its discretion to require the payment by the borrower of an adjusted premium charge in such amount as the Board determines to be equitable, but not in excess of the aggregate amount of the premium charges that the health care facility would otherwise have been required to pay if the loan had continued to be insured until maturity date.

"(c) TRUST FUND BOARD MAY WAIVE PREMIUMS.—The Trust Fund Board may in its discretion partially or totally waive premiums charged for loan insurance under this section for financially distressed health care facilities (as described by the Secretary).

"PROCEDURES IN THE EVENT OF LOAN DEFAULT

"SEC. 2115. (a) IN GENERAL.—Failure of the borrower to make payments due under or provided by the terms of a loan accepted for insurance under this subtitle shall constitute a default.

"(b) ASSIGNMENT OF DEFAULTED LOANS.—If a default continues for 30 days, then, upon the lender's transfer to the Trust Fund Board of all its rights and interests arising under the defaulted loan or in connection with the loan transaction, the lender shall be entitled to debentures which, together with a certificate of claim, are equal in value to the amount the lender would have received if, on the date of transfer, the borrower had repaid the loan in full, together with the amount of necessary expenses incurred by the lender in connection with the default.

"(c) FORECLOSURE BY LENDER.—Subject to the approval of the Trust Fund Board, or as provided in regulations, the lender may foreclose on the property securing the defaulted loan.

"(d) FORECLOSURE BY TRUST FUND BOARD.—The Trust Fund Board is authorized to—

"(1) acquire possession of and title to any property securing a defaulted loan by voluntary conveyance in extinguishment of the indebtedness, or

"(2) institute proceedings for foreclosure on the property securing any such defaulted loan and prosecute such proceedings to conclusion.

"(e) HANDLING AND DISPOSAL OF PROPERTY; SETTLEMENT OF CLAIMS.—

"(1) PAYMENT FOR CERTAIN EXPENSES.—Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real and other property by the United States, the Trust Fund Board shall also have power, for the protection of the interests of the Trust Fund, to pay out of the Trust Fund all expenses or charges in connection with, and to deal with, complete, reconstruct, rent, renovate, modernize, insure, make contracts for the management of, or establish suitable agencies for the management of, or sell for cash or credit or lease in its discretion, any property acquired by the Trust Fund under this section.

"(2) SETTLEMENT OF CLAIMS.—Notwithstanding any other provision of law, the Trust Fund Board shall also have the power to pursue to final collection by way of compromise or otherwise all claims assigned and transferred to the Trust Fund in connection with the assignment, transfer, and delivery provided for in this section, and at any time, upon default, to foreclose or refrain from foreclosing on any property secured by any defaulted loan assigned and transferred to or held by the Trust Fund.

"(3) LIMITATIONS ON AUTHORITY.—Subsections (a) and (b) shall not be construed to apply to any contract for hazard insurance, or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $1,000.

"(f) REGULATIONS.—The Trust Fund Board shall propose and the Secretary shall promulgate regulations governing procedures in the event of a default on a loan accepted for insurance under this subtitle.

"Subtitle C—Interest Rate Subsidies

"PROVISION OF INTEREST RATE SUBSIDIES

"SEC. 2121. (a) IN GENERAL.—The Secretary, with the approval of the Trust Fund Board, shall make available interest subsidies to reduce the cost of financing qualifying projects.

"(b) PURPOSES.—The interest subsidy program shall provide a partial Federal subsidy of debt service payment where State or local entities have demonstrated a significant commitment to financing health care facility replacement (either by construction or acquisition), modernization, and renovation projects by undertaking the issuance of bonds.

"ELIGIBLE LOANS

"SEC. 2122. (a) IN GENERAL.—Eligible health care facilities should have issued or plan to issue bonds for capital projects or be responsible for paying debt service on general obligation or revenue bonds issued on the eligible health care facility's behalf. To be eligible, bonds must have been issued after December 31, 1990.

"(b) NON-FEDERAL PARTICIPATION REQUIREMENT.—In order to be eligible for assistance under this subtitle, a health care facility must receive assistance from non-Federal sources in an amount not less than the

amount of the assistance provided under this subtitle.

"ALLOTMENT OF SUBSIDIES

"SEC. 2123. (a) IN GENERAL.—The Trust Fund Board shall make available $220,000,000 in interest subsidies annually.

"(b) QUALIFYING NON-FEDERAL LOANS.—Interest subsidy grants will be made in the amount of 3 percent for qualifying non-Federal loans.

"(c) QUALIFYING FEDERAL LOANS MADE UNDER THIS TITLE.—Interest subsidy grants in an amount of up to 5 percent will be made for qualifying Federal loans made under this title if it is determined by the Trust Fund Board that the project would not be otherwise financially feasible.

"(d) RESERVE FOR RURAL HEALTH CARE FACILITIES.—At least 20 percent of the total value of all interest subsidies awarded in any given year shall be awarded to rural health care facilities, provided that a sufficient number of applications are approved.

"(e) LIMITATION ON AMOUNT OF SUBSIDIES AWARDED IN A GIVEN STATE.—The aggregate value of interest subsidies made to health care facilities in any State in a given year shall not exceed 25 percent of the total value of all interest subsidies made during that year.

"TERMS AND CONDITIONS FOR SUBSIDIES

"SEC. 2124. (a) STATE OR LOCAL PARTICIPATION.—No Federal subsidy shall be granted unless State or local participation in an amount equal to the Federal subsidy is provided.

"(b) ISSUANCE OF FEDERAL COMMITMENTS.—Successful applicants will receive a Federal commitment of an interest subsidy grant. Applicants will then have 12 months to finalize financing arrangements before unobligated funds would be returned to the subsidy program pool. A commitment, when issued, shall be valid for as long as a health care facility continues to meet the eligibility requirements of this title.

"SUBSIDIES FOR LOAN REFINANCING

"SEC. 2125. In addition to providing interest rate subsidies for new loans, the Trust Fund Board may provide subsidies to assist in refinancing if the health care facility presently lacks permanent financing at an affordable current market rate.

"Subtitle D—Direct Matching Loans

"PROVISION OF MATCHING LOANS TO HEALTH CARE FACILITIES

"SEC. 2131. (a) IN GENERAL.—The Secretary, with the approval of the Trust Fund Board, shall provide direct matching loans to eligible health care facilities unable otherwise to obtain essential financing.

"(b) PURPOSES.—The purpose of this subtitle is to provide eligible health care facilities with direct matching loans for essential health care facility replacement (either by construction or acquisition), modernization, and renovation projects. These loans are to be primarily provided for the funding of smaller projects where the transaction costs of securing financing from other sources may be disproportionately onerous in relationship to the amounts financed.

"ELIGIBLE PROJECTS

"SEC. 2132. (a) IN GENERAL.—Eligible applicants may seek a project loan of up to $50,000,000. Not more than 75 percent of the cost of the project may come from Federal sources.

"(b) EXCEPTION FOR FINANCIALLY DISTRESSED HEALTH CARE FACILITIES.—The Trust Fund Board shall have the discretion to waive the 25 percent match requirement for financially distressed health care facilities (as described by the Secretary).

"ALLOTMENT OF LOANS

"SEC. 2133. (a) IN GENERAL.—The Trust Fund Board shall make available $200,000,000 in direct matching loans annually. Funded projects should be divided between projects designed to achieve compliance with accreditation standards, life safety codes, and other certification standards, and those standards related to the provision of new services.

"(b) RESERVE FOR RURAL HEALTH CARE FACILITIES.—No less than 20 percent of the total value of loans made under the program shall be made to rural health care facilities, if there are a sufficient number of approved applications from such facilities.

"TERMS AND CONDITIONS OF LOANS

"SEC. 2134. (a) GENERAL TERM.—Loans will be made for a period equal to the construction period plus up to 39 years amortization.

"(b) INTEREST RATE.—The interest rate will be a market rate determined by the Trust Fund Board to be no higher than the most recent revenue bond index published by the Bond Buyer.

"USE OF LOANS FOR REFINANCING

"SEC. 2135. In addition to providing loans for new projects, the Trust Fund Board may grant loans under this subtitle to refinance existing loans if the health care facility has been unable to secure permanent financing at an affordable current market rate, except that the amount of assistance provided under this subtitle during a year for refinancing existing loans may not exceed 20 percent of the total amount made available for assistance under this subtitle for the year.

"CREATION OF REVOLVING FUND

"SEC. 2136. In addition to the new amounts made available each year, all loan repayments made by health care facilities shall be held in a revolving fund in the Trust Fund that may be used for additional loans.

"LOAN DEFAULT

"SEC. 2137. (a) IN GENERAL.—The failure of the borrower to make payment due under or provided by the terms of a loan granted under this subtitle shall be considered a default under such loan and, if such default continues for a period of 30 days, the Trust Fund Board may attempt to negotiate a revised repayment schedule to avoid foreclosing on property serviced by such loan before beginning collection proceedings against the borrower.

"(b) PRIORITY OF FEDERAL INTEREST.—In the case of default, the United States shall be paid prior to State or local bonds.

"Subtitle E—Grants for Urgent Capital Needs

"PROVISION OF GRANTS

"SEC. 2141. (a) IN GENERAL.—The Trust Fund Board shall make available $400,000,000 in direct grants annually. The Secretary, with the approval of the Trust Fund Board, shall make direct grants to eligible health care facilities with urgent capital needs.

"(b) PURPOSES.—Direct grants shall be available to eligible health care facilities for 3 types of projects:

"(1) Emergency certification and licensure grants would be available to eligible health care facilities that are threatened with closure or loss of accreditation or certification of a facility or of essential services as a result of life or safety code violations or similar facility or equipment failures. Such grants would provide limited funding for repair and renovation where failure to fund would disrupt the provision of essential public health services such as emergency care.

"(2) Emergency grants would be available for capital renovation, expansion, or replacement necessary to the maintenance or expansion of essential safety and health services such as obstetrics, perinatal, emergency and trauma, primary care and preventive health services.

"(3) Planning grants would be available to eligible health care facilities who require pre-approval assistance to meet regulatory requirements related to management and finance in order to apply for loans, loan guarantees, and interest subsidies under this title.

"(c) PRIORITY TO FINANCIALLY DISTRESSED HEALTH CARE FACILITIES.—Priority for direct grants under this section would be given to financially distressed health care facilities (as described by the Secretary).

"(d) APPLICATION PROCESS.—The Secretary, with the approval of the Trust Fund Board, shall create an expedited application process for direct grants.

"ELIGIBLE PROJECTS

"SEC. 2142. (a) MATCHING GRANTS.—

"(1) LIMITATION ON AMOUNT.—Grants for capital expenditures by eligible health care facilities will be limited to $25,000,000.

"(2) MATCHING REQUIREMENT.—At least half of the projects funded in a year must receive at least 50 percent of their funding from State or local sources. The remaining projects funded during the year could be financed up to 90 percent with a combination of Federal grants and loans.

"(3) RESERVATION FOR RURAL HEALTH CARE FACILITIES.—No less than 20 percent of the grant funds in any given year would be reserved for rural health care facilities, provided that a sufficient number of applications are approved.

"(b) PLANNING GRANTS.—Applicants who can demonstrate general qualification for the direct matching loan, loan guarantee, or interest subsidy programs under this title or eligibility for mortgage insurance under section 242 of the National Housing Act will be eligible for a grant of up to $500,000 to assist in implementation of key budgetary and financial systems as well as management and governance restructuring.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1993.

SEC. 102. ADJUSTMENT TO PAYMENTS FOR CAPITAL-RELATED COSTS UNDER MEDICARE.

(a) IN GENERAL.—Section 1886(g)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(g)(1)(B)) is amended—

(1) by striking "and" at the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting ", and"; and

(3) by adding at the end the following new clause:

"(v) shall provide for adjustments to take into account the extent to which capital-related costs incurred by a hospital are costs with respect to which the hospital received financial assistance under title XXI.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to cost reporting periods beginning on or after October 1, 1993.

SEC. 103. TAX EXEMPT STATUS OF FEDERALLY GUARANTEED STATE OR LOCAL BONDS.

(a) IN GENERAL.—Section 149(b)(3)(A) of the Internal Revenue Code of 1986 is amended—

(1) in clause (ii) by striking "or";

(2) in clause (iii) by striking the period and inserting ", or"; and

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

"(iv) any guarantee by the Health Safety Net Infrastructure Trust Fund pursuant to title XXI of the Social Security Act."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1993.

FACT SHEET—S. 726

This bill would create a Federal trust fund to provide loan guarantees, interest subsidies, direct loans, and grants for updating and maintaining the essential infrastructure requirements of the nation's urban and rural safety net hospitals. The programs would be narrowly targeted to only the most essential projects and facilities, and would require significant levels of non-Federal participation, including State and community support. The bill would provide a significant source of leveraging for the substantial unmet capital needs these health care facilities face.

I. GENERAL PROVISIONS

The fund would support several programs designed to improve access to, as well as affordability of, capital for urban and rural safety net hospitals that serve a disproportionate share of indigent patients, and that provide critical health services otherwise unavailable in their communities. Specifically, the bill would create the following Federal programs:

A. Direct Matching Loans: Federal loans would be available for eligible projects for which State and/or local entities provide 25% or more of the funds.

B. Loan Guarantees: Federal guarantees of loan repayment would be available to non-Federal lenders or issuers of tax-exempt bonds for eligible projects.

C. Loan Interest Subsidies: Partial (3–5%) interest subsidies would be available under certain circumstances for eligible non-Federal loans and certain qualifying direct matching loans.

D. Grants: A limited number of direct grants for critical projects related to code and certification compliance, loan guarantee preparation and readiness, and provision of certain essential safety net services.

II. ELIGIBILITY

Eligible facilities are limited to specific health care facilities.

A. Those hospitals that meet the criteria for designation as Essential Access Community Hospitals or Rural Primary Care Hospitals.

B. Health care facilities that meet one of the following criteria:

1. Qualifies as a disproportionate share provider under Medicare, or is deemed a disproportionate share hospital;

2. Is a Federally qualified health center;

3. Is determined by the Secretary to be an appropriate recipient on the basis of an operating deficit, or on the basis of a demonstrated inability to secure or repay financing for a qualifying project;

And one of the following ownership requirements:

1. Is owned or operated by a unit of State or local government;

2. Is a quasi-public corporation (defined as a private, nonprofit corporation or public benefit corporation formally granted one or more governmental powers by legislative action);

3. Is a private nonprofit health care facility which has contracted with a governmental agency to provide care to low-income individuals.

Qualifying health care facilities would apply to the Secretary of HHS. Preference would be given those projects that:

1. Are necessary to bring existing safety net facilities into compliance with accreditation standards or fire, lifesafety, seismic, or other related standards;

2. Are designed to improve the provision of essential services such as emergency medical and trauma services, AIDS and infectious disease, perinatal, burn, and primary care;

3. Include specific State or local governmental or other non-Federal assurance of financial support.

Mr. BAUCUS. Mr. President, I rise to join Senator DASCHLE in introducing legislation that would address the decay and potential demise of the rural and public hospitals that serve as the health safety net to millions of Americans. These hospitals serve the elderly, the isolated, and the indigent. They represent the very spirit of service by providing essential health care that would otherwise be unavailable in communities isolated by economic and geographic barriers. If these institutions closed, citizens could only attain access after considerable travel, which brings with it cost, inconvenience and the distinct risk of harmful health consequences.

One of the unpleasant facts that has emerged most clearly during our current examination of the national health care system is that the infrastructure of many of these rural and public hospitals is aging and decaying. Many of these institutions unable to fund their capital needs are plagued with severe deficiencies in their physical plant. Such deficiencies lead to an inability to provide high-quality health care, and ultimately they force the facilities to close. Once closure occurs communities are hard pressed to provide for the health care of their citizens.

The problem that undermines these safety net rural and public hospitals is one of capital. Multiple negative financial factors burden these facilities. Issues such as uncompensated care, uneven Federal reimbursement patterns, restrictive State and local budgets, and generally poor rural economies create a financial environment that continually pushes these institutions toward the red. It is little wonder that these hospitals cannot afford adequate investments to address their capital needs. Buildings deteriorate, equipment malfunctions and the quality of health care suffers.

This legislation would assist institutions struggling to provide high-quality health care to populations who have nowhere else to go. This bill would provide reasonable access to capital for these safety net hospitals. It would create a Federal trust fund that would serve as the basis for programs of loan guarantees, interest subsidies, direct matching loans, and grants. These programs would fund the rehabilitation, updating, and maintenance of the essential infrastructure of these vitally important institutions.

The bill also requires a prudent stewardship of this infrastructure trust fund. As designed, these capital programs would be narrowly targeted to only the most critical access projects such as medical assistance facilities [MAF's] and rural primary care hospitals. The bill also calls for communities to stand up and be counted on this issue by requiring significant State and community support.

Montana has been creative in addressing the challenge of providing health care in isolated rural areas. We developed an especially innovative alternative to using large, full-service hospitals in areas with low population density called the medical assistance facilities. But this type of innovation needs infrastructure support to thrive. In Montana a number of the small rural hospitals were built in the 1950's and their physical plants need to be updated. Unfortunately, many hospital administrators faced with difficult economic choices are compelled to pay their bills and forgo spending on infrastructure. This bill would remedy that situation so that people living in rural areas would continue to have access to high-quality health care.

I commend Senator DASCHLE on his work on this important legislation.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 727. A bill to establish a California Ocean Protection Zone, and for other purposes; to the Committee on Energy and Natural Resources.

CALIFORNIA OCEAN PROTECTION ZONE ACT OF 1993

Mrs. BOXER. Mr. President, I am pleased to introduce today the California Ocean Protection Act of 1993. This act will provide permanent protection for California's outer continental shelf [OCS] from the adverse effects of new offshore oil and gas development, deep-sea mining, at-sea incineration of toxic wastes, and harmful ocean dumping. This act will make management of the Federal OCS consistent with State mandated protection of State waters.

This act recognizes that the resources of the lands offshore California, and of the Pacific Ocean itself, are priceless. This act recognizes that the real costs of offshore fossil fuel development, mining, and toxic waste disposal far outweigh any benefits that might accrue from those activities. Finally, this act recognizes that renewable uses of the ocean and OCS lands are irreplaceable elements of a healthy, growing, California economy.

California's coast, from San Diego to Crescent City, is a natural marvel. From the white sand beaches and secluded coves of Southern California, to the grandeur of Big Sur, to the wild, rocky north, this coast is one of the Earth's great wonders—enjoyed by Californians and visitors from around the globe alike. But the California coast is much more than a scenic treasure; it is a dynamic convergence of

land and sea—a grand yet fragile system that ultimately depends on the health of the Pacific Ocean for its continued viability.

The cold, clear waters of the Pacific give life to a wealth of plant, fish, bird, and marine mammal species. Some of those species in turn support California's multi-billion dollar fishing industry—an industry founded on renewable resource management. Clean Pacific waters also form the basis for California's coastal tourism industry—valued at over $27 billion annually and creator of tens of thousands of jobs in California's economy.

Fishing and tourism are just two of the industries that we must weigh in the balance against nonsustainable, polluting uses of the ocean. The other values supported by an unpolluted Pacific are less easily quantified, but every bit as important. These values are economic, scientific and, indeed, spiritual. These are the values that have somehow gotten lost in the shuffle, as the Congress and past administrations have debated the issue of developing California's offshore resources.

When those values are added to the scales and weighed against the benefits to be obtained from nonsustainable exploitation, permanent protection becomes the only viable choice. Consider that if all the unleased areas of the California coast were suddenly opened to oil and gas development, we would produce less than 60 days of oil for the Nation at current rates of consumption. Such production would come at the certain cost of oil spills, contamination by the toxic wastes and air emissions generated by offshore rigs and the increased risk of tanker accidents.

The Nation's interest in future energy security does not require that we pay those costs. Conservation measures are now available that will achieve far greater oil savings than the California OCS can produce, without the environmental risks brought by development. For example, raising CAFE standards to a readily achievable 40 miles per gallon would save 20 billion barrels of oil by 2020—over 18 times the estimated total California OCS reserves in unleased areas. And California is leading the nation in adopting an energy strategy that lessens our dependence on fossil fuels. Conservation programs already put in place by the State of California will save 2 billion barrels of oil over the next 20 years—almost twice the oil thought to lie in the State's frontier offshore areas.

The legislation I am introducing today would bring the Federal OCS Program for California into line with protection now in place for State waters. Within the last 2 years, the State legislature, working cooperatively with Gov. Pete Wilson, has acted to protect most areas of the State tidelands that had not already been protected from oil and gas development. The danger is that unless we act, Federal development will render protection of State waters practically meaningless. To state the obvious: water flows. An oilspill in Federal waters offshore California can rapidly foul State beaches, contaminate nutrient-rich ocean upwellings upon which California's fishing industry depends and destroy endangered species habitat in State tidelands.

In the same way it is misleading to believe that we can limit the hazards of offshore drilling by identifying and protecting environmentally sensitive areas. The ocean is a dynamic system—it is impossible to protect one area—even if there were scientifically sound criteria by which we could identify particularly sensitive areas—without also protecting adjacent areas. Permanent protection for as much of the system as possible again emerges as the only viable option.

This act does contain an exception for existing drilling operations. In recognition of the economic importance of current offshore development in southern California, the act would only prohibit new development. Thus drilling now underway offshore Orange and Santa Barbara counties would be allowed to continue. New drilling in those areas would be stopped.

The act would also prohibit ocean mining, at-sea incineration of toxic wastes, and harmful ocean dumping. Each of these activities represents a threat to the marine environment and the coastal economy. Ecologically and economically sound alternatives exist to each of these activities. The prohibitions contained in this act recognized that the optimum value of the ocean is maintained only when it remains free of marine pollution caused by unnecessary exploitation.

I don't have to remind this body of the battles that have been fought over developing oil and gas offshore California. Interior Secretaries Watt and Hodel lined up with the oil industry to push for massive new leasing along the coast. That action was met by an opposite and more-than-equal reaction from the Congress. Eleven of the past twelve Interior appropriations bills have contained 1-year leasing moratoria on the lands offshore California. While the unreasonable approach of past administrations has necessitated such moratoria, I think everyone agrees that a more certain, long-term policy is called for.

This act represents that policy and provides the certainty that California needs. We now have a better understanding of the costs associated with the activities this bill prohibits than we did when Secretary Watt fired his first salvo in the long battle over offshore drilling. We have come to understand that the greenhouse effect, and the global disaster it threatens, is a long-term effect of fossil fuel use. We know that the United States has only 4 percent of the world's remaining petroleum reserves and that much of the remainder is in the volatile middle east—making the development of alternative forms of energy the only true source of energy security.

America has the opportunity and the creativity to lead the way in developing renewable resources and energy efficient innovations. We must commit ourselves to those goals which will enable us to face the future with confidence and hope. Offshore drilling, dumping, incineration and mining offer only short-term benefits at extremely high long-term costs. These activities should not be part of our national strategy for the future.

We have wasted far too much time fighting over a relatively insignificant energy resource. That time could have been far more productively spent devising real solutions to our energy needs. It is time to put the debate over California OCS development behind us so that we can focus on developing the strategies and technologies that will help us compete and win in the global economy of the 21st century. The only way to achieve that goal is to permanently protect this resource. Anything less than permanent protection will only produce more controversy, more fighting, and continue to distract our focus from the real energy issues facing this nation.

By Mr. McCONNELL:

S. 728. A bill to provide for a comprehensive health care plan for all Americans, and for other purposes; to the Committee on Finance.

COMPREHENSIVE AMERICAN HEALTH CARE ACT

Mr. McCONNELL. Mr. President, I come to the floor today to reintroduce the Comprehensive American Health Care Act. This legislation is similar to health care reform proposals I have offered in past sessions of Congress, and its intent is to mend the most pressing shortfalls of our current health care system.

There is no question our country is in the midst of a health care crisis. Millions of our citizens are without health insurance or adequate access to medical care. In my State alone, it is estimated that some 700,000 Kentuckians are uninsured or underinsured.

Further, health care spending in America continues its rapid climb. The Department of Commerce predicts that by 1994, this spending will increase by 12.1 percent to an alarming total of $940 billion. This amounts to almost twice the 1991 gross domestic product of Spain, an active and prosperous member of the European Community.

While there is general agreement that high costs and limited accessibility are major problems associated with our current health care system, no con-

sensus exists on which path to reform our Nation should follow. We cannot let business continue as usual, nor, in my opinion, should we implement radical proposals that some have offered. I believe we need to search for solutions within our current system, and to build upon its strengths.

The Comprehensive American Health Care Act strikes a balance between the extremes of business as usual, and reinventing the health care system entirely. It provides tax credits and vouchers to uninsured and underserved Americans for the purchases of health insurance. The credits are graded according to income, with none extended to individuals who make in excess of $40,000 per year. These credits are targeted to individuals and families with low incomes and tight budgets.

In addressing rural health care needs, my plan: Eliminates the Medicare part A reimbursement differential between urban and rural hospitals before fiscal year 1995; revitalizes the National Health Service Corps; and allows county health departments to apply for Federal grants to provide immunization services, infant care and health education to the general public.

The act requires the Secretary of Health and Human Services, in conjunction with medical professionals, the National Association of Insurance Commissioners, business leaders, and consumer advocates, to develop model health care insurance plans. The Secretary shall certify health insurance policies as meeting the standards and requirements of the model plans, and shall provide a list to State commissioners or superintendents of insurance of all certified policies. This will provide consumers with a real choice among insurance policies, while creating competition among insurers to comply with certification requirements.

I also propose lowering costs associated with medical care by implementing reforms of the medical liability system. In brief, I advocate abolishing joint and several liability requiring anyone who brings a frivolous malpractice suit to pay part of the other side's legal costs, and encouraging alternative dispute resolution. A recent article in American Medical News reports that medical liability reforms could produce as much as $76.2 billion in savings over five years.

In addition to malpractice reforms, my bill offers administrative reforms to cut down on the paperwork health care professionals have long endured. One study estimates that standardization of forms and electronic claims processing could result in savings in excess of $50 billion.

Seniors especially stand to benefit from the act, as I propose refundable tax credits to pay for long-term insurance premiums. These credits vary according to income levels in excess of $40,000. The Secretary of Health and Human Services also is required to establish a certification system for health insurance for the elderly.

I do not presume that the Comprehensive American Health Care Act has all the answers to our health care problems, but it is a step in the right direction. Other reform initiatives—such as establishing a single-payer system—could impose unacceptable restrictions on the quality and selection of medical care in our country. Recently, Emily Steer of Bowling Green, Kentucky, wrote to me with her views on health care reform.

> The health reform issue is a number one topic these days. Every time I read or hear about it, I become more and more anxious. My primary concern is that the reform will take away my personal right and privilege to choose the best medication or treatment for my children and myself.

I want to say to Emily Steer, and to all my colleagues, that the bill I am introducing today does not interfere with a patient's right to select a physician or medical treatment of their choice. Unlike a single-payer system, my plan places decisions on medical care where it ought to be—in the hands of patients and doctors; not bean counters or bureaucrats.

As the debate on health care continues in the days and months to come, I hope that a consensus can be reached to provide all Americans with access to affordable, quality medical care.

By Mr. REID (for himself, Mr. BRADLEY, Mr. LIEBERMAN, Mr. BRYAN, Mr. HARKIN, Mr. JEFFORDS, Mr. SIMON, Mr. KENNEDY, Mr. LEAHY, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. PELL, Mr. SARBANES, Mr. WELLSTONE, and Mr. WOFFORD):

S. 729. A bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes; to the Committee on Environment and Public Works.

LEAD EXPOSURE REDUCTION ACT

Mr. REID. Mr. President, today I am introducing the Lead Exposure Reduction Act. This legislation is being introduced by myself, Senators BRADLEY, LIEBERMAN, BRYAN, JEFFORDS, HARKIN, KENNEDY, LEAHY, LAUTENBERG, MIKULSKI, MOSELEY-BRAUN, MOYNIHAN, PELL, SARBANES, WELLSTONE, and WOFFORD.

Lead exposure, Mr. President, is recognized by health and environmental officials as the No. 1 environmental health problem in American children. In a hearing held just last week by the Committee on Environment and Public Works, Dr. John Moore, of the Institute for Evaluating Health Risks, stated:

> Lead exposure to infants and preadolescent children arguably is the major environmental health issue in the country today.

Another witness, Dr. Devra Lee Davis stated:

> We face a true epidemic of lead poisoning of children in the United States today, one which is all the more tragic because it could have been prevented.

Approximately 4 million children today are at risk. The Agency for Toxic Substances Disease Registry estimates that 16 percent of all American children at this moment have blood lead levels that are within the range that can cause brain damage. Mr. President, brain damage to children by lead is irreversible. That means that 1 out of every 6 children are at risk. In children of poorer urban communities, the number of children with toxic lead levels in their bodies approaches 60 percent.

I introduced prior versions of this bill in 1990 and 1991. Both times the bill was reported out of the Committee on Environment and Public Works. In the House of Representatives, a similar bill was reported out of the House Committee on Energy and Commerce last year. Many of the issues in prior versions of the bill have been resolved, and that is good.

Mr. President, Senator LIEBERMAN, who has been on the Environment Committee since he came to the Senate and normally sits alongside me, has been very concerned about the effects of lead on children and has devoted a great deal of his time while in the Senate to this issue. A provision requiring States to inspect day care facilities and elementary schools for lead hazards is an integral part of this bill. This part of the legislation has been developed by Senator LIEBERMAN. He has contributed greatly to this part of the bill.

Under my bill, Mr. President, the bill that is being introduced today, States do not have to perform these inspections unless they receive money to do so equal to the amounts authorized by this bill. Senator LIEBERMAN has some concerns about this approach. Senator LIEBERMAN will have the opportunity that he needs when this comes before the full committee to express his views and present an amendment consistent with his position.

There have been, Mr. President, several incidents lately that have pointed to the threat posed by lead paint on bridges to children who live in the vicinity of bridges and to the environment. Pieces of lead paint fall to the ground during bridge renovation and may contaminate the soil, dust, and water.

When I first became involved in this, Mr. President, I was not really concerned about using lead paint on these huge bridges. I am now concerned because young children who play under or near these bridges are more likely to touch areas contaminated by this lead. When they put their hands in their mouths, they ingest lead. We are not talking about eating chunks of lead like the end of this pencil. We are talking about lead flakes, lead dust.

In August 1992, just last year, a painting crew sandblasting the Williamsburg Bridge in New York caused repeated raining of sand, dust, and lead paint chips into Brooklyn. Soil tests conducted at 120 sites in the vicinity of this bridge by the New York City Department of Health showed that one-third, 1 out of 3 sites they inspected had lead concentrations higher than the Federal safety recommendations.

Among the contaminated areas were playgrounds and backyards near the bridge that literally became unusable because of the health threat. Children and parents were trapped in their houses and apartments, hostages to the threat of lead in their neighborhood, if in fact they new about it and, in fact, if they knew about it and knew what to do to prevent the problem.

In 1980, we had a similar incident that occurred by the Mystic River Bridge in Boston where the removal of old lead-based paint from the bridge was undertaken in an environmentally unsafe manner. High levels of contamination of the nearby environment was documented. Cases of lead poisoning was seen in children who lived close to the bridge.

Adults and the entire general public, Mr. President, are at risk. In a recent study by the State of Connecticut by Dr. Kathleen Maurer, who recently testified before the House Environment Subcommittee, a policeman directing traffic near a bridge for slightly more than an hour was found to be exposed to lead levels 40 percent above the permissible exposure limit for general industry. Mr. President, the exposure damage to adults is not nearly as grievous and harmful as to children, but it is still bad.

Despite these incidents that I have talked about, the Mystic River Bridge and the bridge in New York, it is still legal to apply lead paint to bridges. This is of concern because important components of the administration's economic stimulus package are designed to increase investment in bridge renovation.

According to the Department of Transportation, there are about 210,000 bridges in the United States. Nearly 90 percent of these bridges are coated with lead paint. The Department of Transportation estimates there are about 104,000 steel bridges in the United States that need renovation because they are structurally deficient or functionally obsolete, so about half of them. Nearly all these bridges are covered with lead paint. You would have to search hard to find one that was not covered with lead paint.

This legislation addresses this issue by banning paint containing more than a minimal amount of lead, thereby ensuring that the current scourge of industrial leaded paint will not be perpetuated into the next century by new applications of lead paint on these bridges.

The facts about lead toxicity are well known, Mr. President. Lead is a basic heavy metal toxin and is found everywhere in our modern-day environment.

Initial legislation I introduced did not include lead sinkers because there was a heavy effort, a lobbying effort, to not have lead sinkers included in this legislation. It is included in this legislation. Why? Because one manufacturer of lead sinkers used over a thousand tons of lead last year. Can you imagine that many lead sinkers made by one company?

Lead is everywhere. It enters the body by ingestion, inhalation, or absorption through the skin, and it is toxic in extremely small amounts. Once poisoned, the body cannot rid itself of the lead. I repeat, once poisoned, you are lead poisoned forever. You cannot take a shot. You cannot take a bath. There is nothing you can do. You are lead poisoned. And it accumulates in the body, in the bones especially.

The lead exposure of today's society was dramatically revealed when a California researcher showed that modern men and women have up to 1,000 times more lead in their bones than human beings who lived in ancient times. A statement from the Agency for Toxic Substances and Disease Registry sums up the problem: "Lead is potentially toxic wherever it is found, and it is found everywhere."

Research has shown that low-level lead poisoning can adversely affect IQ level, mental development, and behavior in children exposed to lead in their preschool years. The blood level considered to be safe was recently lowered by the Centers for Disease Control. This means now that 10 times more children are potentially at risk than was previously estimated.

Lead exposure in children is particularly harmful because they are more susceptible, as I have indicated, to its damaging effects. Even at low levels, this toxic metal attacks the developing nervous system and other body organs. The problems caused by moderate lead exposure in children measured as 25 to 35 micrograms per deciliter of blood, can include chronic anemia, kidney disease, stomachaces—and I wish it were only stomachaches, Mr. President—hearing loss, obvious learning disabilities, lower IQ levels, and behavioral disturbances.

There are some who say, Mr. President, that the extremely high dropout rate we have in America today can be related to a significant degree of lead exposure.

Researchers have linked this moderate level of exposure with a sixfold increase in reading disorders and a sevenfold increase, as I have indicated, with high school dropouts.

When children are exposed to even low lead exposure measured as low as 20 micrograms per deciliter, they are known to have subtle development abnormalities. These developmental problems show up as slow growth, slow mental development, hearing loss, and lowered IQ scores. Mild lead poisoning in children is also associated with abnormal behavior patterns, such as hyperactivity, attention deficit disorders, and antisocial aggressive behavior.

Mr. President, I got interested in lead because my subcommittee held a hearing, and I listened to the evidence presented and became alarmed. My only daughter had just become pregnant. I listened to the testimony that came before my subcommittee, and as soon as the hearing ended, I marched immediately to my phone, called my wife, and we decided that my daughter had to move out of her home, because she and her husband had just purchased a home—they were so proud of it—in the suburbs of Washington, that was 52 years old. That home was loaded with lead. Had she and her husband not moved in with us for 6 months, while they decided to scrape the paint from the house, the baby would have scrounged around on the floor, that baby, my beautiful little 2½-year-old granddaughter, could have been easily, and probably would have been, lead poisoned.

These things are personal. It does not only happen to poor people.

There was a story recently in the Washington Post about a family that paid a lot of money for a home in Maryland. They wanted to restore this beautiful old home, and in the process they scraped lead paint and poisoned their daughter with lead. She suffered extreme mental damage, thereby lowering her IQ. It really affected her. So these are problems, Mr. President, that are serious.

These characteristics that I have talked about are known to be predicators of future criminality. Children drop out of school. They cannot get a job. They have not been accepted by their peers in school, and that leads to a life of crime.

From this research it is clear that these learning disabilities and behavior problems affect more than just parent and child. You see, they affect us all. A child who drops out of school not only affects his or her life, and the life of their parents, but the lives of us all.

Because of the importance of protecting children from this spectre, this legislation provides for testing of day care facilities and elementary schools by States for lead hazards. Following these inspections, States are required to prepare a report containing the results of inspections and recommend whether any lead hazards should be alleviated. Owners and operators of schools and day care facilities will be required to provide a copy of the report to school personnel and parents of children attending the facility or school.

Now, I have received phone calls from Members of the House who feel that

this should be an unfunded mandate, that States should be required to do this. I have said to them, and I say here, that we have to come up with enough money to do this. We cannot put this burden on the States. And as a member of the Appropriations Committee, a member of the subcommittee that has jurisdiction over money that could go here, I intend to fight to get this money for the States.

Although children are our most critical concern, adults are also at risk for lead-induced disorders due to exposure at work or at home. High blood pressure, reproductive disorders, kidney disease, hearing loss, and memory loss have been associated with lead poisoning in adults. Unborn fetuses can also be harmed when the pregnant woman is exposed to lead. In addition, the Environmental Protection Agency has classified lead as a probable carcinogen, which means it may be contributing to the ever increasing cancer rate in this country.

Clearly, we have a public health problem with lead that is evident in all aspects of our environment. When addressing any public health problem, the most basic principles hold that prevention is better than treating the damage after it has occurred. This is especially true with lead poisoning. Although lead poisoning can be prevented, there is no effective treatment for chronic exposure and the brain damage done by this toxin is irreversible. It is, therefore, all the more imperative that we identify all the potential sources of lead exposure and prevent lead poisoning before it happens.

Prevention of lead poisoning is the goal of the legislation I am introducing today. The bill identifies lead hazards and works to prevent human and environmental exposures as efficiently as possible. The bill does this in a number of important ways.

First, it restricts lead in products likely to cause environmental contamination and human exposure. Lead is restricted in paint, plumbing supplies, pesticides, toys, recreational game pieces, curtain weights, fishing weights and lures, inks, brick mortar, and glass coatings.

Second, it bans the intentional of lead in packaging and minimizes the incidental presence of lead in packaging. The bill provides for the labeling of products containing lead.

Third, it requires EPA to compile and maintain a list of all lead-containing products. This is important because even the lead industry is not aware of all the products containing lead. The bill requires that notice be given to EPA of any new uses of lead in products and of products that contain a greater percentage of lead than similar products already distributed in commerce.

Fourth, the bill targets the childhood population by providing for the inspection of elementary schools and day care facilities for lead hazards and the preparation of reports setting forth the results of the inspections.

Fifth, the bill mandates the recycling of lead-acid batteries, which account for 75 percent of all the lead used in this country. The United States uses 1.4 million tons of lead every year for batteries and other products. Although nearly 85 percent of lead is being recycled, we must work to recycle even more of this huge volume of lead so we can prevent it from continuing to accumulate in our environment and in our bodies.

The bill also mandates the establishment of performance standards for the laboratory analysis of lead in blood, authorizes a grant program to establish one or more Centers for the Prevention of Lead Poisoning, and requires the identification of methods for reporting blood-lead levels in a standardized format.

Mr. President, generally, when we talk about risk assessment for controlling toxic substances, we talk of risk in terms of one in a million. Yet, with lead, we are talking about one out of every six American children being potentially at risk of permanent harm from lead. Clearly, it is time for decisive action to control this pervasive toxin.

Mr. President, a great deal of time and effort has been invested in this legislation. It is important to recognize that the threat addressed by this bill is not a regional issue. It is not an issue affecting primarily men or women. Lead is an equal opportunity agent of disease, debilitation, and death. Every one of us knows people, whether or not they are aware of it, who already have been harmed. It is within our power to reduce these risks dramatically. I encourage each Member to do the right thing for the citizens of their State and support the enactment of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 729

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Lead Exposure Reduction Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—LEAD ABATEMENT

Sec. 101. Findings and policy.
Sec. 102. Definitions.
Sec. 103. Restrictions on continuing uses of certain lead-containing products.
Sec. 104. Inventory of lead-containing products and new use notification procedures.
Sec. 105. Product labeling.
Sec. 106. Recycling of lead-acid batteries.
Sec. 107. Lead contamination in schools and day care facilities.
Sec. 108. Blood-lead and other abatement and measurement programs.
Sec. 109. Establishment of National Centers for the Prevention of Lead Poisoning.
Sec. 110. Conforming amendments.
Sec. 111. Amendment to table of contents.

TITLE II—MISCELLANEOUS

Sec. 201. Reporting of blood-lead levels; blood-lead laboratory reference project.
Sec. 202. Update of 1988 report to Congress on childhood lead poisoning.
Sec. 203. Additional conforming amendments.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Authorization of appropriations.

(c) REFERENCE TO TOXIC SUBSTANCES CONTROL ACT.—Wherever in title I an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), except to the extent otherwise specifically provided.

TITLE I—LEAD ABATEMENT

SEC. 101. FINDINGS AND POLICY.

(a) REDESIGNATIONS.—Sections 401 and 402 through 412 (15 U.S.C. 2681 and 2682 through 2692) are redesignated as sections 402, and 410 through 420, respectively.

(b) FINDINGS AND POLICY.—Title IV (15 U.S.C. 2681 et seq.) is amended by inserting before section 402 (as so redesignated) the following new section:

"SEC. 401. FINDINGS AND POLICY.

"(a) FINDINGS.—Congress finds that—

"(1) lead poisoning is the most prevalent disease of environmental origin among American children today, and children under 7 years of age are at special risk because of their susceptibility to the potency of lead as a neurologic toxin;

"(2)(A) the effects of lead on children may include permanent and significant neurologic and physiologic impairment; and

"(B) additional health effects occur in adults exposed to similar exposure levels;

"(3) because of the practical difficulties of removing lead already dispersed into the environment, children and adults will continue to be exposed to lead for years;

"(4) as a result of decades of highly dispersive uses of lead in a variety of products, contamination of the environment with unacceptable levels of lead is widespread; and

"(5) the continued manufacture, import, processing, use, and disposal of some lead-containing products may cause further releases of lead into the environment, and the releases contribute to further environmental contamination and resultant exposure to lead.

"(b) POLICY.—It is the policy of the United States that further releases of lead into the environment should be minimized, and methods should be developed and implemented to reduce sources of lead that result in adverse human or environmental exposures.".

SEC. 102. DEFINITIONS.

Section 402, as redesignated by section 101(a) of this Act, is amended—

(1) by striking "For the purposes" and inserting "(a) IN GENERAL.—Subject to subsection (b), for the purposes";

(2) by redesignating—

(A) paragraphs (13) through (17) as paragraphs (18) through (22), respectively;

(B) paragraphs (5) through (12) as paragraphs (7) through (14), respectively; and

(C) paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following new paragraph:

"(4) DISTRIBUTOR.—The term 'distributor' means any individual, firm, corporation, or other entity that takes title to goods purchased for resale.";

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

"(6) FACILITY.—The term 'facility' means any public or private dwelling constructed before 1980, public building constructed before 1980, commercial building, bridge, or other structure or superstructure.";

(5) by inserting after paragraph (14) (as so redesignated) the following new paragraphs:

"(15) PACKAGE.—The term 'package' means a container that provides a means of marketing, protecting, or handling a product. The term includes a unit package, an intermediate package, a crate, a pail, a rigid foil, unsealed receptacle (such as a carrying case), a cup, tray, wrapper or wrapping film, a bag, tub, shipping or other container, any package included in the American Society for Testing and Materials (referred to in this title as 'ASTM') Specification D-996, and such other packages as the Administrator may specify by regulation.

"(16) PACKAGING COMPONENT.—The term 'packaging component' means any individual assembled part of a package (including any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coating, closure, ink, or label). For the purposes of this title, tin-plated steel that meets the ASTM Specification A-623 shall be deemed an individual packaging component.

"(17) PERSON.—The term 'person' means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or interstate body. The term shall include each department, agency, or instrumentality of the United States."; and

(6) by adding at the end the following new subsection:

"(b) EXCEPTIONS.—As used in this title, the terms 'package' and 'packaging component' shall not include—

"(1) ceramic ware or crystal;

"(2) a container used for radiation shielding;

"(3) any casing for a lead-acid battery;

"(4) steel strapping; or

"(5) any package or packaging component containing lead that is regulated or subject to regulation under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).".

SEC. 103. RESTRICTIONS ON CONTINUING USES OF CERTAIN LEAD-CONTAINING PRODUCTS.

Title IV (15 U.S.C. 2681 et seq.), as amended by section 101 of this Act, is further amended by inserting after section 402, as redesignated by section 101(a) of this Act, the following new section:

"SEC. 403. RESTRICTIONS ON CONTINUING USES OF CERTAIN LEAD-CONTAINING PRODUCTS.

"(a) GENERAL RESTRICTIONS.—

"(1) IN GENERAL.—

"(A) PROHIBITION ON THE IMPORT, MANUFACTURING, OR PROCESSING OF A PRODUCT.—Beginning on the date that is 1 year after the date of enactment of this section, no person may import, manufacture, or process a product in any of the product categories described in paragraph (2).

"(B) PROHIBITION ON THE DISTRIBUTION IN COMMERCE OF A PRODUCT.—Beginning on the date that is 2 years after the date of enactment of this section, no person may distribute in commerce a product in any of the product categories described in paragraph (2).

"(2) PRODUCT CATEGORIES.—The product categories described in this paragraph are as follows:

"(A) Paint containing more than 0.06 percent lead by dry weight, other than—

"(i) corrosion inhibitive coatings, including electrocoats and electrodeposition primers, applied by original equipment manufacturers to motor vehicle parts and containing no more than 1.9 percent lead by weight in dry film;

"(ii) certain paints and primers for equipment used for agricultural, construction, general, and industrial forestry purposes; and

"(iii) paints containing lead chromate pigments.

"(B) Pesticides (as defined in section 2(u) of the Federal Insecticide, Rodenticide, and Fungicide Act (7 U.S.C. 136(u)) containing more than 0.1 percent lead by dry weight.

"(C) Toys and recreational game pieces containing more than 0.1 percent lead by dry weight, except for toys and games that contain electronic or electrical parts or components and that meet the standards and regulations for content, manufacture, processing, and distribution established by the Consumer Product Safety Commission under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.).

"(D) Curtain weights—

"(i) that are not encased in vinyl;

"(ii) that contain more than 0.1 percent lead by dry weight; and

"(iii) that are common in residential use.

"(E) Fishing weights, jigs, and lures, other than lures that are artificial flies, containing more than 0.1 percent lead by dry weight.

"(F) Inks containing more than 0.1 percent lead by dry weight used in printing newspapers, newspaper supplements, or magazines published more than once per month.

"(G) Brick mortar containing more than 2 percent lead by dry weight.

"(3) GLASS COATINGS.—

"(A) IN GENERAL.—Beginning on the date that is 5 years after the date of enactment of this section, no person may import, manufacture, or process a product in any of the following product categories, and beginning on the date that is 6 years after the date of enactment of this section, no person may distribute in commerce a product in any of the product categories described in subparagraph (B).

"(B) PRODUCT CATEGORIES.—The product categories described in this subparagraph are as follows:

"(i) Architectural glass coatings containing more than 0.06 percent lead by dry weight.

"(ii) Automotive window coatings containing more than 0.06 percent lead by dry weight.

"(iii) Mirror backings containing more than 0.06 percent lead by dry weight.

"(4) STATUTORY CONSTRUCTION.—Nothing in this section shall prohibit the recycling of any product listed in this subsection if, following the original use of the product, the product is reused as a raw material in the manufacture of any product that is not listed under this subsection.

"(b) MODIFICATION OF RESTRICTIONS.—

"(1) IN GENERAL.—The Administrator may, after public notice and opportunity for comment, promulgate regulations to modify, pursuant to paragraphs (2) and (3), the percentage of the allowable lead content for a product, or a group of products, within a product category described in subparagraphs (A) through (G) of subsection (a)(2) and subparagraphs (A) through (C) of subsection (a)(3).

"(2) REDUCED PERCENTAGE.—The Administrator may, pursuant to paragraph (1), establish by regulation a percentage by dry weight of the allowable lead content that is less than the percentage specified under subsection (a) (including nondetectable levels) for a product, or a group of products, within any product category described in subparagraphs (A) through (G) of subsection (a)(2) and subparagraphs (A) through (C) of subsection (a)(3) if the Administrator determines that a reduction in the percentage of the allowable lead content is necessary to protect human health or the environment.

"(3) INCREASED PERCENTAGE.—

"(A) IN GENERAL.—The Administrator may, pursuant to paragraph (1), establish by regulation a percentage by dry weight of the allowable lead content that is greater than the percentage specified under subsection (a) for a product, or a group of products, within any product category described in subparagraphs (A) through (G) of subsection (a)(2) and subparagraphs (A) through (C) of subsection (a)(3) if the Administrator determines that an increase in the percentage of the allowable lead content will promote the protection of human health or the environment.

"(B) TERMINATION DATE.—If the Administrator establishes by regulation an increased percentage of the allowable lead content for a product, or a group of products, within a product category pursuant to this paragraph, the regulation establishing the percentage shall terminate on the date that is 6 years after the date the regulation becomes final.

"(C) REVIEW.—Not later than 2 years prior to the termination date of a regulation promulgated under this paragraph, the Administrator shall review the regulation. If the Administrator determines, pursuant to subparagraph (A), that the promulgation of a revised regulation is appropriate, the Administrator, not later than 1 year prior to the termination date of the regulation, may promulgate a revised regulation that shall terminate on the date that is 6 years after the date the revised regulation becomes final.

"(4) WAIVERS FOR TOYS AND RECREATIONAL GAME PIECES.—Not later than 1 year after the date of enactment of this section, the Administrator shall promulgate regulations to waive the requirements of subsection (a)(2)(C) with respect to certain toys and recreational game pieces that are collectible items and scale models intended for adult acquisition.

"(5) EXEMPTION OF PAINTS.—

"(A) DETERMINATION.—

"(i) IN GENERAL.—Not later than 5 years after the date of enactment of this section, the Administrator shall determine, following public notice and opportunity for comment, whether there is—

"(I) 1 (or more) primer paint suitable for use as an electrocoat or electrodeposition primer (or both) on motor vehicle parts that contains less than 1.9 percent lead by weight in dry film;

"(II) 1 (or more) original equipment manufacturer paint, primer, or service paint or primer for equipment used for agricultural, construction, and general industrial and forestry purposes that, in the dry coating, has a lead solubility of less than 60 milligrams per liter, as described in the American National Standards Institute (referred to in this subtitle as 'ANSI') standard Z66.1; or

"(III) 1 (or more) substitute for paints containing lead chromate pigments for use in any class or category of uses that contains less than or equal to 0.06 percent lead by weight in dry film.

"(ii) ADDITIONAL DETERMINATION BY ADMINISTRATOR.—The Administrator also shall determine whether 1 (or more) paint or primer referred to in clause (i)—

"(I) has substantially equivalent corrosion inhibition and related performance characteristics to any paint or primer; and

"(II) does not pose a greater risk to human health and the environment than a paint or primer,

in use for the applicable purpose specified in clause (i) on the date of enactment of this section.

"(B) IDENTIFICATION.—If the Administrator determines pursuant to subparagraph (A), that 1 (or more) of the paints and primers referred to in subparagraph (A) meets the applicable specifications under such subparagraph, the Administrator shall identify the lead content of the paint or primer of each applicable category of paints or primers (or both) under subclauses (I) through (III) of subparagraph (A)(i).

"(C) PROHIBITION ON IMPORTATION, MANUFACTURING, AND PROCESSING.—For a category of paints or primers (or both) referred to in subparagraph (B), beginning on the date that is 3 years after the Administrator makes a determination under subparagraph (B), no person shall import, manufacture, or process any paint or primer with a lead content that exceeds the level identified by the Administrator pursuant to subparagraph (B).

"(D) PROHIBITION ON DISTRIBUTION IN COMMERCE.—For a category of paints or primers (or both) referred to in subparagraph (B), beginning on the date that is 4 years after the Administrator makes a determination under subparagraph (B), no person shall—

"(i) distribute in commerce any paint or primer with a lead content that exceeds the level identified by the Administrator; or

"(ii) import, manufacture, or process any motor vehicle or motor vehicle part or new equipment part coated with the paint or primer with a lead content that exceeds the level identified by the Administrator.

"(E) EFFECT OF NEGATIVE DETERMINATION.—If the Administrator determines, pursuant to subparagraph (A), that there is no paint or primer suitable for a use referred to in subclause (I), (II), or (III) of subparagraph (A)(i) that meets the applicable requirements under subparagraph (A)—

"(i) beginning on the date that is 13 years after the date of enactment of this section, no person shall import, manufacture, or process any paint or primer for the use specified in the determination pursuant to subparagraph (A); and

"(ii) beginning on the date that is 14 years after the date of enactment of this section, no person shall distribute in commerce any paint or primer for the use specified in the determination pursuant to subparagraph (A) (or import, manufacture, or process any motor vehicle or motor vehicle part or new equipment part coated with the paint or primer),

that contains a lead content that exceeds a level of lead content that the Administrator shall determine, on the basis of the identification of the lead content of paints and primers for the use.

"(c) STATEMENTS BY THE ADMINISTRATOR RELATING TO MODIFICATIONS OF RESTRICTIONS.—In promulgating any regulation under subsection (b) with respect to the allowable lead content for a product, or a group of products, under a product category, the Administrator shall, prior to the promulgation of a final regulation, consider and publish a statement that describes the effects of the proposed allowable lead content level for the product, or group of products, under the product category on human health and the environment.

"(d) LEAD SOLDER.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Administrator shall promulgate regulations to ban the manufacture, importation, processing, sale, and distribution in commerce of lead solders commonly used in plumbing systems, including lead solder that contains 50 percent tin and 50 percent lead (50–50 tin-lead solder) and lead solder that contains 85 percent tin and 15 percent lead (85–15 tin-lead solder).

"(2) RESTRICTIONS ON SALE AND DISPLAY.—Not later than 2 years after the date of enactment of this section, the Administrator shall promulgate regulations to restrict the sale and display of lead solders not commonly used in plumbing systems, including—

"(A) a prohibition on the sale or display of the solders in the plumbing supply section of any retail establishment;

"(B) a restriction on the sale or display of the solders in any wholesale establishment;

"(C) a prohibition on the sale or display of the solders in proximity to plumbing materials in any establishment; and

"(D) a requirement that each of the solders be labeled to indicate that the solder is not intended for use in plumbing systems.

"(e) PLUMBING FITTINGS AND FIXTURES.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Administrator shall promulgate regulations to establish a health-effects based performance standard that establishes minimal leaching levels of lead from new plumbing fittings and fixtures that convey drinking water.

"(2) CONSEQUENCES OF FAILURE TO MEET REQUIREMENTS.—If the requirements of paragraph (1) are not met—

"(A) by the date that is 4 years after the date of enactment of this section, no person may import, manufacture, process, or distribute in commerce a plumbing fitting or fixture that contains more than 7 percent lead by dry weight;

"(B) by the date that is 5 years after the date of enactment of this section, no person may import, manufacture, process, or distribute in commerce a plumbing fitting or fixture that contains more than 6 percent lead by dry weight;

"(C) by the date that is 6 years after the date of enactment of this section, no person may import, manufacture, process, or distribute in commerce a plumbing fitting or fixture that contains more than 5 percent lead by dry weight; or

"(D) by the date that is 7 years after the date of enactment of this section, no person may import, manufacture, process, or distribute in commerce a plumbing fitting or fixture that contains more than 4 percent lead by dry weight.

"(f) PACKAGING.—

"(1) DEFINITIONS.—As used in this subsection:

"(A) INCIDENTAL PRESENCE.—The term 'incidental presence' means the presence of lead in a package or packaging component that was not purposely introduced into the package or packaging component for the properties or characteristics of the lead.

"(B) INTENTIONALLY INTRODUCE.—The term 'intentionally introduce' means to purposefully introduce lead into a package or packaging component with the intent that the lead be present in the package or packaging component. The term does not include—

"(i) the presence of background levels of lead that naturally occur in raw materials or are present as postconsumer additions, and that are not purposefully added to perform as part of a package or packaging component; and

"(ii) any trace amounts of a processing aid or similar material that is—

"(I) used to produce a product from which a package or packaging component is manufactured; and

"(II) reasonably expected to be consumed or transformed into a material that is not regulated under this title during the process.

"(2) INTENTIONAL INTRODUCTION.—Beginning on the date that is 4 years after the date of enactment of this section—

"(A) no package or packaging component shall be sold or distributed in commerce by a manufacturer or distributor; and

"(B) no product shall be distributed in commerce by the manufacturer or distributor of the product in a package,

if the product includes, in the package, or in any packaging component, any ink, dye, pigment, adhesive, stabilizer, or other additive to which lead has been intentionally introduced as an element during manufacturing or distribution (as opposed to the incidental presence of lead).

"(3) LIMITATIONS ON THE AGGREGATE OF CONCENTRATION LEVELS FROM INCIDENTAL PRESENCE OF LEAD.—Notwithstanding paragraph (2), the aggregate of the concentration levels from any incidental presence of lead present in any package or packaging component, other than the lead originating from the product contained in the package, shall not exceed—

"(A) for the fifth 1-year period after the date of enactment of this section, 600 parts per million by weight (0.06 percent);

"(B) for the sixth 1-year period after the date of enactment of this section, 250 parts per million by weight (0.025 percent); and

"(C) for the seventh 1-year period after the date of enactment of this section, and for each 12-month period thereafter, 100 parts per million by weight (0.01 percent).

"(4) PROHIBITION.—No package or packaging component shall be sold or distributed in commerce by a manufacturer or distributor, and no product shall be sold or distributed in commerce in a package by a manufacturer or distributor, if the package or packaging component exceeds the applicable level provided under paragraph (3).

"(5) CERTIFICATE OF COMPLIANCE.—

"(A) IN GENERAL.—A certificate of compliance stating that a package or packaging component is in compliance with the requirements of this section shall be prepared and retained by the manufacturer or distributor of the package or packaging component.

"(B) STATEMENT RELATING TO EXEMPTION.—In any case in which compliance with this section is based on an exemption under paragraph (6), the certificate shall state the specific basis upon which the exemption is claimed.

"(C) SIGNATURE OF AUTHORIZED OFFICIAL.—A certificate of compliance shall be signed by an authorized official of the manufacturer or distributor referred to in subparagraph (A).

"(6) EXEMPTION FROM PACKAGING REQUIREMENTS.—Prior to the expiration of the 7-year period beginning on the date of enactment of this section, on receipt of an application (in

such form and containing such information as the Administrator may prescribe by regulation), the Administrator may exempt from the requirements of paragraph (2), (3) or (4)—

"(A) a package or packaging component manufactured prior to the date of enactment of this section, as determined by the Administrator; and

"(B) a package or packaging component to which lead has been added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of Federal law or the law of any State or political subdivision of a State.

"(g) EXEMPTIONS.—

"(1) IN GENERAL.—The Administrator shall, by regulation, exempt from the restrictions on the lead content of paint described in subsection (a)(1)—

"(A) any paint that is imported, processed, manufactured, or distributed in commerce for use by an artist (including any graphic artist) in a work of art if the paint is sold or otherwise distributed in a package labeled pursuant to the requirements under section 405(c)(1); and

"(B) during the 5-year period beginning on the date of enactment of this section, zinc-enriched industrial paint with respect to which the incidental presence of lead does not exceed 0.19 percent lead by dry weight.

"(2) EXEMPTIONS.—The Administrator shall, by regulation, exempt from the applicable restrictions on lead content under subsection (a) or (b) any product, or group of products, within a product category used—

"(A) for a medical purpose (as defined by the Administrator, in consultation with the Secretary of Health and Human Services);

"(B) for a purpose in the paramount interest of the United States (as determined by the Administrator, in consultation with the Secretary of Defense);

"(C) for radiation protection (as jointly defined by the Administrator and the Nuclear Regulatory Commission), including any product or product category used in connection with the national security programs of the Department of Energy;

"(D) in the mining industry to determine the presence of noble metals in geological materials; or

"(E) as radiation shielding in any electronic device, or in specialized electronics uses in any case in which the Administrator has determined that no appropriate substitute for lead is available.

"(3) STATUTORY CONSTRUCTION.—Nothing in this section or the Lead Exposure Reduction Act of 1993 and the amendments made by such Act is intended to prohibit the recycling (for use as a raw material or for processing), recovery, or reuse of lead-containing metal, glass, plastic, paper, or textiles, except that any product manufactured or processed from the lead-containing materials shall meet the requirements (including standards) of this section.".

SEC. 104. INVENTORY OF LEAD-CONTAINING PRODUCTS AND NEW USE NOTIFICATION PROCEDURES.

Title IV (15 U.S.C. 2681 et seq.), as amended by section 103 of this Act, is further amended by inserting after section 403, as redesignated by section 101(a) of this Act, the following new section:

"SEC. 404. INVENTORY OF LEAD-CONTAINING PRODUCTS AND NEW USE NOTIFICATION PROCEDURES.

"(a) CREATION OF AN INVENTORY OF USES OF LEAD IN PRODUCTS IN COMMERCE.—

"(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Administrator shall, with the active participation of all interested parties, initiate a survey of all lead-containing products sold or distributed in commerce in the United States.

"(2) DEVELOPMENT OF INVENTORY.—

"(A) IN GENERAL.—On the basis of the survey described in paragraph (1), the Administrator shall develop an inventory of all lead-containing products sold or distributed in commerce (referred to in this section as the 'inventory').

"(B) PRODUCT CATEGORIES.—In developing the inventory, the Administrator may group in product categories those products that meet both of the following criteria:

"(i) The products are functionally similar.

"(ii) The products provide similar opportunities for lead exposure or release during manufacturing, processing, or use, or at the end of the useful life of the product (taking into account other applicable regulations).

"(3) PUBLICATION OF DRAFT INVENTORY.—

"(A) IN GENERAL.—The Administrator shall—

"(i) publish the inventory in the Federal Register in draft form; and

"(ii) solicit public comment on the draft inventory.

"(B) PUBLICATION.—Not later than 2 years after the date of enactment of this section, after providing public notice and opportunity for comment on the draft inventory, the Administrator shall publish a final inventory.

"(4) PRODUCTS CONTAINING COMPONENTS INCLUDED ON INVENTORY.—For the purposes of this section, any product that contains lead-containing components included on the inventory shall be deemed to be included on the inventory.

"(5) FAILURE OF ADMINISTRATOR TO PUBLISH INVENTORY.—If the Administrator fails to publish the inventory by the date specified in paragraph (3)(B), the list of products referred to in subsection (c)(6) shall be deemed to comprise the inventory.

"(6) MODIFICATIONS.—The Administrator may, from time to time, after notice and opportunity for comment, make modifications to the inventory published under this subsection. If the Administrator modifies the inventory, the Administrator shall publish the modified inventory.

"(b) LIST OF USES OF LEAD IN PRODUCTS THAT POSE EXPOSURE CONCERNS.—

"(1) IN GENERAL.—Beginning on the date that is 3 years after the date of enactment of this section, the Administrator shall promulgate regulations that establish a list (referred to in this section as the 'list') of lead-containing products or categories of products that the Administrator determines may reasonably be anticipated to present an unreasonable risk of injury to human health or the environment due to exposure to lead during manufacturing, processing, distribution in commerce or use, or at the end of the useful life of the product (taking into account other applicable regulations).

"(2) CRITERIA FOR DETERMINATION TO LIST A PRODUCT OR CATEGORY OF PRODUCT.—Each determination to list a product or category of product shall be based on exposure-related information pertaining to the product or category of products, or to a product or category of products that poses similar exposure risks.

"(3) SPECIFICATION OF LEAD CONCENTRATION.—For each product or category of products, the Administrator shall specify the concentration of lead (as a percentage of the dry weight of the product or category of products) that the Administrator determines to be the maximum concentration of lead found in the product or category of products.

"(4) MODIFICATION OF LIST.—

"(A) ADDITIONS TO LIST.—After promulgating the list, the Administrator may, by regulation—

"(i) add a product or category of products to the list, if the Administrator determines that the product or category of products meets the standard established in paragraph (1); or

"(ii) remove a product or category of products from the list, if the Administrator determines that the product or category of products does not meet the standard established in paragraph (1).

"(B) PETITIONS FOR MODIFICATIONS.—

"(i) IN GENERAL.—Any person may petition the Administrator to make a determination to add a product or category of products to the list, or to remove a product or category of products from the list.

"(ii) ACTION BY THE ADMINISTRATOR.—Not later than 90 days after receipt of a petition under clause (i), the Administrator shall take one of the following actions:

"(I) Grant the petition, initiate a procedure to promulgate a regulation to add or delete the product or product category as requested in the petition, and complete the procedure by not later than 90 days after initiating the procedure.

"(II) Deny the petition and publish an explanation of the basis for denying the petition in the Federal Register.

"(c) NOTIFICATION OF NEW USES OF LEAD IN PRODUCTS IN COMMERCE.—

"(1) IN GENERAL.—

"(A) PUBLICATION.—After the publication of the inventory in final form pursuant to subsection (a)(3), any person who manufactures, processes, or imports a lead-containing product referred to in subparagraph (B) shall submit to the Administrator a notice prepared pursuant to paragraph (2) on the commencement of the manufacture, processing, or importation of the product.

"(B) APPLICABILITY.—Subparagraph (A) shall apply to any lead-containing product for which a notice is required under subparagraph (A) that—

"(i) is not listed in the inventory developed under subsection (a); or

"(ii) is a product that—

"(I) is identified on the list promulgated under subsection (b), or that is included in a category of products identified on the list; and

"(II) utilizes a greater concentration of lead, as a percentage of dry weight, than the concentration identified by the Administrator for the product or category under subsection (b)(3) (unless the concentration is exceeded on a percentage basis solely as a result of efforts to reduce the size or weight of the product, rather than by the addition of greater quantities of lead into the product).

"(2) CONTENTS OF NOTICE.—The notice required by paragraph (1) shall include—

"(A) a general description of the product;

"(B) a description of the manner in which lead is used in the product;

"(C) the quantity of the product manufactured, processed, or imported; and

"(D) the quantity and percentage of lead used in the manufacturing of the product, or the quantity and percentage of lead contained in the imported product.

"(3) REPORT BY THE ADMINISTRATOR.—On an annual basis, the Administrator shall publish a report that provides a nonconfidential summary of new uses identified pursuant to this subsection. The report shall include aggregated information regarding the amount of lead associated with the new uses.

"(4) RELATIONSHIP WITH OTHER PROVISIONS.—The notification requirement under paragraph (1) shall be subject to the confidentiality provisions under section 5, and the research and development exemption under section 5.

"(5) AMENDMENT OF LIST AND INVENTORY.—After the receipt of a notice under paragraph (1), the Administrator shall—

"(A) make such amendments to the inventory established under subsection (a) as the Administrator determines to be appropriate; and

"(B) evaluate whether any new products should be added to the list established under subsection (b).

"(6) DELAY IN PUBLICATION.—

"(A) IN GENERAL.—If the publication of a final list is delayed beyond the date specified in subsection (b), subparagraphs (B) and (C) shall apply.

"(B) PROHIBITION.—Beginning on the date that the final list is required to be promulgated under subsection (b), and until such time as a final list is published, no person shall manufacture, process, or import a product that is listed or included within a product category identified in subparagraph (C), if—

"(i) the product, or a substantially similar product, has not been distributed in commerce prior to the date of enactment of this section; or

"(ii) the product contains a greater percentage of lead than any substantially similar product distributed in commerce before the date of enactment of this section,

unless the person has submitted a notice under paragraph (2).

"(C) LIST OF PRODUCTS OR CATEGORIES.—The list of products or categories of products referred to in subparagraph (B) shall be the products listed under section 403(a)(2) and subsections (d) through (f) of section 403.

"(D) BURDEN OF PROOF.—In any proceeding to enforce subparagraph (B) with respect to a product, the manufacturer, processor, or importer shall have the burden of demonstrating that the manufacturer, processor, or importer had a reasonable basis for concluding that the product (or a substantially similar product) had been distributed in commerce prior to the date of publication of the final list, as referred to in subparagraph (B).

"(d) EXEMPTIONS.—

"(1) IN GENERAL.—Subsections (b) and (c) shall not apply to the following:

"(A) Stained glass products.

"(B) Articles referred to in section 3(2)(B)(v).

"(C) Containers used for radiation shielding.

"(2) AUTOMOTIVE DISMANTLERS.—This section shall not apply to any metal, glass, paper, or textile sold or distributed by the owner or operator of any automotive dismantler or recycling facility regulated by a State or the Administrator.".

SEC. 105. PRODUCT LABELING.

Title IV (15 U.S.C. 2681 et seq.), as amended by section 104 of this Act, is further amended by inserting after section 404, as redesignated by section 101(a) of this Act, the following new section:

"SEC. 405. PRODUCT LABELING.

"(a) IN GENERAL.—

"(1) LABELING.—

"(A) IN GENERAL.—Not later than 3 years after the date of enactment of this section, the Administrator shall promulgate regulations that provide for the labeling of products included in the list established under section 404(b).

"(B) EXEMPTIONS.—The regulations promulgated under this paragraph shall not apply to—

"(i) lead-acid batteries, to the extent that the labeling of the batteries as to the lead content of the batteries is regulated under any other Federal law; and

"(ii) products regulated under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.).

"(C) DIFFERENTIATION IN LABELING.—The regulations promulgated under this section may distinguish between labels required for products—

"(i) that present a risk of exposure to lead during manufacture or processing; and

"(ii) that present a risk of exposure to lead during distribution or use.

"(2) EFFECTIVE DATE OF REGULATIONS.—The regulations promulgated pursuant to paragraph (1) shall take effect not later than the date that is 3 years after the date of enactment of this section.

"(b) CONTENT OF REGULATIONS.—The regulations described in subsection (a) shall specify the wording, type size, and placement of the labels described in subsection (a).

"(c) LABELING OF CERTAIN ITEMS.—

"(1) IN GENERAL.—The Administrator shall promulgate regulations requiring that the following labeling be included in the labeling of the packaging of the following items:

"(A) For any paint for use by artists (including graphic artists) described in section 403(g):

'CONTAINS LEAD—FOR USE BY ADULTS ONLY. DO NOT USE OR STORE AROUND CHILDREN OR IN AREAS ACCESSIBLE TO CHILDREN.'.

"(B) For each toy or recreational game piece that is a collectible item and for each scale model that is subject to the regulations promulgated under section 403(b)(4) and is manufactured on or after the effective date of the regulations promulgated under this subsection:

'COLLECTIBLE ITEM, CONTAINS LEAD, NOT SUITABLE FOR CHILDREN.'.

"(2) CRITERIA FOR REGULATIONS.—The regulations promulgated pursuant to paragraph (1) shall specify the type, size, and placement of the labeling described in paragraph (1).

"(3) EFFECTIVE DATE.—Each regulation promulgated under paragraph (1) shall take effect on the date that is 1 year after the date of the promulgation of the regulation.

"(4) LABELS.—If, by the date that is 2 years after the date of enactment of this section, the Administrator has not promulgated regulations that specify the alternate type, size, and placement of the wording for labels referred to in paragraph (1), the wording shall be placed prominently on the package in letters the same size as the largest text letter (except for letters in logos or brand markings) otherwise affixed to the label or packaging of the product until such time as the Administrator promulgates the regulations.

"(d) BAR ON DEFENSES.—Compliance with the labeling requirements of this section shall not constitute, in whole or in part, a defense for liability relating to, or a cause for reduction in damages resulting from, any civil or criminal action brought under any Federal or State law, other than an action brought for failure to comply with the labeling requirements of this section.".

SEC. 106. RECYCLING OF LEAD-ACID BATTERIES.

Title IV (15 U.S.C. 2681 et seq.), as amended by section 105 of this Act, is further amended by inserting after section 405, as redesignated by section 101(a) of this Act, the following new section:

"SEC. 406. RECYCLING OF LEAD-ACID BATTERIES.

"(a) PROHIBITIONS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this section, no person shall—

"(A) place a lead-acid battery in any landfill; or

"(B) incinerate any lead-acid battery.

"(2) DISPOSAL.—No person may—

"(A) discard or otherwise dispose of a lead-acid battery in mixed municipal solid waste; or

"(B) discard or otherwise dispose of a lead-acid battery in a manner other than by recycling in accordance with this section.

"(3) EXEMPTION.—Paragraphs (1) through (2) shall not apply to an owner or operator of a municipal solid waste landfill, incinerator, or collection program that inadvertently receives any lead-acid battery that—

"(A) is commingled with other municipal solid waste; and

"(B) is not readily removable from the waste stream,

if the owner or operator of the facility or collection program has established contractual requirements or other appropriate notification or inspection procedures to ensure that no lead-acid battery is received at, or burned in, the facility or accepted through the collection program.

"(b) GENERAL DISCARD OR DISPOSAL REQUIREMENTS.—Beginning on the date that is 1 year after the date of enactment of this section, no person (except a person described in subsection (c), (d), or (e)) may discard or otherwise dispose of any used lead-acid battery except by delivery to 1 of the following persons (or an authorized representative of the person):

"(1) A person who sells lead-acid batteries at retail or wholesale.

"(2) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(3) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(4) An automotive dismantler (as defined by the Administrator).

"(5) A curbside collection program operated by, or under an agreement with, a governmental entity.

"(6) A manufacturer of batteries of the same general type.

"(c) DISCARD OR DISPOSAL REQUIREMENTS FOR RETAILERS.—Beginning on the date that is 1 year after the date of enactment of this section, no person who sells lead-acid batteries at retail may discard or otherwise dispose of any used lead-acid battery except by delivery to 1 of the following persons (or an authorized representative of the person):

"(1) A person who sells lead-acid batteries at wholesale.

"(2) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(3) A battery manufacturer.

"(4) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(5) An automotive dismantler (as defined by the Administrator).

"(d) DISCARD OR DISPOSAL REQUIREMENTS FOR WHOLESALERS AND AUTOMOTIVE DISMANTLERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this section—

"(A) no person who sells lead-acid batteries at wholesale; and

"(B) no automotive dismantler,

may discard or otherwise dispose of any used lead-acid battery, except by delivery to 1 of the persons described in paragraph (2) (or an authorized representative of the person).

"(2) PERSONS.—The persons described in this paragraph are as follows:

"(A) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(B) A battery manufacturer.

"(C) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(e) DISCARD OR DISPOSAL REQUIREMENTS FOR MANUFACTURERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this section, no person who manufactures lead-acid batteries may discard or otherwise dispose of any used lead-acid battery, except by delivery to 1 of the persons described in paragraph (2) (or an authorized representative of the person).

"(2) PERSONS.—The persons described in this paragraph are as follows:

"(A) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(B) A collection or recycling facility regulated by a State or subject to regulation by the Administrator.

"(f) COLLECTION REQUIREMENTS FOR RETAILERS.—Beginning on the date that is 1 year after the date of enactment of this section, a person who sells, or offers for sale, lead-acid batteries at retail shall accept from customers used lead-acid batteries of the same type as the batteries sold and in a quantity approximately equal to the number of batteries sold. The used lead-acid batteries shall be accepted at the place where lead-acid batteries are offered for sale.

"(g) COLLECTION REQUIREMENTS FOR WHOLESALERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this section, a person who sells, or offers for sale, lead-acid batteries at wholesale (referred to in this section as a 'wholesaler') shall accept from customers used lead-acid batteries of the same type as the batteries sold and in a quantity approximately equal to the number of batteries sold.

"(2) WHOLESALER WHO SELLS LEAD-ACID BATTERIES TO A RETAILER.—In the case of a wholesaler who sells, or offers for sale, lead-acid batteries to a retailer, the wholesaler shall also provide for removing used lead-acid batteries at the place of business of the retailer. Unless the quantity of batteries to be removed is less than 5, the removal shall occur not later than 90 days after the retailer notifies the wholesaler of the existence of the used lead-acid batteries for removal. If the quantity of batteries to be removed is less than 5, the wholesaler shall remove the batteries not later than 180 days after the notification referred to in the preceding sentence.

"(h) COLLECTION REQUIREMENTS FOR MANUFACTURERS.—Beginning on the date that is 1 year after the date of enactment of this section, a person who manufactures lead-acid batteries shall accept from customers used lead-acid batteries of the same type as the batteries sold and in a quantity approximately equal to the number of batteries sold.

"(i) WRITTEN NOTICE REQUIREMENTS FOR RETAILERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this section, a person who sells, or offers for sale, lead-acid batteries at retail shall post written notice that—

"(A) is clearly visible in a public area of the establishment in which the lead-acid batteries are sold or offered for sale;

"(B) is at least 8½ inches by 11 inches in size; and

"(C) contains the following language:

"(i) 'It is illegal to throw away a motor vehicle battery or other lead-acid battery.'.

"(ii) 'Recycle your used batteries.'.

"(iii) 'Federal law requires battery retailers to accept used lead-acid batteries for recycling when a battery is purchased.'.

"(iv) 'Federal law allows you to sell or return used batteries to an authorized battery collector, recycler, or processor, or to an automotive dismantler.'.

"(2) FAILURE TO POST NOTICE.—Any person who, after receiving a written warning by the Administrator, fails to post a notice required under paragraph (1) shall, notwithstanding section 16, be subject to a civil penalty in an amount not to exceed $1,000 per day.

"(j) LEAD-ACID BATTERY LABELING REQUIREMENTS.—

"(1) IN GENERAL.—Beginning on the date that is 18 months after the date of enactment of this section, it shall be unlawful for any lead-acid battery manufacturer to sell, or offer for sale, any lead-acid battery that does not bear a permanent label that contains the statements required under paragraph (3).

"(2) SALES.—Beginning on the date that is 2 years after the date of enactment of this section, it shall be unlawful to sell a lead-acid battery that does not bear a permanent label that contains the statements required under paragraph (3).

"(3) LABELS.—A label described in paragraph (1) or (2) shall be considered to be consistent with the requirements of this section if the label—

"(A) identifies that the lead-acid battery contains lead; and

"(B) contains the following statements:

"(i) 'Federal law requires recycling.'.

"(ii) 'Retailers must accept in exchange.'.

"(4) RECYCLING SYMBOLS.—Nothing in this section shall be interpreted as prohibiting the display on the label of a lead-acid battery a recycling symbol (as defined by the Administrator) or other information intended to encourage recycling.

"(k) PUBLICATION OF NOTICE.—Not later than 6 months after the date of enactment of this section, the Administrator shall publish in the Federal Register a notice of the requirements of this section and such other related information as the Administrator determines to be appropriate.

"(*l*) WARNINGS AND CITATIONS.—The Administrator may issue a warning or citation (or both) to any person who fails to comply with any provision of this section.

"(m) EXPORT FOR PURPOSES OF RECYCLING.—Notwithstanding any other provision of this section, any person may export any used lead-acid battery for the purpose of recycling.

"(n) STUDY.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Administrator shall—

"(A) conduct a study on the recycling and disposal of small-sealed consumer lead-acid batteries and submit a report on the results of the study to Congress; and

"(B) publish in the Federal Register either—

"(i) a proposed rule to regulate the recycling and disposal of small-sealed consumer lead-acid batteries; or

"(ii) with respect to the batteries referred to in clause (i), a determination that regulations are not needed to protect human health and the environment.

"(2) CONTENTS OF STUDY AND REPORT.—The study and report referred to in paragraph (1) shall include an assessment of—

"(A) the quantity (expressed in volume) of new small-sealed consumer lead-acid batteries produced annually and an estimate of the quantity of the batteries disposed of annually in municipal solid waste landfills and incinerators;

"(B) the feasibility of recycling used small-sealed consumer lead-acid batteries (including an assessment of potential collection systems, technologies for recovering reusable materials from the batteries, and the cost of recycling the batteries); and

"(C) such other information as the Administrator determines to be appropriate with respect to disposal practices of small-sealed consumer lead-acid batteries that are current at the time of the study and potential alternatives to the practices.

"(3) INVESTIGATION.—

"(A) IN GENERAL.—In carrying out the study and preparing the report, the Administrator may—

"(i) undertake such original investigations as the Administrator determines to be necessary to generate the data required to make findings for the report; or

"(ii) rely on data generated and compiled by any industry or other organization with an interest in the report.

"(B) SUBMITTAL OF CONFIDENTIAL INFORMATION.—Any person who submits confidential information to the Administrator pursuant subparagraph (A) shall also submit data that is publicly available.

"(o) EXEMPTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this section shall not apply to small-sealed consumer lead-acid batteries.

"(2) EXCEPTION.—Subsection (n) shall apply to small-sealed lead-acid batteries.

"(p) DEFINITIONS.—As used in this section:

"(1) LEAD-ACID BATTERY.—The term 'lead-acid battery' means a battery that—

"(A) consists of lead and sulfuric acid; and

"(B) is used as a power source.

"(2) SMALL-SEALED CONSUMER LEAD-ACID BATTERY.—The term 'small-sealed consumer lead-acid battery' means a lead-acid battery, weighing 25 pounds or less, used in non-vehicular, non-SLI (starting, lighting, and ignition) applications.".

SEC. 107. LEAD CONTAMINATION IN SCHOOLS AND DAY CARE FACILITIES.

Title IV (15 U.S.C. 2681 et seq.), as amended by section 106 of this Act, is further amended by inserting after section 406, as redesignated by section 101(a) of this Act, the following new section:

"SEC. 407. LEAD CONTAMINATION IN SCHOOLS AND DAY CARE FACILITIES.

"(a) DEFINITIONS.—As used in this subsection:

"(1) COVERED DAY CARE FACILITY.—The term 'covered day care facility' means—

"(A) the interior and exterior of any building constructed before 1980 that is used as a day care facility that regularly provides day care services for children in kindergarten or younger children; and

"(B) any land and structure on the land, and any related common grounds or playground area and playground structures, that are under the same ownership as the building referred to in subparagraph (A) and that is

regularly accessible to children in kindergarten or younger children.

"(2) COVERED SCHOOL.—The term 'covered school' means—

"(A) the interior and exterior of any building constructed before 1980 that is used—

"(i) as an elementary school (as defined in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8))); or

"(ii) as a kindergarten that regularly provides education for children in kindergarten or younger children; and

"(B) any land and structure on the land, and any related common grounds or playground area and playground structures, that are under the same ownership as the building referred to in subparagraph (A) and that is regularly accessible to children in kindergarten or younger children.

"(3) DAY CARE FACILITY.—The term 'day care facility' means any portion of a facility used for day care for children in kindergarten or younger children and owned or operated by a person that provides the day care for compensation, and that—

"(A) is licensed or regulated under State law for day care purposes; or

"(B) receives Federal funds for day care purposes.

"(4) LEAD HAZARD.—The term 'lead hazard' means—

"(A) lead-based paint that is chipping, peeling, flaking, or chalking;

"(B) any surface coated with lead-based paint that is subject to abrasion;

"(C) any surface coated with lead-based paint that can be mouthed by a child under 6 years of age; and

"(D) interior dust that contains a dangerous level of lead, as identified by the Administrator.

"(5) LEAD INSPECTION.—The term 'lead inspection' means an inspection to detect the presence of any lead-based paint or lead hazard.

"(6) LOCAL EDUCATION AGENCY.—The term 'local education agency' means—

"(A) any local educational agency (as defined in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)));

"(B) the owner of any private nonprofit elementary or secondary school building; and

"(C) the governing authority of any school operating under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

"(7) OWNER OR OPERATOR.—The term 'owner or operator', when used with respect to a school, means the local education agency that has jurisdiction over the school.

"(8) SIGNIFICANT USE.—The term 'significant use' means use by more than 1 child at least 2 times per week, and for a total period of at least 2 hours per week.

"(b) COVERED SCHOOLS AND COVERED DAY CARE FACILITIES.—

"(1) IN GENERAL.—Except as provided in subsection (d)(4), not later than 1 year after the date of enactment of this section, the Administrator shall promulgate regulations that shall be adequate to carry out this section and be consistent with other regulations promulgated by the Administrator under this title.

"(2) REGULATIONS.—Pursuant to paragraph (1), the Administrator shall promulgate regulations that require each State that receives a grant under subsection (d) to—

"(A) not later than 3 years after the date of promulgation of the regulations or the date on which amounts are allotted to the State under subsection (d)(2), whichever is later, conduct—

"(i) an inspection of each covered school and covered day care facility to detect lead-based paint that is chipping, peeling, flaking, or chalking; and

"(ii) an inspection of each room at each covered school and covered day care facility that is used daily or receives significant use by children in kindergarten or by younger children for the purpose of detecting any lead-based paint or interior dust in the rooms of the school or day care facility that contains a dangerous level of lead, as identified by the Administrator pursuant to section 411; and

"(B) prepare a report that includes—

"(i) the results of the inspections referred to in subparagraph (A); and

"(ii) recommendations as to whether any lead hazard detected pursuant to an inspection should be alleviated through encapsulation, in-place management, or other form of abatement.

"(3) RANKING.—In conducting inspections of covered schools and covered day care facilities required by paragraph (2), the appropriate official of the State shall—

"(A) rank areas in the State in order of the severity of the suspected lead hazard of the areas, in accordance with procedures that the Administrator shall establish; and

"(B) give priority to inspecting covered schools and covered day care facilities located in areas with the greatest suspected lead hazard.

"(4) PROCEDURES.—The procedures referred to in paragraph (3) shall use factors for assessing an area, including—

"(A) medical evidence regarding the extent of lead poisoning (as determined through lead screening) of children in the area;

"(B) the ages of children in the area;

"(C) the age and condition of school buildings in the area; and

"(D) the age and condition of the housing in the area,

in order to determine which areas in the State are most likely to have a lead hazard.

"(5) DISSEMINATION OF REPORTS.—

"(A) IN GENERAL.—Each State shall provide to the owner or operator of each covered school and covered day care facility of the State a copy of the report required under paragraph (2)(B).

"(B) REQUIREMENTS FOR OWNERS OR OPERATORS.—

"(i) IN GENERAL.—Except as provided under paragraph (6), in each case in which an inspection conducted pursuant to the requirements of paragraph (2) indicates the presence of lead-based paint that poses a lead hazard, or interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 411) at a covered school or covered day care facility, the owner or operator of the covered school or covered day care facility shall, not later than 60 days after receiving the report under subparagraph (A), provide a copy of risk disclosure information that meets the requirements of subparagraph (C) to all teachers and other school personnel and parents (or guardians) of children attending the covered school or covered day care facility concerned.

"(ii) NOTIFICATION TO NEW PERSONNEL MEMBERS AND PARENTS AND GUARDIANS OF NEW STUDENTS.—During such time as lead-based paint, or interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 411), continues to be present at the covered school or covered day care facility, the owner or operator of the covered school or covered day care facility shall also provide the risk disclosure information referred to in clause (i) to newly hired teachers and other personnel and parents (or guardians) of newly enrolled children.

"(C) RISK DISCLOSURE.—

"(i) IN GENERAL.—As part of the regulations required under paragraph (2), the Administrator shall prescribe the contents of the risk disclosure information required to be provided to the persons specified in the regulations.

"(ii) CONTENTS OF RISK DISCLOSURE INFORMATION.—The information shall include each of the following, with respect to each covered school or covered day care facility:

"(I) A summary of the results of the inspection conducted pursuant to paragraph (2).

"(II) A description of the risks of lead exposure to children in kindergarten and younger children, teachers, and other personnel at the covered school or covered day care facility that takes into account the accessibility of lead-based paint or interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 411) to children in kindergarten and younger children, and other factors that the Administrator determines to be appropriate.

"(III) A description of any abatement undertaken, or to be undertaken, by the owner or operator.

"(D) METHOD OF PROVIDING INFORMATION.—An owner or operator of a covered school or covered day care facility may provide the risk disclosure information to the parents (or guardians) of the children attending the covered school or covered day care facility concerned in the same manner as written materials are regularly delivered to the parents (or guardians).

"(6) EXEMPTION FROM NOTICE REQUIREMENT.—An owner or operator of a covered school or covered day care facility shall not be required to provide notification under paragraph (5) if, not later than 180 days prior to the date on which the notification would otherwise be required—

"(A) the owner, operator, or the State performs encapsulation, in-place management or other form of abatement;

"(B) the State conducts a reinspection; and

"(C) the owner or operator obtains a report from the State that shows that—

"(i) the lead-based paint that poses a lead hazard; and

"(ii) any interior dust containing a dangerous level of lead, as identified by the Administrator,

have been removed, encapsulated, or managed in place.

"(7) AVAILABILITY OF CERTAIN REPORTS.—In lieu of notification under paragraph (5), an owner or operator that elects to perform encapsulation, in-place management, or other form of abatement under this subsection shall—

"(A) make a copy of the inspection reports for inspections conducted pursuant to this subsection available in each administrative office of the owner or operator; and

"(B) notify parent, teacher, and employee organizations of the availability of the reports.

"(c) RENOVATED AREAS.—With respect to each renovation of a covered school or covered day care facility that commences on or after the date that is 1 year after the date of promulgation of a regulation under subsection (b)(2), for each covered school or covered day care facility in which a renovation will be undertaken, the owner or operator of the covered school or covered day care facil-

ity or the State (on the request of the owner or operator) shall, prior to the renovation—

"(1) conduct an inspection of the area to be renovated to detect any lead-based paint that could be disturbed as a result of the renovation; and

"(2) take any action that is necessary to ensure that the renovation does not result in a dangerous level of lead (as identified by the Administrator pursuant to section 411), in interior dust.

"(d) FEDERAL ASSISTANCE.—

"(1) IN GENERAL.—

"(A) GRANTS.—The Administrator shall make grants to States for the purposes of testing, at covered schools and covered day care facilities, for—

"(i) lead-based paint that poses a lead hazard; and

"(ii) interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 411).

"(B) USE OF GRANT AWARD.—A grant awarded pursuant to this subsection may be used by a State only to cover expenses incurred by the State after the date of enactment of this section for lead hazard inspection in covered schools and covered day care facilities.

"(2) ALLOTMENT.—For each fiscal year, from amounts appropriated pursuant to the authorization under subsection (j), the Administrator shall allot to each State for the purpose of making grants under this subsection, an amount that bears the same ratio to the appropriated amounts as the number of children under 7 years of age bears to the number of children under age 7 in all States.

"(3) REALLOTMENT.—If the Administrator determines that the amount of the allotment of any State determined under paragraph (2) for any fiscal year will not be required for carrying out the program for which the amount has been allotted, the Administrator shall make the amount available for reallotment.

"(4) RESERVATION BY STATE.—For each fiscal year, from the amounts allotted to a State under paragraph (2), the State shall reserve not more than 5 percent of the amounts for administrative costs.

"(5) LIMITATION ON REQUIREMENT.—

"(A) IN GENERAL.—Except as provided in paragraph (6), the Administrator shall require each State to fulfill the requirements of subsection (a) relating to inspections only to the extent that assistance under this section is available to defray the costs of the inspections.

"(B) REQUIREMENTS FOR REGULATIONS.—

"(i) IN GENERAL.—With respect to any State that fails to carry out an applicable requirement under subsection (b), the Administrator shall take such action as may be necessary to ensure that the State meets all applicable requirements of subsection (b) not later than 2 years after the first day on which the cumulative total of all amounts appropriated to the States pursuant to the authorization under subsection (j) equals or exceeds $90,000,000.

"(ii) PLAN.—With respect to any State that fails to—

"(I) submit to the Administrator, by the date that is 6 years after the date of enactment of this section, a plan that the Administrator determines adequate to complete all applicable requirements of subsection (b) by not later than 8 years after the date of enactment of this section; or

"(II) implement the plan referred to in subclause (I),

the Administrator shall ensure that the actions are completed within the 8-year period referred to in subclause (I), or by not later than 9 years after the date of enactment of this section, in the case of any State that fails to implement the plan.

"(6) REQUIREMENT FOR PAYMENTS.—No payments shall be made under this section for any fiscal year to a State unless the Administrator determines that the aggregate expenditures of the State for comparable lead inspection programs for the year equaled or exceeded the aggregate expenditures for the most recent fiscal year for which data is available.

"(7) STATUTORY CONSTRUCTION.—Nothing in this section is intended to prohibit the expenditure of Federal funds for the purposes authorized under this section in or by sectarian institutions. No provision of law (including a State constitution or State law) shall be construed to prohibit the expenditure in or by sectarian institutions of any Federal funds provided under this section. Except as provided in the preceding sentence, nothing in this section is intended to supersede or modify any provision of State law that prohibits the expenditure of public funds in or by sectarian institutions.

"(e) PUBLIC PROTECTION.—No owner or operator of a covered school or covered day care facility may discriminate against a person on the basis that the person provided information relating to a potential violation of this section to any other person, including a State or the Administrator.

"(f) PENALTIES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, the amount of any penalty that may be assessed for a violation of this section pursuant to section 16 shall not exceed an amount equal to $5,000 for each day during which the violation of this section continues.

"(2) MANNER OF ASSESSMENT.—Any civil penalty under this subsection shall be assessed and collected in the same manner, and subject to the same provisions, as for civil penalties assessed and collected under section 16.

"(3) VIOLATION DEFINED.—As used in this subsection, the term 'violation' means a failure to comply with a requirement of this section with respect to a single covered school or covered day care facility.

"(g) USE OF PENALTIES.—In any action against a State or an owner or operator (or both) of a covered school or covered day care facility for a violation of this section, the court shall have the discretion to order that any civil penalty collected under this subsection be used by the State or the owner or operator (or both) for the cost of inspection and reporting, as required under subsection (b)(2), or lead-based paint abatement activities undertaken for the purpose of complying with this title (or both).

"(h) INSPECTIONS.—An inspection required under this section and any abatement performed in lieu of notification under this section shall be carried out by a lead-based paint abatement contractor who is in compliance with certification requirements under applicable Federal law.

"(i) ANNUAL REPORTS TO ADMINISTRATOR.—Each State shall, not later than 1 year after receiving assistance under this section, and annually thereafter, submit to the Administrator an annual report. The report shall include, with respect to the State—

"(1) a description of the manner in which the assistance provided under this section was used;

"(2) the number of covered schools and covered day care facilities affected by the assistance;

"(3) an estimate of the number of children served by the covered schools and covered day care facilities;

"(4) an estimate of the magnitude and cost of future efforts required to carry out this section; and

"(5) any other information the Administrator may require.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $30,000,000 for the fiscal year 1994;

"(2) $30,000,000 for the fiscal year 1995; and

"(3) $30,000,000 for the fiscal year 1996.".

SEC. 108. BLOOD-LEAD AND OTHER ABATEMENT AND MEASUREMENT PROGRAMS.

Title IV (15 U.S.C. 2681 et seq.), as amended by section 107 of this Act, is further amended by inserting after section 407, as redesignated by section 101(a) of this Act, the following new section:

"SEC. 408. BLOOD-LEAD AND OTHER ABATEMENT AND MEASUREMENT PROGRAMS.

"(a) STANDARDS FOR BLOOD ANALYSIS LABORATORIES.—

"(1) IN GENERAL.—

"(A) STANDARDS FOR LABORATORY ANALYSIS.—The Secretary of Health and Human Services (referred to in this subsection as the 'Secretary'), acting through the Director of the Centers for Disease Control, shall establish protocols, criteria, and minimum performance standards for the laboratory analysis of lead in blood.

"(B) CERTIFICATION PROGRAM.—

"(i) IN GENERAL.—Except as provided in clause (ii) and paragraph (4), not later than 18 months after the date of enactment of this section, the Secretary shall establish a certification program to ensure the quality and consistency of laboratory analyses.

"(ii) EXEMPTION.—If the Secretary determines, by the date specified in subparagraph (A), that effective voluntary accreditation programs are in place and operating on a nationwide basis at the time of the determination, the Secretary shall not be required to establish the certification program referred to in clause (i).

"(2) REPORTING REQUIREMENT.—The quality control program established by the Secretary under this subsection shall provide for the reporting of the results of blood-lead analyses to the Director of the Centers for Disease Control on an ongoing basis. Each report prepared pursuant to this paragraph shall be in such form as the Secretary shall require by regulation.

"(3) LIST.—Not later than 2 years after the date of enactment of this section, and annually thereafter, the Secretary shall publish and make available to the public a list of certified or accredited blood analysis laboratories.

"(4) REVIEW OF VOLUNTARY ACCREDITATION.—

"(A) IN GENERAL.—If the Secretary determines, under paragraph (1)(B)(ii), that effective voluntary accreditation programs are in effect for blood analysis laboratories, the Secretary shall review the performance and effectiveness of the programs not later than 3 years after the date of the determination, and every 3 years thereafter.

"(B) EFFECT OF NEGATIVE DETERMINATION.—If, on making a review under this paragraph, the Secretary determines that the voluntary accreditation programs reviewed are not effective in ensuring the quality and consistency of laboratory analyses, the Secretary shall, not later than 1 year after the date of the determination, establish a certification program that meets the requirements of paragraph (1)(B).

"(b) CLASSIFICATION OF ABATEMENT WASTES.—Not later than 6 months after the date of enactment of this section, the Administrator shall issue guidelines for the management of lead-based paint abatement debris. The guidelines shall describe steps for segregating wastes from lead-based paint abatement projects in order to minimize the volume of material qualifying as hazardous solid waste.

"(c) SOIL LEAD GUIDELINES.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Administrator shall issue guidelines concerning—

"(A) action levels for lead in soil; and

"(B) mitigation recommendations.

"(2) REQUIREMENTS FOR GUIDELINES.—The guidelines under this subsection establishing action levels and mitigation recommendations shall take into account different soil types, land uses, and other site-related characteristics affecting lead exposure conditions and levels of lead in blood.

"(d) STUDY OF LEAD IN USED OIL.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Administrator shall conduct a study concerning the effects on the environment and public health of burning used oil.

"(2) REPORT.—On the completion of the study, the Secretary shall submit a report to Congress on the results of the study.

"(3) CONTENTS OF STUDY.—The study shall include an assessment of—

"(A) the volume of lead in used oil released into the environment, and the sources of the lead contaminants;

"(B) the impact of a variety of approaches to regulation of used oil recycling facilities; and

"(C) such other information as the Administrator determines to be appropriate regarding disposal practices of lead in used oil in use at the time of the study and alternatives to the practices, including the manner in which any detrimental effects on the environment or public health (or both) can be reduced or eliminated by the reduction of lead as a constituent of used oil.

"(e) COORDINATOR FOR LEAD ACTIVITIES.—Not later than 30 days after the date of enactment of this section, the Administrator shall appoint, from among the employees of the Environmental Protection Agency, a Coordinator for Lead Activities to coordinate the activities conducted by the Agency (or in conjunction with the Agency) relating to the prevention of lead poisoning, the reduction of lead exposure, and lead abatement.".

SEC. 109. ESTABLISHMENT OF NATIONAL CENTERS FOR THE PREVENTION OF LEAD POISONING.

Title IV (15 U.S.C. 2681 et seq.), as amended by section 108 of this Act, is further amended by inserting after section 408, as redesignated by section 101(a) of this Act, the following new section:

"SEC. 409. ESTABLISHMENT OF NATIONAL CENTERS FOR THE PREVENTION OF LEAD POISONING.

"(a) ESTABLISHMENT AND RESPONSIBILITIES.—

"(1) IN GENERAL.—The Administrator shall establish a grant program to establish 1 or more Centers for the Prevention of Lead Poisoning. (Each such Center is referred to in this subsection as a 'Center'.)

"(2) GRANTS.—The Administrator shall award grants to 1 or more institutions of higher education (as defined in 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)) in the United States for the purpose of establishing and funding a Center. Each Center shall assist the Administrator in carrying out this title, including providing for the transfer of technology and serving as a source of information to the general public.

"(b) APPLICATIONS.—The Administrator shall solicit applications from institutions of higher education of the United States for the establishment of a Center. The application shall be in such form, and contain such information, as the Administrator may require by regulation.

"(c) SELECTION CRITERIA.—The Administrator shall select each grant recipient from among the applicant institutions referred to in subsection (b) in accordance with the following criteria:

"(1) The capability of the applicant institution to provide leadership in making national contributions to the prevention of lead poisoning.

"(2) The demonstrated capacity of the applicant institution to conduct relevant research.

"(3) The appropriateness of the projects proposed to be carried out by the applicant institution.

"(4) The assurance of the applicant institution of a commitment of at least $100,000 in budgeted institutional funds to relevant research upon receipt of the grant.

"(5) The presence at the applicant institution of an interdisciplinary staff with demonstrated expertise in lead poisoning prevention.

"(6) The demonstrated ability of the applicant institution to disseminate the results of relevant research and educational programs through an interdisciplinary continuing education program.

"(7) Any other criteria that the Administrator determines to be appropriate.

"(d) FEDERAL SHARE AND DURATION OF GRANT.—

"(1) FEDERAL SHARE.—The Federal share of a grant under this section shall not exceed an amount equal to 95 percent of the cost of establishing and operating a Center and related research activities carried out by the Center.

"(2) DURATION OF GRANT.—A grant awarded under this section shall be for a period of not more than 2 years.".

SEC. 110. CONFORMING AMENDMENTS.

(a) CROSS-REFERENCES.—

(1) PENALTIES.—Section 16 (15 U.S.C. 2615) is amended by striking "409" each place it appears and inserting "417".

(2) SPECIFIC ENFORCEMENT AND SEIZURE.—Section 17(a)(1)(A) (15 U.S.C. 2616(a)(1)(A)) is amended by striking "409" and inserting "417".

(3) AUTHORIZED STATE PROGRAMS.—Section 412, as redesignated by section 101(a), is amended—

(A) by striking "402 or 406" each place it appears and inserting "410 or 414"; and

(B) in subsection (d), by striking "402" and inserting "410".

(b) AUTHORIZATION OF APPROPRIATIONS.—In section 420, as redesignated by section 101(a) of this Act, by striking "There are authorized" and inserting "Except as provided in section 407(j) and in title III of the Lead Exposure Reduction Act of 1993, there are authorized".

SEC. 111. AMENDMENT TO TABLE OF CONTENTS.

The table of contents in section 1 of the Act (15 U.S.C. 2601 et seq.) is amended by striking the items relating to title IV and inserting the following new items:

"TITLE IV—LEAD EXPOSURE REDUCTION

"Sec. 401. Findings and policy.
"Sec. 402. Definitions.
"Sec. 403. Restrictions on continuing uses of certain lead-containing products.
"Sec. 404. Inventory of lead-containing products and new use notification procedures.
"Sec. 405. Product labeling.
"Sec. 406. Recycling of lead-acid batteries.
"Sec. 407. Lead contamination in schools and day care facilities.
"Sec. 408. Blood-lead and other abatement and measurement programs.
"Sec. 409. Establishment of National Centers for the Prevention of Lead Poisoning.
"Sec. 410. Lead-based paint activities training and certification.
"Sec. 411. Identification of dangerous levels of lead.
"Sec. 412. Authorized State programs.
"Sec. 413. Lead abatement and measurement.
"Sec. 414. Lead hazard information pamphlet.
"Sec. 415. Regulations.
"Sec. 416. Control of lead-based paint hazards at Federal facilities.
"Sec. 417. Prohibited acts.
"Sec. 418. Relationship to other Federal law.
"Sec. 419. General provisions relating to administrative proceedings.
"Sec. 420. Authorization of appropriations.".

TITLE II—MISCELLANEOUS

SEC. 201. REPORTING OF BLOOD-LEAD LEVELS; BLOOD-LEAD LABORATORY REFERENCE PROJECT.

(a) REPORTING OF BLOOD-LEAD LEVELS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Director of the Centers for Disease Control (referred to in this section as the "Director"), shall identify methods for reporting blood-lead levels in a standardized format by State public health officials to the Director.

(2) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit a report to Congress that—

(A) describes the status of blood-lead reporting; and

(B) evaluates the feasibility and desirability of instituting a national requirement for mandatory preschool blood-lead screening.

(3) ADDITIONAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Labor and the Administrator of the Environmental Protection Agency, shall submit a report to Congress that assesses the effectiveness of the blood-lead reporting provisions under the regulations establishing the accreditation and certification programs for blood analysis laboratories described in section 408(a) of the Toxic Substances Control Act (as added by section 108).

(b) ESTABLISHMENT OF BLOOD-LEAD LABORATORY REFERENCE PROJECT.—Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 258b et seq.), is amended by adding at the end the following new section:

"SEC. 424. BLOOD-LEAD LABORATORY REFERENCE PROJECT.

"The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, shall establish a blood-lead laboratory reference project to assist States and local governments in establishing, maintaining, improving, and ensuring the quality of laboratory measurements performed for lead poisoning prevention programs. The project shall include—

"(1) collaboration with manufacturers of analytical instruments to develop blood-lead

measurement devices that are accurate, portable, precise, rugged, reliable, safe, and of reasonable cost;

"(2) the development of improved techniques for safe, contamination-free blood sample collection; and

"(3) assistance to State and local laboratories in the form of reference materials, equipment, supplies, training, consultation, and technology development for quality assurance, capacity expansion, and technology transfer.".

SEC. 202. UPDATE OF 1988 REPORT TO CONGRESS ON CHILDHOOD LEAD POISONING.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until the date that is 10 years after the date of enactment of this Act, and as necessary thereafter, the Administrator of the Agency for Toxic Substances and Disease Registry shall submit to Congress a report that updates the report submitted pursuant to section 118(f)(1) of the Superfund Amendments and Reauthorization Act of 1986. Each updated report shall include, at a minimum, revised estimates of the prevalence of elevated lead levels among children and adults in the population of the United States, and estimates of the prevalence of adverse health outcomes associated with lead exposure. The initial report under this section shall include an assessment of the potential contribution to elevated blood lead levels in children from exposure to sources of lead in schools and day care centers.

(b) FUNDING.—The costs of preparing and submitting the updated reports referred to in subsection (a) shall be paid from the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986.

SEC. 203. ADDITIONAL CONFORMING AMENDMENTS.

(a) AMENDMENT TO THE FAIR PACKAGING AND LABELING ACT.—Section 11 of the Fair Packaging and Labeling Act (15 U.S.C. 1460) is amended—

(1) in subsection (b), by striking "or" at the end;

(2) in subsection (c), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new subsection:

"(d) The Lead Exposure Reduction Act of 1993 and the amendments made by such Act.".

(b) AMENDMENTS TO THE FEDERAL FOOD, DRUG AND COSMETIC ACT.—

(1) TIME-BASED REQUIREMENTS.—Section 402 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following new subsections:

"(f) For the third 1-year period after the date of enactment of this subsection and thereafter, if any package or packaging component (including any solder or flux) used in packaging the food contains any lead that has been intentionally introduced into the package or component.

"(g) If the incidental presence of lead in any package or packaging component (including any solder or flux) used in packaging the food exceeds—

"(1) for the third 1-year period after the date of enactment of this subsection, 600 parts per million (0.06 percent);

"(2) for the fourth 1-year period after the date of enactment of this subsection, 250 parts per million (0.025 percent); and

"(3) for the fifth 1-year period after the date of enactment of this subsection and thereafter, 100 parts per million (0.01 percent).".

(2) CERAMIC WARE; PROCESSED FOODS; WINE.—Title IV of such Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

"SEC. 413. LEAD REGULATIONS.

"(a) CERAMIC WARES.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate regulations to establish such standards and testing procedures with respect to lead in ceramic wares as are necessary to make food that contacts the ware not adulterated as containing an added substance under section 402(a)(1).

"(b) CRYSTAL WARES.—Not later than 30 months after the date of enactment of this section, the Secretary shall promulgate regulations to establish such standards and testing procedures with respect to lead in crystal wares as are necessary to make food that contacts the ware not adulterated as containing an added substance under section 402(a)(1).

"(c) PROCESSED FOODS.—Not later than 2 years after the date of enactment of this section, the Secretary shall promulgate regulations to reduce lead in processed foods. The regulations shall determine the processed foods and related manufacturing practices that are significant sources of lead in the human diet and require the greatest degree of reduction of lead in the foods that is achievable in practice.

"(d) WINE.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to establish such tolerance level and testing procedures with respect to lead in wine as the Secretary determines to be necessary to protect public health.

(3) PROHIBITION RELATING TO CERAMIC WARE.—Section 301 of such Act (21 U.S.C. 331) is amended by adding at the end the following new subsections:

"(u) Beginning on the date that is 180 days after the date of promulgation of regulations under section 413(a), the introduction or delivery into interstate commerce of any ceramic ware that is not in compliance with the regulations.

"(v) Beginning on the date that is 180 days after the date of promulgation of regulations under section 413(b), the introduction or delivery into interstate commerce of any crystal ware that is not in compliance with the regulations.

"(w) Beginning on the date that is 180 days after the date of promulgation of regulations under section 413(c), the introduction, or delivery for introduction, into commerce of any processed food, or other action, in violation of section 413(c).".

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Except as provided in the amendment made by section 107 of this Act, there are authorized to be to carry out this Act and the amendments made by this Act—

(1) $25,000,000 for fiscal year 1994;

(2) $24,000,000 for fiscal year 1995;

(3) $24,000,000 for fiscal year 1996; and

(4) $22,000,000 for fiscal year 1997.

Mr. LIEBERMAN. Mr. President, I am cosponsoring the Lead Exposure Reduction Act introduced today by Senator REID because I believe it is very important to continue the fight against lead poisoning. Lead poisoning remains the most devastating environmental health hazard facing American children. It affects almost one in every nine preschool children, poisoning their brains, and limiting their ability to learn. Lead exposure, primarily in the workplace, also poses serious health risks to adults.

Lead poisoning is entirely preventable, yet its effects are irreversible. We must act now because every step we take to reduce exposure to lead protects a child from being poisoned. Until we protect them from lead exposure children will continue to suffer neurological damage, learning disabilities and harm to their motor skills. Once lead is in a child's body it stays there. Even when we can no longer see it in their blood, it is in their bones and other organs and can affect them for the rest of their lives. Adults, too, can suffer irreversible harm to their kidneys, their reproductive organs, and their neurological systems.

During the last session of Congress, I cosponsored legislation addressing the most dangerous source of lead poisoning, lead-based paint and dust in older housing. The government's approach has always been to wait until children are poisoned and then initiate a clean up. The Residential Lead-based Paint Hazard Reduction Act, enacted in October 1992, emphasizes identifying and correcting lead hazards before children are harmed.

This legislation was a critical first step toward addressing the most dangerous area of lead poisoning, old lead paint and dust in housing. However, the dangers of lead poisoning reach beyond paint and dust.

Last year we took important steps towards preventing children from being exposed to lead in their homes. We must now ensure that children are safe in the day care facilities and schools where they spend much of their days. We cannot wait until their ability to learn and grow is impaired. Last year when the lead bill was under consideration, I drafted an amendment to require testing of day care centers and classrooms housing young children. The bill being introduced today includes a version of this language about which I have some concerns.

Under the language proposed by Senator REID, States would only be required to begin testing if Federal funds are appropriated to fund the testing. While I understand his concerns about funding this testing, if, as scientists, doctors and public health officials indicate, we are facing a lead poisoning epidemic, then we must work quickly to protect our children and their ability to grow and learn properly.

I hope to work with Senator REID to resolve these concerns and ensure that children get the protection they deserve. I will be working on changes to this bill and on alternative avenues for accomplishing these goals. I look forward to working with my colleagues who support this bill to protect our children both in their homes and in the places they play and learn.

The other provisions of the bill we introduce today have evolved over the past 3 years and are an important part of continuing the fight against lead exposure and lead poisoning.

We must fight lead hazards which pose risks to children, adults and the environment. We must attack these hazards by phasing out and banning lead in paint, plumbing fixtures and solder, domestic and imported food cans, toys and fishing weights, and other products. This bill does just that.

This bill also requires EPA to promulgate regulations for labeling products which may pose a risk to lead exposure so that consumers are alerted as to what products may be dangerous. The Lead Exposure Reduction Act also requires that lead-acid batteries be recycled to ensure that the dangers of lead are minimized in the environment.

This proposed legislation also directs the EPA to evaluate new lead-based products for potential lead exposure risks. Banning lead paint in residences and leaded gasoline has eliminated the most serious risks of lead exposure; however, we must continue to be mindful of initiating any new uses of lead that may present risks to human health and the environment.

As lead poisons more and more children, we must take every step possible to eliminate those areas which present risks of lead poisoning. Through the efforts of the public and the private sector, we can and must eliminate the hazards of this entirely preventable disease.

By Mr. DORGAN (for himself and Mr. CONRAD):

S. 730. A bill to ensure fair and free trade of certain agricultural commodities between the United States and Canada, and for other purposes; to the Committee on Finance.

UNITED STATES-CANADA FAIR GRAIN TRADE ACT OF 1993

Mr. DORGAN. Mr. President, I am introducing a bill today to arrest the flood of Canadian grain roaring across our northern border on a wave of Canadian Government subsidies. This tidal wave of foreign grain is swamping U.S. markets, depressing farm prices and financially gutting the family farms of North Dakota and other grain-producing States. The onslaught must be stopped.

This is harsh, aggressive legislation and is, unfortunately, directed in part at our ally and neighbor, Canada and the Canadian Wheat Board, that nation's central grain marketing agent. However, after fighting doggedly for 4 years to find some reasonable relief for our farmers, the flood of Canadian grain only increases month by month, and year by year. I have been forced to seek tough, bold remedies.

My bill calls upon the President to negotiate reasonable relief from the flood of subsidized Canadian grain. Then, if negotiations do not succeed within 120 days of enactment, my bill requires the President to close our northern border to further grain imports until we get a reasonable settlement.

Mr. CONRAD, my friend and colleague from North Dakota, joins me in introducing this bill.

Specifically, my legislation calls for immediate negotiations with Canada:

To require the actual sales prices of Canadian grain exported to this country be reported and monitored, as intended by the United States-Canada Free-Trade Agreement [FTA];

To end the hefty Canadian Government transportation subsidy that positions the Canadian Wheat Board [CWB] to beat our United States farmers out of our own United States markets;

To define the term "cost" as it applies to the requirement in the United States-Canada FTA that Canada cannot sell its grain into the United States at less than that nation's own cost of the grain. Up to now, Canada has avoided compliance with the clear language of our trade agreement that prohibits either nation from selling into the other at prices less than the full acquisition cost of the grain, including all transportation, storage and handling costs.

If we cannot negotiate reasonable terms on these matters, my bill asks the President to simply terminate Canadian grain exports to this Nation until the negotiations are successful.

In addition, my bill directs our administration to support efforts by our farmers to gain a countervailing tariff to relieve the harmful effects of the many subsidies the Canadian Wheat Board uses to gain sales in the United States. Further, it authorizes our secretary of agriculture to use our own export sales enhancement program to combat subsidies the Canadian Wheat Board uses to displace United States exports in our traditional market in Mexico.

Finally, my bill will require shipments of foreign grain to be identified with an end-use certificate which will remain with each shipment until it reaches the flour mill, cattle feed lot, or other specific destination for use in this country. This requirement mirrors a similar requirement Canada imposes on foreign grain, and will assure United States taxpayers we are not using dollars from our own export assistance program to re-export Canadian grain.

In total, this is a harsh proposal. The bill proposes aggressive solutions because we must solve an extreme problem in North Dakota and other grain-producing states from the Midwest to the Pacific Northwest.

The problem is an ever-rising tidal wave of grain pouring into the United States market from Canada. The CWB, which markets all grain from central and western Canada, sends millions of bushels of durum wheat, spring wheat, and barley into the United States each month, aggravating the United States own grain surplus problems and depressing our grain prices.

I brought a chart here today to show what Canadian exports have done to the prices our farmers receive for Durum wheat. Durum is a special kind of wheat used to make pasta. Durum is generally more difficult to grow than other types and wheat, and Durum crops usually yield fewer bushels per acre than other wheat. But, Durum is the only wheat that makes good pasta. So, the market has traditionally rewarded Durum producers with a market price that is higher than other wheat. That Durum premium is often 50 cents per bushel, or even a dollar, on top of other wheat prices.

It is important to understand both the United States and Canada produce surpluses of wheat, including Durum wheat. Those surpluses have not been a problem. Rather they are part of our positive trade balance in agriculture. Both nations produce more than they need, and they both export a huge portion of their grain around the world. Except in extremely exceptional circumstances, Canada wheat. In fact, we did not sell into one another's market until after the deal was cut for the United States-Canada FTA 6 years ago.

The chart shows clearly what has happened to that premium our Durum producers used to receive. It shows that, before the United States-Canada FTA went into effect in 1989, farmers got a premium price. The premium promptly evaporated in 1989, however, and has not returned.

Now, with another chart, let me show you graphically why the Durum premium prices have vanished. This graph shows what Canadian exports of Durum wheat were before the United States—Canada deal was cut in 1987 and initiated by President Reagan and Mr. Mulroney of Canada. They were near zero. Since then, however, the Canadian Wheat Board has been adding millions of bushels each year to its United States shipments, and has already taken over more than 20 percent of the United States Durum market.

We have witnessed the Canadan Wheat Board's successful compaign to export Durum wheat—and, more recently, spring wheat and barley—into the United States market, and we have watched our own market prices suffocate under those unrestrained Canadian exports. We watched this occur while our own grain, thanks to the deal cut by United States trade negotiators, was barred from entering Canada.

Who is responsible for the disasterous situation in which our grain farmers find themselves?

Indeed, Canada and the CWB have ignored the spirit of our trade agreement, and, again and again, Canada has avoided and resisted implementation of

terms of the agreement that were intended to provide some measure of fairness in grain trade between the United States and Canada. Certainly, they are at fault, and my bill tries to force Canada to comply with both the intent and language of the FTA.

Still, the CWB is not the main root source of our problem. The CWB is a big farmers' marketing cooperative charged with gathering up all of the Canadian farmers grain and selling it at the best prices it can find for its farmers. If the CWB finds it an advantage to sell grain next door, in the United States, who can fault that agency for being aggressive on behalf of Canadian farmers?

To a large and shameful extent, the flood of Canadian grain was brought on by U.S. trade neotiators who, when negotiating the FTA 6 and 7 years ago, were on a blind mission to create a so-called free-trade agreement, whatever the costs to their own countrymen.

In short, the U.S. negotiators, the people who are supposed to be representing our interests, sold us out.

They sold out our farmers by agreeing to no restraint on the sale of Canadian grain to the United States, but a solid wall blocking United States grain sales to Canada.

They sold us out by negotiating a requirement that neither nation could sell grain into the other at prices lower than the cost of the grain, and then effectively undercutting that requirement themselves in public testimony before Congress.

They sold us out by promising that U.S. and Canadian officials had a gentleman's agreement for restraint against invading the markets of the other party, when, in fact, there was no such agreement.

They sold us out by waving in front of our faces an action plan for implementing the trade agreement in ways to instill fairness into grain export sales across the United States-Canada border, and then, after Congress approved the agreement, by ignoring the plan, ignoring our pleas for assistance, and refusing to lift a finger while the flood of Canadian grain swelled for 3 years.

Let me show just a few examples of the kind of double talk the past administrations used to sink us into this flood of Canadian grain.

Here, in large, bold print, are the hollow promises of our trade agreement, implementing legislation, and President Reagan's Statement of Administrative Action to implement the agreement.

It is because of this shameful abandonment of U.S. grain producers in both the negotiation and implementation of the FTA that I am proposing harsh and decisive remedies in my legislation today.

I am introducing this legislation to supplement the assurances from Mickey Kantor, our new Trade Representative, that he will attend to this severe problem and seek a solution. Mr. Kantor and I spoke today, and I am very encouraged by the priority he is determined to give this problem in our dealings with Canada. I will eagerly support him in his efforts.

My bill, however, seeks what North Dakota farmers, and Senator CONRAD and I, believe may well be needed to clean up the shambles left by the free trade visionaries who so badly botched our grain trade relationship with Canada in the past dozen years.

I ask unanimous consent to print the following bill in the RECORD.

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

S. 730

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 "United States-Canada Fair Grain Trade Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) as a result of unfair and incomplete provisions in the United States-Canada Free-Trade Agreement—

(A) Canadian exports of durum wheat, spring wheat, and barley have increased beyond the level such exports can be absorbed into the United States market;

(B) these exports have depressed domestic grain prices, causing severe financial losses to American farmers and increasing the coasts and difficulties of implementing domestic farmer support programs; and

(C) Canadian grain exports continue to increase without bounds, increasing the damage to United States farmers each year;

(2) the Congress approved the United States-Canada Free-Trade Agreement subject to—

(A) the statement in the Statement of Administrative Action that the United States would "pursue consultations with Canada regarding the price setting policy of the CWB (Canadian Wheat Board) as it affects goods exported to the United States....directed toward establishing a method to determine the price at which the CWB is selling agricultural goods to the United States and the CWB's acquisition price for those goods"; and

(B) the provision of the implementing legislation requiring that "the President will enter into immediate consultation with the Government of Canada to obtain the exclusion from the transport rates established under Canada's Western Grain Transportation Act of agricultural goods that originate in Canada and are shipped via east coast ports for consumption in the United States,",

yet to date there has been no progress on these consultations; and

(3) the failure of the United States successfully to pursue the consultations described in subsection (b) led to a flawed binational panel decision that renders meaningless the plain language of Article 701(3) of the United States-Canada Free-Trade Agreement, which states that "Neither Party, including any public entity that it establishes or maintains, shall sell agricultural goods for export to the territory of the other Party at a price below the acquisition price of the goods plus any storage, handling or other cost incurred by it with respect to those goods.".

TITLE I—GRAIN TRADE NEGOTIATIONS

SEC. 101. PRICE TRANSPARENCY.

(a) NEGOTIATIONS.—The President shall immediately pursue negotiations with the Government of Canada to establish a method to determine the price at which the Canadian Wheat Board is selling agricultural goods to the United States and the Board's acquisition price for such goods, as required under the fourth paragraph of chapter 7(B,1,c) of the Statement of Administrative Action accompanying the United States-Canada Free-Trade Agreement Implementation Act of 1988.

(b) ACTION UPON FAILURE.—If, within 120 days after the date of the enactment of this Act, negotiations under subsection (a) fail—

(1) to establish the method of determining prices under subsection (a), or

(2) to establish procedures for obtaining the data necessary to implement such method,

Canada shall be treated as in violation of Article 2101 of the United States-Canada Free-Trade Agreement and all imports of Canadian grain to the United States shall be suspended until the President certifies that successful negotiations under subsection (a) have been completed.

SEC. 102. RAIL TRANSPORTATION SUBSIDY.

(a) NEGOTIATIONS.—The President shall immediately pursue the consultations with the Government of Canada described in section 304(a)(2) of the United States-Canada Free-Trade Agreement Implementation Act of 1988, relating to the exclusion from the transport rates established under Canada's Western Grain Transportation Act of agricultural goods that originate in Canada and are shipped via east coast ports for consumption in the United States.

(b) ACTION UPON FAILURE.—If, within 120 days after the date of the enactment of this Act, negotiations under subsection (a) fail to obtain the exclusion described in subsection (a), all imports of Canadian grain receiving the benefits of the transport rates shall be suspended until the President certifies that successful negotiations under subsection (a) to terminate such benefits have been completed.

SEC. 103. ACQUISITION PRICE OF GRAIN.

(a) NEGOTIATIONS.—The President shall immediately pursue negotiations with the Government of Canada to clarify the meaning of the term "acquisition price" in Article 701(3) of the United States-Canada Free-Trade Agreement (and any other provision accompanying such agreement) so that such term includes—

(1) the value of any transportation subsidy applied to grain entering the United States;

(2) all payments to producers by the Canadian Wheat Board or any government agency; and

(3) any other payments or subsidy incurred by the Canadian Wheat Board, any government agency, or any private interest in the acquisition, handling, storage, and transportation of the grain.

(b) ACTION UPON FAILURE.—If, within 120 days after the date of the enactment of this Act, negotiations under subsection (a) fail to clarify the meaning of the term "acquisition price", all imports of Canadian grain shall be suspended until the President certifies that successful negotiations under subsection (a) have been completed.

SEC. 104. ASSISTANCE IN COUNTERVAILING DUTY CASES.

Each Federal agency (other than the United States International Trade Commission)

shall provide full technical assistance and support to any petitioner in any countervailing duty or antidumping action under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) with respect to the subsidies provided by Canada in connection with the exportation of wheat or barley to the United States.

TITLE II—AGRICULTURAL TRADE PROGRAMS

SEC. 201. USE OF EXPORT ENHANCEMENT PROGRAM TO PROMOTE GRAIN EXPORTS.

Section 301(b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5651(b)) is amended by adding at the end the following new paragraph:

"(9) PROMOTION OF GRAIN EXPORTS.—

"(A) IN GENERAL.—The Secretary shall aggressively use the program established under this section to permit exporters, users, processors, and foreign purchasers of grains produced in the United States to compete effectively with exporters, users, processors, and foreign purchasers of grains produced in Canada, taking into account—

"(i) the transportation subsidies provided by the Government of Canada to promote grain sales to Mexico; and

"(ii) the sale of wheat in all foreign markets by the Canadian Wheat Board at a price that is less than the full acquisition cost for the wheat.

"(B) DURATION.—The requirements of subparagraph (A) shall apply—

"(i) to counteract the transportation subsidies described in subparagraph (A)(i), until an agreement is concluded with the Government of Canada to exclude agricultural goods from transport rates as described in section 304(a)(2) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note); and

"(ii) to counteract the sale of wheat by the Canadian Wheat Board described in subparagraph (A)(ii), until an agreement is concluded with the Government of Canada to ensure the sale of wheat by the Canadian Wheat Board at a price that is no less than the full acquisition cost for the wheat."

SEC. 202. AGRICULTURAL EXPORT PROGRAM PROTECTION.

(a) IN GENERAL.—Title XV of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624) is amended by adding at the end the following new subtitle:

"Subtitle G—Agricultural Export Program Protection

"SEC. 1581. DEFINITIONS.

"As used in this subtitle:

"(1) AGRICULTURAL TRADE PROGRAM.—The term 'agricultural trade program' means an export promotion, export credit, export credit guarantee, export bonus, or other export or international food aid program carried out through, or administered by, the Commodity Credit Corporation, including such a program carried out under—

"(A) the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.)—

"(i) including the export enhancement program established by section 301 of such Act (7 U.S.C. 5651); but

"(ii) excluding the market promotion program established by section 203 of such Act (7 U.S.C. 5623);

"(B) the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.);

"(C) section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431); or

"(D) section 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c).

"(2) COVERED FOREIGN COMMODITY.—The term 'covered foreign commodity' means wheat, feed grains, or soybeans produced in a foreign country that is imported into the customs territory of the United States.

"(3) ENTRY.—The term 'entry' means the entry into, or the withdrawal from warehouse for consumption in, the customs territory of the United States.

"(4) PERSON.—The term 'person' includes an exporter, an assignee, and a participant in an agricultural trade program.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(6) UNITED STATES AGRICULTURAL COMMODITY.—The term 'United States agricultural commodity' has the same meaning given the term in section 102(7) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(7)).

"SEC. 1582. MONITORING OF DOMESTIC USES MADE OF CERTAIN FOREIGN COMMODITIES.

"(a) IN GENERAL.—

"(1) END-USE CERTIFICATE.—An end-use certificate that meets the requirements of subsection (b) shall be included in the documentation covering the entry of any covered foreign commodity.

"(2) QUARTERLY REPORTS.—A consignee of a covered foreign commodity (including a secondary consignee of a covered foreign commodity and a consignee of a covered foreign commodity that has been commingled with a commodity produced in the United States) shall submit to the Secretary a quarterly report that certifies—

"(A) what percentage of the covered foreign commodity that is subject to an end-use certificate was used by the consignee during the quarter; and

"(B)(i) that the covered foreign commodity referred to in paragraph (1) was used by the consignee for the purpose stated in the end-use certificate; or

"(ii) if ownership of the covered foreign commodity is transferred, the name and address and other information, as determined by the Secretary, of the entity (or consignee) to whom it is transferred.

"(b) END-USE CERTIFICATE AND QUARTERLY REPORT CONTENT.—The end-use certificates and quarterly reports required under subsection (a) shall be in such form, and require such information, as the Secretary considers necessary or appropriate to carry out this section. At a minimum, the Secretary shall require that end-use certificates and quarterly reports indicate—

"(1) in the case of the end-use certificate—

"(A) the name and address of the importer of record of the covered foreign commodity that is subject to the certificate;

"(B) the name and address of the consignee of the covered foreign commodity;

"(C) the identification of the country of origin of the covered foreign commodity;

"(D) a description by class and quantity of the covered foreign commodity;

"(E) the specification of the purpose for which the consignee will use the covered foreign commodity; and

"(F) the identification of the transporter of the covered foreign commodity from the port of entry to the processing facility of the consignee; and

"(2) in the case of the quarterly report—

"(A) the information referred to in subparagraphs (A) and (B) of paragraph (1);

"(B) the identification of the end-use certificates currently held by the consignee;

"(C) a statement of the quantity of the covered foreign commodity that is the subject of each of the end-use certificates identified under subparagraph (B) that was used during the quarter;

"(D) a statement of the use made during the quarter by the consignee of each quantity referred to in subparagraph (C);

"(E) a statement of the quantity of the covered foreign commodity that was exported by the consignee during the quarter;

"(F) a statement of the quantity of the covered foreign commodity that was commingled with commodities produced in the United States and the disposition of the commingled commodities; and

"(G) a statement of the quantity of any covered foreign commodity that is transferred to a subsequent consignee, the name and address of the consignee, and the change in end-use.

"(c) SALES PRICE.—The Secretary may require the importer or the first consignee of a covered foreign commodity to report to the Secretary the sales price of a covered foreign commodity that is subject to an end-use certificate issued under this section if the Secretary considers the sales price necessary to facilitate enforcement of United States trade laws and international agreements.

"(d) CONFIDENTIALITY.—In carrying out this section, the Secretary shall take such actions as are necessary to ensure the confidentiality and privacy of purchasers of covered foreign commodities.

"(e) ENTRY PROHIBITED UNLESS END-USE CERTIFICATE PRESENTED.—The Commissioner of Customs may not permit the entry of a covered foreign commodity unless the importer of record presents at the time of entry of the covered foreign commodity an end-use certificate that complies with the applicable requirements of this section.

"(f) PENALTIES.—

"(1) CUSTOMS PENALTIES.—End-use certificates required under this section shall be treated as any other customs documentation for purposes of applying the customs laws that prohibit the entry, or the attempt to enter, merchandise by fraud, gross negligence, or negligence.

"(2) CIVIL PENALTIES.—Any person who knowingly violates any requirement prescribed by the Secretary to carry out this section is punishable by a civil penalty in an amount not to exceed $10,000.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section, including regulations regarding the preparation and submission of the quarterly reports required under subsection (a)(2).

"SEC. 1583. COMPLIANCE PROVISIONS.

"Subsections (b) and (c) of section 402 of the Agricultural Trade Act of 1978 (7 U.S.C. 5662) shall apply to the programs authorized under this subtitle.

"SEC. 1584. SUSPENSION OR DEBARMENT FOR USE OF FOREIGN AGRICULTURAL COMMODITIES IN CERTAIN AGRICULTURAL TRADE PROGRAMS.

"(a) HEARING.—The Commodity Credit Corporation shall provide a person with an opportunity for a hearing before suspending or debarring the person from participation in an agricultural trade program for using a foreign agricultural commodity in violation of the terms and conditions of the program.

"(b) WAIVER.—

"(1) IN GENERAL.—The Commodity Credit Corporation may waive the suspension or debarment of a person from participation in an agricultural trade program for using a foreign agricultural commodity in violation of the terms and conditions of the program if the person demonstrates, to the satisfaction of the Corporation, that—

"(A) the use of the foreign agricultural commodity was unintentional; and

"(B) the quantity of the foreign agricultural commodity used was less than 1 percent of the total quantity of the commodity involved in the transaction.

"(2) OTHER PENALTIES.—Any waiver by the Commodity Credit Corporation of a suspension or debarment of a person under paragraph (1) shall not affect the liability of the person for any other penalty imposed under an agricultural trade program for the quantity of the foreign agricultural commodity involved."

(b) EFFECTIVE DATE.—This section and the amendment made by this section shall become effective 120 days after the date of enactment of this Act.

By Mr. PRESSLER:

S. 731. A bill to assist rural rail infrastructure, and for other purposes; to the Committee on Commerce, Science, and Transportation.

RURAL RAIL INFRASTRUCTURE ACT OF 1993

• Mr. PRESSLER. Mr. President, today I am introducing the Rural Rail Infrastructure Act of 1993. On February 4, 1993, I spoke on the Senate floor about the need for a revitalized national policy to ensure that rural America is connected by an essential rail transportation network. I am pleased today to propose such a national policy.

Yesterday, the Senate engaged in a spirited debate over an amendment that would eliminate $188 million for Amtrak from the Senate economic stimulus package. My home State of South Dakota does not receive Amtrak passenger service. South Dakota does not utilize high speed rail. So I found yesterday's debate and the so-called stimulus bill very symbolic: Both demonstrate that some areas of our Nation are being left behind in the debate over transportation infrastructure investment. Specifically, the maintenance of an essential rail network to bind together all areas of our Nation has not been addressed satisfactorily.

During the 1970's and 1980's, the large, prominent railroads abandoned thousands of miles of rail lines throughout the United States. Much of our former rail infrastructure has been abandoned. Fortunately, many independent regional and shortline railroads have filled the gap, keeping many essential rail lines in service. An excellent example in my home State of South Dakota is the Dakota, Minnesota, and Eastern Railroad which operates across South Dakota into Minnesota on lines, which had been subject to abandonment attempts.

Despite the remarkable efforts by such regional and shortline entrepreneurs to keep alive our Nation's secondary rail lines, the demand for capital investment to maintain these lines far outpaces supply. This situation keeps far too many rural communities on the brink of losing their rail service or having inadequate service due to unsound track conditions. Unfortunately, the Federal commitment to maintaining necessary rail lifelines has diminished almost to a point of nonexistence. Just as President Abraham Lincoln envisioned a transcontinental railroad to bind East and West, I envision a rail system which ensures that no State or Region of our nation is cut off and left behind in the economy of the 21st century.

The Rural Rail Infrastructure Act provides a blueprint for rebuilding our Nation's rail network into the next century. My bill improves and reinvigorates several mechanisms specifically intended to address the capital investment needs of our secondary rail system. It authorizes $100 million for the next 4 years for the Local Rail Freight Assistance Program [LRFA]. This Federal assistance program targets badly needed capital improvement funds to secondary rail lines. It contains significant requirements for non-Federal matching funds to ensure local commitment and support. Interestingly, an earlier version of LRFA was created in the 1970's, but it barely survives today. For the current Federal fiscal year, the Government funded it at only $8 million for the entire country. My bill would support further LRFA rail capital investments by targeting projects which enhance safety, including bridge repair.

The bill I am introducing today also substantially reforms and brings to life Federal loan guarantees for secondary rail lines. Opening up access to private bank capital is something which can be done without undue difficulty or cost to taxpayers and is a logical public-private partnership approach. As with LRFA, Congress has tried in the past to set up a system of workable federally guaranteed loans, but it has been strangled by needless complexity and red tape in the bureaucratic process. My bill would streamline the process for a qualified railroad to obtain a loan guarantee. It would make the process more workable, while minimizing risk to the Federal collateralization of a loan.

Mr. President, in summary, the Rural Rail Infrastructure Act provides targeted infrastructure investment to areas that need it most. This bill is only a starting point. I look forward to working with my colleagues and obtaining their ideas for expanding and improving this legislation. The rail transportation needs for rural America are too important to ignore any longer.

Mr. President, I ask that a copy of the bill be printed in the RECORD immediately following my remarks.

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

S. 731

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 "Rural Rail Infrastructure Act of 1993".

SEC. 2. LOCAL RAIL FREIGHT ASSISTANCE; AUTHORIZATION OF APPROPRIATIONS.

Section 5(q) of the Department of Transportation Act (49 U.S.C. App. 1654(q)) is amended to read as follows—

"(q) There are authorized to be appropriated to the Secretary for the purposes of this section not to exceed $100,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995, $100,000,000 fiscal year 1996, and $100,000,000 for fiscal year 1997. Such sums as are appropriated are authorized to remain available until expended.".

SEC. 3. LOCAL RAIL FREIGHT ASSISTANCE; PRIORITY OF PROJECTS.

Section 5 of the Department of Transportation Act (49 U.S.C. App. 1654) is amended by adding at the end thereof the following new subsection:

"(r) In addition to the other criteria imposed under this section, when considering applications for rail freight assistance under subsection (b), the Secretary shall give priority to projects which enhance safety, including projects which improve, rehabilitate, or reconstruct bridges.".

SEC. 4. RAILROAD LOAN GUARANTEES; ANNUAL OBLIGATIONS AUTHORIZED.

Section 511(e) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(e)) is amended by adding at the end thereof the following: "For projects of the type described in paragraph (1) or (2) of subsection (a) of this section: (1) for any one fiscal year, there is authorized to be appropriated sufficient credit authority to allow an amount not to exceed $500,000,000 of principal obligations; and (2) not less than $500,000,000 of the aggregate unpaid principal amounts of obligations which may be guaranteed by the Secretary under this section at any one time shall be for such projects.".

SEC. 5. RAILROAD LOAN GUARANTEES; MINIMUM REPAYMENT PERIOD AND PREPAYMENT PENALTIES.

Section 511(g)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g)(2)) is amended to read as follows:

"(2) payment of the obligation is required by its terms to be made not less than 15 years nor more than 25 years from the date of its execution, with no penalty imposed for prepayment after 5 years;".

SEC. 6. RAILROAD LOAN GUARANTEES; MAXIMUM RATE OF INTEREST.

Section 511(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(f)) is amended by striking "shall not exceed an annual percentage rate which the Secretary determines to be reasonable, taking into consideration the prevailing interest rates for similar obligations in the private market" and inserting in lieu thereof "shall not exceed the annual percentage rate charged for a comparable term by the Federal Financing Bank".

SEC. 7. RAILROAD LOAN GUARANTEES; DETERMINATION OF REPAYABILITY.

Section 511(g)(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g)(5)) is amended to read as follows:

"(5) either the loan can reasonably be repaid by the applicant or that the loan is collateralized at current value of assets to provide reasonable protection to the United States.".

SEC. 8. RAILROAD LOAN GUARANTEES; RIGHTS OF SECRETARY.

Section 511(i) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(i)) is amended by inserting at the end the following new paragraph:

"(4) The Secretary shall not require, as a condition for guarantee of an obligation, that all preexisting secured obligations of an obligor be subordinated to the rights of the Secretary in the event of a default, but the Secretary may condition guarantee of an obligation upon being in pari passu with such other obligations.".•

By Mr. KENNEDY (for himself, Mr. RIEGLE, Mr. SIMON, Mr. WELLSTONE, Mr. METZENBAUM, and Ms. MIKULSKI):

S. 732. A bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes; to the Committee on Labor and Human Resources.

COMPREHENSIVE CHILD IMMUNIZATION ACT OF 1993

Mr. KENNEDY. Mr. President, today, on behalf of the Clinton administration, I am introducing the Comprehensive Child Immunization Act of 1993. President Clinton has proposed this initiative as an essential and long overdue investment in childhood health. This legislation, along with a companion bill that I am pleased to cosponsor with Senator RIEGLE, will put us on the road to ensuring that our children, our families, and our health care system will not be unnecessarily burdened with diseases that can and should be prevented.

America's children are symbols of both the successes and failures of our society. They are our future and our legacy, yet we continue to fall short of our obligation to meet their needs. It is time to halt this pattern, and live up to our past promises to protect their health and safety. Nowhere is this duty clearer than in preventing suffering and death due to preventable childhood diseases. Full and timely immunizations for all children is a commitment we must keep.

Investing in childhood immunizations is a cost effective and necessary downpayment on children's health. It is one of the most basic and best known public health measures in modern medicine. It gives us the tools to prevent illness and save lives. We know that for every dollar invested in immunizations, $10 are saved in later medical costs. For the measles-mumps-rubella vaccine, $14 are saved for each dollar spent. These are the simple facts. If we continue to ignore them, we will be selling our children, and the Nation's future, short.

As recently as 2 years ago, we saw the heavy toll taken by a major measles epidemic that affected 55,000 children; over 130 children lost their lives. Countless others have disabilities that will persist throughout their lives. The economic cost of this was about $200 million, but the human cost was far higher and more devastating. This is both a national tragedy, and a national disgrace.

There is no excuse for the falling immunization rates that exist for young children. We have the solution right at our fingertips.

The Centers for Disease Control estimates that only 40 to 50 percent of 2-year-old children in the country are properly immunized, and the rates are as low as 10 percent in some areas. Only two countries in the Western Hemisphere have poorer rates. This is inexcusable for a nation with our resources.

This legislation proposes a broad reform of the way we approach childhood immunizations. The time is past for piecemeal solutions; doing business as usual is costing children's lives.

This act will establish immunization registries throughout the Nation, giving States the resources and assistance to track the immunization needs of children. Currently we have no means to assess progress on immunization. This tracking system will solve that problem. It will identify who is and who is not getting necessary vaccinations. It will also be easy for parents to learn what immunizations their children need. Immunization registries are vital tools for public health officials, because education and outreach efforts can be targeted to communities where they are most needed.

This act also provides critical resources to strengthen the public health infrastructure used in the delivery of immunization services. In too many neighborhoods, public health clinics have a skeleton staff, and hours for immunization are limited. Lines are often long, with parents waiting hours to get their child vaccinated. Local health departments and public clinics need help. This legislation addresses these practical needs. It supports new staff and community outreach workers, and will help keep the doors open during hours more convenient to families.

The bill also supports outreach and information services to parents, so that they can learn the value and importance of immunizations.

This legislation also provides that all recommended childhood vaccines will be covered by the Vaccine Injury Compensation Program. This is vital to reducing concerns about liability among providers and manufacturers, and assuring that children will have fair remedies for negative reactions to vaccines.

The bill to be introduced today by Senator RIEGLE, of which I am a cosponsor, ensures that price need never be a barrier for children. Vaccines will be federally purchased and made available to all providers of immunizations free of charge. The savings achieved will far outweigh the costs of this program. Immunizations should be a basic benefit under national health care reform. Until that day comes, no child should be turned away because of inability to pay.

Often in Congress, we face challenges where the situation is unclear.

We spend months and years hearing testimony and reports about the best means to meet such challenges. With immunizations, the problem is clear and the answer is at hand.

The Nation is fortunate to have a President who believes in investing in children's health, and who is willing to commit the resources and expertise of the Public Health Service to meeting the Nation's goal of a 90 percent immunization rate by the year 2000. We know how to achieve that goal, and this legislation will help us meet it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 732

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

SECTION 1. SHORT TITLE AND REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Child Immunization Act of 1993".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—

(1) CURRENT CIRCUMSTANCES.—Congress finds the following:

(A) Immunizations are among the most cost-effective means of preventing disease.

(B) Although Federal support for childhood immunizations has been in existence since 1962, the full potential of immunizations remains to be achieved. Enactment and enforcement of school immunization requirements have resulted in excellent immunization levels (96 percent or greater) in school children. However, approximately 80 percent of vaccine doses should be received before the second birthday in order to protect children during their most vulnerable periods. Many children do not receive their basic immunizations by that time, and in some inner cities as few as 10 percent of 2-year-olds have received a complete series. This low level of immunizations has been reflected in recent years by outbreaks of measles among inadequately immunized preschool children.

(C) The immunization services delivery infrastructure to immunize children is both public and private. There is considerable evidence to suggest that the private infrastructure has been eroded over the past decade as a result of the significantly increased cost of privately purchased vaccines.

(D) Prices for privately purchased vaccines exceed the prices paid for like vaccines in some other industrialized nations by over 2500 percent.

(E) High vaccine costs, coupled with the growing number of uninsured and underinsured families, has resulted in private physicians increasingly referring their private-pay patients to overburdened public clinics for vaccinations.

(F) Eleven States now have programs that provide vaccines without charge to both public and private health care providers. Other States that have sought to establish such

programs have been denied additional discounted vaccines by manufacturers.

(G) There is no evidence to suggest that a negotiated price that takes into account the reasonable cost of production, marketing, research and development, and distribution will not fairly compensate vaccine manufacturers. Indeed, a recent report by the Congressional Office of Technology Assessment supports the proposition that negotiated rates can assure fair compensation while holding down costs.

(H) The secretary of Health and Human Services has experience negotiating vaccine purchase through the Federal contract system.

(I) The National Vaccine Injury Compensation Program is an essential element in a comprehensive immunization program and should be strengthened and applied to additional vaccines recommended for universal use in children.

(2) NEEDED ACTIONS.—With respect to actions necessary to ensure the full immunization of children at the earliest possible age, Congress finds the following:

(A) The Federal Government should purchase and provide free of charge to health care providers vaccines recommended for universal use in children. This action will not only remove financial barriers to immunization that impede children from being vaccinated at the appropriate time, but will also facilitate the development of an immunization tracking system.

(B) The Federal Government and the States should develop linked registries to track the immunization status of the Nation's children. The registry system should have the capability to notify parents of inadequately immunized children of the need to protect their children with specific vaccines.

(C) The coordinated national information and education outreach initiative operated through the Department of Health and Human Services should be sustained to bring needed information to parents and health care providers and focus their attention on the importance of achieving the full and timely immunization of children at the earliest appropriate age.

(D) Private and public health insurers should be encouraged to provide adequate reimbursement for the administration of childhood vaccines.

(E) Volunteer community activities to promote the full immunization of children at the earliest appropriate age should be encouraged.

(F) The National Vaccine Injury Compensation Program should be extended and improved. Vaccine information materials should be simplified to ensure that parents can understand the benefits and risks of vaccines.

(b) PURPOSE.—It is the purpose of this Act to ensure that all children in the United States are fully immunized against vaccine preventable infectious diseases at the earliest appropriate age.

SEC. 3. NATIONAL IMMUNIZATION TRACKING SYSTEM.

(a) IN GENERAL.—Title XXI of the Public Health Service Act (42 U.S.C. 300aa-1 et seq.) is amended by adding at the end thereof the following new subtitle:

"Subtitle 3—Improved Immunization and National Tracking System

"SEC. 2141. RECOMMENDED CHILDHOOD VACCINES.

"Not later than October 1, 1994, (and periodically thereafter as the Secretary determines appropriate in view of advances in scientific understanding in the areas of immunization and disease control) the Secretary shall promulgate a list of vaccines that provide immunization against naturally occurring infectious diseases and are recommended for universal use in children. The Secretary shall concurrently promulgate recommendations regarding the appropriate dosage for each such vaccine, and the age or ages of children at which each vaccine should be administered.

"SEC. 2142. TRACKING OF CHILDHOOD IMMUNIZATIONS.

"(a) NATIONAL TRACKING SYSTEM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a national system to track the immunization status of children.

"(2) SYSTEM DESIGN.—The system established under paragraph (1) shall be designed to—

"(A) provide accurate and up to date surveillance data regarding immunization rates at the local and State levels;

"(B) assist in identifying localities with inadequate immunization rates to target for necessary remedial actions;

"(C) be used to identify unvaccinated children and trigger a notification system for the parents or legal guardians and health care providers of such children;

"(D) be used to assist in the effective administration and management of immunization programs at State and local levels by providing data to guide immunization program efforts;

"(E) assist States and localities in tracking the immunization status of children who move across geographic boundaries that are covered by different State or local registries; and

"(F) monitor the safety and effectiveness of vaccines by linking vaccine dosage information with adverse events reporting under section 2125(b) and disease outbreak patterns.

"(3) NOTIFICATION OF PARENTS.—The Secretary is authorized, in the case of inadequately immunized children in States not receiving grants under subsection (b), to notify the parents or guardians of those children receiving services through paragraphs (1), (2) or (3) of section 2143(a) of the need to protect their children with specific vaccine.

"(b) STATE REGISTRY GRANTS.—

"(1) IN GENERAL.—The Secretary may award grants to States to enable such States to establish and operate State immunization tracking registries. A State receiving a grant under this section shall maintain a registry that includes the following information for each child living within the State:

"(A) The type and lot number of each recommended childhood vaccine administered after September 30, 1996.

"(B) An identification of the health care provider administering such vaccine.

"(C) The address and other demographic data needed to find the child.

"(D) Notations of any adverse events associated with each immunization.

"(E) Special religious considerations or medical conditions that are contraindications for immunizations.

"(F) Such other information as the Secretary may prescribe.

"(2) GRANT CONDITIONS.—A State, as a condition of receiving a grant under this subsection, shall comply with the following requirements:

"(A) The State registry shall provide for entry of the birth of each infant within the state within six weeks following the birth, and for timely entry thereafter of all information received from health care providers pursuant to section 2143(b)(2) or section 2125(b).

"(B) Subject to subsection (c), the State shall provide for the sharing of appropriate information from the State's registry, including immunization status and reports of adverse reactions, with health care providers who offer immunizations for the purpose of achieving the full immunization of all children in accordance with the recommendations of the Secretary under section 2141.

"(C) The State shall provide for notification to the parents or guardian of an inadequately immunized child of the need to protect the child with specific vaccine, except as provided in paragraph (1)(E).

"(D) Subject to subsection (c), the State shall provide for the coordination and exchange of information with other State registries to allow the tracking of the immunization status of children changing State of residence.

"(E) The State shall periodically furnish to the Secretary, at such times and in such form as the Secretary may prescribe, information contained in the State registry.

"(F) In designing its registry, the State shall adhere to tracking models and systems specifications prescribed by the Secretary for the purpose of ensuring the mutual compatibility of the data systems and electronic information technology utilized by the Secretary and the various States in carrying out activities under this subtitle.

"(G) The State shall monitor and enforce compliance by health care providers with the requirements of section 2143(b). The State shall establish procedures satisfactory to the Secretary for terminating from participation in the recommended childhood vaccine distribution program any health care provider who fails to comply with the requirements of section 2143(b)(1) and for reinstating such provider to program participation upon receiving from such provider—

"(i) the reports necessary to make current and complete the information that would have been furnished to the State registry between the dates of the provider's termination and reinstatement; and

"(ii) satisfactory assurances regarding the provider's future compliance.

"(H) If a State distributes recommended childhood vaccines within the State on behalf of the Secretary pursuant to section 2143(a), the State shall compile data, including lot numbers, on the vaccines distributed to each health care provider and shall furnish such data to the Secretary in such form and at such intervals as the Secretary may prescribe.

"(3) APPLICATIONS.—A State shall prepare and submit to the Secretary an application for a grant under subsection (b) in such form and containing such information as the Secretary may prescribe. The application shall include—

"(A) a description of the methods by which the State will comply with the requirements of paragraph (2);

"(B) the assurances required by paragraph (4); and

"(C) a description of the expenses that the State will incur in connection with its responsibilities under the grant.

"(4) ASSURANCES.—A State submitting an application for a grant under this section shall provide assurances satisfactory to the Secretary that—

"(A) the State's tracking registry will be fully operational not later than October 1, 1996;

"(B) the State's tracking registry will adhere to any tracking models and systems specifications prescribed by the Secretary pursuant to paragraph (2)(F); and

"(C) as appropriate, the State is making satisfactory and timely progress toward achieving the conditions described in subparagraphs (A) and (B).

"(5) ALLOWABLE USES OF GRANT FUNDS.—A State may use amounts from a grant awarded under this subsection for reasonable costs associated with the development and operation of its registry, including computer needs, technical assistance and training, education of health care providers, personnel costs, travel expenses, and other appropriate activities.

"(6) STATE REPORTS TO THE SECRETARY.—A State shall prepare and submit annual reports to the Secretary concerning the operation of the State's registry and other activities under this subtitle. Such reports shall be in such form, contain such information, and be submitted at such intervals as the Secretary may prescribe.

"(c) USE AND DISCLOSURE OF PERSONAL INFORMATION.—

"(1) GENERAL RULE.—No personally-identifiable information relating to a child who receives recommended childhood vaccine under this subtitle or to the parent or guardian of such a child that is collected or maintained by the National Tracking System established under subsection (a), or a State immunization tracking registry established under subsection (b), may be used or disclosed by any holder of such information except as permitted by this subsection.

"(2) GENERAL PERMISSIBLE USES.—Information described in paragraph (1) may be used or disclosed, without the consent of the individual to whom it refers, or of the parent or guardian of such individual, for—

"(A) the tracking of children's immunization status, and other purposes directly related to the health of the children being tracked and of their families;

"(B) oversight, audit, and evaluation of the immunization delivery and tracking activities, and the enforcement of the provisions of this title;

"(C) activities relating to establishing and maintaining a safe and effective supply of recommended childhood vaccine (including activities to carry out part C of subtitle 2);

"(D) processing of insurance claims for payment for vaccine administration (but only to the extent necessary to process a claim); or

"(E) administration of the National Vaccine Injury Compensation Program under subtitle 2.

"(3) PERMISSIBLE USE WITH WRITTEN AUTHORIZATION.—Information described in paragraph (1) may be used or disclosed with the written authorization of the individual to whom it refers, or the parent or guardian of such individual, and must, upon the request of such individual, or parent or guardian, be provided in writing to the individual.

"(4) REGULATIONS.—The Secretary is authorized to issue regulations—

"(A) governing the use, maintenance, and disclosure, by any holder of information described in paragraph (1), including appropriate administrative, technical and physical safeguards to ensure that only authorized persons have access to the information; and

"(B) establishing conditions for access by individuals, and their parents or guardians, to such information about themselves.

"(5) VIOLATIONS.—Any person who knowingly—

"(A) uses or discloses information in violation of this subsection; or

"(B) requests or obtains any information in violation of this subsection, and offers or provides anything of value in exchange for the provision of the information;

shall be fined as prescribed by title 18, United States Code, or imprisoned not more than 3 years, or both.

"(d) AUTHORITY TO USE SOCIAL SECURITY NUMBERS.—

"(1) IN GENERAL.—Notwithstanding section 205 of the Social Security Act or any other provision of law, the Secretary and States receiving grants under subsection (b) may utilize the social security number, or other means of identification, of a child or of a parent or guardian of the child for purposes of identification of a child in any registry established under this section, and may require a child's parent or guardian to furnish such number (in any case where such a number has been assigned by the Social Security Administration) as a condition of the child receiving recommended childhood vaccine under this subtitle.

"(2) AUTHORITY TO REDISCLOSE.—Notwithstanding section 205(c)(2)(C)(vii)(I) of the Social Security Act, a social security number obtained in connection with activities under this subtitle may be redisclosed if such redisclosure is otherwise in accordance with subsection (c) of this section.

"(e) REPORTS BY SECRETARY TO THE CONGRESS.—Not later than January 1, 1995, and biennially thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the planning, development and operation of the national tracking system and the State registries.

"SEC. 2143. DISTRIBUTION OF VACCINES.

"(a) IN GENERAL.—The Secretary shall provide for the distribution without charge of recommended childhood vaccines purchased by the Secretary under the Social Security Act to health care providers who serve children and who—

"(1) are members of a uniformed service, or are officers or employees of the United States;

"(2) are health centers (as defined in section 2144(2));

"(3) provide services under section 503 of the Indian Health Care Improvement Act or pursuant to a contract under section 102 of the Indian Self Determination Act; or

"(4) are located in a State receiving a grant under section 2142(b).

The Secretary may provide for such distribution through any State that receives a grant under section 2142(b).

"(b) DUTIES OF HEALTH CARE PROVIDERS.—

"(1) FREE PROVISION TO CHILDREN.—A health care provider receiving vaccine under this section may use such vaccine only for administration to children and may not impose a charge for such vaccine. A provider may impose a fee for the administration of such vaccine, except that a provider may not deny a child a vaccination due to the inability of the child's parent or guardian to pay an administration fee.

"(2) REPORTING REQUIREMENTS.—A health care provider receiving vaccine under this section shall report to the applicable State registry operated pursuant to a grant under section 2142(b) (or to the Secretary if there is no such State registry) the data described in section 2142(b)(1) for each dose of vaccine administered to a child. The provider shall additionally report to such State registry any occurrence reported to the Secretary pursuant to section 2125(b). The provider shall also provide regular and periodic estimates to the State of the provider's future dosage needs for recommended childhood vaccine distributed under this section. All reports shall be made with such frequency and in such detail as the Secretary may prescribe.

"SEC. 2144. DEFINITIONS.

"For purposes of this subtitle—

"(1) HEALTH CENTER.—The term 'health center' means—

"(A) a federally-qualified health center, as defined in section 1905(l)(2) of the Social Security Act; or

"(B) a public or nonprofit private entity receiving Federal funds under—

"(i) section 340A (relating to grants for health services for residents of public housing); or

"(ii) section 501(a)(2) of the Social Security Act (relating to special projects of regional and national significance).

"(2) RECOMMENDED CHILDHOOD VACCINE.—The term 'recommended childhood vaccine' is a vaccine on the list promulgated by the Secretary pursuant to section 2141.

"SEC. 2145. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of awarding grants under section 2142 and for the operation of the tracking system authorized by such section, there are authorized to be appropriated $152,000,000 for fiscal year 1995, $125,000,000 for fiscal year 1996, and $35,000,000 for each of fiscal years 1997 through 1999.".

SEC. 4. GRANTS FOR IMMUNIZATION.

Section 317(j)(1) (42 U.S.C. 247b(j)(1)) is amended by adding at the end thereof the following new subparagraph:

"(C)(i) Funds that are made available for the purpose of strengthening the public health infrastructure and used in the delivery of childhood immunization services shall be used for activities that are consistent with a strategic plan that meets nationally established immunization goals and that was developed by the State in consultation with representatives of health care providers, health centers (as defined in clause (iii)), State agencies serving young children, and other entities involved in the prevention and control of vaccine-preventable illnesses.

"(ii) For purposes of clause (i), activities designed to strengthen the public health infrastructure and used in the delivery of childhood immunization services shall include public and provider education, community outreach initiatives, improvements in the capacity of health centers and local health departments to provide immunization services (including expansion of the number of hours in which such services are provided), and activities to facilitate the development and operation of State immunization tracking registries.

"(iii) For purposes of this paragraph, the term 'health center' means a public or nonprofit private entity receiving Federal funds under—

"(I) section 329 (relating to grants for migrant health centers);

"(II) section 330 (relating to grants for community health centers);

"(III) section 340 (relating to grants for health services for the homeless); or

"(IV) section 340A (relating to grants for health services for residents of public housing).".

SEC. 5. NATIONAL VACCINE INJURY COMPENSATION PROGRAM AMENDMENTS.

(a) AMENDMENT OF VACCINE INJURY TABLE.—

(1) ADDITION OF VACCINES.—Section 2114 (42 U.S.C. 300aa-14) is amended by adding at the end thereof the following new subsection:

"(f) ADDITION OF VACCINES TO TABLE.—The Vaccine Injury Table in subsection (a) shall also include any recommended childhood vaccine included in the list promulgated by the Secretary under section 2141. The Secretary may modify the Table with respect to

any vaccine added by operation of the preceding sentence only in accordance with subsection (c). For purposes of section 2116(b), the addition of a vaccine to the Table by operation of this subsection shall constitute a revision of this Table.".

(2) LIMITATION OF ACTIONS.—Section 2116(b) (42 U.S.C. 300aa-16(b)) is amended by striking "such person may file" and inserting "or to significantly increase the likelihood of obtaining compensation, such person may, notwithstanding section 2111(b)(2), file".

(b) EXTENSION OF TIME FOR DECISION.—Section 2112(d)(3)(D) (42 U.S.C. 300aa-12(d)(3)(D)) is amended by striking "540 days" and inserting "30 months (but for not more than 6 months at a time)".

(c) SIMPLIFICATION OF VACCINE INFORMATION MATERIALS.—

(1) INFORMATION.—Section 2126(b) (42 U.S.C. 300aa-26(b)) is amended—

(A) by striking "by rule" in the matter preceding paragraph (1);

(B) in paragraph (1), by striking ", opportunity for a public hearing, and 90" and inserting "and 30"; and

(C) in paragraph (2), by striking ", appropriate health care providers and parent organizations".

(2) REQUIREMENTS.—Section 2126(c) (42 U.S.C. 300aa-26(c)) is amended—

(A) in the matter preceding paragraph (1), by inserting "shall be based on available data and information," after "such materials"; and

(B) by striking out paragraphs (1) through (10) and inserting in lieu thereof the following new paragraphs:

"(1) a concise description of the benefits of the vaccine;

"(2) a concise description of the risks associated with the vaccine; and

"(3) a statement of the availability of the National Vaccine Injury Compensation Program.".

(3) OTHER INDIVIDUALS.—Subsections (a) and (d) of section 2126 (42 U.S.C. 300aa-26 (a) and (d)) are amended by inserting "or to any other individual" immediately after "to the legal representative of any child" each place that such occurs.

(4) PROVIDER DUTIES.—Subsection (d) of section 2126 (42 U.S.C. 300aa-26(d)) is amended—

(A) by striking all after "subsection (a)," the second place it appears in the first sentence and inserting "supplemented with visual presentations or oral explanations, in appropriate cases."; and

(B) by striking "or other information" in the last sentence.

STATEMENT OF SUPPORT FOR THE COMPREHENSIVE CHILD IMMUNIZATION ACT OF 1993

We, the undersigned organizations, applaud President Clinton's initiative to protect all of America's children against preventable diseases. It is unacceptable that almost half of our nation's preschoolers are not fully immunized. The nation's shameful immunization record is a testament to the need for comprehensive health care reform to guarantee comprehensive health care coverage for all Americans. This legislation is an important step towards that goal.

The President's initiative will guarantee that no child will go unimmunized because his or her family cannot afford the shot. It is unacceptable that forty percent of American preschoolers are not fully immunized when each dollar invested in immunizations saves our society more than $10 in health care costs by preventing disease and disability. This legislation will also create a national immunization registry to follow the vaccination status of individual children. The registry will provide reminder notices to families for their children's shots and identify communities with low coverage rates for outreach and public education. The Act will also improve Medicaid coverage of immunizations for low-income children, and reauthorize the National Vaccine Injury Compensation Program.

American Academy of Family Physicians.

American Association of University Affiliated Programs for Persons with Developmental Disabilities.

American College of Nurse-Midwives.

American Federation of State, County, and Municipal Employees, AFL–CIO.

American Federation of Teachers, AFL–CIO.

American Hospital Association.

American Public Health Association.

American School Health Association.

The ARC (formerly the Association of Retarded Citizens).

Association of Maternal and Child Health Programs.

Association of State and Territorial Health Officers.

Child Welfare League of America.

Children's Health Fund.

March of Dimes Birth Defects Foundation.

National Association for the Education of Young Children.

National Association of Children's Hospitals and Related Institutions.

National Association of Developmental Disabilities Councils.

National Association of WIC Directors.

National Black Nurses Association.

National Easter Seal Society.

National Indian Education Association.

National PTA.

The Children's Defense Fund.

United Cerebral Palsy Association.

The Vaccine Project.

Zero to Three/National Center for Clinical Infant Programs.

Every Child by Two.

By Mr. RIEGLE (for himself, Mr. KENNEDY, Mr. METZENBAUM, Mr. WELLSTONE, and Ms. MIKULSKI):

S. 733. A bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

COMPREHENSIVE CHILD HEALTH IMMUNIZATION ACT OF 1993

Mr. RIEGLE. Mr. President, I rise today to introduce with my distinguished colleague Senator KENNEDY and others, the Comprehensive Child Health Immunization Act of 1993, S. 733. This legislation will address the problems that have prevented so many of our Nation's young children from receiving immunizations on time. I am also the primary cosponsor of companion immunization legislation introduced by Senator KENNEDY. Senator KENNEDY and I are introducing separate bills that together will make sure all children are fully immunized. These bills represent the collective efforts of the Clinton administration, Senator KENNEDY and myself. I urge my colleagues to support this legislative initiative.

As one who has been working for many years to improve our Nation's immunization rates, I was very pleased when earlier this year, President Clinton took a first step toward this goal by allocating $300 million in the economic stimulus package for improving immunization efforts including funds to States and localities for outreach, more clinics and staffing, and better immunization records. The President's initiative, together with the legislation that Senator KENNEDY and I are introducing today, will provide a comprehensive strategy to ensure all children receive timely immunizations. I chair the Finance Subcommittee on Health for Families and the Uninsured and will be leading the effort to move this legislation through the Finance Committee.

HISTORY OF FEDERAL EFFORTS

Mr. President, many believe that the measles outbreak in the late eighties was due, in part, to the lack of Federal financial support. Federal funding for immunizations was only $31 million in 1981, and stayed under $100 million until 1989. During this time, the Reagan administration relied on local communities to make the financial investment needed to provide immunizations to young children.

Congress has since acted to increase funding to almost $300 million in 1992. Last year, we were successful in allocating an additional $45 million for this fiscal year. This funding will go to implement action plans developed by each State and several urban areas, including Michigan and Detroit, for innovative ways to increase immunizations through public and private sector cooperation and coordination.

Michigan and Detroit received a total of $1.6 million from the Centers for Disease Control last year, based on their action plans which I supported. By June of this year, the Michigan and Detroit plans will receive more funding through the additional $45 million provided for immunizations in fiscal year 1993.

To increase the number of young children who receive much-needed vaccinations, I introduced the first comprehensive immunization bill last Congress. The Comprehensive Child Health Immunization Act from last Congress put in place a strategy within existing public health and social service programs to capitalize on opportunities to immunize children when they interact with public programs. The legislation also proposed to improve outreach efforts, reduce administrative barriers to immunizations, and eliminate financial disincentives for private providers to immunize children in their own offices.

In June 1992, I held a hearing in the Finance Subcommittee on Health for Families and the Uninsured on S. 2116, to review the many difficulties involved in improving vaccinations. Many of the suggestions and ideas developed in that hearing are reflected in the bills being introduced today.

Ideally, Mr. President, children should receive immunizations as part

of a comprehensive, preventive health care program. Declining immunization rates reflect a larger problem of the lack of access to basic health services for too many children. Ultimately, we need to guarantee access to comprehensive health care services for all Americans. I introduced, with my colleagues in the 102d Congress, a national health care reform bill, HealthAmerica, S. 1227, that would provide health insurance for all Americans. I am encouraged that President Clinton has made national health care reform one of his administration's highest priorities and I am working with the new administration to bring affordable health care to all Americans. We are introducing this legislation today because improvements in the childhood vaccine delivery system cannot wait until we enact national health care reform.

BACKGROUND OF PROBLEM

Although most children are fully immunized by the time they begin school, there is evidence that many younger children are not appropriately immunized. In 1979, the United States reached the goal of getting 90 percent of school-age children immunized against common preventable diseases. In the past few years, however, we have seen a dramatic rise in the number of toddlers getting sick—even dying—from entirely preventable diseases. In 1991, more± than 25,000 kids got the measles—a two thirds increase from the year before. In Michigan, measles cases jumped from a record low of 31 in 1988, to 359 in 1989, only to be exceeded again in 1990, with 478 cases—the highest since 1979—and one death. Nationally, nearly 4,500 mumps cases and 3,700 whooping cough cases also developed. In Michigan whooping cough cases almost doubled between 1989 and 1990.

Our immunization rates for young children are worse than those in Third World countries. The United States, with only 48 percent of its 1-year-olds fully immunized, ranks 103d among 130 nations of all levels of development. Countries such as Cuba, 93 percent, Bulgaria, 99 percent, and Honduras, 76 percent, all have better immunization rates of their 1-year-olds than the United States. By the time many American children reach their second birthday they are still behind schedule: Only about half of them receive their full series of recommended vaccinations by age 2. In 1992, only two-thirds of Michigan's children received their full set of immunizations by their second birthday, and in urban Detroit only one-third of the 2-year-olds were fully vaccinated.

VACCINE COSTS POSE BARRIERS

Cost remains a formidable barrier to many of the parents of children who need immunizations. Both physicians and parents are sensitive to the cost of vaccines. Immunizations are generally not covered by private health insurance and are usually paid for out-of-pocket. Increasingly, physicians, to save their patients money, are referring patients with children to public clinics where there are no vaccine costs to the parent and administration fees are significantly lower.

Unfortunately, these public clinics are often not properly equipped or funded to handle this increased demand. Patients often find long waiting lines and additional appointments are needed to immunize their children. Some parents never take their children to the referred clinic. This fragmentation of care between public and private providers delays or prevents timely immunizations and undermines efforts to keep records on immunizations.

Mr. President, I recently learned about a middle-income family in Grand Rapids, MI, that illustrates these problems. The family, with four young children under 7 years old, has private insurance through the husband's employer but the cost of immunizations is not covered. The mother used to take her four children to their private doctor for immunizations, but it would take 3 to 4 months to pay off the costs for these visits and it became too much of a financial burden. About 1 year ago, the mother began taking her children to the local health department for their immunizations since the health department did not charge for most vaccinations. However, the health department does not make appointments and works on a first-come, first-served basis. The youngest child in the family is 9 months old and requires several vaccinations a year. This means several times a year the family must wait up to 2½ hours in the health department for the immunizations.

Dr. Ed Cox, president of the Michigan chapter of the American Academy of Pediatrics has witnessed what families, like the family Grand Rapids, have experienced. When testifying before the Senate Finance Subcommittee on Health for Families and the Uninsured he stated that, "While our childhood immunization program is the most cost effective health program we have, cost remains a formidable barrier for many families, either directly or indirectly. Purchase costs in the private sector are approximately double the costs for the same vaccine doses as the public costs. Oral polio vaccine cost three times more in the private sector."

The statistics overwhelmingly support Dr. Cox's assertion. In Michigan, the mumps, measles, and rubella vaccine costs $15.33 in the public sector, and $26 to $29 in the private sector. The Hib vaccine for the Michigan public sector is $12.50 to $14 while the private price exceeds $28. Nationally, the average cost for a full set of immunizations in the private sector is $233 versus $114 in the public sector.

LACK OF CENTRAL TRACKING SYSTEM FRUSTRATES OUTREACH

The lack of a central tracking system and medical record registry has also frustrated the efforts of health care providers to properly immunize children. Because of the fragmented delivery of immunizations between private and public providers, parents are often left to keep track of the immunization status of their children. They must keep track of which shots are appropriate for their children. Children are getting sick, and even dying because we do not adequately keep track of their immunization status.

ASSISTANCE PROGRAMS MISS OPPORTUNITIES

There are also missed opportunities to immunize children in our Nation's health system and social service programs. At physician offices and public clinics, children are not screened for their immunization status. Additionally, many federally supported child care programs are in contact with children but do not inquire about the immunization status of these children. We need to utilize these programs that have established links with children and their parents to provide information about assistance in getting vaccinations.

LEARNING FROM MICHIGAN ADVOCATES

Mr. President, my wife, Lori, and I have been working to raise public awareness about immunizations. Lori and I have traveled throughout Michigan meeting with health care providers, children's advocates and parents. We were able to gather a great deal of information about immunization rates in communities and about the problems local providers are encountering within the current system.

I owe a great deal of thanks to the many public health officials, private physicians' coalitions, children's advocacy organizations, concerned parents, and program innovators for clearly defining the problems and suggesting solutions for improving our Nation's immunization system. Much of what I learned working with these Michigan groups is reflected in the legislation that Senator KENNEDY and I are introducing today.

PROPOSAL FOR LEGISLATION

The legislation that I am introducing today, with my colleague Senator KENNEDY, will create a comprehensive immunization system to make sure that all children in America are properly immunized. There are several components in this legislation.

UNIVERSAL PURCHASE AND DISTRIBUTION

The first component of the immunization initiative will create a Federal universal purchase program for vaccines. The Federal Government would purchase all child vaccines and the States or the drug companies would distribute them for free to all participating public and private providers.

A universal purchase program would eliminate the major barrier in provid-

ing childhood immunizations—cost. The cost of providing a complete set of vaccinations now ranges from $114 for the CDC price, to as high as $233 in the private sector. Under the universal purchase program, all health care providers, public and private, would be able to provide childhood immunizations without having to pass the high costs of these vaccines onto the patients. Providers could charge an administrative fee as long as it did not prevent someone from getting needed vaccines.

Under the universal purchase program, parents will no longer have to forgo immunizations for their children due to cost considerations or inconvenience. The program will ensure all children are immunized regardless of their family's income.

Currently, States that provide immunizations must negotiate purchase prices with vaccine manufacturers. The process of 50 separate negotiations has unnecessarily complicated the vaccine purchase process for States. The universal purchase program will simplify the negotiations process and allow States to focus their resources on outreach and tracking efforts. When South Carolina, Hawaii, Arizona, Delaware, and Kansas tried to get more vaccine at the Centers for Disease Control price, they were turned away by some drug companies.

The universal purchase and distribution program has been successful in providing the diphtheria, tetanus, and pertussis [DTP] vaccine to both public and private providers in Michigan. By removing the financial barriers to receiving vaccinations, this Michigan program has successfully encouraged private physicians to provide DTP vaccinations. I will be working to ensure that this vital program can continue to operate under a universal purchase program and that such a program fairly accounts for their costs.

Once health care reform is implemented, universal purchase will be phased out as all children will be covered for immunizations. And I am working to include immunizations as part of the basic-benefits package.

UNIVERSAL TRACKING SYSTEM

Mr. President, the second component of our immunization initiative is the creation of a joint Federal and State effort to track the immunization status of our children. This national vaccination registry system will allow providers, in both public and private settings, to immediately check and update the immunization status of the children they treat, and assist in making sure all children are immunized. This is necessary because the lack of a central tracking system and medical record registry has frustrated the efforts of health care providers to properly immunize children. For health offices, the tracking system will give them the information they need to focus their efforts on communities that are having difficulties immunizing their children.

The universal purchase program will simplify the creation of a national tracking system by utilizing information from the States and the drug companies on vaccine distribution. Additionally, as a requirement to receive free vaccine, providers must participate in the tracking system.

MEDICAID IMPROVEMENTS

This legislation would make changes to the Medicaid Early and Periodic Screening, Diagnosis, and Treatment [EPSDT] Program. States currently cover a range of screening and preventive services, including some vaccinations, for low-income children through Medicaid's Early and Periodic Screening, Diagnosis, and Testing [EPSDT] Program. The bill would require State Medicaid programs to cover the entire set of recommended childhood vaccines under the EPSDT Program and to reimburse providers for the administration of these vaccines.

NATIONAL VACCINE INJURY COMPENSATION PROGRAM

The National Vaccine Injury Compensation Program, which compensates for injuries resulting from vaccinations, is an essential element in a comprehensive immunization program. The bill strengthens the program by extending it to cover additional vaccines recommended for universal use in children and by restoring the excise tax on vaccines to ensure that parents and providers are adequately protected.

WORKING WITH VACCINE MANUFACTURERS

Mr. President, the efforts of manufacturers in developing improved child vaccines has played a pivotal role in improving the health status of our Nation's children. This bill may not change the manufacturers' revenues overall. It would bring the price to the same level for everyone and reduce the current cost-shifting problem between CDC price and private-pay price. Also, the bill specifically states that the price would be negotiated based on information from the manufacturers including research and development costs and profit levels sufficient to encourage future investment in research and development.

I want to work with the vaccine manufacturers to ensure they are able to continue their excellent work. I will be holding hearings in the Finance Subcommittee on Health for Families and the Uninsured to solicit comments from the vaccine manufacturers on how to improve this legislation.

The Comprehensive Child Immunization Act, together with Senator KENNEDY's immunization bill, creates the framework for a national immunization program that will effectively provide immunizations for all the children of America.

The Comprehensive Child Health Immunization Act has received the support of many children's advocacy groups, including the Children's Defense Fund, American Academy of Pediatrics, the March of Dimes, and many others. I will continue to work with these and other groups to further refine and improve this legislation as it moves through the legislative process.

The cost of the bill for the 1st year is just over $1 billion in fiscal year 1995. The President will announce the specific financing mechanism when he presents his health care reform plan in May. But I want to emphasize that for every 1 dollar we spent on immunizations, we save $10 in future medical costs. Therefore, by spending some money up front we avoid more expensive costs in the future.

I want to commend the distinguished Senator from Massachusetts for his leadership in this area. We started working together on a comprehensive bill in December 1992. We are pleased to introduce the President's immunization initiative and look forward to working with the Clinton administration on moving this bill through Congress as soon as possible.

Mr. President, I ask unanimous consent that a letter, listing groups supporting the bill and 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. 733

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 "Comprehensive Child Health Immunization Act of 1993".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—

(1) CURRENT CIRCUMSTANCES.—Congress finds the following:

(A) Immunizations are among the most cost-effective means of preventing disease.

(B) Although Federal support for childhood immunizations has been in existence since 1962, the full potential of immunizations remains to be achieved. Enactment and enforcement of school immunization requirements have resulted in excellent immunization levels (96 percent or greater) in school children. However, approximately 80 percent of vaccine doses should be received before the second birthday in order to protect children during their most vulnerable periods. Many children do not receive their basic immunizations by that time, and in some inner cities as few as 10 percent of 2-year-olds have received a complete series. This low level of immunizations has been reflected in recent years by outbreaks of measles among inadequately immunized preschool children.

(C) The childhood immunization services delivery infrastructure is both public and private. There is considerable evidence to suggest that the private infrastructure has been eroded over the past decade as a result of the significantly increased cost of privately purchased vaccines.

(D) Prices for privately purchased vaccines exceed the prices paid for like vaccines in some other industrialized nations by over 2500 percent.

(E) High vaccine costs, coupled with the growing number of uninsured and underinsured families, has resulted in private physicians increasingly referring their private-pay patients to overburdened public clinics for vaccinations.

(F) Eleven States now have programs that provide vaccines without charge to both public and private health care providers. Other States that have sought to establish such programs have been denied additional discounted vaccines by manufacturers.

(G) There is no evidence to suggest that a negotiated price that takes into account the reasonable cost of production, marketing, research and development, and distribution will not fairly compensate vaccine manufacturers. Indeed, a recent report by the Congressional Office of Technology Assessment supports the proposition that negotiated rates can assure fair compensation while holding down costs.

(H) The Secretary of Health and Human Services has experience negotiating vaccine purchase through the Federal contract system.

(I) The National Vaccine Injury Compensation Program is an essential element in a comprehensive immunization program and should be applied to additional vaccines recommended for universal use in children.

(2) NEEDED ACTIONS.—With respect to actions necessary to ensure the full immunization of children at the earliest possible age, Congress finds the following:

(A) The Federal Government should purchase and provide free of charge to health care providers vaccines recommended for universal use in children. This action will not only remove financial barriers to immunization that impede children from being vaccinated at the appropriate time, but will also facilitate the development of an immunization tracking system.

(B) The Federal Government and the States should develop linked registries to track the immunization status of the Nation's children. The registry system should have the capability to notify parents of inadequately immunized children of the need to protect their children with specific vaccines.

(C) The coordinated national information and education outreach initiative operated through the Department of Health and Human Services should be sustained to bring needed information to parents and health care providers and focus their attention on the importance of achieving the full and timely immunization of children at the earliest appropriate age.

(D) Private and public health insurers should be encouraged to provide adequate reimbursement for the administration of childhood vaccines.

(E) Volunteer community activities to promote the full immunization of children at the earliest appropriate age should be encouraged.

(F) The National Vaccine Injury Compensation Program should be extended and improved. Vaccine information materials should be simplified to ensure that parents can understand the benefits and risks of vaccines.

(b) PURPOSE.—It is the purpose of this Act to ensure that all children in the United States are fully immunized against vaccine preventable infectious diseases at the earliest appropriate age.

SEC. 3. FEDERAL PURCHASE OF CHILDHOOD VACCINES.

(a) ESTABLISHMENT OF PROGRAM.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new title:

"TITLE XXI—FEDERAL PURCHASE OF CHILDHOOD VACCINES

"PURCHASE BY THE SECRETARY

"SEC. 2101. (a) PURCHASE OF VACCINES.—

"(1) IN GENERAL.—The Secretary shall regularly contract for the purchase of vaccines included on the list promulgated by the Secretary pursuant to section 1931 (referred to in this section as 'recommended childhood vaccines') in amounts—

"(A) necessary for distribution under the Public Health Service Act to meet anticipated needs for the routine and catch-up immunization of children in the United States in accordance with the recommendations promulgated under section 1931 and for foreseeable outbreak control activities;

"(B) necessary for the maintenance of a reserve vaccine supply sufficient for a 6-month period; and

"(C) which take into account minimum waste due to breakage or other unavoidable losses.

"(2) CONSULTATIONS.—

"(A) PREPROCUREMENT CONSULTATIONS.—The Secretary may consult with representatives of State governments, experts in vaccine delivery, health care providers, and others with expertise in purchasing and pricing pharmaceutical products prior to soliciting bids or offers for recommended childhood vaccines under this section. Health care providers shall also furnish periodic estimates to the States of the providers' future dosage needs for recommended childhood vaccines distributed under the Public Health Service Act. States receiving Federal grants for immunization registries shall report such data to the Secretary. All reports shall be made with such frequency and in such detail as the Secretary may prescribe.

"(B) CONSULTATIONS WITH FEDERAL AGENCIES.—The Secretary shall, in order to determine the appropriate vaccines and amounts of vaccines to be purchased under paragraph (1), consult with Federal agencies involved in research regarding, or the regulation, procurement, or distribution of, recommended childhood vaccines. Such consultation may be effected through the establishment of a Vaccine Requirements Panel to be composed entirely of representatives of the relevant Federal agencies, or through such other means as the Secretary determines appropriate.

"(3) COST OR PRICING DATA.—

"(A) IN GENERAL.—The Secretary shall negotiate a reasonable price for vaccines to be purchased under this section that fairly takes into account the excise tax under section 4131 of the Internal Revenue Code of 1986 and the various costs described in subparagraph (C).

"(B) MANUFACTURERS.—A manufacturer of recommended childhood vaccines shall provide cost or pricing data in support of the manufacturer's proposed price at the time the manufacturer responds to a procurement instituted by the Secretary under this section. A manufacturer shall also provide such data upon the request of the Secretary whenever the Secretary determines that contract modifications are necessary.

"(C) TYPE OF INFORMATION.—The information required under subparagraph (B) shall include data related to the research and development costs of the vaccine, production costs, handling, shipping, and other costs associated with delivering the vaccine to health care providers and States in accordance with the distribution plan of the Secretary (through the manufacturers or a State, as the case may be) under the Public Health Service Act, marketing costs, profit levels sufficient to encourage future investments in research and development of new or improved vaccines, the cost of maintaining adequate capacity for outbreak control, and any other data the Secretary determines appropriate.

"(4) CONFIDENTIALITY OF DATA.—

"(A) IN GENERAL.—Information provided to the Secretary under paragraph (3) shall be treated as trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, and section 1905 of title 18, United States Code, and shall not be revealed to any person other than those authorized by the Secretary in connection with carrying out official duties under this section.

"(B) PROHIBITION ON WITHHOLDING.—Subparagraph (A) shall not be construed as authorizing the withholding of information provided under paragraph (3) from any duly authorized subcommittee or committee of the Congress. If the Secretary provides such information to any subcommittee or committee, the Secretary shall give written notice to the manufacturer that provided the information.

"(C) WRITTEN PROCEDURES.—The Secretary shall establish written procedures to ensure the confidentiality of information provided under paragraph (3).

"(5) PROHIBITION ON ADDITIONAL SHIPPING OR HANDLING CHARGES.—Each contract for the purchase of recommended childhood vaccines under this section shall contain a provision by which the manufacturer agrees to ship or otherwise arrange for the delivery of such vaccines in accordance with the distribution plan of the Secretary (through the manufacturers or a State, as the case may be) without imposing any additional charge for shipping, handling, or any other cost on the health care provider or State to which the vaccine is shipped or delivered.

"(6) MULTIPLE SUPPLIERS.—To ensure a reliable and adequate supply of vaccine and to stimulate competition, the Secretary shall enter into contracts when feasible with multiple manufacturers of the same recommended childhood vaccine, under such terms and conditions and utilizing such procurement processes as the Secretary determines appropriate.

"(7) REPORTING REQUIREMENTS.—Each contract for the purchase of recommended childhood vaccines under this section shall require the manufacturer to report in a standardized form to the Secretary, or the Secretary's designee, and appropriate States, at intervals determined by the Secretary, data regarding the destination of the vaccines by lot number, and any other information related to the vaccines purchased that the Secretary may require.

"(b) FUNDING.—There shall be made available for expenditure by the Secretary, out of the Comprehensive Child Immunization Account in the Treasury of the United States established pursuant to section 3(b) of the Comprehensive Child Health Immunization Act of 1993, such amounts as are required to carry out this section for fiscal year 1995 and for each fiscal year thereafter during which this section remains in effect.".

(b) FUNDING FOR PROGRAM.—

(1) MAINTENANCE OF SEPARATELY IDENTIFIABLE ACCOUNT.—There shall be established in the Treasury of the United States a Comprehensive Child Immunization Account for the purpose of funding the activities under section 2101 of the Social Security Act (as added by subsection (a) of this section).

(2) SOURCE OF RECEIPTS.—Receipts shall be credited to the account established under

paragraph (1) as may be provided in Federal law.

(c) TERMINATION OF PROGRAM.—Section 2101 of the Social Security Act (as added by subsection (a) of this section) shall cease to be in effect beginning on such date as may be prescribed by a Federal law providing for immunization services for all children as part of a broad-based reform of the national health care system.

SEC. 4. REQUIREMENTS CONCERNING IMMUNIZATIONS OF CHILDREN UNDER STATE MEDICAID PROGRAMS.

(a) COVERAGE OF IMMUNIZATIONS UNDER EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TESTING (EPSDT).—Section 1905(r)(1)(B)(iii) of the Social Security Act (42 U.S.C. 1396d(r)(1)(B)(iii)) is amended to read as follows:

"(iii) administration of appropriate recommended childhood vaccines included on the list promulgated by the Secretary under section 1931, taking into account the health history of the individual,".

(b) REIMBURSEMENT RATES FOR RECOMMENDED CHILDHOOD VACCINES.—Section 1902(a)(13) of the Social Security Act (42 U.S.C. 1396a(a)(13)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by inserting "and" at the end of subparagraph (F); and

(3) by adding at the end the following new subparagraph:

"(G) that payments to providers shall include amounts, as appropriate, as reimbursement for the administration of recommended childhood vaccines in accordance with section 1905(r)(1)(B)(iii);".

(c) RECOMMENDED CHILDHOOD VACCINES.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end the following new section:

"RECOMMENDED CHILDHOOD VACCINES

"SEC. 1931. Not later than October 1, 1994, (and periodically thereafter as the Secretary determines appropriate in view of advances in scientific understanding in the areas of immunization and disease control) the Secretary shall promulgate a list of vaccines that provide immunization against naturally occurring infectious diseases and are recommended for universal use in children. The Secretary shall concurrently promulgate recommendations regarding the appropriate dosage for each such vaccine, and the age or ages of children at which each vaccine should be administered.".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall be effective with respect to calendar quarters beginning on and after October 1, 1994.

(2) EXTENSION FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by subsection (b), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 5. NATIONAL VACCINE INJURY COMPENSATION PROGRAM AMENDMENTS.

(a) USE OF VACCINE INJURY COMPENSATION TRUST FUND.—

(1) Section 9510(c)(1) of the Internal Revenue Code of 1986 is amended by striking out ", and before October 1, 1992,".

(2) Section 6601(r) of the Omnibus Budget Reconciliation Act of 1989 is amended by striking out "$2,500,000 for each of fiscal years 1991 and 1992" each place it appears and inserting in lieu thereof "$3,000,000 for fiscal year 1994 and each fiscal year thereafter".

(b) PERMANENT EXTENSION OF AUTHORITY TO IMPOSE TAXES FOR THE VACCINE INJURY COMPENSATION TRUST FUND.—

(1) PERMANENT EXTENSION OF TAX.—Section 4131(c) of the Internal Revenue Code of 1986 is repealed.

(2) REINSTATEMENT OF TAX.—The tax imposed by section 4131 of the Internal Revenue Code of 1986 is hereby reinstated effective April 1, 1993.

SEC. 6. NATIONAL IMMUNIZATION TRACKING SYSTEM.

On such date as section 2101 of the Social Security Act (as added by section 3(a) of this Act) shall cease to be in effect as provided in section 3(c) of this Act, the Secretary of Health and Human Services shall implement a program to ensure participation of all health care providers in a national immunization tracking system.

STATEMENT OF SUPPORT FOR THE COMPREHENSIVE CHILD IMMUNIZATION ACT OF 1993

We, the undersigned organizations, applaud President Clinton's initiative to protect all of America's children against preventable diseases. It is unacceptable that almost half of our nation's preschoolers are not fully immunized. The nation's shameful immunization record is a testament to the need for comprehensive health care reform to guarantee comprehensive health care coverage for all Americans. This legislation is an important step towards that goal.

The President's initiative will guarantee that no child will go unimmunized because his or her family cannot afford the shot. It is unacceptable that forty percent of American preschoolers are not fully immunized when each dollar invested in immunizations saves our society more than $10 in health care costs by preventing disease and disability. This legislation will also create a national immunization registry to follow the vaccination status of individual children. The registry will provide reminder notices to families for their children's shots and identify communities with low coverage rates for outreach and public education. The Act will also improve Medicaid coverage of immunizations for low-income children, and reauthorize the National Vaccine Injury Compensation Program.

American Academy of Family Physicians.
American Association of University Affiliated Programs for Persons with Developmental Disabilities.
American College of Nurse-Midwives.
American Federation of State, County, and Municipal Employees, AFL–CIO.
American Federation of Teachers, AFL–CIO.
American Hospital Association.
American Public Health Association
American School Health Association.
The ARC (formerly the Association of Retarded Citizens).
Association of Maternal and Child Health Programs.
Association of State and Territorial Health Officers.
Child Welfare League of America.
Children's Health Fund.
March of Dimes Birth Defects Foundation.
National Association for the Education of Young Children.
National Association of Children's Hospitals and Related Institutions.
National Association of Developmental Disabilities Councils.
National Association of WIC Directors.
National Black Nurses Association.
National Easter Seal Society.
National Indian Education Association.
National PTA.
The Children's Defense Fund.
United Cerebral Palsy Associations.
The Vaccine Project.
Zero to Three/National Center for Clinical Infant Programs.
Every Child by Two.

By Mr. FEINGOLD:

S. 734. A bill to amend the agricultural Act of 1949 to require the Secretary to conduct a study of the economic impact of the use of bovine growth hormone on the dairy industry and the Federal milk price support program, to temporarily prohibit the sale of milk produced by cows injected with bovine growth hormone, and to require that the Secretary of Agriculture issue regulations temporarily requiring records to be kept by producers regarding the manufacture and sale of bovine growth hormone, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 735. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the labeling of milk and milk products, and for other purposes.

S. 736. A bill to amend the Agriculture Act of 1949 to require the Secretary of Agriculture to reduce the price received by producers for milk that is produced by cows injected with bovine growth hormone, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

BOVINE GROWTH HORMONE LEGISLATION

Mr. FEINGOLD. Mr. President, I am today introducing three bills, S. 734, the Bovine Growth Hormone Moratorium Act of 1993, S. 735, the Bovine Growth Hormone Labeling Act, and S. 736, the Bovine Growth Hormone User Assessment Act. Each of these bills is designed as a separate approach to the economic problems which may be caused by the likely Food and Drug Administration approval and the resulting introduction into the commercial market, of recombinant bovine somatotropin, commonly referred to as bovine growth hormone, a synthetic growth hormone used to increase milk production.

I am deeply concerned about the serious, negative economic effects that approval of this drug may have on the Nation's dairy industry and our National Treasury. The approval and introduction of bovine somatotropin/bovine growth hormone [BST/BGH] is likely to result in huge Federal Government outlays in order to com-

pensate for the effects of the use of the drug on the dairy program, and put many small- and medium-size family dairy farms out of business. To date, these disastrous economic implications have not received sufficient review by Congress.

The use of BST/BGH is claimed to result in anywhere from a 10- to 25-percent increase in the milk production of a cow injected with the drug. This increase in milk production, coupled with the corresponding decrease in demand resulting from consumer concerns, could result in a significant increase in our Nation's Federal deficit by increasing U.S. Government purchases of surplus milk products, while at the same time lowering prices received by dairy farmers throughout the country. This in turn will force many family dairy farmers out of business.

Mr. President, I have introduced these three bills in order to present a variety of approaches to help prevent or minimize the potential negative economic effects that this product will create for the dairy industry and the Nation as a whole.

The first bill, the Bovine Growth Hormone Moratorium Act of 1933, provides for a moratorium on the marketing for commercial use of milk produced by cows injected with BST/BGH until an economic impact report has been submitted to Congress on the effects of the introduction of BST/BGH. This report would address the economic impact in terms of both the Federal budget and the dairy industry in the United States.

The second bill, the Bovine Growth Hormone Labeling Act, is designed to mitigate the anticipated effects of a reduction in consumer demand for milk and milk products by requiring BST/BGH labeling so that consumers who do not wish to utilize milk or milk products derived from cows which have been injected with BST/BGH will have the ability to continue to purchase BST/BGH-free products.

The third bill, the Bovine Growth Hormone User Assessment Act, would require that the higher assessments which are likely to be triggered by the introduction of BST/BGH into the Federal milk price support program will be shifted to those producers who choose to use this product, rather than falling upon dairy farmers who do not.

Mr. President, each of these bills takes a slightly different approach to what I, and many others, anticipate will be an economic disaster for the dairy industry once BST/BGH enters the commercial market. I am not committed to any single approach, but am strongly committed to doing everything I can to prevent the adverse economic consequences that the introduction of BST/BGH is likely to have on the dairy industry in this country.

Mr. President, I first began fighting against this drug 7 years ago as a Wisconsin State senator after several dairy farmers from my State senate district first alerted me to the product and the potential damaging effects it could have on dairy farmers and the dairy industry as a whole. Although some groups oppose the product because of perceived health and safety concerns, my opposition to BST/BGH is based on the same reason as I had when I introduced, in the Wisconsin Senate, legislation placing a moratorium on its use in Wisconsin and legislation which required the labeling of products derived from milk containing the drug. And that reason is the drug's devastating economic impact on family dairy farms. Those concerns have only been heightened by consideration of the adverse fiscal impact that BST/BGH is likely to have on the Federal milk price support program and the Federal deficit.

Various studies have indicated that the use of BST/BGH is likely to have a major impact on the Federal budget. The combination of increased milk production and decreased consumer demand for milk products would result in increased Federal outlays through the U.S. Department of Agriculture Commodity Credit Corporation [CCC] purchases. Under current law, the Federal Government is obligated to indirectly support the price of milk through purchases of milk products. In order to limit these price support costs, assessments are imposed upon milk producers when Federal purchases exceed 7 billion pounds. Using conservative estimates, a number of studies looking at the effect of BST/BGH use under the current Federal dairy price-support system have demonstrated that adoption of the drug could cause the Federal Government's price-support purchases of milk to cross the current 7 billion pound threshold level for such purchases, causing significant assessments from dairy farmers.

If these assessments were to be repealed in order to provide relief to our Nation's dairy farmers, the Federal budgetary implications would be enormous. A milk consumption decrease of 10 percent, which is a reasonable estimate in light of the current consumer survey studies on this issue, coupled with the increase in milk production, would result in a 1995 budgetary impact of over $2 billion. Although the repeal of these assessments appears to be unlikely, the 1994 budgetary impact of the Federal Government's price support purchases alone would be over $225 million for purchases up to the 7 billion pound threshold level. Therefore, even without the repeal of the increased assessments imposed upon all dairy farmers, the introduction of BST/BGH would still cost the Federal Government hundreds of millions of dollars and the rest would be shouldered by an already beleaguered dairy farming industry.

The introduction of BST/BGH into the dairy industry will have a tremendous impact on smaller family dairy farms as well. The approval and introduction into the market of BST/BGH could put small and medium-size dairy farms out of business by means other than, or in combination with, the increased assessments and decreased milk prices. Studies of the potential adoption of BST/BGH by dairy farms have generally predicted that the use of the drug will cause a large shift of milk production to the Southwest and California and away from the smaller herds of the family dairy farms of the Midwest and Northeast, resulting in disastrous effects on the economies of those States. My home State of Wisconsin, which is the largest dairy production State in the country, would be particularly hard hit. A study undertaken in 1988 by the University of Wisconsin predicted a decline in the net income to Wisconsin dairy farmers of $100 million per year. It is likely that a significant number of Wisconsin dairy farmers would simply be forced to close down their operations.

The tragic irony of the BST/BGH product is that these potentially devastating impacts on smaller dairy farms and the adverse impact on our Federal budget would occur without a concurrent overall benefit. Given the nature of the market for milk and the Federal milk price support system, there would be no price decreases for consumers and no price increases for farmers. Therefore, the dairy industry would merely enter a treadmill situation in which producers would have little choice but to use the new technology, despite the lack of increased revenues or benefits to consumers.

As I indicated earlier, these three bills provide a multifaceted approach to address these concerns. The Bovine Growth Hormone Moratorium Act of 1993 would provide for a delay in the introduction of BST/BGH into the commercial market until a study has been conducted by the Secretary of Agriculture to assess the economic impact this product will have on the Federal milk price support program, including its effect on the Federal budget and its impact on the structure of the milk production industry in the United States, including the number of dairy farmers and the size of their herds. The Secretary of Agriculture's report should also review the impact the resulting dairy farm displacements will have on the local rural communities that depend upon their survival and the impact the product's use would have on the international trade of dairy products. Certain other countries have already banned BST/BGH and there are reports that others are considering similar bans. Clearly, it is important we have an assessment of the problems that the use of BST/BGH would have on dairy exports before al-

lowing it to be introduced into our dairy industry.

The Bovine Growth Hormone Labeling Act would require the labeling of all milk and milk products as to whether or not the milk is derived from cows injected with BST/BGH. In order to help enforce the labeling requirement, this legislation would also create a registration system requiring that those who sell or use the drug prepare and maintain records in compliance with the regulations issued by the Secretary of Agriculture. This system would provide for the identification of milk producers who use BST/BGH and thereby help ensure that the labeling is accurate. This labeling system would provide consumers with information necessary to make informed decisions in purchasing milk and milk products. A recent survey of milk consumers showed that 98 percent of them felt that milk produced from cows treated with BST/BGH should be labeled so that it can be distinguished from milk produced by cows not treated with BST/BGH. A 1990 survey by The National Dairy Promotion and Research Board found that 40 percent of respondents would either decrease the amount of milk they purchase or stop buying milk altogether once BST/BGH is introduced. The National Milk Producers Federation projected, conservatively, that the introduction of BST/BGH would cause a drop in milk consumption of 2 percent, which they concluded would be devastating to the industry. Consumers will not only demand—but should have the right to know how their milk is produced. This legislation will allow them to make their own choice. Without this critical information, many consumers are likely to boycott milk and milk products, which would have dire consequences for the dairy industry.

The Bovine Growth Hormone User Assessment Act would ensure that only the dairy farmers who choose to use the synthetic milk production hormone will have to bear the increased costs to the Federal Government and other milk producers which result from the use of BST/BGH. By increasing the assessments to those farmers who decide to use BST/BGH, dairy farmers who make the decision not to utilize the drug will not have to share the burden of paying for the increased costs to the Federal Government through increased assessments.

Although I look forward to supporting many of the developments in biotechnology that will transform agriculture in the coming years, we cannot afford to ignore the unique economic consequences of BST/BGH. These legislative initiatives are meant to not only address these problems, but to open up discussion on the economic concerns the introduction of BST/BGH will have on the dairy industry as well. I hope that this dialog will result in a constructive solution to the enormous problems the possible introduction of BST/BGH will have on America's dairy industry.

Mr. President, throughout my work on the BST/BGH issue, I have enjoyed strong support from organizations which represent the small dairy farmers who have long been the backbone of our agricultural economy. I ask unanimous consent that statements in support of the legislation from the National Farmers Union, the National Family Farm Coalition, Farmers Union Milk Marketing Cooperative, and the Wisconsin Rural Development Center be printed at the conclusion of my remarks along with the text of the bills.

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

S. 734

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 "Bovine Growth Hormone Moratorium Act of 1993".

SEC. 2. SALE OF MILK PRODUCED WITH BOVINE GROWTH HORMONE.

Section 204 of the Agricultural Act of 1949 (7 U.S.C. 1446e) is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection:

"(k) SALE OF MILK PRODUCED WITH BOVINE GROWTH HORMONE.—

"(1) DEFINITIONS.—As used in this subsection:

"(A) BOVINE GROWTH HORMONE.—The term 'bovine growth hormone' means—

"(i) a substance known as bovine somatotropin, bST, BST, bGH, or BGH; and

"(ii) a growth hormone, intended for use in bovine, that has been produced through recombinant DNA techniques.

"(B) COW.—The term 'cow' means a bovine animal.

"(2) PROHIBITION ON SALE.—During the period beginning 30 days after the date of enactment of the Bovine Growth Hormone Moratorium Act of 1993 and ending on the date of submission to Congress of the report required under paragraph (5), it shall be unlawful for a person to market for commercial use milk produced by a cow after the cow was injected with bovine growth hormone if the person knew, or should have known, that the cow was injected with the hormone and that the milk could be marketed for commercial use.

"(3) RECORDS.—

"(A) IN GENERAL.—During the period referred to in paragraph (2), a person who sells bovine growth hormone or injects the hormone into a cow shall prepare and maintain records that comply with the regulations issued by the Secretary under subparagraph (B).

"(B) REGULATIONS.—

"(i) PERSONS COVERED.—Not later than 30 days after the date of enactment of the Bovine Growth Hormone Moratorium Act of 1993, the Secretary shall issue regulations that require—

"(I) persons who sell bovine growth hormone; and

"(II) persons who inject bovine growth hormone into cows,

to create and maintain records that contain the applicable information specified in clause (ii).

"(ii) INFORMATION.—Regulations issued under this subparagraph shall require records to contain a description of—

"(I) the quantity and source of the bovine growth hormone obtained (by manufacture, purchase, or any other means);

"(II) the date on which the hormone was obtained; and

"(III) the identity of each person to whom the hormone was sold or otherwise distributed, the cows into which any portion of the hormone was injected, and each person who has an operator or ownership interest in the cows.

"(4) PENALTIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a person who violates paragraph (2) or (3) shall be liable for a civil penalty of $1,000.

"(B) MULTIPLE VIOLATIONS.—A person who commits more than one violation of paragraph (2), or more than one violation of paragraph (3), shall be liable for a civil penalty of $10,000 for each such violation after the first such violation.

"(C) SEPARATE VIOLATIONS.—For purposes of this paragraph—

"(i) each day on which a person sells milk in violation of paragraph (2) shall be treated as a separate violation of paragraph (2) by the person; and

"(ii) each day on which a person sells or injects bovine growth hormone in violation of paragraph (3) shall be treated as a separate violation of paragraph (3) by the person.

"(5) STUDY AND REPORT.—Not later than 1 year after the date of enactment of the Bovine Growth Hormone Moratorium Act of 1993, the Secretary shall—

"(A) conduct a study of the economic impact of the use of bovine growth hormone on the dairy industry and the Federal milk price support program established under this section; and

"(B) submit to the appropriate committees of Congress a report summarizing in detail the results of the study.".

S. 735

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 "Bovine Growth Hormone Milk Labeling Act".

SEC. 2. DEFINITIONS.

Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(gg) The term 'bovine growth hormone' means—

"(A) a substance described as bovine somatotropin, bST, BST, bGH, or BGH; and

"(B) a growth hormone, intended for use in bovine animals, that has been produced through recombinant DNA techniques.

"(hh) The term 'cow' means a bovine animal.".

SEC. 3. LABELING.

Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

"(s)(1) If it is milk that—

"(A) is intended for human consumption; and

"(B)(i) is produced by cows that have been injected with bovine growth hormone; or

"(ii) has been commingled with milk produced by such cows,

unless the labeling of the milk bears the following statement: 'This milk was produced

by cows injected with bovine growth hormone.'.

"(2) If it is milk that is intended for human consumption, other than milk described in paragraph (1), unless the labeling of the milk bears the following statement: 'This milk was not produced by cows injected with bovine growth hormone.'.

"(3) If it is a milk product that is intended for human consumption and is derived from milk described in paragraph (1), unless the labeling of the milk product bears the following statement: 'This milk product was derived from milk produced by cows injected with bovine growth hormone.'.

"(4) If it is a milk product that is intended for human consumption and is not derived from milk described in paragraph (1), unless the labeling of the milk product bears the following statement: 'This milk product was not derived from milk produced by cows injected with bovine growth hormone.'".

SEC. 4. RECORDS.

(a) PROHIBITED ACT.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(u) The failure to prepare and maintain records required by section 512A, or to comply with a requirement of regulations promulgated under such section.".

(b) RECORDS.—Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by inserting after section 512 (21 U.S.C. 360b) the following:

"SEC. 512A. BOVINE GROWTH HORMONE.

"(a) RECORDS.—

"(1) IN GENERAL.—A person who sells bovine growth hormone, purchases the hormone, distributes the hormone, or injects the hormone into a cow shall prepare and maintain records that comply with the regulations issued by the Secretary under paragraph (2).

"(2) REGULATIONS REGARDING RECORDS.—

"(A) PERSONS COVERED.—Not later than 30 days after the date of enactment of the Bovine Growth Hormone Milk Labeling Act, the Secretary shall issue regulations that require—

"(i) persons who sell bovine growth hormone;

"(ii) persons who purchase bovine growth hormone;

"(iii) persons who distribute bovine growth hormone; and

"(iv) persons who inject bovine growth hormone into cows,

to create and maintain records that contain the applicable information specified in subparagraph (B).

"(B) INFORMATION.—Regulations issued under this paragraph shall require records to contain a description of—

"(i) the quantity and source of the bovine growth hormone obtained (by manufacture, purchase, or any other means);

"(ii) the date on which the hormone was obtained; and

"(iii) the identity of each person to whom the hormone was sold or otherwise distributed, the cows into which any portion of the hormone was injected, and each person who has an operator or ownership interest in the cows.

"(b) OTHER REGULATIONS.—Not later than 30 days after the date of enactment of the Bovine Growth Hormone Milk Labeling Act, the Secretary shall issue regulations that establish—

"(1) requirements with respect to the sale, distribution, and administration of bovine growth hormone; and

"(2) such other requirements with respect to the use of bovine growth hormone as the Secretary may determine to be necessary to carry out the objectives of this Act.".

S. 736

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 "Bovine Growth Hormone User Assessment Act".

SEC. 2. REDUCTION IN PRICE RECEIVED FOR MILK PRODUCED BY COWS INJECTED WITH BOVINE GROWTH HORMONE.

Section 204 of the Agricultural Act of 1949 (7 U.S.C. 1446e) is amended—

(1) by redesignating subsections (i) through (k) as subsections (j) through (l), respectively;

(2) by inserting after subsection (h) the following new subsection:

"(i) REDUCTION IN PRICE RECEIVED FOR MILK PRODUCED BY COWS INJECTED WITH BOVINE GROWTH HORMONE.—

"(1) IN GENERAL.—Beginning January 1, 1994, in addition to any reduction in price required under subsections (g) and (h), the Secretary shall provide for a reduction in the price received by producers who inject cows with bovine growth hormone for milk—

"(A) produced in the 48 contiguous States;

"(B) marketed by producers for commercial use; and

"(C) produced by cows that are injected with bovine growth hormone.

"(2) AMOUNT.—The amount of the reduction under paragraph (1) in the price received by producers shall be the amount, determined by the Secretary, that is equal to the increased cost of purchasing milk and the products of milk under this section as the result of the injection of cows with bovine growth hormone.

"(3) DEFINITIONS.—As used in this subsection:

"(A) BOVINE GROWTH HORMONE.—The term 'bovine growth hormone' means—

"(i) a substance described as bovine somatotropin, bST, BST, bGH, or BGH; and

"(ii) a growth hormone, intended for use in bovine, that has been produced through recombinant DNA techniques.

"(B) MILK.—The term 'milk' includes—

"(i) milk produced by cows that have been injected with bovine growth hormone; and

"(ii) milk that has been commingled with milk produced by cows that have been injected with bovine growth hormone."; and

(3) in subsection (j) (as redesignated by paragraph (1)), by striking "subsection (g) or (h)" both places it appears and inserting "subsection (g), (h), or (i)".

NATIONAL FAMILY FARM COALITION,
Washington, DC, March 31, 1993.

Hon. RUSSELL FEINGOLD,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINGOLD: As a Wisconsin dairy farmer and President of the National Family Farm Coalition (NFFC) representing 38 rural advocacy and family farm organizations in 30 states, I want to thank you for continuing in the U.S. Senate the fight against BGH/BST that you began in Wisconsin.

The majority of farmers and consumers, in reliable and credible surveys, have repeatedly registered their disapproval of use of BGH in milk production. NFFC has participated for years in efforts to prevent introduction of this synthetic hormone into commercial use in this country. We deeply appreciate the unwavering commitment you have shown in protecting the interest of both dairy farmers and consumers in this long and hard-fought battle against BGH.

Fully appreciating that FDA approval of BGH/BST for commercial use will initiate another phase in the ongoing struggle over this issue, we are grateful to you for your latest attempt to enact legislation requiring labeling of all milk and milk products produced by dairy cows that have received synthetic BGH/BST in any form, and sold into the commercial market. We are also very supportive of efforts to ensure that all farmers will not pay the price of BGH use through the "super-assessment" that will come into effect if government purchases exceed 7 billion pounds. We are concerned about both the supply and demand for daily products.

With our appreciation comes our support for your efforts in the Senate. We are available to assist you in this legislative effort and urge yjou to call upon us at any time. Thank you, again, for your persistence, your courage and your clear-sighted understanding of what this issue means to us, the dairy farmer members of the National Family Farm Coalition.

Yours truly,

CURT ROHLAND,
President,
National Family Farm Coalition.

FARMERS UNION,
Madison, WI, March 31, 1993.

Hon. RUSS FEINGOLD,
U.S. Senate,
Washington, DC.

DEAR RUSS: I am writing on behalf of the Farmers Union Milk Marketing Cooperative's Board of Directors and membership to express our wholehearted support for your three bills responding to the threat of Bovine Growth Hormone. You have shown outstanding leadership on behalf of family dairy farmers and consumers with these three pieces of legislation. We also encourage you to extend the assessment for added federal dairy program costs to the big chemical companies producing BGH, and to keep up the pressure on the Clinton Administration to place a moratorium on the commercial use of BGH. Attached is a copy of our letter urging President Clinton to adopt such a moratorium.

Sincerely,

STEWART G. HUBER,
President.

WISCONSIN RURAL
DEVELOPMENT CENTER, INC.,
Mount Horeb, WI, March 30, 1993.

Hon. RUSSELL D. FEINGOLD,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINGOLD: My wife, Jan, and I are dairy farmers in Arena, Wisconsin. I am writing to applaud your leadership in introducing three responsible bills to protect the interests of both dairy farmers and consumers. Your legislation offers several ways to mitigate the harmful effects of bovine somatotropin or (bovine growth hormone) on dairy farmers and on consumers' right to make informed dairy purchases. On behalf of the Board of Directors of the Wisconsin Rural Development Center, I wish to indicate our strong support for your efforts.

The Center is a private, non-profit organization dedicated to supporting family farming, protecting rural natural resources, and strengthening rural communities. As you know, Wisconsin's dairy industry is struggling to survive in a marketplace plagued by surpluses and structured by federal dairy policies unfavorable to midwestern dairying.

The number of Wisconsin dairy farmers has declined precipitously for years, and we lose more farmers every time the milk price drops. What Wisconsin's small to medium-sized dairy farmers do not need is increased milk production from BGH or any other source. We also do not need the increased stress to cows researchers consistently find. And we certainly do not need for consumers who choose not to buy BGH-produced dairy products to avoid all dairy products.

Your bill to create a moratorium on BGH use in the federal support program until USDA's Secretary Espy can conduct a responsible economic study moves the policy debate toward reasoned facts. Your insistence on labeling of BGH-produced dairy products gives consumers the choice they deserve and without which recent studies show our dairy industry to be in jeopardy. Finally, we support your proposal to assess a fee on BGH-using dairy farms to compensate for increased federal purchases of surplus dairy products.

Again, we congratulate you on your leadership on an issue that is of vital importance to consumers and family dairy farmers nationwide.

Sincerely,

DEAN SWENSON,
President, Board of Directors.

NATIONAL FARMERS UNION,
Washington, DC, March 31, 1993.

Hon. RUSSELL FEINGOLD,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINGOLD: On behalf of the 250,000 farm families of the National Farmers Union, I would like to express our support of your legislation which would require an economic impact analysis before the approval of bovine growth hormone (BGH). We also strongly support your bill to require labeling of milk produced using BGH.

This issue was identified as a major priority by the delegates at our recent annual convention. Enclosed is a copy of the special order of business adopted by our delegates, which specifically endorses your recommendations for an economic impact analysis and product labeling.

Producers have a right to know what impact BGH will have on the marketing of milk. Consumers have a right to choose whether to select a product produced with BGH.

We also support measures designed to allow processors to determine which milk has been produced with BGH. This can be ascertained by requiring producers to register their purchases of BGH or alternatively, by calling on FDA to develop an economically feasible test for BGH.

Thank you for your commitment to ensure consumers and producers are not forced to use or accept a product they did not ask for in the first place.

Sincerely,

LELAND SWENSON,
President.

By Mr. HATFIELD (for himself, Mr. GORTON, Mr. PACKWOOD, and Mr. GRASSLEY):

S. 737. A bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies; to the Committee on Small Business.

SMALL BUSINESS PREPAYMENT PENALTY RELIEF ACT

• Mr. HATFIELD. Mr. President, today I am introducing the Small Business Prepayment Penalty Relief Act of 1993. I am pleased to be joined in this effort by the distinguished Senator from Washington, [Mr. GORTON], by my colleague from Oregon [Mr. PACKWOOD], and by the distinguished Senator from Iowa [Mr. GRASSLEY]. This bill would correct a problem that has gone on too long: the inability of several thousand small businesses from all parts of the country to refinance high interest loans under the Small Business Administration [SBA] section 503 loan program.

During the early 1980's, the 503 loan program provided a useful source of badly needed capital. The loans were financed by the Treasury Department's Federal Financing Bank, and were guaranteed by the SBA. However, these loans were at the 12–15 percent interest rates common at that time. As the rates have dropped dramatically in recent years, these small businesses have not been able to join the rush to refinance because they can not afford to refinance. The uniquely enormous prepayment penalty inherent in the 503 loans keeps them locked into these burdensome rates.

The prepayment penalty these businesses face, above the cost of paying off the balance due plus the accrued interest, can be as much as 40 percent of the unpaid balance on the loan. For example, last year, a family owned restaurant in Oregon desired to expand their operation by refinancing their outstanding loan balance of $170,000. However, this idea became financially impossible when they realized they would face an added penalty of $66,000 just to pay this loan off early. These locked in rates would also preempt an attempt to transfer the business at the time of sale or death.

The bill we introduce today would modify the prepayment premium formula. It does not forgive the loans of these borrowers. A borrower who wishes to pay off a loan or refinance must pay the balance due on the principal of the loan, plus the accrued interest, plus a reasonable repurchase premium. A sliding scale is used to determine the amount of the premium based upon the amount of time a borrower has been paying on the loan. This premium is similar to that found in loan programs implemented subsequent to the now defunct section 503 program.

The prepayment penalties of the 503 program have had the effect of blocking the ability of these companies to add to the needed economic expansion in our country. Because these businesses are already operating and ready to grow, we should take advantage of this opportunity to allow them the freedom to do so.

With 85 percent of new job creation coming from small business, the intention of the SBA loan programs is to foster this business growth and job creation, thus expanding our tax base. Modifying an inordinate penalty that prohibits job growth is consistent with these purposes. In addition, the section 503 penalty provision, hidden in ambiguous boilerplate amongst the loan documents, was not envisioned by Congress when it designed this program. The role of the Federal Government should be to assist businesses and expect a fair return on its investment, not to force them to stay in high interest loans through the use of unreasonable penalties.

I urge the support of my colleagues for this legislation and ask unanimous consent that newspaper articles from the New York Times, the Washington Post, and the Oregonian be included in the RECORD following my remarks. I also ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 737

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

SECTION. 1. PREPAYMENT OF DEVELOPMENT COMPANY DEBENTURES.

(a) IN GENERAL.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following new section:

"SEC. 507. PREPAYMENT OF DEVELOPMENT COMPANY DEBENTURES.

"(a) PREPAYMENT TERMS.—

"(1) IN GENERAL.—If the requirements of subsection (b) are met, the issuer of a debenture purchased by the Federal Financing Bank and guaranteed by the Administration under section 503 may, at the election of the borrower whose loan secures such debenture, prepay such debenture by paying to the Federal Financing Bank, the amount that is equal to the sum of—

"(A) the unpaid principal balance (adjusted for funds in the borrower's escrow reserve account) due on the debenture on the date of prepayment (plus accrued interest at the coupon rate on the debenture); and

"(B) the amount of the repurchase premium described in paragraph (2)(A).

"(2) PREPURCHASE PREMIUM.—

"(A) AMOUNT.—The amount of the repurchase premium described in this paragraph is the product of—

"(i) the unpaid principal balance (adjusted for funds in the borrower's escrow reserve account) due on the debenture on the date of prepayment;

"(ii) the interest rate of the debenture; and

"(iii) the factor 'P', as determined under subparagraph (B).

"(B) FACTOR 'P'.—For purposes of subparagraph (A)(iii), the factor 'P' means the applicable percent determined in accordance with the following table:

Year in which prepayment of debenture is made (from date of original issuance):	Applicable percent		
	10-year term loan	15-year term loan	20 or 25-year term loan
1	1.00	1.00	1.00
2	.80	.85	.90

Year in which prepayment of debenture is made (from date of original issuance):	Applicable percent		
	10-year term loan	15-year term loan	20 or 25-year term loan
3	.60	.70	.80
4	.40	.55	.70
5	.20	.40	.60
6	0	.25	.50
7	0	.10	.40
8	0	0	.30
9	0	0	.20
10	0	0	.10
11 through 25		0	0

"(b) REQUIREMENTS.—The requirements of this subsection are met if—

"(1) the debenture referred to in subsection (a) is outstanding and neither the debenture nor the borrower's loan that secures the debenture is in default on the date of prepayment;

"(2) only non-Federal funds are used to prepay the debenture; and

"(3) the issuer extinguishes the borrower's loan which secured such debenture upon prepayment.

"(c) PROHIBITION OF OTHER FEES AND PENALTIES.—Notwithstanding any other provision of law, no fees or penalties, other than those specified in this section, may be imposed as a condition of prepayment under subsection (a) against the issuer, the borrower, or the Administration.

"(d) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) BORROWER.—The term 'borrower' means a small business concern whose loan secures a debenture purchased by the Federal Financing Bank under section 503.

"(2) ISSUER.—The term 'issuer' means a qualified State or local development company.

"(3) QUALIFIED STATE OR LOCAL DEVELOPMENT COMPANY.—The term 'qualified State or local development company' has the same meaning as in section 503(e).".

(b) CLERICAL AMENDMENT.—The table of contents for the Small Business Investment Act of 1958 is amended by adding at the end of title V the following new item:

"Sec. 507. Prepayment of development company debentures.".

[From the New York Times, July 10, 1992]

LOAN PENALTIES DETER SMALL-BUSINESS EXPANSION

WASHINGTON, July 10.—A growing number of small-business owners are accusing the Small Business Administration—and the Bush Administration—of stifling their growth through its lending practices. Some even equate the Government to a loan shark.

Consider the case of Jim Owens, owner of Lauks Testing Laboratories Inc. in Seattle, which specializes in environmental testing. An S.B.A. loan in 1981 allowed his company to expand, creating jobs. Now, Mr. Owens says his employees "are packed in like sardines, but paying off his $336,000, 25-year S.B.A. loan early to clear the way to move into a new building would cost him a $123,123 prepayment penalty.

PENALTIES EXTRAORDINARILY HIGH

Mr. Owens's laboratory is one of 3,913 companies that as of February were still paying off loans taken out in the early 1980's under the small-business agency's 503 loan program. The loans, financed through the Federal Financing Bank, an arm of the Treasury, are at rates of as much as 15.7 percent, high now but comparatively low at the time.

While President Bush is encouraging investment to help create jobs and has jawboned the Federal Reserve to bring down interest rates further, prepayment penalties of as high as 40 percent of the original loan are preventing many of these small-business owners from growing or selling their businesses or from refinancing their loans to take advantage of lower interest rates.

"If it's a 40 percent charge, then that's extraordinarily high," said James Barth, a finance professor at Auburn University. "It's even more unusual and unreasonable that the Government would be doing this. But this is not an easy time to argue that people should be paying less for government-supported programs."

Small-business agency officials say, however, that they are bound by the current regulations. Dan Eramian, a spokesman for the S.B.A., said, "These are the Treasury Department's requirements, not ours."

Anger over the prepayment penalties has spurred a grass-roots movement to persuade Congress and the Administration to lower those fees through legislation. More recent S.B.A. borrowers, after all, do not pay such high penalties. Responding to changes in Government accounting procedures, Congress in 1986 created the S.B.A. 504 program, wherein loans are financed through the private sector rather than the Treasury, alleviating some of the prepayment problems, said LeAnn Oliver, deputy director for the Office of Rural Affairs and Economic Development of S.B.A.

But a measure that would make the penalty on 503 loans more consistent with commercial rates of 7 percent to 9 percent is stalled in committee on Capitol Hill, and last week companion legislation was introduced in the Senate. The Treasury Department has urged President Bush to veto the legislation on the ground that changing the rules would widen the Federal budget deficit and cost taxpayers.

"If they are allowed to prepay the loans there would be a direct cost to the Federal Government, and everybody else who has these kinds of loans would come in and ask for this type of arrangement, too," said a senior Treasury official, who spoke on condition that he not be named. "Then we couldn't give the same kind of low, long-term rate. Changing the agreement would be an inefficient haphazard way to conduct a lending program."

Although prepaying the loans early would reduce the Federal deficit temporarily, in the long run the deficit would increase in the absence of the interest payments the borrowers would have been making, he said. He added that 10 or 15 other agencies, including the Tennessee Valley Authority, the Resolution Trust Corporation and the Rural Electrification Agency, are or have been bound by the same prepayment rules.

In 1988, President Reagan vetoed legislation that would have lowered the prepayment premium. And two years ago, the bill was introduced and opposed by the Bush Administration, which said that Congress would have to offset an estimated loss of more than $150 million to the budget by cutting the same amount from other small business programs.

But Representative Ron Wyden, the Oregon Democrat who introduced the measure along with Representative Rod Chandler, a Washington Republican, said he thinks the move would cost the Government closer to $50 million, adding that he believes the bill still has a chance because bipartisan support is growing. "We don't deny there are some costs to this," Mr. Wyden said.

Doris Johnson, co-owner of Vancouver Bolt and Supply Inc., in Vancouver, Wash., which sells supplies like nuts, bolts, wheelbarrows and drills, started the grass-roots group, called the S.B.A.-503 Small Business Coalition, after finding that she would have to pay a $45,000 penalty to prepay her $177,000 loan.

Mrs. Johnson said she had looked forward to eventually turning over her business to her son, but "we can't do any estate planning because we can't move the ownership," she said. "So you can't die, you can't refinance and you can't sell it," she added.

"Uncle Sam has become one of the biggest loan sharks of all time," said Mrs. Johnson, who has sent more than 2,000 letters to small-business owners and lawmakers in the three months since she organized the coalition. "This has turned out to be one of the largest tragedies of our business history."

Bernilda Britt knows this all too well. After her husband, Paul, died in February, as his sole survivor she found herself thrust into an unfamiliar role as president of a Minnesota company she knew little if anything about and with 100 anxious employees. Several months ago, when she looked into selling Dubuque Stamping and Manufacturing Inc., which makes metal parts for the construction and farm equipment industries, she found that paying off the S.B.A. 503 loan required her to come up with a prepayment premium of $135,000.

"When you're not involved in a business and all of a sudden you are involved, it is difficult," said Mrs. Britt, who had not worked at the company for 30 years. "It seems unfair to me that such a law can hold a penalty over the borrower, who does not know what type of catastrophe could befall them."

LABYRINTHINE LOAN LANGUAGE

To pay off the 503 loans, the borrowers essentially have to pay the equivalent of the principal balance and all the interest they would have had to pay had the loan been paid over the original time span—in many cases 20 to 25 years. Under the 504 program, each of the loans carries a prepayment provision that allows the businesses to pay the equivalent of one year's interest if the loan is paid off within a year, and the penalty decreases and is completely eliminated if the remaining life of the loan is less than one-half the life of the original loan.

Under the 504 program, for example, Mr. Owen's prepayment penalty, using a payoff date of July 11 of this year, would be $4,870.66 instead of $113,978.45 under the 503 plan, said Ms. Oliver of the S.B.A.'s rural affairs office. Mrs. Johnson's penalty would have been $7,426.16 under the 504 program instead of $33,361.40 under the 503 plan, Ms. Oliver said. Mrs. Britt's penalty would be zero instead of $81,581.18, she said.

The differences between the two programs have led S.B.A. 503 borrowers to compare themselves to the aggrieved "notch babies" of the Social Security system. These are people born between 1917 and 1921 who, because of a technicality in a bill Congress passed in 1977, received significantly fewer benefits.

The prepayment language buried in the fine print of the S.B.A. 503 agreement is so dense that many of the borrowers say they do not even understand it in hindsight: "The debenture may be prepaid at such price as will result in a yield from the date of prepayment to maturity, equal to the U.S. Treasury new issued yield for a security with a maturity and payment schedule comparable to the remaining maturity and payment schedule of the debenture, computed as of the close of business two business days prior to the date of prepayment, plus accrued interest on the amount prepaid to the date of prepayment."

"One argument has been, 'Well, you knew what you signed,'" Mrs. Johnson said. "But we didn't know what we signed. No one spelled it out. The terms of the agreement were too complicated for even our attorneys to understand."

[From the Washington Post, July 8, 1992]

SBA COMES UNDER FIRE AS A LOAN ARRANGER

(By Michelle Singletary)

When Gerald Goldberg wanted a loan to buy a warehouse for his Bethesda party store and rental business, his bank turned him away. But he found a welcome mat at the government's Small Business Administration.

It was 1984 and the interest rate Goldberg agreed to on his $249,000, SBA-backed loan was high—13 percent—but it was close to the prime lending rate that banks were then charging their best customers.

Now, with the prime rate at 6 percent, the SBA loan is killing him.

Goldberg, 61, has wanted for several years to refinance his loan, as millions of other borrowers have been doing this year to take advantage of lower interest rates. But to do so, he would have to pay the government a penalty equal to more than 30 percent of the balance of the loan. It's right there in the fine print of his eight-year-old SBA agreement—fine print Goldberg says he never saw.

"I'm hurting," said Goldberg, who owns A Total Rental Center Inc., a business he and his wife started in 1969, while he was serving as a U.S. Army officer.

"When I found out about the penalty, I was annoyed at the system and myself. But there was a ton of small print. I do know now that unless I was extremely desperate, I would not have taken out a loan with that kind of penalty."

Goldberg is one of many small-business owners throughout the country who can't afford to prepay or refinance such high-interest rate loans because the Bush administration is insisting that the terms of their SBA loans be met—terms imposing heavy penalties for early payoff.

An official with the Treasury Department said, in effect, that's life.

Neither the government nor the borrowers could have foreseen in the early 1980s how far interest rates would fall a decade later. But to ease the prepayment penalties would be giving the borrowers a subsidy at taxpayers' expense, the official said.

"They agreed to lock into the loans, so if rates go down that's the market risk they took," said the official. "If we allow the borrowers in this one program to break their contracts and prepay at par, we would have to do it for others."

SBA officials have taken a neutral stance on the issue.

"In the past we have been opposed to efforts to impose this type of penalty," said Allan Mandel, director of the Office of Rural Affairs and Economic Development at SBA.

Twice before, Congress has tried to reduce the prepayment penalties. In 1988, President Reagan refused to sign a bill that had passed overwhelmingly in both the House and Senate. A second effort by the House two years ago failed when the Bush administration threatened to veto the bipartisan measure.

Some of the prepayment fees on the SBA loans range from 20 percent to 40 percent, according to Reps. Rod Chandler (R-Wash.), Ron Wyden (D-Ore.) and Andy Ireland (R-Fla.), who have introduced new legislation to reduce the penalties.

The loans were made under the SBA's 503 loan program, which no longer exists. Business owners were permitted to borrow money for the financing of fixed assets at long-term, fixed rates of 7 percent to 15 percent. The prepayment penalty is intended to give government the same payoff it would have received had the loan been paid in full with interest.

Goldberg said that when he first investigated paying off his 20-year loan early, he found out it would cost him a penalty of about $75,000, in addition to paying off the balance of the loan. Refinancing the loan at today's lower interest rates, he said, would significantly reduce the $36,000 a year in principal and interest that he pays on the loan.

More than 3,900 businesses nationwide participated in the SBA 503 loan program, signing up for $992 million in loans from 1981 to 1986. The outstanding balance of those loans is $670 million. In Maryland, Virginia and the District, there are 104 such loans worth $18.5 million.

When the SBA loans were granted, the business owners were required to put up at least 10 percent of the financing, a bank 50 percent and the SBA-backed loan program the remaining 40 percent, according to LeAnn Oliver, deputy director of the SBA Office of Rural Affairs and Economic Development.

The loan program was funded by the Federal Financing Bank, a unit of the U.S. Treasury.

The administration's position doesn't match its promises to help small businesses, according to Wyden. Earlier this year, President Bush asked all federal agencies to review their policies and regulations to see whether they could be made less burdensome on business.

"The bottom line is it comes down to a question of priorities," said Wyden, a member of the House Small Business Committee. "This administration that professes to be interested in small business wants to tie them down in this inflexible requirement."

The prepayment penalty is far more punitive than what commercial lenders would charge for paying a loan off early. "Generally, we don't charge prepayment penalties," said Kenneth Jenkins, a community lender for Riggs National Bank in Washington. "I think at this particular juncture of banking to have loans that are performing is a godsend. We are happy when people prepay loans. If the government is standing in the way of people reducing their debt, it's wrong."

"The penalty the government is assessing is definitely unreasonable, no matter how you look at it,'" said Devin Blum, an assistant vice president in the commercial lending division of Adams National Bank in the District.

The bill introduced by Wyden and others would cut the prepayment penalties roughly fivefold.

"We see people refinancing their homes and we are trying to make it so that these small businesses can too," said Al Schweppe, legislative assistant to Rep Chandler.

But the bill is stuck in the House Small Business Committee and likely to remain there as long as the Treasury Department opposes it. "Basically," said a committee staff member, "this measure is going nowhere until the administration changes its mind."

[From the Oregonian, June 4, 1992]

DOES THE SBA REALLY HELP ITS BORROWERS?

(By Mike Francis)

If you asked Doris Johnson, Cynthia Dietz, Jim Owens, Ray Biddiscombe or Brad Augustine the moral of what they've learned about borrowing from the Small Business Administration, it might be something like this:

If you're going to dance with a bear, you'd better be willing to dance as long as the bear wants to.

The SBA 503 loans they took seemed like a good deal at the time. But when it came time to sell, expand or refinance, these folks found themselves in a trap. The SBA 503 loan package—which no longer is offered—includes a hefty penalty for early payment. The terms of the obscurely written, price-to-yield penalty are so onerous that these borrowers say they can't afford to expand their businesses, even though that's precisely what the SBA loan was intended to help them do.

"We've tried to refinance, but there's a 33 percent prepayment penalty," said Cynthia Dietz, the secretary-treasurer for Portland's R.M. Dietz Co., Inc., an interior furnishings company. "How we're combating it is to sublet part of the other building."

In 1985, R.M. Dietz took out a 30-year, $110,000 loan at 13¾ percent. At the time, that wasn't a bad rate, but now that interest rates are bumping along under 10 percent, it makes sense for the company to refinance. Dietz was alarmed to learn it would cost $36,000 in penalties to pay off its SBA loan.

A similar thing happened to Jim Owens, president of Seattle's Laucks Testing Laboratories Inc., and he was angry enough to write the president.

"Paying $443,905 to retire a $336,000 loan after making payments of over $530,000 over 11 years makes me think that either the Mafia is running our government," he wrote, "or that our government is the worst enemy of small business."

At the center of this growing fuss is Doris Johnson, president of Vancouver (Wash.) Bolt and Supply Inc. She wanted to pay off her 503 loan so she could get financing for a much-needed expansion. As she started the paperwork, she was aghast to learn she would have to pay a penalty equal to about one-fourth of her original loan.

The fact that small businesses couldn't expand because of the hefty cost of refinancing struck Johnson as horribly unfair. So she started writing to some of the other 3,700 recipients of 503 loans, and they've persuaded some members of Congress to support a bill that would revise the prepayment penalties.

The bill—H.R. 4895—is sponsored by Oregon Rep. Ron Wyden, a Democrat, and Washington Rep. Rod Chandler, a Republican. It would change the prepayment formula to something more conventional and more like the 504 loan program, which replaced the 503 program a few years ago.

The Congressmen cite the hypothetical case of a 503 borrower who took out a 25-year, $229,000 loan at 12.028 percent in 1985. If he wants to refinance, he must pay a premium of $61,000—about 26 percent of the original loan balance. Under the Wyden-Chandler bill, the penalty would be cut by two-thirds, to about $19,000.

The SBA referred questions about the penalty to the Certified Development Companies that arranged them. Such companies like Seattle's Evergreen Community Development Association, arrange for borrowers to get a loan package that typically is a blend of SBA money and conventional bank financing.

"We certainly want to help them get out of the situation they're in," said J. Stanley Miner, senior loan officer with Evergreen. But certified development companies like Evergreen, which collect annual service fees

on their loans, would be hurt if a large number of borrowers prepaid and left the program. Miner said Evergreen supports the bill because it encourages 503 borrowers to roll their loans into the 504 program, keeping them under the wings of the certified development companies.

The bill is raising hopes.

"We thought there was nothing we could do," said Ray Biddiscombe, the vice president of the Columbus (Ohio) Foundation, a charitable enterprise. The foundation dropped plans to refinance its 13.25 percent loan after learning it would have to pay some $50,000 in penalties. Instead of expanding charitable programs, it keeps paying interest on its SBA loan.

Brad Augustine sold his Everett, Wash., restaurant to another restaurant company. He believed his 503 loan could be assumed by his buyer, but SBA officials told him he would have to pay off his loan, along with a $30,000 penalty, or guarantee the loan himself, even though he was leaving the business.

He felt he had no choice. The SBA now holds the third mortgage on his house.

"Knowing what I know today," Augustine said, "I would never recommend an SBA-assisted loan to any small business."●

ADDITIONAL COSPONSORS

S. 208

At the request of Mr. BUMPERS, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 208, a bill to reform the concessions policies of the National Park Service, and for other purposes.

S. 216

At the request of Mr. D'AMATO, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Florida [Mr. MACK], the Senator from Indiana [Mr. COATS], the Senator from Wyoming [Mr. SIMPSON], the Senator from Colorado [Mr. CAMPBELL], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of S. 216, a bill to provide for the minting of coins to commemorate the World University Games.

S. 228

At the request of Mr. DANFORTH, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 228, a bill to establish a grant program under the National Highway Traffic Safety Administration for the purpose of promoting the use of bicycle helmets by individuals under the age of 16.

S. 294

At the request of Mr. DOMENICI, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 294, a bill to authorize the Secretary of the Interior to formulate a program for the research, interpretation, and preservation of various aspects of colonial New Mexico history, and for other purposes.

S. 342

At the request of Mr. BOREN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to encourage investment in real estate and for other purposes.

S. 348

At the request of Mr. RIEGLE, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from Maryland [Ms. MIKULSKI], the Senator from Alabama [Mr. SHELBY], the Senator from Missouri [Mr. BOND], the Senator from New York [Mr. D'AMATO], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 348, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 427

At the request of Mr. MITCHELL, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 427, a bill to amend the Internal Revenue Code of 1986 to permit private foundations to use common investment funds.

S. 482

At the request of Mr. BOREN, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 482, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 487

At the request of Mr. MITCHELL, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Alabama [Mr. SHELBY], the Senator from Nebraska [Mr. KERREY], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 513

At the request of Mr. BRADLEY, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 513, a bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on tobacco products, and to use the resulting revenues to fund a trust fund for health care reform, and for other purposes.

S. 542

At the request of Mr. PRYOR, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 549

At the request of Mr. DOMENICI, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 549, a bill to provide for the minting and circulation of one-dollar coins.

S. 566

At the request of Mr. DOMENICI, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 566, 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.

S. 570

At the request of Mr. GRASSLEY, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 570, a bill to recognize the unique status of local exchange carriers in providing the public switched network infrastructure and to ensure the broad availability of advanced public switched network infrastructure.

S. 586

At the request of Mr. GRASSLEY, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 586, a bill to raise the asset limit for AFDC recipients engaged in a microenterprise business, and for other purposes.

S. 613

At the request of Mr. HARKIN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 613, a bill to prohibit the importation of goods produced abroad with child labor, and for other purposes.

S. 623

At the request of Mr. CONRAD, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 623, a bill to amend title 5, United States Code, to clarify the application of the Whistleblower Protection Act of 1989 to certain personnel matters of the Department of Veterans Affairs.

S. 625

At the request of Mr. MCCAIN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 625, a bill to require the Secretary of Agriculture to use certain unexpended disaster assistance funds, to the extent necessary, to provide emergency crop loss assistance for certain losses, and for other purposes.

S. 636

At the request of Mr. KENNEDY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 636, a bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.

S. 667

At the request of Mr. SIMPSON, the names of the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 667, a bill to amend the Immigration and Nationality Act to improve procedures for the exclusion of aliens seeking to enter the United States by fraud.

SENATE JOINT RESOLUTION 76

At the request of Mr. LAUTENBERG, the name of the Senator from Utah

[Mr. HATCH] was added as a cosponsor of Senate Joint Resolution 76, a joint resolution concerning the dedication of the United States Holocaust Memorial Museum.

SENATE RESOLUTION 64

At the request of Mr. LUGAR, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of Senate Resolution 64, a resolution expressing the sense of the Senate that increasing the effective rate of taxation by lowering the estate tax exemption would devastate homeowners, farmers, and small business owners, further hindering the creation of jobs and economic growth.

SENATE RESOLUTION 86—RELATIVE TO THE JURISDICTION OF THE COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 86

SECTION 1. AMENDMENT.

Section 105 of Senate Resolution 4, agreed to February 4, 1977 (95th Congress), is amended to read as follows:

"COMMITTEE ON INDIAN AFFAIRS

"SEC. 105. (a)(1) There is established a Committee on Indian Affairs (hereafter in this section referred to the 'committee') which shall consist of 18 members, 10 to be appointed by the President of the Senate, upon the recommendation of the majority leader, from among members of the majority party and 8 to be appointed by the President of the Senate, upon the recommendation of the minority leader, from among the members of the minority party. The committee shall select a chairman and vice chairman from among its members.

"(2) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony. The committee shall adopt rules of procedure not inconsistent with this section and the rules of the Senate governing standing committees of the Senate.

"(3) Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee.

"(4) For purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the committee shall not be taken into account.

"(b)(1) All proposed legislation, messages, petitions, memorials, and other matters relating to Native American affairs shall be referred to the committee.

"(2) It shall be the duty of the committee to conduct a study of any and all matters pertaining to problems and opportunities of Native Americans, including but not limited to, Indian land management and trust responsibilities, Indian education, health, special services, and loan programs, and claims against the United States.

"(3) The committee shall from time to time report to the Senate, by bill or otherwise, on matters within its jurisdiction.

"(c)(1) For the purposes of this section, the committee is authorized, in its discretion—

"(A) to make investigations into any matter within its jurisdiction;

"(B) to make expenditures from the contingent fund of the Senate;

"(C) to employ personnel;

"(D) to hold hearings;

"(E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

"(F) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents;

"(G) to take depositions and other testimony;

"(H) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946; and

"(I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

"(2) The chairman of the committee or any member thereof may administer oaths to witnesses.

"(3) Subpoenas authorized by the committee may be issued over the signature of the chairman, or any member of the committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoena.".

SENATE RESOLUTION 87—RELATIVE TO PETER S. TAYLOR

Mr. MITCHELL (for Mr. INOUYE, for himself, and Mr. MCCAIN) submitted the following resolution; which was considered and agreed to:

S. RES. 87

Whereas Peter S. Taylor is a native of Kansas, and a graduate of Washburn University, Topeka, Kansas, and George Washington University School of Law, Washington, District of Columbia;

Whereas Peter S. Taylor was in the private practice of law from 1963 to 1970, and entered into the practice of Indian law in 1971 when he was named co-director of the Indian Civil Rights Task Force in the Office of the Solicitor at the United States Department of the Interior;

Whereas one of the accomplishments of Peter S. Taylor was his work in updating Kappler's "Indian Affairs, Laws and Treaties";

Whereas Peter S. Taylor was Chairman of the Task Force on Revision and Codification of Federal Indian Law of the American Indian Policy Review Commission, a Joint Congressional Commission established to study Indian policy and law;

Whereas Peter S. Taylor joined the staff of the Select Committee on Indian Affairs of the United States Senate, now the Committee on Indian Affairs of the United States Senate, at the time of the Committee's inception in 1977;

Whereas Peter S. Taylor served with distinction as Senior Counsel, Staff Director, and General Counsel of such Committee, from the 95th Congress to the 103d Congress;

Whereas Peter S. Taylor is acknowledged by the Members of the Senate, by his colleagues on the staff of the Committee on Indian Affairs, by Indian tribal leaders throughout the United States, and by numerous other individuals engaged in the practice of Indian law, to be a person with an outstanding knowledge and understanding of Indian law and policy;

Whereas Peter S. Taylor has contributed immensely to the development of modern Indian law through his leadership as a staff member of the Committee on Indian Affairs, on such diverse issues as the Indian Child Welfare Act, the Maine Indian Land Claims Settlement Act, the Mashantucket Pequot Indian Claims Settlement Act, restoration of lands to the Cochiti Pueblo, the Indian Land Consolidation Act, the Indian Gaming Regulatory Act, the White Earth Indian Reservation Land Settlement Act, the Hoopa-Yurok Settlement Act, the Farm Credit Act Amendments, the Seneca Nation Lease Renegotiation Act, the Aroostook Band of Micmac-Maine Settlement Act, the Indian Agricultural Resources Management Act, and numerous other Acts of Congress;

Whereas the United States Senate, Indian tribal leaders, legal scholars, and others involved in Indian law and policy have come to rely on the wisdom and knowledge of Peter S. Taylor in the area of Indian Affairs; and

Whereas the retirement of Peter S. Taylor will deprive the United States Senate and the Committee on Indian Affairs of the services of a loyal and dedicated staff member: Now, therefore, be it

Resolved, That the United States Senate commends Peter S. Taylor for his many outstanding contributions and accomplishments in the field of Indian law and policy, expresses the gratitude and appreciation of the United States Senate and the American people for his long, loyal and dedicated services to the Senate, and extends to him the best wishes of the Senate and the American people for a long and happy future.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Peter S. Taylor.

SENATE RESOLUTION 88—TO AUTHORIZE TESTIMONY AND TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 88

Whereas, in the case of *United States* v. *Armand D'Amato*, Cr. No. 92-00274, pending in the United States District Court for the Eastern District of New York, the United States seeks the trial testimony of Senate employees, Claudia Breggia and Shirley Tucker;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to re-

quests for testimony made to them in their official capacities: Now, therefore, be it

Resolved, That Claudia Breggia and Shirley Tucker are authorized to testify in *United States* v. *Armand D'Amato*, Cr. No. 92-00274 (E.D. N.Y.), except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Claudia Breggia and Shirley Tucker in connection with the testimony authorized by section 1 of this resolution.

SENATE RESOLUTION 89—RELATIVE TO HAITI

Ms. MOSELEY-BRAUN (for herself and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 89

Whereas the Republic of Haiti is the second oldest republic in the Western Hemisphere;

Whereas in their 188-year history the people of Haiti have long suffered under the yoke of tyranny and dictatorship;

Whereas in 1986 the Haitian people rose up against injustice to overthrow President-for-Life Jean Claude Duvalier;

Whereas the people of Haiti have repeatedly demonstrated their desire for full participatory democracy and economic opportunity for all Haitians;

Whereas these yearnings culminated in the December 16, 1990 election of President Jean-Bertrand Aristide in the first free, fair, and open election in the history of the Republic;

Whereas a military junta subsequently seized power illegally and forced President Aristide into exile;

Whereas the people of Haiti have suffered anew under the brutality and oppression of the current military-backed regime;

Whereas conditions in Haiti are forcing record numbers of Haitians to flee their country under the most dangerous of conditions;

Whereas the flood of Haitian refugees threatens to overwhelm the ability of the United States and other nations in the region to pursue a constructive long-term policy toward Haiti;

Whereas the trade embargo imposed on Haiti by the Organization of American States (OAS) on October 8, 1990 has to date proven largely ineffective;

Whereas the movement toward democracy which has recently swept the Western Hemisphere has greatly benefited the peoples of the Caribbean and Latin America; and

Whereas the continuing terror and oppression in Haiti are inimical to democracy in the Western Hemisphere, and the refugee crisis caused thereby contributes to regional instability: Now, therefore, be it

Resolved, That (a) it is the sense of the Senate that the highest priority of United States policy toward Haiti should be to restore democratic government without further delay.

(b) The Senate urges the President—

(1) to join with the Senate in expressing the outrage of the American people over the Haitian regime's brutal attempt to deny the hard-won fruits of democracy to its people;

(2) to review immediately the compliance of United States persons and corporations with the OAS-sponsored embargo of Haiti;

(3) to implement promptly whatever measures are necessary to ensure maximum compliance with the embargo;

(4) to give special priority to preventing oil from evading the embargo;

(5) to request that the United Nations Security Council join with the OAS in sponsoring an embargo against the Haitian regime;

(6) to assist the United Nations in expanding the number of its human rights observers in Haiti from 40 to the 500 originally proposed by United Nations special envoy Dante Caputo;

(7) to establish as the policy of the United States that Haitian refugees will be granted the same consideration and protection afforded to those fleeing other oppressive regimes around the world;

(8) to urge other Caribbean nations to share the burden of sheltering and accepting Haitian refugees;

(9) to offer humanitarian assistance to the people of Haiti; and

(10) to develop a long-term United States policy toward Haiti which places a priority on building and supporting the institutions of a civil and democratic society.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Ms. MOSELEY-BRAUN. Mr. President, in 1986 the people of Haiti rose up against the President-for-Life Jean Claude Duvalier. This was the end of a period of 29 years of one-family dictatorship, a dictatorship that left Haiti a legacy of repression and corruption.

The post-Duvalier era started with an interim military government that disbanded the Duvaliers' private militia, the Tontons Macoutes. The Government allowed the drafting of a new constitution that guaranteed personal liberties, and distributed governmental power among a president, a prime minister, and two legislative bodies. It also put the police under civilian control and transferred the police from the army to the Department of Justice. Elections were to be held in November 1987, but Duvalierists, in cooperation with the army, disrupted them,—mounting a violent campaign that culminated in the killing of dozens of voters on election day.

After a number of unstable, military regimes, a civilian transition government was installed in March 1990, with a mandate to hold elections as soon as possible. This government established and cooperated with an independent electoral council that organized successful local, legislative, and Presidential elections on December 16, 1990, resulting in the election of Rev. Jean-Bertrand Aristide as president.

According to the accounts of international monitors, this was the first free and fair election in Haiti's history. Voter turnout was estimated to be around 70 percent. Reverend Aristide, running against 10 other candidates, won 67.5 percent of the votes. He was sworn into power on February 7, 1991, the fifth anniversary of the collapse of the Duvaliers.

All indications were that democracy was taking hold in Haiti. For the first time in history, every member country of the Organization of American States had a democratically elected president.

In the months leading up to the elections, and under the Aristide government, the United States Coast Guard reported that the number of people attempting to leave Haiti declined dramatically. Both United States and Haitian officials attributed the decline in the number of refugees to the feeling of hope for improved political and economic conditions and a greater voice under the newly elected government.

The elections were in part the result of a strong democratic movement that emerged in recent years, a movement that encompasses many elements of Haitian society, including political parties and peasants, and labor, human rights, and professional organizations.

In September 1991, President Jean-Bertrand Aristide was ousted in a military coup. Since he was deposted, human rights groups and the U.S. Department of State have reported that the human rights situation has deteriorated significantly. The number of people suffering political persecution has skyrocketed.

In October 1991, the Organization of American States imposed a trade embargo on Haiti to demonstrate its commitment to defending democracy in the hemisphere. Several diplomatic initiatives of OAS did not succeed in ending effective military government, but the involvement of United Nations in late 1992 brings new hope for a diplomatic breakthrough.

Since the coup, Haitians have taken to their boats in record numbers. More than 43,000 undocumented Haitians have been interdicted by the U.S. Coast Guard attempting to reach the United States to escape political and economic persecution.

Although the current regime in Haiti is one of the most repressive in power today, the democratic movement still exists. Popular protest express a desire for an elected government that would establish order in a nonrepressive manner.

The resolution I am introducing today, along with my distinguished colleague from Wisconsin, Senator FEINGOLD, calls for the restoration of democracy in Haiti. I consider this the highest priority of United States policy toward Haiti. The resolution focuses on tightening the Organization of American States' embargo and urges President Clinton to:

Help ensure that no goods, particularly oil, evade the embargo;

Assist the United Nations in expanding the number of human rights observers in Haiti to the 500 proposed by the U.N. special envoy so that human rights abuses will diminish;

Establish a U.S. immigration policy where all refugees are granted the same consideration and protection when fleeing oppressive regimes around the world; and

Develop a long-term United States policy toward Haiti which places priority on building and supporting the institutions of a civil and democratic society.

Mr. President, Haiti is the poorest and most densely populated country in the Western Hemisphere, and, as a direct result of the coup, the already poor conditions in Haiti have gotten much, much worse. The people of Haiti cry out for our help, and I think both United States national interests and United States humanitarian instincts demand that we answer that call.

This resolution sends a clear signal that the United States Senate believes that the situation in Haiti deserves concerted American attention, that we intend to do everything we can to see that the basic human needs of the Haitian people are addressed, and that the Senate will not sit idly by while democracy in the hemisphere's second-oldest republic is brutally repressed by a nonrepresentative and illegitimate government. I urge my colleagues to join me in seeking that this resolution is promptly enacted.

SENATE RESOLUTION 90—TO EXPRESS THE SENSE OF THE SENATE CONCERNING THE EXERCISE OF RIGHTS SECURED UNDER THE FIRST AMENDMENT TO THE CONSTITUTION

Mr. DURENBERGER (for himself and Mrs. KASSEBAUM) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 90

Whereas Americans' disparate views on the issue of abortion result from deeply held moral, religious and civil rights beliefs;

Whereas irresponsible and unjustified violence displaces the legitimate expression of these convictions and further polarizes those who hold different views on abortion;

Whereas such violence fosters neither greater understanding nor agreement on this divisive issue but only contributes to the fracturing of our society; and

Whereas agreement and understanding on difficult social issues can be reached only through responsible dialogue and nonviolent expression: Now, therefore, be it

Resolved, That, it is the sense of the Senate that—

(1) the rights to peaceful assembly and free expression as established by the First Amendment to the Constitution of the United States are precious rights, but neither the Constitution nor the laws of this land sanction violence as a means of expressing individual moral, religious or political beliefs; and

(2) the Senate condemns violence by individuals, even in the pursuit of moral, religious, or political goals, and deplores any acts that contribute to the fracturing of our society.

Mr. DURENBERGER. Mr. President, today I join with my friend and colleague from Kansas, Senator KASSEBAUM, to take a stand against violence. We are offering a Senate resolution that condemns in no uncertain terms the resort to violence to achieve social goals, particularly regarding the difficult issue of abortion.

Like many of my colleagues, I was shocked and deeply saddened by the recent murder of David Gunn, a doctor who performed abortions, in Pensacola, FL. Although many Americans disagree with me, I personally believe that abortion is wrong. To those of us whose opposition to abortion stems from a belief in the sanctity of life, the senseless act done in the name of preventing abortion that ended the life of Dr. Gunn was tragically ironic.

Violence committed in the name of a cause does violence to the cause. This is particularly true when the very essence of the cause is based on the value of human life.

Mr. President, there is a fear that Dr. Gunn's shooting was not an isolated incident. In my home State of Minnesota, there have been two attempts in the last 6 months to blow up a clinic in Robbinsdale. The people who work at these clinics—from doctors and directors to receptionists and even janitors—have been harassed both at work and in their homes.

In anticipation of a visit from the pro-life activist organization Operation Rescue this summer, Minnesota Planned Parenthood is tightening security, installing bulletproof glass, and even considering issuing flak jackets to its doctors. Some Minnesota doctors have begun carrying weapons.

Mr. President, the madness has to stop.

People on both sides of this issue, and those caught in the middle, are scared to death. Minnesotans who are not in any way associated with the clinics are terrified—not only for themselves, but also for their neighborhoods and their children. Those people must know that the Members of this body will not stand for violence, even in the name of morality.

American views about abortion usually result from deeply held moral, religious, and civil rights beliefs. I believe that there are intelligent, principled, and compassionate people on both sides of the abortion issue. Senator KASSEBAUM and I hold different views on this issue.

I was greatly encouraged by remarks at a recent markup that were made by my colleague from Illinois, Senator SIMON, whose view on abortion also happen to be different from mine. In essence, the Senator from Illinois said that instead of being paralyzed by conflict, people on both sides of the abortion issue should work together where progress can be made.

I agree wholeheartedly. For example, I believe that people on both sides of this issue should work toward the common goal of reducing the tragedy of unwanted pregnancy.

So I say to my colleagues today, let us agree that fundamental disagreements about abortion are inevitable. Let us recognize that those disagreements result from deeply held beliefs that may never change. But let us also recognize that it is time for a new era of dialog on this issue. We must search out those areas where we can work together for positive change.

Taking a stand against abortion-related violence would be a very tangible first step toward constructive change. Like America at large, this body holds diverse views on the issue of abortion. We can lead by example by supporting this resolution.

Mr. President, this resolution is very simple. It says that we in the U.S. Senate condemn individual acts of violence, even in the name of moral, religious, or political goals.

When an act of violence is committed in the name of one viewpoint on a volatile social issue, there are many victims. The immediate victims suffer. The credibility of those who have worked earnestly and nonviolently on that side of the issue is damaged. Uninvolved people feel threatened and sometimes get caught in the crossfire. And, the quality of national debate and the moral strength of our Nation's political system suffer.

I am pro-life. I always have been, and I have consistently voted that way in this Chamber. I am pro-life because I believe that each human life is sacred; that every person has a right to life; and that we should not pass laws which deny that basic right. It is for those very same reasons that I have consistently voted against the death penalty.

And it is because I believe so strongly in the value of human life that I offer this resolution today. I believe that saving unborn lives never justifies taking the life of another human being. No matter what one's views on abortion, we must all agree that violence in the pursuit of moral, religious, or personal political goals is never justified.

Mr. President, America cannot let its passion overcome its compassion. Unless we can proceed with a measure of respect and understanding, the opposing sides on difficult issues like abortion will only become more polarized. We will lose opportunities for progress and our society will become more fractured. The violence has to stop.

Mr. President, I urge my colleagues to join in letting the people of this country know that we condemn this violence in no uncertain terms. I yield the floor.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

BOND (AND BURNS) AMENDMENT NO. 291

Mr. BOND (for himself and Mr. BURNS) proposed an amendment No. 291, to the bill (H.R. 1335), making emergency supplemental appropriations for the fiscal year ending Sep-

tember 30, 1993, and for other purposes, as follows:

On page 27, strike lines 7 through 12.

NICKLES (AND OTHERS) AMENDMENT NO. 292

Mr. NICKLES (for himself, Mr. BROWN, Mr. COVERDELL, Mr. COATS, Mr. DURENBERGER, Mr. GRAMM, Mr. GRASSLEY, and Mr. MCCAIN) proposed an amendment to the bill (H.R. 1335), supra, as follows:

On page 28, strike lines 23 through 26.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 293

Mr. MURKOWSKI (for himself, Mr. THURMOND, and Mr. JEFFORDS) proposed an amendment No. 293 to the bill (H.R. 1335), supra, as follows:

On page 24, line 10, insert before the period at the end the following: ", of which $25,000,000 shall be available for the purposes of making payments to employers under the Service Members Occupational Conversion and Training Act of 1992 (subtitle G of title XLIV of Public Law 102-484; 10 U.S.C. 1143 note): *Provided*, That such $25,000,000 shall remain available until September 30, 1994".

DOMENICI (AND OTHERS) AMENDMENT NO. 294

Mr. DOMENICI (for himself, Mr. STEVENS, Mr. WARNER, Mr. BOND, Mr. MCCAIN, Mr. GRAMM, Mr. GORTON, Mr. NICKLES, Mr. D'AMATO, Mr. MURKOWSKI, and Mr. THURMOND) proposed an amendment No. 294 to the bill (H.R. 1335), supra, as follows:

At the end of the pending substitute, add the following new section:

SEC. . Each amount provided for discretionary items in this Act shall hereby be reduced by 18 per centum in order to ensure sufficient funding for the annual pay raise for federal civilian and military employees scheduled to go into effect on January 1, 1994: *Provided*, That this shall not apply to Members of Congress.

DEBT LIMIT LEGISLATION

DURENBERGER AMENDMENT NO. 295

(Ordered to lie on the table.)

Mr. DURENBERGER submitted an amendment intended to be proposed by him to the joint resolution (H.J. Res. 174) increasing the statutory limit on the public debt, as follows:

At the appropriate place, insert the following new section:

SEC. ___. DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) DEDUCTION MADE PERMANENT.—

(1) IN GENERAL.—Section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (6).

(2) CONFORMING AMENDMENT.—Section 110(a) of the Tax Extension Act of 1991 is amended by striking paragraph (2).

(3) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after June 30, 1992.

(b) MARK TO MARKET ACCOUNTING METHOD FOR SECURITIES DEALERS.—

(1) GENERAL RULE.—Subpart D of part II of subchapter E of chapter 1 (relating to inventories) is amended by adding at the end thereof the following new section:

"SEC. 475. MARK TO MARKET ACCOUNTING METHOD FOR DEALERS IN SECURITIES.

"(a) GENERAL RULE.—Notwithstanding any other provision of this subpart, the following rules shall apply to securities held by a dealer in securities:

"(1) Any security which is inventory in the hands of the dealer shall be included in inventory at its fair market value.

"(2) In the case of any security which is not inventory in the hands of the dealer and which is held at the close of any taxable year—

"(A) the dealer shall recognize gain or loss as if such security were sold for its fair market value on the last business day of such taxable year, and

"(B) any gain or loss shall be taken into account for such taxable year.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence. The Secretary may provide by regulations for the application of this paragraph at times other than the times provided in this paragraph.

"(b) EXCEPTIONS.—

"(1) IN GENERAL.—Subsection (a) shall not apply to—

"(A) any security held for investment,

"(B)(i) any security described in subsection (c)(2)(C) which is acquired (including originated) by the taxpayer in the ordinary course of a trade or business of the taxpayer and which is not held for sale, and (ii) any obligation to acquire a security described in clause (i) if such obligation is entered into in the ordinary course of such trade or business and is not held for sale, and

"(C) any security which is a hedge with respect to—

"(i) a security to which subsection (a) does not apply, or

"(ii) a position, right to income, or a liability which is not a security in the hands of the taxpayer.

To the extent provided in regulations, subparagraph (C) shall not apply to any security held by a person in its capacity as a dealer in securities.

"(2) IDENTIFICATION REQUIRED.—A security shall not be treated as described in subparagraph (A), (B), or (C) of paragraph (1), as the case may be, unless such security is clearly identified in the dealer's records as being described in such subparagraph before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may by regulations prescribe).

"(3) SECURITIES SUBSEQUENTLY NOT EXEMPT.—If a security ceases to be described in paragraph (1) at any time after it was identified as such under paragraph (2), subsection (a) shall apply to any changes in value of the security occurring after the cessation.

"(4) SPECIAL RULE FOR PROPERTY HELD FOR INVESTMENT.—To the extent provided in regulations, subparagraph (A) of paragraph (1) shall not apply to any security described in subparagraph (D) or (E) of subsection (c)(2) which is held by a dealer in such securities.

"(c) DEFINITIONS.—For purposes of this section—

"(1) DEALER IN SECURITIES DEFINED.—The term 'dealer in securities' means a taxpayer who—

"(A) regularly purchases securities from or sells securities to customers in the ordinary course of a trade or business; or

"(B) regularly offers to enter into, assume, offset, assign or otherwise terminate positions in securities with customers in the ordinary course of a trade or business.

"(2) SECURITY DEFINED.—The term 'security' means any—

"(A) share of stock in a corporation;

"(B) partnership or beneficial ownership interest in a widely held or publicly traded partnership or trust;

"(C) note, bond, debenture, or other evidence of indebtedness;

"(D) interest rate, currency, or equity notional principal contract;

"(E) evidence of an interest in, or a derivative financial instrument in, any security described in subparagraph (A), (B), (C), or (D), or any currency, including any option, forward contract, short position, and any similar financial instrument in such a security or currency; and

"(F) position which—

"(i) is not a security described in subparagraph (A), (B), (C), (D), or (E),

"(ii) is a hedge with respect to such a security, and

"(iii) is clearly identified in the dealer's records as being described in this subparagraph before the close of the day on which it was acquired or entered into (or such other time as the Secretary may by regulations prescribe).

Subparagraph (E) shall not include any contract to which section 1256(a) applies.

"(3) HEDGE.—The term 'hedge' means any position which reduces the dealer's risk of interest rate or price changes or currency fluctuations, including any position which is reasonably expected to become a hedge within 60 days after the acquisition of the position.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) COORDINATION WITH CERTAIN RULES.—The rules of sections 263(g), 263A, and 1256(a) shall not apply to securities to which subsection (a) applies, and section 1091 shall not apply (and section 1092 shall apply) to any loss recognized under subsection (a).

"(2) IMPROPER IDENTIFICATION.—If a taxpayer—

"(A) identifies any security under subsection (b)(2) as being described in subsection (b)(1) and such security is not so described, or

"(B) fails under subsection (c)(2)(F)(iii) to identify any position which is described in subsection (c)(2)(F) (without regard to clause (iii) thereof) at the time such identification is required,

the provisions of subsection (a) shall apply to such security or position, except that any loss under this section prior to the disposition of the security or position shall be recognized only to the extent of gain previously recognized under this section (and not previously taken into account under this paragraph) with respect to such security or position.

"(3) CHARACTER OF GAIN OR LOSS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) or section 1236(b)—

"(i) IN GENERAL.—Any gain or loss with respect to a security under subsection (a)(2) shall be treated as ordinary income or loss.

"(ii) SPECIAL RULE FOR DISPOSITIONS.—If—

"(I) gain or loss is recognized with respect to a security before the close of the taxable year, and

"(II) subsection (a)(2) would have applied if the security were held as of the close of the taxable year,

such gain or loss shall be treated as ordinary income or loss.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to any gain or loss which is allocable to a period during which—

"(i) the security is described in subsection (b)(1)(C) (without regard to subsection (b)(2)),

"(ii) the security is held by a person other than in connection with its activities as a dealer in securities, or

"(iii) the security is improperly identified (within the meaning of subparagraph (A) or (B) of paragraph (2)).

"(e) REGULATORY AUTHORITY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including rules—

"(1) to prevent the use of year-end transfers, related parties, or other arrangements to avoid the provisions of this section, and

"(2) to provide for the application of this section to any security which is a hedge which cannot be identified with a specific security, position, right to income, or liability."

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 988(d) is amended—

(i) by striking "section 1256" and inserting "section 475 or 1256", and

(ii) by striking "1092 and 1256" and inserting "475, 1092, and 1256".

(B) The table of sections for subpart D of part II of subchapter E of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 475. Mark to market accounting method for dealers in securities."

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to all taxable years ending on or after December 31, 1993.

(B) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by this subsection to change its method of accounting for any taxable year—

(i) such change shall be treated as initiated by the taxpayer,

(ii) such change shall be treated as made with the consent of the Secretary, and

(iii) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over the 9-taxable year period beginning with the first taxable year ending on or after December 31, 1993.

(C) UNDERPAYMENT OF ESTIMATED TAX.—In the case of any required installment the due date for which occurs before the date of the enactment of this Act, no addition to tax shall be made under section 6654 or 6655 of the Internal Revenue Code of 1986 with respect to any underpayment to the extent such underpayment was created or increased by any amendment made by, or provision of, this subsection. All reductions in installments by reason of the preceding sentence shall be recaptured by increasing the amount of the 1st required installment occurring on or after the date of the enactment of this Act by the amount of such reductions.

• Mr. DURENBERGER. Mr. President, I intend to offer an amendment to the debt ceiling extension bill to permanently restore the 25-percent deduction for self-employed individuals for health insurance premiums, retroactively to June 30, 1992.

I ask unanimous consent that the estimated revenue effects of the amendment I intend to offer be printed in the RECORD.

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

ESTIMATED REVENUE EFFECTS OF POSSIBLE AMENDMENT

[By fiscal year, in millions of dollars]

Provision	Effective	1993	1994	1995	1996	1997	1998	1993–98
1. Extend the 25% self-employed health insurance deduction (permanent and retroactive)	7/1/92	−303	−407	−452	−496	−543	−592	−2,793
2. Require securities dealers to mark-to-market (9-year spread) (tyeo/a)	12/31/93	.....	482	571	582	592	603	2,830
Grand total	.....	−303	75	119	86	49	11	37

Note.—Details may not add to totals due to rounding. Legend for "Effective" column: tyeo/a=taxable years ending on or after.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research, Conservation, Forestry and General Legislation will hold a hearing on oversight of the Alternative Agricultural Research and Commercialization [AARC] Act of 1990. The hearing will be held on Thursday, April 29, 1993, at 9 a.m. in SR–332. Senator TOM DASCHLE will preside.

For further information, please contact Richard Hess at 224–2321.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that hearings have been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearings will take place on Tuesday, April 27, 1993, beginning at 2:30 p.m. and Wednesday, April 28, 1993, beginning at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearings is to receive testimony on 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.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, anyone wishing to submit a written amendment for inclusion in the hearing record is welcome to do so by sending two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information regarding the hearings, please contact David Brooks of the subcommittee staff at (202) 224–7145.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on S. 646, the International Fusion Energy Act of 1993.

The hearing will take place on Thursday, May 6 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510 Attention: Paul Barnett.

For further information, please contact Paul Barnett of the committee staff at 202–224–0612.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INVESTIGATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, April 1, 1993, to hold a hearing on corruption in professional boxing—Part II.

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, April 1, 1993, at 10 a.m., to hold a hearing on innocence and the death penalty.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Sen-

ate on Thursday, April, 1 at 11:30 a.m., 1993, to hold a brief business meeting.

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

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on April 1, 1993, at 10 a.m., to hear testimony from Secretary Donna Shalala and other witnesses on the subject of the administration's 1994 health budget.

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

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, April 1, 1993, at 9:30 a.m., in open session, to receive testimony on the Defense authorization request for fiscal year 1994 and the future years Defense plan.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, April 1, 1993, beginning at 10 a.m., to conduct a hearing on the proposal to abolish the Council on Environmental Quality.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, April 1, 1993, at 9:30 a.m., to hold a hearing on "Will Jobs Be America's Biggest Export Under NAFTA?"

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Thursday, April 1, 1993, at 10 a.m., to vote on the nomination of Eugene Ludwig to be Comptroller of the Currency.

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

ADDITIONAL STATEMENTS

UNITED STATES POLICY TOWARD IRAQ

• Mr. LIEBERMAN. Mr. President, in the wake of news reports about United States policy toward Iraq, Secretary of State Warren Christopher has provided assurances that we have not in any way lessened our opposition to Saddam Hussein's rule.

I am relieved that this is the case, because I believe any weakening of U.S. policy toward Saddam would be a mistake. It would demoralize the Iraqi opposition to Saddam, who would read this as a sign of lower American resolve. The Gulf Arab States may, similarly, conclude that America's priorities would be changing. The Iraqi military and other supporters of Saddam's regime could conclude that peace will no longer elude them as long as Saddam is in power. Most dangerous, it would encourage a belief on the part of Saddam Hussein himself that Americans are weakening, and that his so-called charm offensive is paying off.

I continue to believe that Saddam Hussein must be removed from power before sanctions are lifted and before normalized relations can be established. He has demonstrated all too often, and all too powerfully, that he simply cannot be trusted. Even a period of months, or years, of good behavior would represent only a hiatus in his evil desire to dominate his region of the world. He is perfectly capable of acting one way in order to achieve his own ends.

Indeed, if our policy is to change, it should in ways that toughen the stranglehold on Saddam and hasten his removal from power. We must pursue stronger sanctions. For example, Iran must be penalized by the world community for accepting oil from Iraq. There is some evidence that the oil going from Iraq to Iran is, in turn, being sent to Sudan. It is reasonable to assume that Sudan may be paying for that oil by shipping livestock to Iran for transshipment to Iraq. Over the long term, Iraq could connect its oil pipelines to Iran's pipelines in order to avoid international sanctions.

America can also do more to recognize and encourage the Iraqi opposition: the Kurds, the Shiites, and others. We could help them by establishing a Radio Free Iraq network, beaming in news about Iraq and the region to the people of Iraq, so they might hear the truth, for a change.

And we must be watchful for any Iraqi failure to comply with the U.N. sanctions, and be prepared to take steps in retaliation, such as extending the no-fly zone to cover all of Iraq.

In the end, what we hope for in Iraq is progress toward democracy, including greater respect and autonomy for Iraq's constituent populations: the Shiites, the Sunnis and the Kurds. If they can run Iraq in a cooperative manner, these groups can maintain Iraq's role as a balance of power in the region: strong enough to defend itself from enemies like Iran, but not so strong or so inclined to engage in the criminal adventurism that characterizes the rule of Saddam Hussein.

But we must keep one thing in mind: there is no peaceful and secure future for this region of the world that includes Saddam Hussein. That is not a personalization of a foreign policy issue; it is a recognition of a fact of international life.•

A TRIBUTE TO KENTUCKY HARVEST

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Kentucky Harvest and U.S.A. Harvest, two outstanding Louisville-based organizations dedicated to feeding hungry Kentuckians and Americans.

Kentucky Harvest began in 1986 when Louisville resident Stan Curtis realized that many restaurants, hospitals, and other food preparation industries were throwing away massive amounts of unused food. Recognizing the waste, Curtis founded Kentucky Harvest. The sole purpose of the organization is to collect the unwanted food and distribute it to Jefferson County's shelters and missions.

Unlike many charitable institutions, Kentucky Harvest will not accept Government aid, nor does it look to outside sources for funding. Instead, Kentucky Harvest relies on the generosity of volunteers. Currently more than 900 Kentuckians offer their automobiles for transportation of the food. This dedication means 9,000 nourishing meals a day in Louisville, and also means a sense of fulfillment for those who volunteer their time for this wonderful program.

In 1989, Mr. Curtis and his admirable team branched out to touch the lives of all Americans. U.S.A. Harvest was created under the same volunteer-sustained philosophy as Kentucky Harvest. This idea has proven successful. In 1992, nearly 33,000 volunteers in 80 cities collected and delivered almost 50 million pounds of food.

Mr. President, I think you will agree with me when I say Stan Curtis and the fine people at Kentucky Harvest and U.S.A. Harvest proved that belief and dedication in a worthwhile project can make even the most burdensome task conquerable. The dedication shown by so many individuals truly is an inspiration to all.

Mr. President, I ask that an article from the March 28, 1993, Parade magazine be included in today's RECORD.

The article follows:

THE POWER OF AN IDEA

(By Hank Whittemore)

One morning back in 1986, a businessman left his home in the suburbs and drove to the office in Louisville where he worked as a stockbroker. When not daydreaming about his golf game, he dealt with rich clients and tried to make them richer. Stan Curtis, then 37, had no idea that he was about to change his life.

"My wife and I were on the cafeteria line at lunchtime," he recalled, "and just as I was about to order some green beans, a man

69-059 O—97 Vol. 139 (Pt. 5) 46

put down a new pan full of beans and took away a pan that was still a third full. I wondered where those green beans were going, so I called the manager over. He says, 'Well, they like to keep the buffet line looking good.' 'Yes,' I say, 'but what happens to those other beans?' 'Oh,' he says, 'we have to throw them away.'

"It just struck me then that there's a lot of good, wasted food—and I wondered how it could be gotten to folks who needed it," Curtis explained.

He called a bunch of his business friends and asked them, "Do you think we could set up a group of volunteers who would take food from people who have it but don't want it and give it to people who want it but don't have it?" Before they could reply, Curtis answered his own question: "Of course, we could."

With that single, simple idea, Kentucky Harvest was launched in 1987. Two years later, a nationwide movement called U.S.A. Harvest was born.

Although still a stockbroker, Curtis, now 44, is the leader of some 33,000 volunteers in 80 cities. During 1992, they collected nearly 50 million pounds of surplus food from restaurants, hotels, hospitals and such and delivered it to missions, shelters and soup kitchens.

"Nobody should go hungry when we're throwing away good food in quantities you can't even fathom," Curtis said.

Why did Stan Curtis suddenly find his life changing course? "I grew up in a children's home," he said, "but I can't tell you that I'm doing this because of that. Something just tapped into something in me to do good."

Curtis had ended up in a children's home through a series of events that began in the late 1950s. Had the same events taken place today, his mother and four younger brothers and sister might well have been among the homeless families wandering the streets.

"My father wasn't a good guy," Curtis recalled. "He treated my mother badly. When he decided they were going to get divorced, he took four of us with him to South Carolina and put us in a children's home. After a year, my mother got us back to Louisville, but she couldn't afford to raise us. So she got us placed in another home and went to work there as a house mother, to be with us."

Curtis lived in the Bellewood Presbyterian Children's Home in Kentucky's Jefferson County from age 9 until his graduation from high school. What saved him, he believes, was that he learned to play tennis. By his senior year, he was a top player. He later turned pro and eventually became a tennis teacher in Miami. But in 1980 he decided to leave tennis and return to Kentucky.

Back in Louisville, Curtis joined the investment firm of J.C. Bradford & Co. "I was playing golf, making money and acquiring things," he recalled. Until that day on the cafeteria line.

Kentucky Harvest was set up with the idea that it would never accept money from the government or any other source. "We challenged people to help *without* giving money," Curtis said. "We said, 'We're not fund-raising but foodraising. So hey, folks, you can't send us money and think you're involved. We challenge you to get out of your homes and offices, to come and see what's happening among the less fortunate in your community—and to use your ideas, talent and energy to make a difference.'"

The outpouring of volunteers was tremendous. In its year, Kentucky Harvest provided 23 missions with 753,000 pounds of food. Currently, the Louisville group delivers more than 5300 pounds of food daily, enabling 100 agencies to serve 9000 meals a day. The volunteers, using their own vehicles, transport all this fresh food directly from the sources to the recipients.

Clyde Swindler, 73, is one of the 900 volunteers at Kentucky Harvest. "In the morning," he said, "I'll pick up more than 500 loaves of bread from one large store in town and bring them to the missions on my trailer. It's almost criminal, if that bread went to waste. Why, the other day I picked up 16 tons of peanut butter right from the manufacturer, because they'd labeled it wrong. Otherwise, they would have dumped it!"

"Aside from being a great humanitarian effort, doing this community work is fulfilling," added Swindler, who spent 40 years in the electrical contracting business before retiring in 1987. "It's really a blessing to me, not having to sit home and wonder what I'm going to do tomorrow. Now, I already know."

"People really want to help," Curtis said. "But they don't want to write a check and send it down a black hole. They want to see where it's going. And when they come in contact with hungry people eating food they've brought, they never forget it."

Within a few years, Stan Curtis hopes, there will be more than 100 chapters of U.S.A. Harvest. As each chapter is set up, he flies to that city to lend his support. After the disturbances in Los Angeles and following Hurricane Andrew in Florida, his volunteers sent thousands of pounds of food to those areas.

"I keep moving ahead," he said. "And I think this journey I've been on has begun to make changes in my character. I'm more emotional now, more passionate or maybe the word is compassionate. The other day, as I watched some homeless kids enjoy a meal they would not have had unless some people had cared enough to make it happen. I damn near cried."

And who is to say that his journey is not leading him back to himself—to that boy in the children's home who knew how it felt to need someone's help?●

TRIBUTE TO THE HEALING ARTS

● Mr. HATFIELD. Mr. President, on Sunday, March 21, 1993, the Second Annual Rose Mass was celebrated at historic St. Patrick's Church here in Washington, DC. The principal celebrant was the Roman Catholic Archbishop of Washington, His Eminence James Cardinal Hickey. The homilist was a friend of mine and the Archbishop of Portland, OR, Archbishop William Levada.

The Rose Mass takes place annually at St. Patrick's Church on the fourth Sunday of Lent and has come to symbolize life, whose precious care is entrusted to the hearing professions. The Rose Mass is organized to invoke God's blessings on the medical, dental, nursing, and allied health care workers and the many health care institutions in the Archdiocese of Washington.

I am extremely pleased to enter Archbishop Levada's most enlightening homily into the CONGRESSIONAL RECORD. The message of his address is timeless and reflects the continuing need to recognize the contributions made by health care providers to the physical, mental and spiritual health of our Nation.

I ask that the contents of Archbishop Levada's attached homily be inserted in the CONGRESSIONAL RECORD at this time.

The text of the homily follows:

HOMILY OF ARCHBISHOP WILLIAM LEVADA

As long as I am in the world, I am the light of the world. These words of Jesus taken from the story of the man born blind in today's Gospel provide a theme for our reflection at this second annual Rose Mass in the Archdiocese of Washington. I thank Your Eminence, Cardinal Hickey, and the John Carroll Society for the invitation to join you for this celebration. The fact that this invitation was made to the Archbishop of the "City of Roses" of Portland in Oregon I count as pure coincidence!

The power of light is something we discover early in life. The poignancy of the symbol is reflected in the experience of the very young for whom the night light is protection from the unknown, as well as in the young men and women who have discovered the one who "lights up their life." As a matter of fact, the world pays its own special homage to light today, the vernal equinox, when the sun crosses the equator and day and night are everywhere of equal length.

In the opening words of the Bible we read that light is the first product of God's creative work:

"In the beginning, when God created the heavens and the earth, the earth was a formless wasteland, and darkness covered the abyss, while a mighty wind swept over the waters. Then God said, 'Let there be light,' and there was light."

The words of Jesus "I am the light of the world" are not mere rhetorical flourish. Jesus did what was unheard of; he opened the eyes of a person born blind. He gave that man light, the first gift of creation. He even claimed to be the light of the world.

In today's Gospel we witness the striking drama of a once blind beggar standing before those he had feared but could not see. But now he sees not only with the physical light of vision, but with the spiritual light of faith: "'Do you believe in the Son of Man?' Jesus asked. 'Who is he, sir, that I may believe in him?' Jesus said, 'You have seen him and the one speaking with you is he.' He said, 'I do believe, Lord,' and he worshiped him."

The contrast with the "seeing" Pharisees is telling. "'Surely we are not also blind, are we?' And Jesus said to them, 'If you were blind, you would have no sin; but now you are saying, "We see," so your sin remains'." The whole drama of this story is about seeing the light. Those who rest complacent in the blessing of God which gives them physical sight have made themselves blind to the "light of the world." They have closed their eyes to the light of faith which illumines the true meaning of the world which comes from God's creative hand.

The story tells about Jesus healing this man. How appropriate for our celebration at this Rose Mass, which gathers those whose work and whose vocation is one of healing. It is Jesus who offers us the elements of our meditation this morning: the work and the vocation of healing is the work of light, of Jesus the "light of the world."

The man to whom Christ has given physical and spiritual light pleads the cause of light, a light that Jesus has linked with all of us in his pronouncement that "We must work the works of him who sent me." We are

called to be light to the world. Our light is a continuation of Christ's. Throughout the ages, believers have understood they are called to share in the mission of Jesus: "I say to you, the one who believes in me will also do the works that I do."

Somewhere in the world, it is night and a nurse is making her rounds. Her flashlight casts a single beam down the hospital corridor and into a darkened room. The woman in the bed is not in pain but she is suffering. The latest technology enables her to administer her own analgesic with the touch of a button but she cannot cure her own fear.

In still another place, a research biologist sits at dusk in a laboratory. Our eyes are drawn to the tiny light shining from his microscope as he seeks to uncover the mystery that will help him overcome the darkness surrounding yet another human ailment.

And only a few miles from here, in a hospital solarium, a pastoral care worker brings light of another kind to someone who has just learned that the shadow of death has entered his life.

I suggest these scenarios with confidence because in every part of the world, these scenes are repeated day after day and year after year as health care workers like yourselves bring light to those who suffer in physical, intellectual and spiritual darkness.

The ministry of healthcare is a participation in the mission of Jesus Christ. It makes sense that we look to him for a model for our ministry.

"* * * And (he) anointed the man's eyes with the clay." Health care has become increasingly complex and technological. It has become wonderfully efficient and marvelously inventive. But with each new technology, we face the ever increasing danger of distancing ourselves from those we serve, of allowing technology to substitute for touch. The journey down the corridor in the middle of the night, if only to hold a hand or speak a gentle word, is part of the vocation of health care which continues to enlighten the world in Jesus' name.

Each of the people you treat comes from a family, a community. Often their illness has isolated them and your healing powers must extend beyond the physical to heal family and friends as well. When those involved in health care are attentive to relationships, they witness to the sort of healing that Jesus did—healing that reveals the power of God.

I have reflected with you on the vocation of the health care worker, those who directly administer this care, and those who enable it to happen and support it. I have suggested that the Gospel story of Jesus' healing the man born blind invites us to reflect on the ministry of healing as a work of light—an extension of the work of him who said, "I am the light of the world." But the light which Jesus brought into the world, and continues to enlighten it with, is also a light which he expects to shine forth from the community of his disciples, his Body, the Church.

The lesson of Jesus is not that the world wants to remain in darkness, but that it too often resists the light, especially when it means having to look further ahead then we are comfortable doing. To be able to see human life, for example, from the perspective of God—the value of each human life, from conception to natural death—is not a vision which is spontaneously embraced in our society. To be able to see human life in the light of eternity is for many people of our day to illumine a distant horizon which they are more comfortable leaving in the shadows.

Thus I think it important for us to recall today the vocation of the Catholic health care apostolate as a manifestation and embodiment of Christ's call to all of us as his Church to be the "light of the world." People are most vulnerable and in need of protection at the beginning and the end of life. For this reason, the most obvious shadows threatening to obscure the light are at the inception and the conclusion of life. Each day we are challenged by those who would, in the name of freedom, allow the killing of innocent human beings through abortion. And at the end of life our society is now raising the issues of euthanasia and physician-assisted suicide. I have special reason to be concerned about euthanasia, since the national headquarters of the Hemlock Society is located in the Archdiocese of Portland.

From one perspective we can see the demand for euthanasia as a reminder that the human family is failing as a community both to embody the trust that sustains life and to live out the commitment to be companions to one another, especially to those who are weak and unable to contribute to the community. Much of the burden for this witness will rest on you and people like you—Catholics in the health care professions.

We *can* make a difference. The recent election initiatives in Washington State and California were narrowly defeated, thanks in great measure to the energy and witness of so many in the Catholic health care apostolate. As a community of believers we need to use our common commitment to life and love to make a difference, to create a community that cherishes every human life as a gift of love, and celebrates that gift by giving the support of our love and care to all our brothers and sisters in the family of God. The teaching of Jesus about life and love has been handed down in his Church under the guidance of the Holy Spirit, and is applied to increasingly complex cases today. But Jesus intends his teaching and his example to be light for the world, and he invites us to be the bearers of his light.

As health professionals your care for those who are sick and dying means opening yourself to the reality of suffering. It also involves recognizing that there is a transcendent reality that is more powerful than we are. We discover that reality when we cannot cure, when we cannot heal. Facing death is a profoundly meaningful human endeavor that limits and defines human life.

Our faith in the Risen Jesus enables us to find the value in human suffering, the value in death. It is the Risen Lord who sanctifies and transforms human suffering so that it has redeeming force. Because of this transcendent element, we are able to bring Christ to the bedside of the sick. We can be conscious of the unity possible between those whose suffering we cannot adequately relieve and the suffering Christ. Throughout the Lenten season, even as we reflect on the passion and death of Jesus, the light of resurrection shines through.

Today, we gather at this annual Rose Mass to celebrate your ministry, to remember God's intimate love for those you serve when they are most vulnerable, and to offer you the Lord's own word as encouragement: "We must do the works of him who sent me." We pray that we might announce God's love in times of joy—at moments of birth and regained health. We ask that he might be with us at times of profound sorrow and grief, in suffering and death.

When we act in the name of Jesus, unheard of things can happen: the blind see, the sick are made well, the fallen are raised, sinners are made just and the dead come to life once more. When Jesus is with us, the oppressed are freed and those who despair are consoled. Such work calls us to conversion, to committed leadership and personal holiness. And it calls the world out of darkness into the wonderful light of Christ, who is the "light of the world."•

GEORGE WILL'S INSIGHT

• Mr. DURENBERGER. Mr. President, George F. Will is one of the most intelligent and insightful commentators on public affairs in America today. In a recent article in National Review, he explains why the quality of our Government is declining—because of a failure of values.

The Federal decisionmaking process has become too far removed from the real lives of Americans. As a result, legislation at the National Government level tends to reflect the interests of government bodies and other organized special interests—instead of the public interest broadly understood.

For as long as I have been in the Senate, I have believed that fundamental reform—a basic change in the role of Government—is absolutely essential if Government is to be worthy of respect.

If I could phrase it another way: The best strategy for discrediting Government is to force it to do what it should not and cannot do. Let's get clear about what the Federal Government really has to do. Only when we have succeeded in the task of providing income security for our citizens—and security for their persons and property—should we give ourselves the luxury of debating innovative new roles for the instruments of Government.

Mr. President, I ask that the George Will article I mentioned be included in the RECORD at the conclusion of my remarks.

The article follows:

CONSERVATISM'S CHALLENGE: RECOVERING AMERICA

(By George F. Will)

Bill Clinton is in the process of learning what Adlai Stevenson meant when he said America is a great and wonderful country in which any young person can grow up to be President—and that's just the risk you take. It serves the professional interests of the political class and the emotional needs of their journalistic echoes, who feel important in proportion to the importance of what they are writing about, to say quadrennially that the just completed election is the most important presidential election since God-knows-when. But frankly, this was the least important presidential election since at least the 1920s.

America, in large measure because of conservative achievements, is safer today than it has been in 217 years. Furthermore, the government today (this is the good side of the budget deficit) enjoys less latitude for action than at any time since the 1920s, or since it slipped the leash of the enumerated-powers doctrine of the Constitution. Finally, the problems most vexing to the most thoughtful Americans are problems singularly immune to the attentions of govern-

ment in general and particularly government based in a capital on the fringe of a vast continent.

Losing an election is not the worst thing that can happen. Indeed, it is part of the dynamic of our politics. And 12 years in power is a very long time. Only four times in American history has a political party held power for longer than that. Also, the Republican Party fell victim last year to a paradox of politics, which is that the party in power is often punished for its successes. We tend to forget that the Republican Party was propelled into power 12 years ago by, above all else, inflation. As the currency lost its function as a store of value, inflation summed up the general sense that American life at the everyday transaction level was no longer functioning well. Furthermore, the Republican Party was held together by an anti-Soviet foreign policy. Inflation is gone, the Soviet Union is gone, and, not coincidentally, so are the Republicans. But they will find other things to do.

We shall be watching to see if another truth of politics holds. That is that great leaders—Ronald Reagan and Margaret Thatcher spring to mind—often leave their most lasting impress on the opposition party. The Labour Party today is very different after its hammering by Mrs. Thatcher. We shall see if the Democrats also have been changed. The question is whether Bill Clinton is Henry of Navarre. You will remember that Henry twice converted to Catholicism in order to keep his crown, saying on one memorable occasion the words that are the slogan of every political class: "Paris is well worth a Mass." Today the question is: Was the White House well worth a pose of moderation? We shall see.

DRY STERILE THUNDER

I don't think it is losing that depresses us. What has depressed us is that this loss was so sterile. In words that T. S. Eliot used, it was "dry sterile thunder without rain." There was no sense of an honorable banner borne to honorable defeat. William Jennings Bryan three times lost the Presidency. But before he was done, the Democratic Party has been largely transformed. The most honorable, the most fruitful defeat of modern times was suffered by the man for whom I cast my first vote for President, Barry Goldwater, in 1964.

Four years ago, in the inaugural address that George Bush gave, the seeds of trouble were apparent. He made mistake number one when he said our problem is that we have more will than wallet (indicating that he wished the government had more wallet). Mistake number two was not understanding that the great problem of politics always is an insufficiency of political will. Then he turned to George Mitchell, held out his hand, and said the people "didn't send us here to bicker." Actually, they send people here to Washington to fight and argue. That's why they send two parties here, because they differ. And when someone refers to political differences as "bickering," that person lacks the ballast of ideas that makes these things seem more than inconsequential bickering.

The question is: Has the Republican Party learned a lesson? The lesson of 1992 was that ideas matter. They matter most of all for a political organization that will not define itself in terms of interests and therefore must define itself in terms of ideas. Forgetting that is a mistake we dare not make often. After Dorothy Parker's third, or perhaps fourth, suicide attempt (no one was counting at that point), a friend said, "Dorothy, if you keep this up, you are going to make yourself very sick."

Now, Mr. Clinton and his party seriously believe they can preside over another coming of Camelot. They misunderstand the great change in the American public in the last 32 years. An unsentimental coolness has taken over. The American people look upon the political class today the way that Bear Bryant looked upon football players—"Be good or be gone."

The presidential election last November 3 was, at most, the 15th most important balloting done in the country that day. The 14 more important instances of balloting were in the 14 states where the political class could not prevent people from voting on term limits; 14 chances, 14 victories. In 13 of the 14 states, term limits got more votes than Bill Clinton got. Term limits got more votes in 14 states than Ross Perot got in 50 states. This is the wave of the future, and it reflects the crash of the prestige of government. The Great Society initiatives which promised more than they delivered combined with Vietnam and Watergate to set the stage for the ravages that inflation wrought on the public's confidence in government. And that is where we stand today.

Ironically, American confidence in public institutions rose at only one point since 1963, and that is during the Presidency of Ronald Reagan. That is paradoxical, because he is the one who said in his inaugural address that government is not the solution, it is the problem. But people trusted government more, because they trusted the man who had a clear, candidly spoken agenda for government. This agenda was nothing less than to inspirit the country by changing many of its values.

INTO THE POLITICAL FUTURE

I would like to suggest, for your consideration a four-point agenda. The first is to change the political culture in every capital city, but most of all in Washington, with term limits. It is said that we need seasoned professionals in Washington or we won't have good government. I can again give you a baseball analogy. I serve on the board of the Baltimore Orioles. In 1988, the Orioles were a lot like Congress—they were old, expensive, and incompetent. They lost their first 21 games, and went on to lose 107 games that year. We on the Orioles board are not brain surgeons, but that winter we said, "Hey, we can lose 107 games with cheap rookies." The 1989 Orioles had the youngest team in baseball, the smallest payroll, and came within two pitches of winning the American League East. The moral of that story applies to the political class too.

The second item is an uncompromising reaffirmation of the proposition to which, as Lincoln said, we as a nation are "singularly dedicated." It is a proposition about the equal rights of individuals to strive individually to achieve happiness as individually defined. The very unity of our nation today is threatened by the balkanizing of the country into unassuageable grievance groups developing a racial, ethnic, and sexual spoils system.

Third, we must judge all social policies in terms of how they contribute to rapid economic growth. The welfare state is not going to go away, and it requires a rapidly growing economy to throw off revenues. But the very weight of the welfare state that requires the revenues is suffocating the private sector, which, at the end of the day, must pay the bills. Now, we cannot wait on the shrinking of the deficit—and I am a reluctant convert to this, tutored by Pete duPont and others—in part, because no one in Washington of either party has any particular incentive to shrink the deficit. The deficit is, after all, the principal tool of a career political class. It transfers wealth from the voiceless and voteless future to today's people, who are only too pleased to get or give a dollar's worth of government and be charged 79 cents for it. Therefore, a strategy must be found—consistent with the imperative of the political culture that exists—to achieve sustainable economic growth.

Fourth—this I say with some passion—I would hope that the conservative movement would use our enforced leisure to come to an understanding that economic growth is not enough. We have learned rather a lot in the last thirty years about our most intractable problems, and we know that a rising tide will not raise all boats. This is, in part, because the problems afflicting vast portions of our urban society are problems of values, behavior, and character, not problems of inadequate economic opportunity. Look at what is happening to K-12 education. We are today graduating the first generation in American history less well educated than the generation that came before. We have been soothed, because we do not measure cognitive outputs through national testing. We instead judge our educational system through financial inputs. But the complacency that characterized this country for so long has happily been shattered.

I live in Montgomery County, where, a few years ago, someone ran for the school board saying, "If I am elected, the schools in Montgomery County will begin to produce Beethovens and Einsteins." I don't know how it is where you live, but in Montgomery County we would be very pleased if, upon leaving school, our children had heard of Beethoven and Einstein.

NO MAN'S LAND

But everyone knows what the problem is that drives America's educational problems—it is the crack-up of the American family. I was recently at a school three miles due west of the magnificent Mile in Chicago—a school 85 per cent black, 15 per cent Hispanic, with a heroic faculty struggling to give the children a chance. But the teachers never assign homework—because, they say, these children go home, all of them, to be parents to their siblings. It is, after all, a student body in which 85 per cent of the children come from homes with no fathers. As a result, we are experiencing in America today something without precedent in urban history: broad-scale social regression in the midst of rising prosperity. We are evolving a civilization we dare not evolve—a civilization in which the cities are important not primarily as centers of cultural and commercial vitality, but as burdens. And that means we cannot guarantee the first business of government, which is domestic tranquility.

I was recently at the Centers for Disease Control in Atlanta and was told that we passed a bleak milestone in America two years ago when, in at least two states, Texas and Louisiana, for the first time since the automobile became an instrument of mass transportation, more people died of gunshot wounds than died from vehicular accidents. We live in the only society in NATO, and that includes Turkey, in which children go to sleep at night in vast tracts of cities hearing gunfire. You may have noticed that around the time a school principal—by all reports a saintly man—in the Redhook section of Brooklyn was killed by a stray bullet while out searching for a child in that tough neighborhood, the New York Times ran an editorial the headline of which was, "Who Will Disarm the Thugs?" They were talking

about Somalia. Somalia is not a pressing problem for America. Redhook is.

The problem has been put bravely by Pat Moynihan for 25 years, and he said it again recently: "From the wild Irish slums of the East Coast in the nineteenth century to south-central Los Angeles today, the lesson is clear. You have chaos when you have a large number of adolescent males who do not have fathers."

Mr. Clinton and the Democrats deplore what they see as income disparities developing in the 1980s. They propose to correct these by fiddling with the tax code. But the great disparities are driven by one pair of numbers: 18 per cent of all white children are born to single mothers; 66 per cent of all black children are. Until that is changed, America is going to become more dangerous. Consider all the other problems that come with those numbers, such as $5,500 a day in a neo-natal ward for a crack baby, or $60,000 a year in a public hospital for an AIDS victim in the last years of life.

Therefore, I ask one question: What does conservatism have to say to my friend Karen McCune? She's nine years old, 47 pounds, and full of life and bravery. She needs bravery because she lives in the Cabrini-Green housing project in Chicago. She goes to the Jenner School, named after the man who invented the smallpox vaccine. Three gradeschoolers, in the span of one year, were killed accidentally, getting from Cabrini-Green across the free-fire zone that is Chicago in those areas, into the Jenner School. Karen sleeps, she says, in a bed near a window except when the gunfire gets too fierce, and then she and her siblings go into the hall and hide. America is failing these people in a way that is simply intolerable. No political movement deserves to govern—not left, right, or center—that cannot begin to make life better for Karen McCune.

I think conservatism has the answers. The first answer is police—a lot of them—to disarm the thugs in this country. And then there are ways to begin to bring empowerment and a sense of dignity and choice and a stake in the community—good Madisonian language—to people living in these horrible places. Finding these ways is conservatism's challenge.

Most of all, it is conservatism's challenge to do whatever it does, and argue however it does, with a cheerful countenance. Americans do not like to be scolded. They want a smiling political class and they insist upon it. Barry Goldwater carried 5 states; Ronald Reagan carried 93 states in 48 months. Now there are a lot of reasons why Barry lost, but one of them is that he was perceived (wrongly, as everyone who knows him knows) as an angry man. Actually, Barry Goldwater was, in Richard Rovere's phrase, "the cheerful malcontent." The cheerfulness ought to be as apparent as the justifiable malcontentery of conservatism. Conservatives must find answers to these problems, but do so cheerfully, because Americans will reward that.•

A TRIBUTE TO NEWPORT

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Newport, a historic city located on the cliffs of northern Kentucky overlooking Cincinnati and the Ohio River.

Founded in 1795, Newport was named for Christopher Newport, a well-known sea captain. Since then, Newport has welcomed people from many ethnic backgrounds. Italian, Irish, English, and German immigrants have made the river city home. Generation after generation of families have stayed in Newport, and locals now joke that most residents are somehow related.

Only 2 years ago, real estate in Newport had few buyers. This has quickly changed as people are beginning to realize the city is home to many beautiful buildings. The Gateway Bed and Breakfast, which was refurbished by Ken and Sandy Clift, was honored by the National Trust for Historic Preservation. The charming inn, which was built in 1878, was named the third-best restoration of a townhouse. Also of interest to architecture enthusiasts in Newport is the Hannaford, a former school built with a European influence, which has been transformed into an eye-catching apartment complex.

Newport's historic buildings and thriving community have caught Hollywood's attention. Seth Green, the lanky teen who created a national craze when he yelled "Cha-Ching" during a Rally's Hamburgers commercial, was recently in Newport for the filming of "Airborne." Also on Newport's impressive list are scenes from the hit move "Rain Man." During the making of "Rain Man," both Tom Cruise and Dustin Hoffman were present in Newport to film a restaurant scene.

Mr. President, today I honor the good people of Newport. Their dedication to maintaining their strong heritage and faith in their community is an inspiration to all Kentuckians.

Mr. President, I request that a recent article from Louisville's Courier-Journal be submitted to today's RECORD.

The article follows:

NEWPORT

(By C. Ray Hall)

The star quality didn't match the incandescence of the time Dustin Hoffman and Tom Cruise braved the not-so-mean streets of Newport to shoot a restaurant scene for "Rain Man." But "Airborne," the movie that was being shot in town a few days ago, has its peculiar charm. One of the stars is Seth Green, the "cha-ching" kid in the Rally's Hamburgers commercials.

"He plays the nerdy cousin," said publicist Kari Messina, adding that the movie is "a fish-out-of-water story about a Southern California surfer who's shipped off to relatives in the Midwest. He wins acceptance by roller-blading."

Except for being 198 years old, Newport is like the kid in the roller-blading movie. Trapped between two judgmental giants, Cincinnati and Kentucky, it seems to belong to neither place. But this cramped, contradictory, congenial, contentious collection of German, Italian, Irish, English and Appalachian emigres is a lot more like Kentucky than most people imagine.

For example:

Outsiders look down on it. "I used to go to school (in Covington) and get teased for being from Newport," says 19-year-old Paul Barton Jr. "A priest told us, 'You Newport urchins go back where you came from.'"

On the bright side, it has lots of low-cost housing. On the dark side, it's worth it. As recently as 1990, says economic development director Laura Long, "There was not a house in Newport, finished construction, that sold for over $120,000." That's changing, owing to a recent surge in gentrification that's so intense you'd think "This Old House" was filming in town.

"Two years ago, it would have been unheard of for houses to sell for $100,000, but now everybody is used to it," says real-estate agent R.J. Seifert. An 1878 townhouse revived by Ken and Sandy Clift as the Gateway Bed & Breakfast recently was declared the nation's third-best such restoration by the National Trust for Historic Preservation. "I guess in the '70s and early '80s people wanted to get out of town," says Mayor Tom Guidugli. "Couldn't get out fast enough. And now the people with money in the community are moving back into town for the convenience."

It has many poor folks who live in the shadow of great wealth. "I don't see anything but poverty," says Clarence Everson, who is studying social work at Northern Kentucky University. "To me, we're just poor people trying to get by." Newport's poor can see prosperity about them. To the north lies Cincinnati, which looks as pristine and imaginary as an architect's drawing. To the south, they see Grandview, a sumptuous complex of $200,000 condos in their own city. They can gaze at their own riverfront, a symbol of dawning prosperity, with a 10-story office tower, four floating restaurants, and big plans for more building.

It has a lightly regarded public-school system. A builder angered locals recently when he proposed putting $90,000 houses in Newport and $130,000 houses in neighboring Southgate, the theory being that the more prosperous buyers would choose Southgate so they could send their children to the esteemed Fort Thomas Highlands High School and eschew Newport schools. "This is a misconception we've been fighting," says Chris Novak, Newport's community-development director. "People who come in here automatically think the schools are the worst." (Newport High, which had 1,200 students in 1970, now has 581; about a third go to college, as opposed to about 90 percent at Highlands.)

Everybody is sort of kin to everybody. "I would say that 60 or 70 percent of the people that lived in Covington and Newport expanded out in the country," says Guidugli. "My mom was from Ohio, and when she moved over here with my dad 45 years ago, he said, 'I can't believe that everybody is related to everybody.' It's just unreal how many people are related to each other in Northern Kentucky."

People are still impressed by the supermarket openings. No complacent cosmopolitans, folks in Newport eagerly await the 50,000-square-foot Winn-Dixie Marketplace scheduled to open in 1995. The supermarket will go where the old Wiedemann brewery stood before closing in the early 1980s. "Wiedemann was to Newport what the Ford factory or General Motors is to Detroit," Long says. "One major employer, and when they leave, it's gone. The city bottomed out." It's coming back, she says, perhaps halfway through the usual 20-year cycle in which cities reinvent themselves.

It started life as a golden land that lost its way. Vestiges of that early idealism remain. The Hannaford, an apartment house that was a school in a former life, looks as if it dropped into Newport out of a European wonderland—a thing of beauty and a joy forever. "That's the kind of vision that was set for this place in the early 1800s," Long says.

"Somewhere, the value system and the standards got lost, and it just got worse and worse. And so as (Cincinnati) was over there building and building, somehow we got left behind." (Now, though, she says things have changed. In economic development, "Northern Kentucky is leading the charge." And she adds, "Newport has the ability to be the very best urban model for a community in the United States.")

It has prospered from other people's vices, Kentucky's principal products support smoking, drinking and gambling. Newport's talent for production, consumption and, especially, facilitation, of vice earned it the label of "Sin City" a generation or two ago. In its bad (or good, depending) old days as a wide-open center of gambling and glitzy entertainment, Newport was like a tender-tough guy with a glittering smile courtesy of Las Vegas and muscle courtesy of Cleveland (thanks to mob enforcers). After reformers evicted the gamblers in the 1960s, the peddlers of flesh and fantasy moved in, turning Monmouth Street into a corridor of strip-and-clip joints. Last summer, after a long and arduous campaign, the City Commission voted to outlaw public nudity. One of the remaining clubs, in which dancers perform in more clothing than one sees at the beach, has a yellow wall banner that says, rather heartbreakingly: "Solicitation of Employes Strickley Prohibited."

It has a colorful history of rancorous and sometimes corrupt public servants. Old-time City Commission meetings were known as the Monday night fights. "At least it was entertaining," says Everson.

It has enough four-way stop signs to drive you to distraction, Newport is home to 50 taverns, 39 lawyers, four florists, zero veterinarians, and perhaps more four-way stop signs per square foot than any place in Kentucky. Asked if anyone actually knew how many, a functionary at the city garage said, "Lord, no," as if it was a fool question.

The most famous person from town, ever, was a basketball player. Becoming a Boston Celtic didn't make Dave Cowens an effete Easterner. Even as he was becoming the darling of Boston, he took a course in auto maintenance, reasoning, "Those guys can really clean your clock."

It's right neighborly, really, Peluso's Market has an honest-to-goodness screen door with rusty Rainbo bread sign. Newcomer Brooke Vaughn, a quality administrator with Heinz Pet Products, says she was struck by "the friendliness and openness of the people." And Everson, who has lived in Newport 38 years, says, "The people are close. You may yell at one another one day, and have to borrow a couple of pieces of bread the next."

It takes its own sweet time. "Things start later here," Vaughn says. "They start at 10 o'clock and last till the wee hours. That's pretty much the lifestyle."

Spiritually, it's somewhere between Oxford, Ohio, and Oxford, Miss. "The Mason-Dixon line," Vaughn says, "is alive and well and running down the middle of the Ohio River."

It defies critics. When a Cincinnati radio commentator derided University of Kentucky basketball, a Second Street apartment building sprouted a bedsheet banner declaring UK FOREVER! The banner, courtesy of Everson, blares like a billboard aimed in Cincinnati's face. That's mild compared to the zest with which people defend Newport's civic image. "We're not Mayberry and we never will be," Barton says. "But I wish people who have never even been here wouldn't put us down. I wish they'd judge Newport for what it is, not for what it was. * * * I just tell people that Sin City is short for Sincere City."

It is widely misunderstood, and for the worse, usually. "People in Cincinnati come to Covington and they think they're in Newport," says the mayor, "because Newport has the name."

"Logan," a blonde, perfect-toothed University of Cincinnati student who dances at Sparkle Plenty's and allows men to buy conversation that costs about $1 a minute, summed up the identity problem this way. Adult-entertainmentwise, she said, "Covington is worse than Newport." Does anyone else make that distinction? "Monmouth Street is Monmouth Street," she said with a tone of immutability. As if the fatalism of it all were too dreary to think about, she brightened and said, "You know where the big place is for dancing now? Lexington! I've got three friends who drive an hour and a half each way to Lexington to dance at Pure Gold. They have a buffet. It's like a Caddy's with topless dancers." This is one of the minor ironies of Kentucky life; that Lexington, a city whose virtue is unassailable in the public imagination, can abide behavior that would be illegal in Newport.

In one compelling way, Newport is unlike Kentucky, or practically anyplace else. This is what makes Newport more interesting than most places: There is a continuing battle for its soul, a passion play that is by turns comedic and tragic.

"There's a lot of love and a lot of hate in this city," Everson says. "We have no medium here. Everyone goes to extremes. Over here you've got the Baptist Belt, and over here you've got people who are for things like adult entertainment and gambling. I don't know if we'll ever reach a medium."

Everson chuckles at the idea that the happy medium may be the new Hooters restaurant that bobs and jiggles on the Ohio River. After a Cincinnati suburb turned up its blue nose at Hooters, Newport welcomed the restaurant. Hooters is sort of a parody of adult entertainment, a good-natured counterweight to the grim backdrop of people looking for love in all the wrong places along Monmouth Street. Maybe this is as medium as it gets in Newport. And as happy. A gleefulness that's tempered by the knowledge that all humor comes from suffering. And if any place has suffered enough to deserve a good, worldly wise laugh, salted with just the trace of a tear, it's Newport.

Population (1990): Campbell County, 83,866; Newport, 18,871.

Per capita income (1989): Campbell County—$15,277, or $1,454 above the state average.

Jobs (1989): Northern Kentucky counties of Boone, Campbell, Kenton: Wholesale/retail trade, 32,102; services, 22,191; manufacturing, 14,441; state/local government, 10,844; contract construction, 5,382.

Newport's big employers: Newport Steel Corp., 700 employees; RMD Corp. (Remington's and Hooters restaurants), 303; Heinz, 262; Kmart, 230; Trauth Dairy, 171; Van Leunen's department stores, 150; Barleycom's restaurant, 139.

Education: Newport public schools, 3,000 students; Catholic schools, 604 students; Campbell County public schools, 4,486 students. Colleges: Northern Kentucky University, Thomas More College, Fort Mitchell Vocational School, Campbell County Area Vocational School.

Transportation: Air—Cincinnati-Northern Kentucky International Airport, 10 miles. Rail—CSX, Norfolk Southern. Truck—more than 80 lines serve Northern Kentucky. Water—Port of Cincinnati.

Media: Newspapers—Kentucky Enquirer (daily); Kentucky Post (daily except Sunday); Campbell County Recorder (weekly). Radio—More than 30 Cincinnati-area stations. Television—Seven Cincinnati stations; 54 cable channels.

Topography: Flat to gently rolling to downright precipitous. The biggest neighborhood, with 908 households, is called Cliffview.

FAMOUS FACTS AND FIGURES

Newport, founded in 1795 by Gen. James Taylor, was named for sea captain Christopher Newport. The county is named for John Campbell, a Revolutionary War colonel.

Newport has 50 taverns, one for every 377 sets of lips. Some of the more picturesque names: Dog House, Pit Stop, Gabby's Coaches Corner, Detroit Joe's, Bill & Whitey's, Barb'z, Fern's Bar. The most-inspired names, non-tavern division: Ola's Hair That Talks; Wok Disway.

Campbell County was the scene of one of the most tragic events in Kentucky history. On May 28, 1977, a fire at the Beverly Hills Supper Club in Southgate killed 165 people.

Sixty Kentuckians have won the Medal of Honor. Five were from Campbell County; Pvt. William Steinmetz and drummer William H. Horsfall, both of Newport; Lt. Samuel Woodfill and Lt. Don Faith, both of Fort Thomas; and Seerman William Boers of Bellevue.

Newport's notoriety may have peaked in 1961 when the underworld used stripper April Flowers to embarrass George Ratterman, a former pro football quarterback and reform candidate for sheriff of Campbell County, who had pledged to clean up Newport. But he survived, won election, and Newport's slide toward respectability became unstoppable.

TRIBUTE TO MR. FRED GREEN

• Mr. BOND. Mr. President, I rise today to pay tribute to Mr. Fred Green of St. Louis, MO. He is being honored as the Legionnaire of the Year by the 11th and 12th Districts Department of Missouri American Legion.

Mr. Green served his country honorably in the U.S. Navy and the U.S. Coast Guard during World War II. He has been an active member of the American Legion for 29 years and has dedicated his time and efforts to working the Legion's programs. Mr. Green has held every elected office in the American Legion Post No. 3 and served as Post Commander in 1981. He is a life member of Sgt. Anthony W. Gallagher VFW Post 877.

Mr. Green is also an active member and participant in the St. Louis Past Commanders Club and Voiture 88 of La Societe des 40 Hommes et 8 Chevaux. He is a volunteer at the Alexian Brothers Hospital, where he averages over 250 hours per year in volunteer work.

Mr. President, I would like to extend my sincere congratulations to Mr. Fred Green for his service and commitment to the American Legion and to the community. I am honored to have had the opportunity to recognize his accomplishments.•

TRIBUTE TO THE MINNESOTA GOLDEN GOPHERS NATIONAL INVITATIONAL TOURNAMENT CHAMPIONS

• Mr. DURENBERGER. Mr. President, Minnesota's Golden Gopher basketball team last night won the National Invitational Basketball tournament in Madison Square Garden. This achievement is a great credit to the players, coaches and loyal fans of Minnesota basketball, and a great sign for the future of Minnesota basketball.

This is a story of the power of a never say die spirit. The entire State of Minnesota was shocked to see the 64 team field for the NCAA tournament announcement without Minnesota. After a fine 17–11 season, and a 9–9 record in the Big Ten, the Nation's strongest basketball conference, Minnesota clearly deserved a bid to the NCAA. Clem Haskins and his players were rightfully disappointed, but they were not done yet.

Once the NIT called, disappointment was put behind them and they set their sights on a championship. And then this team and this State caught fire. With only hours notice, the Gophers sold out three games in the Twin Cities—45,000 tickets sold—and handily beat teams from Florida, Oklahoma, and Southern Cal.

And then proving it could win on the road, the Gophers defeated tough teams from Rhode Island and Georgetown, to bring home the championship to Minnesota.

Those fans not only lifted the Gophers to victory, they sent a little message to a soon to be departed professional sports franchise about how this town supports its teams.

They also left a calling card for next year. They will be a force to be reckoned with in the Big Ten and the NCAA.

Minnesotans have a huge amount of affection and respect for Gopher Coach Clem Haskins. In an era of cookie cutter coaches with freeze dried hair, Clem is a plain spoken, redblooded, regular kind of guy. His players respond to his leadership, and so do the basketball fans of the Twin Cities and all of Minnesota.

Mr. President, this is a team with a great blend of experience and talent. The two graduating seniors from the squad are Dana Jackson of Chicago and Nate Tubbs of Fort Wayne, IN. The five juniors are Randy Carter of Memphis, Arriel Mcdonald of Raleigh, NC, Ernest Nzigamasabo of Bujumbura, Burundi, by way of Mound-Westonka High School, Townsend Orr of Dolton, IL, and Robert Roe of Fort Worth. The sophomores are Chad Kolander of Owatonna, MN, Voshon Lenard of Detroit, Jayson Walton of Dallas, David Washington of Albion MI and Ryan Wolf of Martinsville, IN. The freshmen are Kevin Baker of Toledo, Hosea Crittenden of Farmington, MN, David Grim of Massillon, OH, and Trevor Winter of Slayton, MN.

With 14 of these 16 players returning next year, and with the momentum and confidence of reeling off five consecutive postseason wins, the future looks very bright. Prudent Minnesota basketball fans have already marked their calendars for April 2–4, 1994, Charlotte, NC, site of next year's final four.•

TRIBUTE TO ROBERT EVANS

• Mr. DECONCINI. Mr. President, I rise today to pay tribute to a man who has devoted himself to making our children better citizens. Bob Evans, cofounder and president of Kids Voting USA, will step down from his position on April 30. His efforts to establish and expand the Kids Voting Program have benefited the entire Nation.

Kids Voting began when Bob went on a fishing trip to Costa Rica with his friends Max Jennings and Charles Wahlheim. While there, these gentlemen learned that a major force behind Costa Rica's 90 percent voter turnout rate was an early education program aimed at children. Bob and his associates saw the potential of a student-centered approach to combat voter apathy here in America, so they decided to establish a similar program in their home State of Arizona.

The Kids Voting Program turned out to be much more than a mock election. The organization started a community-based education program for students from kindergarten through high school. A full curriculum was developed focusing on the candidates and issues at a level appropriate to each grade level. The students were required to study the decisions voters would be asked to make and encouraged to discuss the issues at home.

The program culminates with the students accompanying their parents to the actual neighborhood polling place and cast their ballots in special voting booths. In order for students to participate, their parents are required to be registered to vote and go to the polls with their children. The Kids Voting ballots are counted and reported along with the adult returns.

The results of this program have been astonishing. In the first year of full implementation in Arizona, turnout of eligible voters increased by 3 percent. As the program has spread to other States, the results have been equally remarkable. In the 11 States with Kids Voting programs, 88,000 new voters cast ballots. Under Bob's leadership, the organization is positioned to implement projects in 10 additional States for the 1994 election, potentially bringing thousands more new voters to the polls.

Mr. President, I would suggest that there is no greater danger to our democracy than citizens who do not care about our democracy. Bob Evans has worked for years to end voter apathy and to motivate Americans to care about their Government. His vision and dedication have created a program with a view toward making a permanent change in the voting habits of Americans. When Bob steps down as president of Kids Voting at the end of this month he will surely be missed, but the impact of his efforts will be felt for generations to come. It is with great pleasure that I ask my colleagues to join me in congratulating Bob Evans and wishing him every success in the future.•

COMMENDING EMMA JO NIEMEYER, 1993 MISSOURI MOTHER OF THE YEAR

• Mr. BOND. Mr. President, I rise today to urge my colleagues in the U.S. Senate to join me in congratulating Mrs. Emma Jo Niemeyer of Bowling Green, MO. Mrs. Niemeyer has been named the 1993 Missouri Mother of the Year and the Golden Anniversary Mother by the Missouri Mothers Association.

Mrs. Niemeyer is being honored because of her dedication as a mother and commitment to her family, church, and community. She was blessed with eight loving children and has devoted her time and efforts to working in the community. She and her children are active members at St. Clement's Catholic Church. Mrs. Niemeyer has been a 4–H volunteer since 1964. She has served as treasurer and president of the Pike County 4–H Youth Council. She has also been on numerous committees.

Mrs. Niemeyer has been a volunteer with the FFA since 1971 and has always been willing to help wherever she is needed. She has always believed in family and know they will always be there to give love and encouragement.

Mr. President, I would like to extend my sincere congratulations to Mrs. Emma Jo Niemeyer for her dedication as a mother and for her commitment to her church and community. She is representative of the American patriotism which still exists in this great Nation today. Our Nation has been blessed because of people like Mrs. Emma Jo Niemeyer. We salute those whose enthusiasm and deeds bring good to the community in ever increasing measure. When we give of ourselves, we experience the renewing power of life.•

SMALL BUSINESS PREPAYMENT PENALTY RELIEF ACT

• Mr. GORTON. Mr. President, I was an original cosponsor of the Small Business Prepayment Penalty Relief Act when it was first introduced by Senator HATFIELD last Congress and am happy to be a cosponsor again this year.

This legislation will provide much needed relief to 135 small

businessowners in the State of Washington and over 3,700 businessowners nationwide. The Small Business Administration 503 loan has been a source of great frustration to many businessowners in my State because of the huge penalties which must be paid if the loan is paid off in advance. This penalty is discouraging many owners from expanding, selling, or taking out other loans.

The 503 loan has since been replaced with the SBA 504 loan and, although the 504 loan also has a prepayment penalty, it is only 1 percent of the amount of the loan. This stands in stark contrast to the prepayment penalties of up to 40 percent, as is the case with 503 loans. The legislation introduced today seeks to remedy this situation.

Many small business men and women in Washington State and across the country need this legislation to expand or sell their businesses. This, in turn, will undoubtedly bring jobs and economic opportunities to families and communities across Washington State and the Nation. For this reason alone, Mr. President, I urge the Senate to act quickly on this legislation.●

TRIBUTE TO MRS. BESS WILLIAMS

● Mr. BOND. Mr. President, I would like to pay tribute to Mrs. Bess Williams of Monroe City, MO. She has been named a Missouri Honor Merit Mother to commemorate Missouri Mothers Association's 50th anniversary. I would also like to congratulate Mrs. Williams on celebrating her 100th birthday.

Mrs. Williams is being honored because of her dedication as a mother and for her involvement with the church and family. She has raised 10 loving children and has been a tireless worker in the community. Mrs. Williams has devoted her time and efforts to various churches around the country. She is an active member at Holy Rosary Parish in Monroe City.

Mrs. Williams enjoys playing cards and has participated in playing cards at the Senior Nutrition Center. She also spends her time praying for her children and all of the many descendants. Mrs. Williams is in good spirits and enjoying life.

Mr. President, I would like to extend my sincere congratulations to Mrs. Bess Williams for her dedication as a mother and for her commitment to the church and community. I am honored to have had the opportunity to recognize her accomplishments and may she have many more years of continued health and happiness.●

SHERRY BEASLEY: FOR BABY-BOOMERS, IDEALISM HAS TURNED INTO REALITY

● Mr. HOLLINGS. Mr. President, during the campaign last fall, much was made of the fact that Bill Clinton was the first Presidential nominee to represent the baby-boom generation of Americans—the generation that came of age amidst the upheavals and traumas of the 1960's. When Bill Clinton and AL GORE said, "It's time for them to go," I sometimes got the impression he was referring not just to President Bush but to George Bush's entire generation—those of us who came of age in the early 1940's, fought in World War II, and came to political power in the 1950's and 1960's.

In the 1992 Presidential election, the torch was indeed passed to a new generation of Americans. It is interesting that so many men and women of President Clinton's generation have found it exhilarating and a bit jarring to have a fellow baby boomer in the White House. No doubt, too, many of the younger generation have taken pride in the obvious skill and mastery with which President Clinton has handled the job.

Mr. President, a remarkable commentary on the baby-boomers' view of Bill Clinton's Presidency appeared recently in the the State newspaper in Columbia, SC. It was written by Sherry Beasley, an executive with South Carolina Educational Television. Ms. Beasley recounts in vivid terms what it was like to come of age in the 1960's, and what it means to have one of her contemporaries finally in the White House. I urge my colleagues to read her commentary, and to that end I ask that it be reprinted in the RECORD at this point.

The commentary follows:

[From the Columbia (SC) State, Jan. 21, 1993]

FOR BABY-BOOMERS, IDEALISM HAS TURNED INTO REALITY

(By Sherry Beasley)

Bill Clinton probably got up on Saturday morning and watched Hopalong Cassidy, just like I did. He probably liked hoola-hoops, the limbo and Chubby Checker in junior high. The Beatles, Stones, the Motown Sound and later, Bob Dylan and Jimi Hendrix filled his room in high school and college, as they did mine.

He most likely squatted under his desk for bomb drills in grammar school, feared the Cuban missile crisis would end his existence before adulthood and watched the adult world crumble when John Kennedy was killed.

I am 42 years old, and Bill Clinton is the first President in my lifetime who is my contemporary. This is a strange and wonderful occurrence for all of us baby boomers, all of us who have grown up since World War II. For the first time, one of us will be in charge, and the responsibility weighs heavily, but happily, on all our shoulders.

When I was born in 1950, Truman was in the White House. Eisenhower is the first President I really remember, and my recollections of his Presidency consist only of vague glimpses of him making television speeches. I remember the Kennedy era better, with its glamour and drama, but still, he was of my father's generation. Johnson, Nixon, Ford, Carter, Reagan and Bush all have children about my age. The President has always been someone the age of my father or grandfather.

With Bill Clinton's election, my perception of the office is changing. Although I have always thought of myself as politically aware and well-informed, I feel as if I must now be more cognizant of events nationally and internationally. The drive and creative energies of my generation are finally ready to be used at the highest pinnacle of government. All of us fortysomethings have to be ready.

We grew up in an age when we became accustomed to action. We supported this cause or that in our youth and protested against various social elements we felt were unfair. Maybe the ascension to the Presidency of a person near our age will give us the impetus to become less complacent middleagers, to get involved again in the vibrant, active "tide of times," as Shakespeare so aptly named it.

In the 1950s, we saw life through Disney colored glasses, as uncomplicated and easy. Our problems were like Beaver Cleaver's.

Then came the decade in which we reached adolescence—the jolting 1960s. For Bill Clinton—for all of us who came of age in this tumultuous decade—the '60s were a time when events collided and bumped into each other, a time when we learned that everyone didn't live like Beaver, a time when we learned there was social unfairness, a war going on that not everyone liked and myriad other problems we were to inherit. The eight year—1968—was perhaps the epitome of this pivotal decade. It was the year in which I graduated from high school and Bill Clinton graduated from college. That spring, three indelible experiences represent how those of us near Bill Clinton's age got caught in the "tide of times" and were forced to confront the world.

I was a senior on an April morning in 1968 when I walked into my first-period French class to find Joyce Cooke, my teacher, in tears. She was the first African-American teacher I ever had. She was mourning the death of Dr. Martin Luther King from an assassin's bullet the night before. For the first time, I saw how passionately dedicated a person could be to a leader and how important leadership was in a person's life.

Later that month, I heard the news of the death of someone nearly my own age in a war far away. Chesley Story, a boy who lived in the small North Carolina town where I grew up, played in an amateur band with the other boys I knew. Chesley joined the Army, went to Vietnam and got killed. My father operated the local telegraph office, and when the official news came that Chesley was dead, my father had to deliver the telegram. He asked me to ride with him. To this day, I remember staring at the front door of Chesley's house as my dad stood there, holding the yellow envelope, waiting for someone to come to the door. It didn't seem real.

In June, I came in late on the night of my graduation. I was still excited after a party and wasn't ready to go to sleep. I turned on the television and, just as the screen warmed up and the picture appeared, I saw scenes of the California Presidential primary and watched Robert Kennedy murdered on live television. Memories of my high school graduation night are of this, not the ritual rite of passage earlier that evening.

Events like these shaped the consciousness of many in my generation as we grew up and went away to college or jobs. We came to expect cataclysmic happenings to spur our idealism and action.

In the 1970s and 1980s, life somehow became calmer. We were lulled into the belief that

things were better, that society had reached a more equitable plane. We became professionals, parents or yuppies and got lured into the "me" generation. It was easy to forget that there were still issues that could use more of our attention and ideas. We were content to let the President and others in our parents' generation handle things.

With Bill Clinton assuming the Presidency those of us who grew up with him in the 1950s and 1960s should accept once again the wonderful burden of caring and taking action. The mantle has passed; we are now "our fathers' generation."

Twenty-five years ago, we railed against the generation ahead of us, labeling it sometimes as uncaring, ineffectual, perhaps even stagnant. Now, and for the rest of the 1990s, I hope we can re-focus this idealism and shape it into a commitment that, while perhaps more realistic, is just as compassionate.•

GREEK INDEPENDENCE DAY

• Mr. MOYNIHAN. Mr. President, I rise today to join the Greek-American community as they celebrate the 172d anniversary of the beginning of their revolution for independence. I, and 63 of my colleagues in the Senate, joined together to commemorate this historic event by cosponsoring Senate Joint Resolution 22, a resolution commemorating March 25, 1993, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." I am happy to say that on March 20, 1993, President Clinton signed this into law, Public Law 103–8.

From their first settlement in the 18th century in St. Augustine, FL, to one of the largest Greek communities in America, Astoria, NY, the Greek people have been an influential segment of American society. Their history, culture, language, religion and, of course, native culinary artistry, have enriched America. Greece has contributed great things in the areas of arts, medicine, and education, but no contribution was more precious than that of democracy.

Born in Athens, nurtured in the United States, the principles of democracy are now being practiced throughout Eastern Europe. This new wave of democracy, would never have come to fruition had it not been for Hellenistic political thought. We will always be indebted to Greece for giving us this most precious gift.•

RAPE OF WOMEN IN BOSNIA

• Mr. LAUTENBERG. Mr. President, on January 22, 1992, I along with Senator DOLE and 14 Members of the Senate introduced a resolution condemning the systematic rape of women in Bosnia and calling for perpetrators of rape to be persecuted in an international war crimes tribunal.

This resolution, Senate Resolution 35, currently has 42 cosponsors and has been referred to the Senate Foreign Relations Committee. It has also been endorsed by a wide range of religious, womens, and human rights organizations. I have previously inserted in the RECORD copies of letters I have received. I ask that a letter I received today from the Women's Action for New Directions on behalf of a number of organizations be inserted in the RECORD.

Mr. President, the systematic rape of women in Bosnia is a war crime and a crime against humanity. The perpetrators of these crimes should be prosecuted in an international war crimes tribunal. I hope that the Senate will take action on this measure without delay. The U.S. Senate should be squarely on record against these heinous crimes.

The letter follows:

WOMEN'S ACTION FOR NEW DIRECTIONS,
Washington, DC, April 1, 1993.

Hon. FRANK LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: Enclosed is a copy of letter from thirty-three organizations to Chairman Pell requesting that the Senate Foreign Relations Committee hold hearings on S. Res. 35, which you have sponsored, condemning the rapes in the former Yugoslavia.

The organizations signing the letter represent a uniquely broad spectrum of national organizations, including labor, major religious denominations, women, medical and human service professionals, as well as groups concerned with international affairs, arms control and refugee assistance.

We look forward to talking with you about this urgent matter.

Sincerely,

SIMA R. OSDOBY,
Director of policy and Program.

APRIL 1, 1993.

Hon. CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, Washington, DC.

DEAR CHAIRMAN PELL: It is with a sense of great urgency that we call on you to schedule Foreign Relations Committee Hearings on S. Res. 35, sponsored by Senators Lautenberg and Dole, condemning the rapes in the former Yugoslavia.

In the past several months, more than a half dozen investigations have documented the systematic and widespread human rights violations against women and girls in the former Yugoslavia. An estimated 20,000 women have been raped since the fighting began last April. Such atrocities, committed during this war, will foster the bitterness and revenge which lead to future strife.

We believe it is essential that well-publicized hearings be held immediately on this bill. The moral outrage of the world must be communicated regarding the horrific and uncivilized acts being committed against innocent civilians and steps must be taken swiftly to provide appropriate relief to the victims of these war crimes.

We would welcome an opportunity to discuss this situation with you, as well as to identify witnesses and provide information.

Sincerely,

The American College of Nurse-Midwives; American Federation of State, County, and Municipal Employees; American Jewish Congress; American Medical Student Association; Americans for Democratic Action; Anti-Defamation League of the B'nai B'rith; Center for Women Policy Studies; Church of the Brethren, Washington Office; Coordinating Center for Women of the United Church of Christ; and D.C. Rape Crisis Center.

Evangelical Lutheran Church in America; Lutheran Office for Governmental Affairs; Friends Committee on National Legislation; Hadassah, The Women's Zionist Organization of America; International Society for Traumatic Stress Studies; National Commission for Economic Conversion and Disarmament; National Organization for Victim Assistance; National Women's Party; NETWORK: A National Catholic Social Justice Lobby; and NOW Legal Defense and Education Fund.

Older Women's League; Physicians for Social Responsibility; Project on Demilitarization and Democracy; Psychologists for Social Responsibility; Refugees International; Union of American Hebrew Congregations; Unitarian Universalist Association; United Church Board for World Ministries; United Church of Christ, Office for Church in Society; Women for Meaningful Summits; Women Strike for Peace; Women's Action for New Directions; World Federalist Association; and YWCA of the U.S.A.•

COLORADO NATIVE ESTABLISHES SCHOLARSHIP FUND

• Mr. CAMPBELL. Mr. President, I wish to honor and recognize a national treasure and gem of the West, Helene C. Monberg.

A veteran Washington, DC, newswoman and Leadville, CO, native who is a veritable institution unto herself, Ms. Monberg is establishing a scholarship fund for students attending institutions of learning in our home State of Colorado.

Ms. Monberg recently announced she is setting up a scholarship fund in her will in honor of and in memory of her parents, Luther and Helene Denzler Monberg, long-time residents of her hometown of Leadville. Initially, annually there will be six starter scholarships of $5,000 each, two to go to financially needy students attending the University of Colorado at Boulder, two to go to financially needy residents attending the University of Southern Colorado at Pueblo, and two to go to two graduating seniors from Lake County High School at Leadville who need financial aid to attend college. All must be highly motivated students with good grades.

The American Water Resources Association recently gave a reception in Ms. Monberg's honor for her long career in writing about natural resource problems, programs, and issues that affect the 17 western reclamation States. She is the editor of Western Resources Wrap-up, which she has published for the past 28 years.

Ms. Monberg was the Washington correspondent here for the Pueblo Chieftain and Star-Journal from 1947 to 1984, while she operated a news bureau here. She is a graduate of the University of Colorado at Boulder and of Leadville High School.

The AWRA reception raised $300 for the Achievement Scholarship Program, which Ms. Monberg founded in 1973 and

operated through 1989 to provide scholarships for Washington-area youths on parole and probation to attend college and trade school. To assure ASP's funding, Ms. Monberg turned the program over to the ARCH Training Center of Washington, DC, to operate.●

● Mr. CHAFEE. Mr. President, this week marks the 12th anniversary of the shooting of President Ronald Reagan and his press secretary James Brady, who was permanently injured by the would-be assassin's bullet. It is Jim Brady for whom Congress has named the Brady Handgun Violence Prevention Act, legislation to provide for a national waiting period before the purchase of a handgun. The Brady bill is commonsense legislation, and it will help slow the number of lethal handguns pouring onto our streets. Yet for years it has been stalled. It is time—long past time—for Congress to take action on this measure. It is time to enact the Brady bill.

Today there are at least 67 million handguns in this country, more than twice the 31 million of 20 years ago; and 2 million more are added to the arsenal each year. Handguns, so easily available and so easily concealed, are driving up our homicide rate to mind-numbing levels, particularly in our Nation's cities. In 1991, the most recent year for which the Federal Bureau of Investigation has statistics, 11,411 American men, women, and children were murdered by handguns, compared to 7,847 in 1987—a 45 percent increase in 4 years. In my own State of Rhode Island, just since the new year began, there already have been 17 serious incidents involving handguns.

The tragic element is that many handgun-related deaths and injuries might have been prevented. Many crimes are committed on impulse, by persons under the influence of drugs. In 1988, the Bureau of Justice Statistics reported that two out of five offenders said that they were under the influence of drugs or were very drunk around the time of the offense; according to the Bureau's survey, 25 percent of the homicides were committed by inmates under the influence of drugs or alcohol. Many of these offenses were committed with handguns. A waiting period could help give potential criminals time to cool off and count to 10.

In addition, some individuals unfortunately buy handguns when they are feeling severely depressed. Each year in this country there are at least 12,000 handgun suicides. For those between the ages of 15 and 34, suicide is the third leading cause of death. Passage of the Brady bill will mean that those contemplating suicide would have to wait before committing a final rash act, using an all-too-accessible weapon.

I welcome this measure because it offers some proven effectiveness. Across the Nation, in those States—such as my own—and cities where waiting periods are required, thousands of felons have been prevented from purchasing guns. Yet not every State has a waiting period, and that means that criminals need only travel to a nearby State to purchase a gun. That is why law enforcement organizations overwhelmingly support the imposition of a national waiting period as an effective tool to prevent violent crime and suicides.

And frankly, a week of waiting is no sacrifice whatsoever compared to the grief of people who have had a loved one shot dead.

Simply put, the Brady bill makes sense. It is an important first step toward revising our current senseless firearms policy, which allows for such easy and immediate access to these dangerous weapons. As my colleagues know, I would like to go even further in controlling handguns. But I believe this legislation can, and will, do much to ensure that felons and other prohibited persons may not purchase handguns, and it has my full support.

I commend Jim and Sarah Brady, and members of the police, health, and child welfare communities, for their tireless work on this measure. Largely due to their efforts, this bill has remained in the national spotlight and has received overwhelming national support. Let us not let another year go by without enacting this bill.●

REINTRODUCTION OF THE PRODUCT LIABILITY BILL

● Mr. CHAFEE. Mr. President, I am pleased to join as an original cosponsor of the Product Liability Fairness Act, introduced yesterday by Senators ROCKEFELLER and GORTON. I believe that this legislation will bring some much-needed uniformity to the product liability system, for the benefit of consumers and the well-being of our national economy.

Our current system just does not make sense. We have seen an explosion in the number of product liability cases in the past decade, and this increase has imposed heavy costs—both financial and social—on American consumers and the overall U.S. economy. If we want to maintain the United States comparatively high quality of life and our international competitiveness, we must inject a dose of common sense, of plain old rationality, into the manner by which we guard against dangerous products.

The clearest sign that the system does not work is the years it takes for an injured party to recover compensation. Those who believe that the current system justly and promptly compensates the victim and deters future malicious corporate behavior are sadly mistaken. Persons who have been hurt by defective products often do not reap the majority of the money expended in these cases; the money goes to their lawyers. And even if they do receive their rightful award, it is likely to be after years of waiting for the court battles to be resolved. The system just does not deliver for injured persons.

But it is not only injured parties who are hurt by the system; our businesses are hurt, and hurt badly. Without a uniform product liability standard, there is widespread uncertainty among manufacturers regarding their liability exposure. Such uncertainty about whether or not one may be used for a product prevents firms from making basic long-range business plans.

This same uncertainty also leads to excessive corporate timidity about new innovations. Manufacturers prefer not to bring out a new product, no matter how promising, if there is the slightest chance that they might be exposed to lawsuit under any of our 50 States product liability laws. Since a company cannot accurately gauge to what extent a product may be a liability risk, many companies simply discontinue the product, or suspend a promising new product line.

To protect themselves, firms are overcompensating by spending time, money, and resources preparing to defend against possible or potential lawsuits—time, money, and resources that instead should be invested in critical research and development of new products. They also must buy increasingly expensive product liability insurance.

Dozens of Rhode Island companies—most of them small businesses—have written to me in the past couple of years about the heavy costs associated with our system. Mr. Terry Feeley, president of Laser Fare Inc. of Smithfield, wrote to me urging passage of this bill. He told me that "small companies in the tooling and machining industry are at the mercy of rapid fluctuations in the price and availability of product liability insurance * * * we face differing potential liability in each of the 50 States [which makes] business planning difficult."

I heard this from Jim Wilkie, president of Wilkem Scientific Ltd. in Pawtucket: "We started our business in 1985 and during our company's first two years we paid product liability premiums of $14,000 annually. I am sure you can imagine what an unproductive drain this was on our start-up capital * * *. In lieu of using our monies to hire an employee, we had to pay this exorbitant premium. The result was that we went the first three years in business alone with no other employees."

A senior official at Stanley-Bostitch wrote that "there are immense inconsistence in the handling of product liability cases from State to State. It has become increasingly difficult for me to stay on top of my responsibilities under these different State interpretations. Also, I can tell you that fear of lawsuits is paralyzing American

innovation. The truth is, incentives for American business to stay on the cutting edge are gone."

And listen to what Russell Devereau of ArtMold Products said: "Employing in excess of 165 Rhode Island residents, we feel a strong allegiance to the State and need your support of such legislation to be able to continue our successful operation in Cranston, Rhode Island."

Simply put, our product liability system is threatening the survival of my State's businesses—from the smallest to the largest. The current system results in less manufacturing, less productivity, less innovation, and less long-term stability. Is this the way we hope to ensure our national competitiveness into the next century?

Now, why does this matter to the average American family? Why does it matter to consumers that a manufacturer is putting most of its financial and human resources on legal protection and not on product development? Why does it make any difference to families if businesses hesitate to develop new and promising products?

Answer: It matters a great deal. First of all, it matters to American men and women in terms of simple job opportunity. Companies that are busy paying for legal fees do not have the wherewithal or the inclination to expand production; that means no expanded employment opportunities. Indeed, many companies are doing just the opposite, and cutting back production; that means the loss of existing jobs. That is the last thing this Nation needs right now!

Second, it matters when Americans go to the store to buy goods for their family. The prices consumers pay for a product often can include a substantial safety tax that goes toward covering the manufacturer's litigation costs. Often, safety taxes do not end up being used for legitimate payments to victims, but rather go toward paying transaction costs—in other words, legal costs.

Finally, Americans pay a great deal in terms of the world-renown American innovation and creativity that is lost, stifled, or paralyzed by corporate caution as a result of lawsuits, lawsuits, and more lawsuits. When U.S. companies hesitate to put their resources into a promising product development because of fears about potentially devastating liability, those new products may never be developed. As a result, Americans lose the possibility of enjoying the often significant social benefit of that product. We as a society lose an opportunity to improve the quality of our—and our children's—lives.

Given the finanical, competitive, and social costs of a wholly unpredicable product liability system, I believe that reform must take place. The product liability bill introduced yesterday accomplishes the goal of fair and balanced reform, and I wholeheartedly support it. I compliment the tenacity of my colleagues Senators ROCKEFELLER, GORTON, DANFORTH, and others; and I stand with them in their effort to enact this measure into law.●

ORDERS FOR TOMORROW

Mr. MITCHELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon on Friday, April 2; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of H.R. 1335, the emergency supplemental appropriations bill.

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

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

Mr. DOLE. I understand that the Senate has received from the House House Joint Resolution 174, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J Res. 174) increasing the statutory limit on the public debt.

Mr. DOLE. I now ask for the second reading.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. I object.

The PRESIDING OFFICER. Objection is heard.

The bill will stay at the desk pending its second reading on the next legislative day.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

PROGRAM

Mr. DOLE. Madam President, I understand that the majority leader will soon file a cloture motion which would ripen on Saturday. Is that correct?

I would just say that we are prepared, if the majority leader wishes, as I indicated before, that if we want a cloture vote tomorrow, I think we can do that by consent or we can do it, obviously, if the majority leader wishes, on Saturday.

Is it fair to ask the majority leader about plans after Saturday at this point?

Mr. MITCHELL. Madam President, it is currently my intention that, unless some alternative course of action presents itself, that the Senate would be on the bill and voting on cloture on Saturday and Monday, possibly Sunday, but we have not made a decision on that. I wanted to consult with the distinguished Republican leader before making any decision on that. I will also consult with him on the suggestion of a cloture vote tomorrow.

Mr. WALLOP. Madam President, will the leader yield for a question?

Mr. MITCHELL. Certainly.

Mr. WALLOP. I would hope that the leader, inasmuch as we will be expected to and willing to, and ought to, recognize the Jewish holiday of Passover, that those of us who find Palm Sunday a special Christian season would be allowed to observe that, and that the Senate would not be in on that day.

Mr. MITCHELL. I thank my colleague. That is actually the reason I have not already made the decision to have the cloture vote on Sunday, which is precisely for that reason.

I do not at this moment intend to move it up but I am going to try very hard not to do that, and see that that is respected. Passover will be, as I understand it, from sundown Monday until sundown Tuesday, so that there would not be a vote during that period of time. But I fully expect that there will be a cloture vote on Saturday and a cloture vote on Monday; and also Senators should be alert to the possibility that there will be other votes on those days as well.

Mr. GRAMM. If the majority leader will yield, if we come in tomorrow at noon, can we assume if Members are here and they have amendments and are ready to offer them, they will get the opportunity?

Mr. MITCHELL. I have made no decision on that. I would be pleased to discuss that with the distinguished Republican leader and any other Senator as well.

Mr. DOLE. Madam President, if the majority leader will yield for an additional minute. As I have indicated to my Republican colleagues, I would just say, if it comes to what it appears to be coming to, I hope there will be a certain amount of civility in the process, because tempers will obviously be strained, and things may be said that may be later regretted. I do not see any way out of the impasse.

We just had a conference, and you had a conference. We have a totally different view of this package than my colleagues on the other side of the aisle, and we have every right to try to prevent this bill from passing. That may not be a strategy that people on the other side of the aisle have in mind, but it is presently the strategy on this side of the aisle.

Finally, I say that I was not here this evening when the distinguished Senator from West Virginia indicated I had abused my rights as a majority leader. I will comment on that after I have had a chance to see the tape and review precisely what was said.

Mr. MITCHELL. Madam President, I thank my colleague, and I have indicated to the distinguished Republican leader that my intention presently is to return to consideration of the bill solely for the purpose of filing a cloture motion and then going into recess as under the previous order until noon tomorrow.

And I will, as indicated, be discussing with the distinguished Republican leader, either later this evening, or more likely tomorrow morning, the various questions that have been raised by Senators here.

Mr. DECONCINI. Madam President, a decision has not been made on whether or not there will be a cloture vote tomorrow?

Mr. MITCHELL. That is right? That decision has not been made.

Mr. DECONCINI. Are we going to discuss that?

Mr. MITCHELL. Yes, we are going to discuss that. If a cloture vote occurs tomorrow and cloture is not obtained, or if a cloture vote does not occur tomorrow, there will be a cloture vote on Saturday; and if the same circumstances obtain, there will be a cloture vote on Monday.

I have made no decision with respect to Sunday, taking into account the statement by the Senator from Wyoming, which is something I previously had been aware of.

Mr. DECONCINI. Madam President, one more question. Does the majority leader anticipate votes tomorrow, even if there is no cloture vote?

Mr. MITCHELL. I have made no decision on that, and I am not able to state with certainty one way or the other. Before making a decision, as is my practice, I want to discuss it with the distinguished Republican leader and to check with other Senators as well.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senate will continue with the consideration of the pending bill.

CLOTURE MOTION

Mr. MITCHELL. I send a cloture motion to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on committee substitute to H.R. 1335, the emergency supplemental appropriations bill:

Harlan Mathews, Dianne Feinstein, Barbara Boxer, Jeff Bingaman, Bob Kerrey, Barbara A. Mikulski, Robert C. Byrd, Pat Leahy, Frank R. Lautenberg, Wendell Ford, David Pryor, Carol Moseley-Braun, Tom Daschle, John D. Rockefeller IV, Jim Sasser, Bill Bradley, Patty Murray.

RECESS UNTIL TOMORROW

Mr. MITCHELL. Madam President, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

Thereupon, the Senate, at 9:14 p.m., recessed until Friday, April 2, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate April 1, 1993:

DEPARTMENT OF THE INTERIOR

LESLIE M. TURNER, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE STELLA GARCIA GUERRA, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

AVIS LAVELLE, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE ALIXE REED GLEN.

DEPARTMENT OF ENERGY

SUSAN FALLOWS TIERNEY, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF ENERGY (DOMESTIC AND INTERNATIONAL ENERGY POLICY), VICE JOHN J. EASTON, JR., RESIGNED.

CONFIRMATIONS

Executive nominations Confirmed by the Senate April 1, 1993:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

TERRENCE R. DUVERNAY, SR., OF GEORGIA, TO BE DEPUTY SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

JEAN NOLAN, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF DEFENSE

JOHN M. DEUTCH, OF MASSACHUSETTS, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. ROGER F. BACON xxx-xx-x... U.S. NAVY.