

## SENATE—Wednesday, April 28, 1993

(Legislative day of Monday, April 19, 1993)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. Today's prayer will be offered by guest chaplain, the Reverend Soterios Alexopoulos, St. Philip Greek Orthodox Church, Nashua, NH.

Father Alexopoulos.

### PRAYER

The Chaplain, the Reverend Soterios Alexopoulos, St. Philip Greek Orthodox Church, Nashua, NH, offered the following prayer:

Let us pray:

Almighty and merciful God, the Creator of the universe, the Source of Life, we thank You for this gathering.

We pray that You will help and sustain our new President and Vice President and all Senators to exercise their responsibilities in accordance with Your commandments. Give them divine guidance to fulfill these responsibilities to You, O God, to the Constitution of the United States, and to the people who have elected them to this great task. In their undertakings, dear God, give them faith, courage, and strength to continue with their work for a better society. Hear us, O Lord, for unto Thee do we bow submissively, inclining our heads and entreating Your mercy upon Thy faithful servants. Save Thy people and bless Your heritage.

Today is a new day, God; a memorable day that You have given to us and to our elected officials. Give them the wisdom and the diligence to fulfill their obligations to our country and to the people who elected them to safeguard our democracy.

Visit this assembly with compassion. Exalt the prestige of our Nation and the office of our Senators, and send down upon them Thy rich mercies. Preserve their lives and multiply their days with health and wisdom. Grant unto them progress in all virtues. Sanctify their souls, enlighten their minds, and direct their hearts by the Holy Spirit. Make them to be children of light, thereby walking the path of peace, of love, of hope, of justice, and righteousness.

This year as we celebrate the 217th anniversary of independence of the United States of America, we look upon You who provided us with the freedom and richness of our country. We hope and pray our Nation will always be strong in faith, in justice, and in liberty for all mankind. Once again, we thank You, and we beseech You to

give health, salvation, and protection to all of us.

The PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

### TRIBUTE TO REV. SOTERIOS ALEXOPOULOS

Mr. GREGG. Mr. President, I rise today to express my appreciation for Father Alexopoulos coming to give the opening prayer. Father Alexopoulos has been a leader in the community of Nashua, NH, for many years. He just celebrated his 20th anniversary as the priest of the St. Philip Church in Nashua, NH; it is an activist church, to say the least, with a wonderful membership who not only are committed in faith but are also committed to the community. We take a great deal of pride and energy in their involvement in making Nashua a better place for all of us.

It is also a regional church that brings in membership from throughout the southern part of New Hampshire and as such reaches out well beyond just the community of Nashua to include positive prayers for all the citizenry of the State.

So it is a great pleasure today to have Father Alexopoulos with us. And I thank him for his opening prayer and thank the Chair for the honor of this privilege.

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Iowa [Mr. GRASSLEY] is recognized under the order to speak for up to 10 minutes.

Mr. GRASSLEY. Thank you, Mr. President.

### THE FIRST 100 DAYS

Mr. GRASSLEY. Mr. President, I rise today to offer my perspective on the first 100 days of the Clinton administration as many of my colleagues are doing and as the President of the

United States himself is doing, and I do this not only for perspective but to offer help and advice as well.

The President led the Nation to expect lofty results in his administration. There were numerous promises and expectations. Especially great were the promises and expectations for the first 100 days. When such bold promises and predictions are made, results are bound to be carefully scrutinized, as they should. And when the promises are not met, Monday morning quarterback usually emerge from the woodwork.

It is now less than a week since the NFL draft. That is when rookies are drafted from the college ranks into the pros. There are, perhaps, valuable lessons in this that crosswalk into political life; some of these lessons are relevant to the 100 days phenomenon.

This year, a quarterback was the top pick in the NFL draft. He is expected to lead his team from the depths of despair to a new beginning.

There is something about highly regarded rookies. They signify hope for the fans.

In a way, we might view the election last November much as a football draft. Mr. Clinton was the No. 1 pick. We picked him to quarterback our great Nation. He represented great hope.

For my part, the choice of Mr. Clinton was a disappointment. I wanted us to draft someone different—someone from the Republican team, someone with different qualities, with different capabilities, a different philosophy. But we chose Quarterback Clinton. And now, he is our quarterback. And we, of course, hope he succeeds, myself included, for the good of team America.

The lofty promises of Quarterback Clinton led to high expectations by the fans, the American people. He was expected to put this troubled franchise, this economy, back on its feet. He promised change and new direction. Who could resist this?

Now, it often happens, Mr. President, that rookies get overconfident. They get cocky. Usually, that is because they have not yet faced the realities of the big leagues.

Perhaps they get cocky because of the attention from the fans—the flattery, the hooplah. Soon, the rookie actually believes he can play in the big leagues on his own ability—without learning the system. He might even believe he can lead the league in passing in his very first year. His first 100 days in the league will be an explosive, ac-

tion period, and the most productive period in modern history.

Such are the characteristically high expectations of a rookie's boast. Thought is rarely given at the time to how realistic those predictions are.

But it is a different game in the pros than in college. Before long, you hit the rookie wall. You are successful at first, but the opposition adjusts and maybe even shuts you down. You realize how much you need to learn. You need to learn to read the defense, the opposition, so that you can adjust.

Mr. Clinton started off with a few solid gains. Then, carrying the stimulus, tried an end-run around the right side. He went head first into a 500-pound linebacker named BOB DOLE, and the rest of the defense swarmed in and sacked him for a loss.

It was a bad call by the President. The fans agreed and booed. But the President got up and returned to the huddle, where he is now, looking to call his next play.

Will Quarterback Clinton learn from his mistake and adjust to the defense? It is an important question, Mr. President, because if Mr. Clinton can adjust, he will be back on track toward fulfilling his promise and expectations, and he will become worthy of his selection as the top quarterback of this Nation.

Let me depart from the football analogy for a moment. Though I do find the comparisons rather appropriate.

I have been deeply disappointed in the first 100 days, not so much because of what was done or what was not done. But rather I am disappointed because of the directions signaled by the new administration.

The President made numerous promises, and has broken many. He ran as a centrist, a new kind of Democrat. Yet he has moved the agenda of the same old Democrat. He was supposed to be Mr. Town Hall; yet his health care task force is surrounded by secrecy and an absence of dialog. He said he would hit the ground running. Yet, for example, just in the Justice Department alone, he fired 93 U.S. attorneys, most of whom have not been replaced; he has 120 judicial vacancies; and, none of the Department of Justice appointments below the Attorney General level has been nominated. How is that for the administration of justice? He campaigned on fiscal discipline, yet he has taxed and spent, and failed to cut into the long-term deficit. He promised to resist special interests. Yet special interests have called the shots of his young administration.

This, Mr. President, is why Americans have become so cynical. This is how people lose faith as well as trust in their elected leaders. Politicians will say one thing to the voters, and then do the opposite once they set foot inside the beltway. This is why people do not vote. They were expecting a new Democrat, but they have seen the same

old policies of the Democratic Party so far.

To be fair to the President, his intent may not have been to say one thing and do another. It may have just come out that way. He says one thing and does another because that is the way Washington is. It will not let you do what you say you will do. Washington is kind of the enemy. That is the big leagues. So, what can be done?

Mr. President, let me suggest to our new quarterback how he can adjust to the realities of playing in the big leagues.

First, he must stop listening to those who drove him to abandon his pledges made last fall to the American people, the pledges that carried him to victory. The President's instincts are sound, I believe, and his campaign, very well run, showed that. He needs to fight those who have surrounded him since his campaign. At the outset, he needs to do more to cut the deficit. He needs to cut spending first. He needs to conduct dialog with those of us on this, the Republican, side of the aisle who want to help bring about change—real change. He has numerous allies in this body who are standing ready to help him implement what he promised the American people.

I predict, Mr. President, that if Mr. Clinton makes these adjustments, he will succeed. I want him to succeed. Even though we are in different parties, he is my President, as well, and I look forward to helping him fulfill his promises in the 100 days after the first 100 days.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 833 and S. 834 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. Under the previous order, Mr. DORGAN, the Senator from North Dakota, is recognized for not to exceed 10 minutes.

#### THE FIRST 100 DAYS

Mr. DORGAN. Mr. President, I was interested in my colleague's remarks about the President's first 100 days.

We have heard a good deal of that kind of discussion recently. When I hear the drumbeat of criticism of this President after only 100 days. I am reminded of a piece of prose. I do not recall the author, but it was about a bullfighter. It went something like this.

"Bullfight critics, row by row, crowd the vast arena full, but there is only one man there who knows, and he's the one who fights the bull."

There is a stadium of critics in this town—always has been I suppose—eager to jump upon failure or what is perceived to be failure: the could-have, should-have, would-have crowd.

Well, fortunately, this new President has decided that the issue in his Presidency is not his popularity. It is his leadership.

It has been a long time getting to this point, where we have a President who understands that the issue is not what the polls say in the morning. The issue is: What kind of leadership do I provide to this country today and tomorrow?

Franklin Delano Roosevelt led this country in very troubled times, in a grinding Depression. He was attempting to change economic policy and lead this country out of economic darkness. Here is what he said about Government then, and it is instructive today in reviewing the first 100 days of the Clinton administration.

Franklin Delano Roosevelt said:

Governments can err. Presidents do make mistakes. But the immortal Dante tells us that divine justice weighs the sins of the coldblooded and the sins of the warmhearted with different scales. Better the occasional fault of a Government that lives in a spirit of charity than the constant omission of a Government frozen in the ice of the its own indifference."

Well, that ice of indifference cost the former President his Presidency last fall. The American people wanted leadership, wanted someone at the top who understood the reality of our Nation's problems and would develop plans to move us out of this mess. But that ice jam, that ice jam called the frozen ice of indifference, has moved to the minority side of the aisle in this Chamber to block the President's economic program.

Now, they say, "Well, it didn't work; it will not work." What they are really saying, it seems to me, is "We don't want to do anything." It is the same old song from people who helped get us into this trouble.

They offer a scorecard of failure for this President after only 100 days. Let me offer a different view.

One hundred days ago, this President inherited an economy that was sick, inherited a country in which over 10 million people were out of work, 25 million were on food stamps, 35 to 38 million people were without health insurance. This country was in trouble.

This President said we are going to make some changes. He promised he would do something about the deficit. He proposed the first honest budget Congress has seen in 12 years. He did not use optimistic scenarios, he did not play games, he did not hide numbers. The first honest budget in a dozen years was presented to this Chamber.

His budget proposed spending cuts. If anyone doubts that—and I hear people say, "Well, he is not really cutting spending"—if anyone doubts that, wait until the appropriations bills get up here. See who on the other side of the aisle rises up in indignation at spending cuts in their area, for their constituents, for their projects.

This President is cutting spending in a real way. He has also proposed new taxes. Nobody likes to pay new taxes. But he promised he was going to deal

with the deficit. And leadership to do that is not necessarily popular. This is tough medicine. He has proposed an honest budget with spending cuts and new taxes.

In addition to that, this President has proposed that we reform our health care system. His task force is about to report to us, having done an enormous amount of work on how exactly to accomplish that reform.

For the first time, he has folks out talking about how we must demand fair trade practices of our allies, instead of seeing our Nation flooded with all the products in the world, while other markets are closed to ours. He is proposing substantial change in our approach to international trade.

This President says jobs are the issue. The other side says, "Well, the last quarter we had economic growth." Well, we had economic growth without jobs. Economic growth without jobs is like a meal without food.

This President says we need a jobs bill—and he is right—and the other side blocked him.

This President says we need to reform our education system and he proposes new and, in my judgment, exciting approaches to change our education system.

Now let me ask my colleagues in this Chamber and those listening throughout the country. If President Bush had won a second term, what would we be debating in the Senate today? Do you suppose we would have had the kind of change in economic policy that President Clinton has proposed? There is no evidence to suggest that.

We watched for 12 years the same old thing—more deficits, more decline, more despair.

Would President Bush have been concerned about skyrocketing health care costs, enough to propose real reform? There is nothing to suggest that. He basically ignored it all the time he was in office. He and President Reagan said,

You folks in the health care industry, do what you like. We are not going to care much. We are not going to get involved. We are not going to interfere.

Is there any evidence to suggest that President Bush, had he been reelected, would have been fighting for a jobs program? No evidence to suggest that.

Certainly no evidence to suggest there would have been a change in trade policy. His trade policy was to change free trade while ignoring the unfair trade that we confront around the world, as our producers try to move into foreign markets.

There is one indisputable fact when you look at the first 100 days of the Clinton administration. It is change, fundamental change in economic policy. And there are some people in this Chamber who choke on it. They just cannot handle this kind of fundamental change. They have sort of enjoyed the

last 12 years, rested comfortably in the disconnection between their view of the world and reality.

But this President, understanding the issue is not popularity, but rather leadership, has proposed fundamental economic change.

I come from a town of 350 people. And we have folks back there that play pinocle every morning and sort of second-guess everything in the world. They would wring their hands—there are just a few of them—wring their hands and say, "It can't be done; it won't be done." They would gnash their teeth and fret and sweat. You know the type.

All the while they were doing that, there were other folks out there building, fixing the streets, building for the future.

This issue is between builders and wreckers. This President is a builder. He is proposing to change things in this country, to begin building again.

It takes a whole lot more skill to be a builder. It requires you to accept more risk. And in the process, the builders confront these folks with the wrecking balls, who just keep swinging back and forth.

It takes no skill to swing a wrecking ball. It does not take any skill at all—not in the construction business and certainly not in politics.

A couple of weeks ago, I was at a Head Start Center in my State with Health and Human Services Secretary Shalala. A little boy named Jarvis was there crying, big, big tears in his eyes. I took him aside—this was on an Indian reservation—and I began to visit with him, calming him down a little bit. I asked him what his name was, as these big tears were dropping down his cheeks.

He said, "Jarvis."

I said, "Jarvis what?"

"Jarvis Cookie Monster," he said.

I said, "No, it can't be that. What is your last name?"

"Jarvis Cookie Monster," he said, but he stopped crying.

I asked his teacher and she said his last name is Cooker. He thinks it is Cookie Monster because he always sees that character on television.

What about Jarvis' future? One of the changes I have not mentioned is that we finally have a President who understands that this country's future is its children. His proposals to invest in the children in this country—in Head Start, in WIC, in education, and more—is an acknowledgment of where the future of this country is.

Jarvis is going to have opportunity. Jarvis' friends will have opportunity because of this President.

Someone once said that 100 years from now it will not matter very much how big a house you lived in, and it will not matter very much what your income was. But the world might be a different place because you were im-

portant in the life of a child. This President is going to be important in the lives of this country's children and that is going to make a difference in our future.

I yield the floor.

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

Mr. MOYNIHAN is recognized under the order for not to exceed 10 minutes.

Mr. MOYNIHAN. Mr. President, I would like first to congratulate my friend from North Dakota for a wonderfully lively, concise statement of the problem. And just interspersed with that lovely detail of the Cookie Monster. The question, of course, is whether that particular deficit monster is going to eat all of us up as well.

Mr. President, I have been asked, along with other colleagues, to speak briefly to the subject of the first 100 days of President Clinton. And with the distinguished President pro tempore in the chair, I will be so bold as to try to set some of this matter in a historical perspective.

In 1974, Nelson Rockefeller, the distinguished Governor of New York State, left that post after 15 years to establish a body called the Commission on Critical Choices for Americans, having in mind the bicentenary was upon us and it was time to take a look at our Nation's affairs.

I was asked to be a member of that Commission and wrote a paper for it. It was called "The Third Generation and the Third Century"—the "third century" referring to the upcoming third century of the American Republic—choices concerning the quality of American life.

In the outset, as an abstract, I said, "There are two critical choices affecting the quality of American life. The first is how much growth we want; the second is how much government we want." And I said, it had become a pattern for us to say we wanted more growth and less Government, but to act in a way that gave us less growth and more Government.

It occurred to me—this was only a fancy—that this was foreseen by John Adams in a letter to his wife, Abigail, in 1780. Mr. President, he was writing from France, where he represented the incipient Nation under the Articles of the Confederation.

He had this wonderful subject. He wrote of his duty to study "the science of government more than all other sciences."

That was the term the Founders used, "the science of government." They thought they had learned something of the subject, in his view and for his time. And here is this passage. He said:

The arts of legislation & administration & negotiation ought to take the place of, indeed to exclude, in a manner, all other arts. I must study politics and war, that my sons may have liberty to study mathematics and

philosophy. My sons ought to study mathematics & philosophy, geography, natural history & naval architecture, navigation, commerce & agriculture, in order to give their children the right to study painting, poetry, music, architecture, statuary, tapestry & porcelain.

I found the last reference particularly poignant, because he was writing from a France of the old regime, in which the great porcelain manufactory at Sevres was a state-owned enterprise. There you have in one combination the growth of government and the decline, as it were, the slacking off of the growth of the economy. Any such pattern would lead to large and continuous deficits in public expenditure. Yet it was not until the following decade of the eighties that this became an insistent and almost incessant problem.

I would say to you, sir, again this is an area for analysis that we ignore at a cost. The deficits we were dealing with came about with a sudden onset that was the result not of long forces of history but of political choice. At the end of the administration of President Carter, the national debt stood at \$840 billion, more or less. It has since gone up by \$1 trillion in each 4-year Presidency and is scheduled to go up by another trillion in this one.

It began as a policy, the policy of the Reagan administration, to create a fiscal crisis that they thought would bring about a great reduction in the domestic activities of the Federal Government. The term was "starve the beast." The miscalculation was that there really was a desire for less government, not just rhetoric about that desire. The most carefully annotated documented account of this period was written by the distinguished author, Haynes Johnson, in his book, "Sleepwalking Through History": America in the Reagan years.

In it he writes, and I will simply quote him, that the Senator from New York:

\*\*\* was the first to charge that the Reagan administration "consciously and deliberately brought about" higher deficits to force congressional cuts. Moynihan was denounced and then proven correct—except that cuts to achieve balanced budgets were never made, and deficits ballooned ever higher.

Sir, I recall those days on this floor saying, can we not see that a deliberate policy is in place to create a crisis? And I found it difficult to reach my colleagues with the idea that anyone would deliberately create a crisis.

Later, when Mr. Stockman at great length in his own memoir described it, generally speaking, little attention was paid to that fact. This was the triggering event of the present acute crisis of a long-term deficit. Our friends on the other side of the aisle surely ought to wish to understand the degree to which their deliberate policy, mistaken policy but deliberate, brought this about.

It is there on record, and the crisis is with us. Will we be able to do anything about it? I do not know. Yesterday in the press, Mr. Panetta, our very able and learned Director of the Office of Management and Budget, said he did not think so. This morning, the able Republican leader said we will turn now to the Finance Committee where the margin of votes is 11 to 9, such that one defection brings the President's programs down. The Washington Post speaks of that prospect in its lead editorial this morning.

As chairman of that committee, I agree that it is a very close-run thing. A very close matter. I also agree, having in mind the wonderfully learned ranking member of the Committee on Appropriations, the senior Senator from Oregon, who is such a historian of President Hoover, one of the great documents of American Government in the 20th century, a report in 1932 of the committee on recent social trends, which President Hoover commissioned. It was the best piece of analysis of this kind ever done in our Government, before or since, and setting forth the large movement of institutions and events; the rise of the economy and of Government; the decline of family, religion, things of that kind.

It said that the committee did "not wish to exaggerate the role of intelligence in social direction," nor ought we. Neither should we dismiss it. It is possible that we can trace back the events that have led us to the present crisis, see which are secular and powerful, and which are incidental to momentary coalitions and the overweening ambitions that are associated with new administrations and perhaps young people in new administrations.

In closing, Mr. President, we are in a crisis. If this President wishes to address the deficit and is not allowed to do so by a minority which presided over its creation, then you have the formula, Mr. President, for a crisis of the state. Do not suppose because we are in our third century that we are incapable of such a danger.

I thank the Chair for his courteous attention.

Mr. REID addressed the Chair.

The PRESIDENT pro tempore. Under the order, the Senator from Nevada [Mr. REID] is recognized for up to 10 minutes.

#### CRITICISM—PARTED WITH REALITY

Mr. REID. Mr. President, it was Winston Churchill who said he did not resent criticism even when it parted with reality. In this Chamber in recent weeks, we have had a clear case of criticism, and it has parted with reality. The critics of the new Clinton administration could not wait 100 days to give this new President a chance. This is rare in the history of this Republic.

Mr. President, I went to law school in the Nation's Capital, and during the

time that I went to law school, I worked as a Capitol policeman. I can remember walking these Halls, and one time in particular I remember right out there before the Ohio clock, I think it is called, Everett Dirksen was meeting with the press. It is not done anymore, but he did it that day. And he was talking about a nuclear explosion that had taken place in the Soviet Union.

As a young police officer, a law student, I was impressed with this man with the white hair and his wonderful voice. Well, I should have been impressed with this man because, as I look back at how he treated President Kennedy during his first 100 days, it is an absolute diversion from how President Clinton is being treated by the minority today.

There is a book, Mr. President, which recently I had a chance to look through, "John F. Kennedy: Person, Policy and Presidency." In this book it talks about the "Ev and Charlie Show," Charles Halleck, the minority leader in the House; Everett Dirksen, the minority leader in the Senate. They had a program they put on, and it came to the point where it was referred to as the "Ev and Charlie Show." They wanted to be a voice for the minority, and they were. These two men were long-time politicians and they represented their States, their parties, and their country as well.

Let me read just a little bit from this book. Talking about the "Ev and Charlie Show":

Topics selected for the prepared statement were subjected to the scrutiny and agreement of the entire leadership group—

#### Republican leadership group—

before public presentation. Before most press conferences, Dirksen and Halleck mingled informally with reporters. When the reporters and cameramen appeared ready, congressional leaders read their prepared statements, and following, reporters questioned them until satisfied.

#### Transcripts revealed—

that approximately 100 domestic and foreign issues were discussed during the 64 conferences held between March 2, 1961, and November 21, 1963. Participants at times discussed as many as 20 issues during a single session, and on three occasions devoted the entire conference to only one topic.

\*\*\* during the first few months of the Kennedy administration, Dirksen and Halleck tempered their criticism, seeking instead a spirit of conciliation.

That, Mr. President, is how it should be done.

Everett Dirksen said, and I quote from another book, this one written about him by Neil MacNeil, Dirksen: "Portrait of a Public Man." In this book, Dirksen is quoted as saying:

The Senate's primary function is to serve the whole country. For that reason it is the duty on the part of the Senate leaders never to forget the national interest. \*\*\*

We have manifested over and over again that the opposition party must not follow an

obstructionist or hostile tone. Our business is to think in terms of the well-being of the country.

Now, does that not, Mr. President, say it all? We have a situation where, for the first time that I am aware of in the history of this Republic, people are trying to destroy the President's program and not even give it a chance. I served in the other body during the early years of Ronald Reagan. And I with numerous other Democrats gave his programs a chance. They have proven to be a failure, but no one knew at the time they would be a failure. We thought that President Reagan had some new ideas. Let us give him a chance.

Mr. President, none of these critics have allowed President Clinton any chance. They forget that the record that brought President Clinton to office was one that they created. The reality is Americans wanted change. They still want change. They do not want the failed policies of the past. They are tired of the \$4 trillion debt; no health care; no education program for the youth and the children, other than we need discipline in the schools; environment, remember some of the environmental polices of the past, where, with the problem with the ozone layer, they said, "Wear sunscreen and a hat." Do you remember that, Mr. President? Or the killer trees?

Americans want a President who will deal with the budget deficit, and we, in a budget that we adopted in this Chamber and the other body, have a program for success in the future: \$500 billion deficit reduction over a 5-year period of time. This program has been endorsed by businesses across the country. The Chamber of Commerce has been favorably inclined, much to the dismay of the minority. They have even gone so far as to try to get people fired who worked for the chamber of commerce because they have not been negative to the Clinton program.

Americans wanted and still want an administration that will create jobs, and we just had a jobs program that was torpedoed. It would not have solved all the problems of this country, but it would have given troubled youth a chance to work. I think, frankly, Mr. President, some of them are talking about now coming back with a summer jobs program. I, frankly, think it is almost too late. Kids are already getting out of school. These kids need work, not make-shift work, but we had a program that would have taught children how to work. That is what we need.

Because of the savings and loan fiasco created by the prior 12 years of Republican administrations, we have a banking crisis in this country. Small businesses cannot borrow money. The stimulus package had \$350 million that would have given the Small Business Administration the ability to loan over \$6 billion.

Our economy is fueled by small business. Probably 70 percent of all the jobs in the country are created by small business. The Small Business Administration, Mr. President, is out of money, out of money, as we speak. The stimulus package would have created jobs in this section. It would have also allowed the infrastructure development to continue. West Virginia, Nevada, New York, Pennsylvania, every State in this Union needs highways—\$3 billion to create good jobs.

Well, the stimulus package was thwarted.

Mr. President, the President of the United States for the first time in this country got together business leaders, dozens and dozens of them. But he did not get them together and get a report from his staff. He sat through hours and hours of meetings and listened to their goals and views, and as a result of that came up with the stimulus package because it is something that they, among others, wanted in this country.

He has announced a \$20 billion program to reinvest in workers and communities harmed by cuts in the military spending. But remember, that says a lot there because we are having significant cuts in the military, something the people have wanted.

Americans wanted a President who would cut back the size of Government. The critics would have us believe this President is for big Government. He, Mr. President, is putting actions in place of words.

In his first 100 days, he announced that he had cut the White House staff by 25 percent, administration in the executive branch of Government by 14 percent. It set such a good example that the leadership of the Congress followed suit and said they would do the same thing. He is also going to eliminate 100,000 positions in the executive branch of Government through attrition.

He has assigned Vice President GORE, who has become a partner in this administration, to do something about streamlining Government. And those of us who know AL GORE know we will prepare for us a blueprint for success.

Among other things, he is looking at legislation, for example, that I have sponsored which would require reauthorization of programs at least every 10 years or they would fail. The reason for that, of course, is we have programs which have been in existence since the Civil War that have not been reviewed.

We are going to cut Government. That is what the people want. These reductions are real, not just talk. They amount to the most significant effort to reduce Government in recent memory.

The President has accomplished all this.

Mr. President, I ask unanimous consent for an additional 5 minutes.

The PRESIDENT pro tempore. Is there objection? Hearing no objection,

the Senator from Nevada is recognized for an additional 5 minutes.

Mr. REID. The President has dealt with this while dealing with the challenge to democracy in Russia, civil war in the former Yugoslavia, peace negotiations in the Middle East, war in Armenia.

Nor have we mentioned other substantial initiatives: The family medical and leave bill; campaign reform—we are going to have campaign reform in this country, something I have craved since I first ran for Federal office—children's immunization; his forest conference in the Northwest.

He went out with his Cabinet and met with these parties who are divergent, the environmentalists, the loggers, the two so-called extremes in some people's minds, and he is going to come up with a compromise there.

But there are other goals that this President has for the future of this country. He is talking about the United States not tomorrow but in the next century.

For the first time in a decade this Government is committed to competing with Japan and with Germany—not begging for help, competing. This administration will promote exciting new technologies such as clean cars, communications through an information highway. Computers are the name of the game, and we are going to be on the leading edge of that. These new technologies will make our country a leader in productive enterprises, not building things that explode, not weapons only.

This President will promote new environmental cleanup technology that will be a standard for the world. Our children and our children's children deserve clean air, clean water, and clean land.

We will move ahead with true public-private partnerships through cooperative research and development agreements. For a view of things to come, look at the efforts with this administration and the big three automakers to create clean cars. We will, through this President, achieve a balance between protecting the environment and eliminating unnecessary regulations. His environmental protection commission under the new EPA will create that balance.

This President will reinvigorate the country's infrastructure, creating jobs and stimulating economic activity.

Americans want a President who has the courage to face health care. We need to face this problem. It has been ignored for 12 years. He is going to do that. He has already started that. He has undertaken the most comprehensive review of the health care system in the history of this country.

Americans wanted a President who had the courage to do this. In short, this President has been courageous. He will tackle the tough problems and,

like Winston Churchill, he has been gracious under criticism.

Mr. President, one of the strengths of this man, this President of the United States, is how he has stood up under the criticism which has come during the first 100 days of his administration. He has shown he has backbone. Sadly, the attacks from his critics, as Winston Churchill said, have departed from reality.

I would close, Mr. President, by again quoting words from a Republican leader of national scope, Everett Dirksen, when he said, "We have manifested over and over again that the opposition party must not follow an obstructionist or hostile line. Our business is to think in terms of the well-being of the country."

I suggest that the minority follow the words of one of their great leaders, Everett Dirksen.

The PRESIDENT pro tempore. The Senator from Washington [Mr. GORTON], under the previous order, is recognized for up to 10 minutes.

#### REPUBLICAN OPPOSITION TO PRESIDENT CLINTON'S ECONOMIC INITIATIVES

Mr. GORTON. Mr. President, I speak today about President Clinton's economic initiatives and Republican opposition to those proposals. Given the fact that this President has been in office for about 100 days, it is now appropriate to review how he is doing as well as how we Republicans have reacted. Contrary to the media's portrayal of politics as usual, the Republican opposition to President Clinton's economic initiatives is grounded in a fundamental disagreement over the direction that this President proposes to take this country.

All of the Republicans in the Senate, along with a couple of Democrats, voted against the President's budget and economic stimulus package because we believe that his proposals take the American economy in the wrong direction. Recently, our opinions have been validated by top investment advisers from Wall Street. These analysts make several points which validate and confirm our opposition to the President's economic initiatives.

First, they confirmed the concerns of several Senators on the other side of the aisle. These analysts agree that the recovery from this recession is notable for a lack of job creation and undistinguished GDP growth. Normally, job creation and gross domestic product growth at this point in a recovery, almost 2 years after the official end of the recession, are significantly greater than is currently the case. They have noted that job creation in the last several months has picked up significantly. These analysts argue, however, that the Clinton administration plan is counterproductive in

achieving its stated aim, higher employment growth.

Wall Street analysts have confirmed what Republican Senators said all during the debate about the stimulus package. Adding \$19 billion of deficit spending to a \$300 billion deficit will not significantly impact economic growth or job creation.

As this Senator noted during that debate, this pork-barrel spending was the equivalent of increasing a child's \$25 a month allowance by 5 cents.

The stimulus package aside, these analysts' research confirm why Republicans are so dead set against the President's proposals. First, we all believe, and their analysis confirms, that left to its own devices the economy is poised to post strong growth. No Republican Senator is pleased by the corporate downsizing that is wrenching our larger companies these days. We all need to realize, however, that it is precisely this downsizing and the accompanying productivity growth that has led this country out of the 1990 Budget Act-induced recession.

Consumer and corporate debt is on the road to its pre-1980 level. In addition, the banking system is well on the way to healing itself and ameliorating the credit crunch. Republicans—and those who advise American investors—believe that these positive trends will lead to economic growth if not inhibited by Government policies like that proposed by President Clinton.

Wall Street's analysis reinforces Republican belief that the Clinton economic plan will not lead us down the road to prosperity. In no way will the Clinton plan help job-producing American businesses into a renewed period of growth and new job creation. Just look at the list of Clinton proposals that will inhibit corporations' ability to expand and hire new employees: First, higher corporate tax rates; second, higher minimum wages; third, more mandated benefits; fourth, greater limitation deductions; fifth, a Btu tax; and sixth, possibly a VAT tax.

I said during the budget debate that I did not understand how imposing a new tax on Boeing's airline customers at a rate greater than the entire airline industry ever made in profits would help Boeing employees. Let me repeat, the airline industry has never in any year made net profits equal to the new Btu taxes proposed by the Clinton administration. Obviously, this will not put people back to work in Boeing's Renton or Everett plants—or in those airlines.

Setting corporate America to one side, we Republicans do not believe that Mr. Clinton's economic initiatives in any way assist the job-creating engine of the 1980's, small businesses. Businesses with fewer than 500 employees have generated, on average, 60 percent of the new jobs created during the 1980's. In fact, between 1988 and 1990

small businesses created 120 percent of the jobs created in this country, because corporate America reduced its employment. These small companies are even more sensitive to the marketplace than are large corporations. New taxes and mandated benefits will not help small businesses create jobs, get costs under control, or invest retained earnings in their businesses any more than these proposals will help corporate America.

Small saw mills in Washington are being destroyed by the lack of timber because of the spotted owl problem. How will these new taxes, mandates, and increased regulatory costs assist mills in Forks and Darrington? They will not. That is why Republicans voted against the President.

At the present time, I am working with some local investors who are trying to reopen a pulp plant that was recently closed in Hoquiam, WA. The combined effect of the Clinton administration proposals may kill this plant even if we do get it going again. This course of action will not help pay a mortgage or put food on the table of a millworker. I will work hard to defeat these proposals because Republicans do not believe that higher taxes and more unfunded Federal mandates can possibly lead to economic growth; these proposals kill economic growth and job creation.

In summary, Wall Street analysts are advising their clients that the Clinton economic plan will significantly depress real disposable personal income, will reduce American business profits, will cut the growth in our gross domestic product, and will marginally increase inflation.

This is not rhetoric from the White House or from Members of either party in this body. This is what careful students of the American economy have concluded, and it reflects their advice to their clients.

Perhaps even more significantly, this is what an increasing majority of the American people believe. They know that prosperity comes not from higher taxes and more spending but from their own genius and hard work. They know that last week's bill would have destroyed more jobs than it would have created.

The next step in the Clinton economic program, of course, will be his huge tax bill. As the Presiding Officer knows, that bill cannot be defeated by a Republican minority, but only by a lack of faith on the part of Democrats. That lack of faith infected many Democrats during the debate over the stimulus package, but affected the votes of only a few. This Senator believes that more will abandon a prescription for higher taxes and fewer jobs.

If that happens, because of Democratic opposition, perhaps the President will return to the prescription of

less spending and lower taxes on the middle class that won him the Presidency. When he does so, he will find strong support from Republicans as well as Democrats.

Several Senators addressed the Chair.

The PRESIDENT pro tempore. The majority leader is recognized.

#### PRESIDENT CLINTON'S 100 DAYS

Mr. MITCHELL. Mr. President, last year, American voters went to the polls and said "no" to business as usual. They voted for change. They said they had had enough of stalling and delay in Government. They said they were sick of gridlock and buck-passing. They said they wanted action on the issues that affect their lives.

President Clinton heard that demand and he asked the Congress to respond to it. With one exception, we have.

This Senate has acted faster on more issues than any Senate in recent memory. We have tackled the unfinished business of the past and made a quick start on the agenda for the future.

We know Americans are tired of excuses, tired of bickering, tired of business as usual. Unfortunately, as we have just heard, they are still getting plenty of that.

Our Nation has the greatest capacity for change and growth in the whole world. The American people know it is not a lack of resources that keeps us from making this a better country for them to bring up their children. They are concerned that it is a lack of will.

Americans want action and they want it now. And the Senate majority has responded.

The budget resolution has been approved earlier than ever before. Since the Budget Act was passed in 1974, almost 20 years ago, no Congress had ever approved a budget resolution by the second day of April. The 103d Congress did.

The budget we approved will cut nearly \$500 billion from the Federal deficit over the next 5 years. In 1997, the deficit would be 2.5 percent of the Nation's economic output instead of the 5 percent of output that President Clinton inherited from his predecessor. It will raise revenues by asking the wealthiest Americans to pay slightly more in taxes. It will hold down spending that would otherwise have gone forward. It contains the investments we need to help our economy grow. It is a budget for future prosperity and economic growth.

The Senate also acted promptly on unfinished business.

Two weeks after he was sworn in, we sent the President the Family and Medical Leave Act for his signature. President Clinton signed it. Now working families have peace of mind: They know that if a serious illness strikes a child or a parent, they do not have to

choose between their job and their family.

A month later, Congress approved an extension of unemployment insurance for those who still cannot find work in this economy.

The Senate passed the much-needed bill to authorize the National Institutes of Health. Last year I said I would make this our No. 1 bill, and I did, and it passed overwhelmingly.

The Senate has passed the motor-voter bill, legislation to simplify voter registration.

Voting is the fundamental civic privilege. Registering to vote ought to be as simple as registering your car. That is exactly how simple this bill makes it.

The campaign finance reform legislation will soon be ready for action. Americans demand reform as well as a change in their Government. The campaign finance reform bill will reform the current discredited system in which elections last too long, cost too much, and involve the voters too little.

In less than 100 days, President Clinton has done what neither his predecessor nor any of his critics have done: He has completely changed the political debate in this country.

We are focused on how best to invest for the technologies of the future, technologies that will strengthen our economy.

Instead of exchanging slogans, we are moving on health care reform, expanding health care availability and dealing seriously with the costs of health care.

Instead of worn-out debates between supply side economics and trickle down economics, we are finally talking about American economics: Family income, the fact that it takes two paychecks today to buy family security that a single paycheck used to buy, and the jobs of the future that are going to bring back broad-based prosperity for the majority of Americans.

A health care program is now being developed. We are finally on the way to reaching the consensus we need on health care. The health care cost crisis has been studied long enough. We know what is wrong. Now it is time to work on the solutions.

We will have the President's program soon. Then we can go to work to put it in place.

The reconciliation bill that puts together the spending cuts and revenue increases to reduce the deficit will be taken up as quickly as possible.

The first 3 months of this Presidency have not answered all our questions and solved all our problems. No President's first 3 months have ever done so. But the debate has changed; the agenda is different. The goal at which we are now aiming is a strong, growing economy that creates new jobs, an economy that increases personal income.

We want an economy that is growing faster and one that is also growing

smarter. Increased productivity means higher income for working families. The more a worker produces, the more that worker earns.

The key to rising incomes is to raise the output of every working person. So we are going to invest in the new technologies that help people work smarter. We are going to invest in the education and training that give people the specialized skill demanded by our modern economy. We are going to make our workers and businesses competitive in world markets by helping to make their products the best in the world.

The American people have challenged Congress to meet their demands for a more responsive and a more representative Government. It is a challenge that the Senate majority is determined to meet. What we have already done in the first 3 months of this session shows that we intend to act and act promptly.

I yield the floor.

Several Senators address the Chair.

The PRESIDENT pro tempore. The Senator from Washington is recognized.

#### TAKE OUR DAUGHTERS TO WORK DAY

Mrs. MURRAY. Mr. President, I rise today to encourage young girls and women throughout the Nation to aspire and work hard to make their dreams a reality. In honor of today, National Take Our Daughters to Work Day, I have with me today my daughter Sara.

When I was young, many women did not work outside the home. The women I knew who did work were teachers, nurses, and waitresses. Life has changed dramatically since then. Young women today have more options and greater opportunities than ever before. Not only can they be homemakers, teachers, nurses, and waitresses, they can be astronauts, surgeons, and architects, and they can even be Members of the U.S. Senate.

I am encouraged by the fact that my daughter has numerous visions of who she will be tomorrow. Some days she wants to be a reporter; some days she wants to be an attorney; some days she wants to be an author. I am excited that Sara knows that she can have whichever career she would like. It is her choice.

Although it is encouraging to reflect on the gains that have been made by women since my childhood, I believe that the job choices available to young women today are not merely a matter of luxury. The reality is that many of our young women ultimately will be responsible for the financial well-being of their families.

Women's employment is often critical to keeping the family income above the poverty line. Children whose moth-

ers work are less likely to be poor, whether they live with one parent or two. Currently, 66 percent of mothers with school-aged children are in the paid labor force, and 51 percent of mothers with infants work outside the home.

Mr. President, I feel it is very important for me as a woman, as a mother, and as a Member of the United States Congress, to encourage girls and young women throughout this Nation to realize their potential.

I never dreamed that I would become an elected official, much less a U.S. Senator. Today, I have the opportunity to be a role model for my daughter, Sara, and for all of the other young women across the country. I hope to show them that not only their professional dreams can come true, but they can be good parents as well.

I work diligently as a congressional representative for the citizens of the State of Washington, and I also dedicate a lot of energy, caring, and love as a parent to my son and my daughter.

Young women need to understand that they do not have to give up one part of their life for another. That is why I work hard on national issues, like family and medical leave, health care, and child care. Women should not have to choose between their careers and their families. And neither the community, generally, nor employers in particular, should ever send them that message.

As a nation, we must acknowledge the importance of allowing men and women to care for their families and to work at the same time. Passing the Family and Medical Leave Act was a good step for this Senate. We must enact other policies that facilitate caretaking efforts by families. When we do so, we will be a much more healthy and vibrant nation.

Today is a historic day in America. Across this Nation, women like myself are taking their daughters and other young women they know to work. They are helping to broaden young women's horizons, to show them the vast range of options available to them in the future.

I hope this day is a day when young women everywhere recognize that if they work hard and believe in themselves, they can be whoever they want to be.

I encourage young women to consider as an option running for school boards, city councils, State legislatures, and even the U.S. Senate. I can personally assure them that it is a rewarding, exciting, and very doable career.

Thank you, Mr. President.

Mr. GRAMM. Mr. President, I ask unanimous consent that I may proceed under the special order that I have without reference to the fact that 10 o'clock we were supposed to end morning business.

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

The Senator from Texas [Mr. GRAMM] is recognized to speak for up to 10 minutes.

#### SENATOR MURRAY'S OUTSTANDING ADDRESS

Mr. GRAMM. Mr. President, I congratulate our colleague from Washington for her outstanding address this morning. We are all proud of the content of that speech, and we all rejoice in the fact that our Nation now, more than ever, is using the sum combination of the talents of all of its people, and we are all being enriched in the process.

#### THE PRESIDENT'S TAX BILL

Mr. GRAMM. Mr. President, I want to talk a little bit this morning about the next big issue that we face, which is the President's tax bill. I want to try to explain where I am coming from on that issue as we begin to define the issue and start to debate it.

I congratulate the President on his success in having his budget adopted within the first 100 days of his Presidency. But I also want to express a very real concern. The concern is that we are now down to the process of imposing massive taxes on the American people, and the question that every Member has to ask himself or herself and every person has to ask is: What are we getting for these tax increases?

This is where I have real pause and where I have real concerns. As we all recall, during the debate in the campaign, the President said that if he was elected, he intended to cut \$3 of spending for every dollar of new taxes, and those taxes would be imposed on rich people. And then when Congressman Panetta and Senator Bentsen were before the Senate for confirmation, they said that it was the intention of the administration to cut \$2 in spending for every dollar of taxes raised. And then in the State of the Union Address, the President said it would be \$1 of spending cuts for every dollar of taxes.

I have to say, Mr. President, that whenever I go home, or whenever I am passing through an airport anywhere in the country, it is a very common occurrence for people to come up to me and say: Are you cutting spending first?

Well, the cold reality that we face as we begin to debate this massive tax bill is that the answer is no, because despite all of the rhetoric about \$3 in spending cuts and \$2 in spending cuts and \$1 in spending cuts relative to what would have happened had there been no budget passed, we are going to raise taxes under the President's plan \$3.23 for every dollar of spending cuts; and 80 percent of those spending cuts do not occur in 1993, do not occur in 1994, do not occur in 1995, do not occur in 1996; not until 1997 and 1998 do we get

80 percent of the few spending reductions that are promised.

In other words, we are proposing to raise taxes retroactive to January 1 in return for a promise to cut spending 4 years from now.

Mr. President, I think people are very concerned that we will see happen what has happened historically; and that is, the spending cuts promised in the sweet by-and-by in return for tax increases now never, ever seem to occur. They were not produced in 1983, for Ronald Reagan. They were not produced in 1990, for George Bush.

I think people are very concerned that if we pass a massive tax increase, much of which is retroactive to January 1 of this year, in return for a promise to cut spending 4 years from now, that the spending cut may never be made and that these new taxes will, in fact, be spent.

I think this is an especially important concern, because the tax increases did not live up to the advertising. We all remember that in the campaign, only rich people were going to be taxed. Middle-class citizens were going to get a tax cut. Middle-income families were going to choose between lower rates and higher deductions.

Mr. President, as we know, within a week of the campaign, that promise was dropped. And now we look at next month voting on a tax bill that raises not just taxes on rich people, but taxes on everybody—taxing Social Security benefits of people who make over \$25,000 a year, taxing energy use in every American family. Most of the outside cost estimates of this energy tax suggest it is going to be as high as \$500 per family.

I come from a State where we use a lot of energy and produce a lot of energy, and we keep remarkable statistics. So we are able to determine Btu use by year. If this Btu tax had been in effect in Texas in 1990, the last year for which we have the data, it would have averaged \$732 per family of four in my State. That is a big tax increase.

Finally, this increase in income taxes, that we were all led to believe was going to be imposed on very rich people, now it turns out that as much as 70-plus percent of these taxes will be paid not by individuals but by sole proprietorships, partnerships, and small businesses filing as individuals under subchapter S of the IRS code. In other words, approximately 73 cents out of every dollar of new income taxes will come from small businesses and family farms.

So, Mr. President, I just want to put our Members on notice that when we vote on this tax bill, it will be my intention, in conjunction with some of my colleagues, to offer an amendment to try to guarantee what the vast majority of the American people want, and that is a guarantee that these tax increases do not go into effect until spending cuts are made.

It seems to me, when we were promised \$3 in spending cuts for every dollar of taxes, there should be a base of strong support in the Senate and the country to say that these massive taxes on Social Security recipients, on working families, on small businesses and family farms, not go into effect until at least corresponding cuts in spending occur.

Surely, we can enter into a contract with the American people to guarantee to them that until we have made cuts, we are not going to raise their taxes.

We have several Members of the Senate on my side of the aisle who are working on an amendment which will simply say that none of these taxes shall become effective until a threshold of spending reductions shall have been reached, thereby guaranteeing that we do not simply raise these taxes and spend the money and deceive the American people again.

I see our colleague from Delaware has come to the floor. Let me sum up, and then turn the floor over to him.

Mr. President, as people have started to look at the fine print of the budget, I think that they are realizing that what was sold to them as a Cadillac is turning out to be an Edsel, that this budget does not contain \$3 in cuts for every dollar in taxes, or \$2 in cuts or \$1 in cuts. It contains about 30 cents of spending cuts for every dollar of taxes. And the taxes are not on rich people, not on some faraway person we do not know, but the taxes are on everyone. The taxes are on the people who do the work, who pay the taxes, and who pull the wagon in this country. I think people are very concerned about it.

I believe when we vote on this tax bill and are shooting with real bullets, when we are not simply promising to do something but we are actually doing it, there are going to be strong concerns in the country. And, quite frankly, I think the President, short of some binding constraint to require that spending cuts be made, is going to have a very hard time getting these tax increases adopted.

I believe they will destroy jobs, they will hurt our country and, sadly, they will not reduce the deficit.

I yield the floor.

The PRESIDENT pro tempore. Under the order, the remaining time is under the control of the Senator from Delaware [Mr. ROTH] or his designee.

Mr. ROTH. Mr. President, there come in life few men like the man we honor today. Though he was a judge, a general and a statesman, of all the ranks, titles and honors held by James Caleb Boggs, none will be more fondly remembered than those of husband, father, and friend. When he died on March 26, all Delaware mourned the loss. And anyone, even remotely in touch with the character of our great, little State, understands why: the life he lived was a personification of Delaware.

From his elegant simplicity and concrete sense of values to his rich heritage and proven leadership, those characteristics that distinguished the life and legacy of Cale Boggs are each hallmarks of the State and people he served.

In my wonderful years of friendship with Cale and his younger brother, Calvin—who also recently passed away—I grew fond of the relationship they shared as a family, of the strong sense of identity they had with the State they loved. Of their unyielding sense of loyalty and service. These bedrock values—this sense of identity and belonging—give Cale a strong foundation upon which he built a distinguished life. In war he was a decorated hero; in peace he was dedicated to justice and the welfare of people both great and small.

As his son, Cale, Jr., wrote recently:

It did not matter to him if a person was rich or poor, he gave equal attention and effort. He achieved as much personal satisfaction from helping an elderly sick person receive proper care as he did from assisting a business leader complete a large transaction.

From the hours we spent together at his family farm Cheswold—as Cale would say, “Watching the corn grow”—to the work we did together on Capitol Hill, I witnessed, first hand, his remarkable ability to blend both the public and the private. Friendship, service, loyalty and genuine interest in the well-being of others never got lost in the pomp and ceremony of high public office. The big city never distorted his country wisdom; power and politics never got in the way of his integrity and honor.

He had a keen mind and an amazing memory. If he met you once, you were his friend. And Cale Boggs never forgot his friends, whether they had the opportunity—as I often did—to sit with him in a duck blind on an idyllic autumn day—or to bump into him on the streets of Wilmington, Dover, and Washington, or even to argue with him on the floor of the U.S. Senate.

His friendship and love transcended politics—as did his loyalty. I recall that the day it was known that Cale would not return to the U.S. Senate, another great Senator, the man whose name is memorialized by the building where many of us have our offices, paid Cale a visit. Though he was a leading Democrat—undoubtedly encouraged by the victory of JOSEPH BIDEN—this good Senator, finding that Cale was not in his office, wrote a two-line note. It read: “Sorry, sorry, sorry \* \* \* I love you, Phil Hart.” A fitting tribute, as were the words of Senator BIDEN himself, who recently said, “I long to end my public career with the reputation Cale Boggs had.”

These tributes—two of many—are testament to the fact that in all things, Cale Boggs put people above politics. As his son recalled,

He saw his job as a duty to serve the people. Although he had a large office, he never viewed it as his or as a place of personal power. Rather, it was his custom to say, “Come in. This office is your office.”

Stories are nearly legendary about how as Governor of Delaware, Cale—busily on his way to a meeting, a speech, or other official function—would stop his car to give a lift to someone walking in the rain.

Likewise, he was known to go out of his way just to say hello. Perhaps this is why, in one capacity or another, Cale held office from 1947 to 1972, serving first as Congressman, then as Governor, and finally as Senator. Always genuine; always there. Many came to call him “Mr. Delaware.”

And no fitting tribute to that mister would be complete without honoring the wonderful woman who was his wife. Bess was his high school sweetheart—literally the love of his life. They were young when they married, only a couple years beyond 20. Together they tackled an early career, law school, his active duty in World War II, and the demands of public life. When he was elected Governor there was no mansion in Delaware. Bess turned a temporary apartment into a home and raised a handsome family. Those who knew and loved Cale, knew and loved Bess—an inseparable couple—and found meaning in the fact that Cale’s passing came almost 1 year to the day after the death of Bess.

Mr. President, I know there are others who will want to speak about this remarkable man, but first I ask unanimous consent that several articles about the life and successes of James Caleb Boggs recently appearing in newspapers be printed in the RECORD.

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

BOGGS WAS A FRIEND TO EVERYONE; DELAWARE BIDS FAREWELL TO BELOVED STATESMAN

(By Eric Ruth)

Audrey Piper was walking in Wilmington one winter night in the 1950s, struggling to step through knee-high snow, when a car pulled alongside and a man leaned out.

“Come on, Audrey,” said the governor of Delaware, opening the door of his chauffeured limousine. “We’ll give you a ride.”

Always ready with a smile and rarely at a loss for a name or a pleasant word, J. Caleb Boggs never let the trappings of his office divide him from the people he served for so long, said those who knew him.

Today, they will bid farewell to the one-time U.S. representative, governor, senator and judge, who died a week ago at age 83 after a long bout with cancer, diabetes and other ailments. Services will be at 2 p.m. in Cheswold Methodist Church, where friends may call one hour earlier. He will be buried beside his wife, Bess, in Old Presbyterian Church Cemetery, Dover.

Boggs leaves memories of an unswerving respect for all people and an unrelenting drive to do what was best.

“No matter where he saw you, it was as if he had always known you,” said Audrey

Delker (formerly Piper), who had worked with Boggs during his time as governor.

"Cale was a great Delawarean, a great American and a friend of everybody," said former Delaware Gov. Russell W. Peterson, who worked with Boggs.

Richard A. Struck met Boggs as a Young Republican. Their first conversation was brief. But five years later, at a Kiwanis luncheon, Boggs immediately remembered him. He even took his coat and pulled his seat out for him.

He held little animosity toward his foes, and even Democrats found nothing bad to say about the Republican patriarch. When Struck hears today's deepseated distrust of politicians, he wants to tell them there was at least one fine example of that breed.

"He brought a decency to government," Peterson said. "In all of his years of involvement never was there even a hint of anything improper in his behavior. Obviously that sets an example that we all can be proud of."

He was generous with his time and advice when Sen. William V. Roth, Jr., R-Del., first arrived in Washington as a representative in the 60's. "He was there to answer my questions, to listen and to lend a helping hand to the 'new kid on the block,'" Roth said in a tribute introduced into the Congressional Record on Monday.

"He was a person who exemplified what a lot of us would like to be," Sen. Thurman Adams, Jr., D-Bridgeville, said Thursday as the Delaware Senate eulogized Boggs in a resolution.

Struck believes Boggs would have become the first vice president from Delaware had he not lost his last Senate race to Joseph R. Biden, Jr. He has heard that Boggs, because of his clean reputation, was to be picked as Richard M. Nixon's vice president but lost out to Spiro T. Agnew after being beaten by Democrat Biden.

"He has the courage to stand up for the things he believed in," Peterson said, remembering the resistance to desegregating Delaware's schools, and Boggs' efforts to address environmental issues long before they were politically fashionable.

Sunday night, Struck looked at an Easter card he had bought for his old friend, one he won't get to deliver. He remembered sitting with Boggs at a function a few years ago when the aging but spirited civil servant looked around the room and spoke.

"I must be getting old," Boggs said, "I can't remember everyone's name anymore."

Boggs, James Caleb, a Representative and a Senator from Delaware; born in Cheswold, Kent County, Del., May 15, 1909; attended the rural schools; was graduated from the University of Delaware at Newark in 1931 and from Georgetown University Law School, Washington, D.C., in 1937; was admitted to the bar in 1938 and commenced practice in Dover, Del.; served during the Second World War in the United States Army 1941-1946; deputy judge of the family court of New Castle County, Del., 1946; elected as a Republican to the Eightieth, Eighty-first, and Eighty-second Congresses (January 3, 1947-January 3, 1953); was not a candidate for re-nomination in 1952 to the Eighty-third Congress; Governor of Delaware from January 1953, until his resignation December 30, 1960; elected as a Republican to the United States Senate in 1960; reelected in 1966 and served from January 3, 1961, to January 3, 1973; unsuccessful candidate for reelection in 1972; practiced law in Wilmington, Del.; is a resident of Wilmington, Del.

[From the Sunday News Journal, Mar. 28, 1993]

#### J. CALEB BOGGS: 1909-1993

J. Caleb Boggs, who returned all the love Delawareans gave him, died Friday night in Christiana Hospital, almost a year to the day after the April 1 death of his beloved wife, Bess.

The former governor and U.S. Senator, who had suffered from cancer, diabetes and other serious ailments for several years, was 83.

The Cheswold-born Republican, whose family's Delaware roots pre-dated the Civil War, was one of the First State's biggest boosters.

"I think its a great little state . . . [with] high-class, first-class people," he said in a 1991 interview.

He was qualified to make the judgment—he probably knew more Delawareans than anyone in the state's history. Because he knew so many, his governorship and his political campaigns were intensely personal.

"He went to every event regular people cared about," said U.S. Senator Joseph R. Biden, Jr., D-Del. "And he still went to those events after his political career ended, until his health got too bad. Biden hoped that he would end his public career with the reputation Cale Boggs had. "No one ever questioned Cale Boggs' integrity, honesty and decency."

Fellow politicians spoke of his remarkable memory, which served him well to the end.

"He seemed to know everyone," said U.S. Rep. Michael N. Castle, R-Del. "It might take him a minute or two to place you, but once he did, you were locked into place." According to Castle, "Cale was the greatest patriarch the Delaware Republican Party has ever had. I admired his feel for people. . . . He was an incredible human being in relating to others."

Mr. Boggs thought nothing of marching across the street, stopping traffic if necessary, to greet a friend—and he considered everyone his friend. Virtually no one called him "Mr. Boggs"—the man with a bright twinkle in his eye was "Cale" or "Governor" or "Senator."

He and his chauffeur, the late Walter Nedwick—who became a close hunting and fishing companion—logged more than 500,000 miles on Delaware roads while Mr. Boggs was governor.

His personal contacts stood him in good stead in 1954, during his first term as governor, when the U.S. Supreme Court, as part of the landmark *Brown vs. Board of Education* decision, ordered the desegregation of Delaware schools.

"I had to take a position on that . . . and I had to go up and down the state because I knew people felt differently than I did, and I wanted them to understand all the aspects [of integration] as I saw it," he said of his support of the decision. "I felt close to the people, I needed the benefit of their counsel and advice. . . ."

Fellow politicians thought he killed any chance of re-election, but he fooled the naysayers and won a second term. Then he moved on to the U.S. Senate.

Former Democrat Gov. Elbert N. Carvel, whose two terms bracketed Mr. Boggs' stint in the state's highest office, considered him something of a state treasure. "Caleb served Delaware on all levels," Carvel said two years ago. "Caleb is much beloved in Delaware, and he deserved every attention the state can give him."

His life began in Kent County on May 15, 1909. He was educated in public schools, then went to the University of Delaware. He grad-

uated in 1931, the same year he married his high school sweetheart, Elizabeth "Bess" Muir of Dover.

Then he went to Georgetown University, where he received his law degree in 1937.

Mr. Boggs joined the Delaware National Guard in 1926. During World War II, he served with the sixth Armored Division fighting in Normandy, the Rhineland, the Ardennes and central Europe. He earned five Campaign Stars, the Legion of Merit, the Croix de Guerre with palm and the Bronze Star with cluster.

After being deactivated as a colonel, he was appointed a brigadier general with the Delaware National Guard. He retired from military service in 1963.

After the war, Mr. Boggs intended returning to his law practice, but Delaware Republicans "came looking for someone to run for Congress" and launched his public service career.

Before that career ended, he had served eight years as governor, from 1953 to 1961, and represented Delaware in both the U.S. House of Representatives (1947-53) and Senate (1961-73).

Even in high office, Mr. Boggs never sent himself above others. Delaware then had no governor's mansion, and the Boggses lived in an apartment complex north of Wilmington. Later, when he was elected to the Senate, the family moved to the house they occupied for about thirty years, his last address, at 1203 Grinnell Road in Green Acres, a suburb of north Wilmington.

He retired from the Wilmington law firm of Bayard, Handelman & Murdoch about seven years ago.

He was a New Castle County Family Court judge in 1946 and chairman of the National Governor's Conference in 1959. Other official positions included an honorary membership in the Japanese Diet (1965); membership in the Joint Committee on Organization of the Congress (1965-66), the White House Conference on International Cooperation (1965) and the U.S. National Commission for UNESCO (1964-66).

He also served as Senate member of the National Commission on Fire Prevention and Control (1971-72) and was a member of the board of visitors for the U.S. Military Academy at West Point (1965), the U.S. Naval Academy at Annapolis (1966 and 1972) and the U.S. Air Force Academy at Colorado Springs (1970).

One of his primary interests was Kappa Alpha, the social fraternity he joined while a student at the University of Delaware. He held every national office in the fraternity, which honored him several years ago with a significant contribution in his name to the National Kappa Alpha Scholarship Fund.

Mr. Boggs was a trustee of Goldey-Beacon College for more than 25 years. The business school made him an honorary life trustee and awarded him an honorary doctorate from Delaware State College, Bethany (W. VA) College and the University of Delaware.

His directorships included RLC Corp., Rollins Environmental Services Inc., Beneficial National Bank, Artisans Savings Bank, Delaware Safety Council, Blood Bank of Delaware, Greater Wilmington Development Council, Delaware Automobile Club, the Delaware Chapter of the Arthritis Foundation and the Salvation Army Regional Advisory Board.

Mr. Boggs was a member of the American and Delaware Bar Associations, the sons of the American Revolution, the American Legion, Veterans of Foreign Wars, Kiwanis Club, Ducks Unlimited, the Delaware

Grange, the National Lawyers Club of Washington, the Capitol Hill Club and Former Members of Congress.

Mr. Boggs is survived by his son, J. Caleb Boggs, Jr. of Wilmington; a daughter, Marilu Boggs of Green Acres; his brother, Calvin Boggs of Cheswold; a grandson, J. Caleb Boggs III of Washington, D.C.; and a granddaughter, Erin J. Boggs of Wilmington.

He will be buried beside his wife in Old Presbyterian Church Cemetery, Dover.

**MR. DELAWARE: DIAMOND STATE'S GLOW IS DIMMER TODAY WITH CALE BOGGS' DEATH**

J. Caleb Boggs, Mr. Delaware, died Friday night after a lengthy, often painful, illness. He was a man who loved his native state and its people. He was a generous man who gave constantly and expected nothing in return. He was an unassuming man who never seemed to allow high office to rob him of the ordinary pleasures of life.

Will Rogers used to say he "never met a man he didn't like." Well, we've never met a person who didn't like Cale Boggs. From the Green Acres suburb in north Wilmington where he lived to Selbyville on the Maryland border, everyone loved Cale. And why not? He never put on the airs of a big-time politician—though he was as big and important as they come. Whether as governor or just Cale Boggs, attorney, his hand was out in greeting accompanied by a warm "Hi, good to see you." It wasn't false. It was warm and true, like the man.

Over the years, Cale Boggs held just about every important office a person could hold in Delaware: governor, U.S. Senator, U.S. Representative, judge. He was a Republican through and through, but counted oh, so many Democrats, among his close friends.

J. Caleb Boggs was as comfortable and confident on a soybean field as he was in a law office conference room. He slowed his pace only recently when his body gave him no choice.

Cale Boggs was born in rural Cheswold in Kent County—the very heart of Delaware. In so many ways, Cale Boggs represented the heart of our state: strong, life-enriching.

**"A CELEBRATION OF LIFE"**

Isn't it strange that princes and kings  
And clowns that caper in sawdust rings  
And common folk like you and me  
Are builders of eternity?  
A shapeless mass and a book of rules  
And each must make, ere life has flown  
A stumbling block, or a stepping stone—  
Author unknown.

(By Cris Barrish)

**CHESWOLD.**—Beloved Delaware politician J. Caleb Boggs "made a lot of stepping stones," William Keene said Friday as he bid goodbye to his fraternity brother.

About 200 friends and relatives who gathered for Boggs' funeral nodded reverently. The gracious man's sincerity and humanity had touched them all.

After reading the poem, a credo for the Kappa Alpha fraternity Boggs belonged to for 64 years, Keene concluded: "Brother Boggs was a gentleman."

Boggs, a former Republican governor and U.S. senator and representative, died a week ago at age 83. He had suffered from cancer and other ailments for many years.

On Friday, nary a tear was shed during the hour long service at Cheswold Methodist Church.

Afterward, Pastor Kim Gilson said, "This was a celebration of life."

As pallbearers carried Boggs' flagdraped casket through a steady drizzle to a waiting

hearse, Esther Hynson and Leona Hazel talked about growing up in Cheswold with a special young man named Cale Boggs.

"He was a fine boy," Hynson said, adding that townspeople weren't surprised to see Boggs scale the heights of Delaware politics.

"He was very friendly and we used to go out to their farm and play," Hazel said.

Hazel said Boggs was a charmer. "He got along just fine with the ladies," she said. "He was very nice and polite."

Political dignitaries, both Democrat and Republican, mingled with the common folk Friday. All spoke of Boggs' respect for people—regardless of economic standing, social class or race.

"This might sound strange coming from a Democrat, but he was my role model," Democratic Gov. Thomas R. Carper said. " \* \* \* When I was a cub politician, people would jokingly say, 'What do you want to be when you grow up? And I would say, without hesitation, 'Caleb Boggs.'"

U.S. Sen. Joseph R. Biden Jr., D-Del., whose victory over Boggs in 1972 knocked him out of politics, was an ardent admirer.

"After the election was over, he supported me and was a friend of mine," Biden said. "Think about it. When was the last time there was a political campaign like the one Cale and I had, where there was not one negative word said about either person?"

"The best way for me to sum up Cale was that he didn't live a lie. Most politicians, after they leave public office, it's the last time you see them at a fund-raising dinner for the poor. Cale Boggs did everything that he did while a senator after he was a senator, until his health failed him."

The Rev. Gerald Foster, head of Wilmington's Sunday Breakfast Mission, gave the eulogy for Boggs, but said it was unnecessary. Boggs' life was eulogy, Foster said.

Foster told the story about an old man who was asked what death would be like. The man responded that he had traveled the world, using every vehicle from plane to train to ox-cart.

On the road, the man said, you change cars and keep moving to the next destination. Dying would likely be the same way.

"Caleb Boggs has changed cars," Foster said. "But he will go on."

[From the Journal of the Delaware State Bar Association]

**IN MEMORIAM**

It is with great sadness that the Bar Association notes the passing of former Delaware governor and U.S. Senator J. Caleb Boggs, 83, on March 26.

Senator Boggs, a member of the American and Delaware Bar Associations, retired nearly 10 years ago from the law firm of Bayard, Handelman & Murdoch, Wilmington.

Born in Cheswold, Delaware, Senator Boggs was a graduate of the University of Delaware and Georgetown University Law School. He served with distinction in World War II, receiving numerous military decorations before returning to Delaware and his law practice.

In 1946, he served as a New Castle County Family Court Judge.

Recruited shortly after the war by the Delaware Republican Party to run for Congress, Senator Boggs turned to a career in public service that spanned six years in the U.S. House of Representatives (1947-53), two terms as Delaware governor (1953-61) and 12 years in the U.S. Senate (1961-73).

He was honored in 1980 with the naming of the J. Caleb Boggs Federal Building in Wilmington.

Senator Boggs held honorary doctorates from Goldey-Beacom College, where he was also a long-time trustee, Delaware State College, Bethany College (W. Va.) and the University of Delaware.

He was a director of numerous area corporations and non-profit organizations including the Blood Bank of Delaware, the Delaware Chapter of the Arthritis Foundation, the Salvation Army Regional Advisory Board, RLC Corp., Beneficial National Bank and Arrisan's Savings Bank.

He is survived by his son J. Caleb Boggs, Jr. and daughter Marilu Boggs, both of Wilmington, a brother, Calvin Boggs of Cheswold and two grandchildren, Erin J. Boggs and J. Caleb Boggs, III, both members of the Delaware Bar. His wife, the former Elizabeth "Bess" Muir, died in 1992.

The family suggests donations to Cheswold Methodist Church, the Delaware Chapter of the Arthritis Foundation or the Wilmington Endowment Fund of the Salvation Army.

**ROBERTO GONZALEZ,**  
*c/o Christian Children's Fund,*  
*Guatemala.*

**DEAR ROBERTO:** My father died last week. He was 83 years old and had led a good life. I will tell you something about him. He was, as you say in your country, a government official and was elected to various positions by the vote of the people. He saw his job as a duty to serve the people. Although he had a large office he never viewed it as "his" or as a place of personal power. Rather, it was his custom to say, "Come on in. This office is *your office*." In this place he would listen to those who needed help and try to find answers to their problems. It did not matter to him if a person was rich or poor, he gave equal attention and effort. He achieved as much personal satisfaction from helping an elderly sick person receive proper care as he did from assisting a business leader complete a large transaction.

He was always available to the people he served—day and night. His one and only home telephone had its number listed publicly—and anyone could call anytime. He always answered. When he was not home my mother or sister would answer the phone and he would return the call.

Sometimes my father had to make decisions on certain issues, in dispute. He studied, listened to all views, asked questions and guidance in order to resolve the question in the best interest of the people. Even though he did not please all the people, he did maintain their trust and respect for his patience, understanding, courtesy, and sincerity.

As a young boy my father grew up on a farm where, when not working in the fields, he hunted, fished, and participated in school sports (as you do, Roberto, with your soccer team). At the earliest age possible, he joined the local military. He felt this provided him not only with a discipline and fellowship, but also an opportunity to be of service to his country.

As a young man, my father joined many clubs, service organizations and community groups. Here he made new acquaintances and friendships that would last his lifetime. Not only did he just join, but he fully participated in the activities with his time and efforts. He loved to be so involved. Even after he was no longer in government, he maintained an active presence in these organizations. He particularly enjoyed encouraging younger people to become active in service to the community.

The local church in which my father's funeral service was held was the same church

where many years ago he and his three younger brothers first attended Sunday School, learned the Scripture and developed their faith. They each trusted the Lord and supported His church.

In sum, Roberto, my father saw goodness in all people; if he could not say something good about one, he would say nothing. He was in the best sense of the word a public servant.

I have mentioned my father to you so that you may share with us the value of his example.

God bless you and your family.

CALEB BOGGS, Jr.

[From the News Journal, Apr. 5, 1993]

(By Harry F. Thernal)

#### REMEMBERING THE BIG FOUR OF STATE POLITICS

Cale Boggs was laid to rest on Friday next to his beloved Bess, just a year after her death. Without minimizing the loss their families feel for that inseparable couple, all Delawareans lost a piece of themselves.

Boggs' death at 83 means only one of the big four of Delaware politics of the 1950s and '60s is still with us. Allen Frear died in January at 89 and John Williams five years ago at 83. Only Bert Carvel is still going strong at 83.

Today we have a new era of perennial officeholders in Bill Roth, Joe Biden, Mike Castle and Tom Carper. (And Pete du Pont, Sherm Tribbitt and Russ Peterson remain on the Delaware scene in varying degrees of retirement and silence.) Roth, Biden, Castle and Carper are all associated with New Castle County while the big four of Boggs, Carvel, Frear and Williams had their roots below the canal.

Boggs always seemed more of a Cheswold home boy than a suburban pol who lived most of his life modestly in Brandywine Hundred. When he died, his funeral was at the Cheswold United Methodist Church and he was buried in Old Presbyterian Church Cemetery in Dover.

Williams was inextricably linked with Millsboro (but he was born near Bayard); Frear was Kent County through and through, born in Rising Sun and living much of his life in Dover, and even though Carvel was born in New York State and brought up in Baltimore, Laurel considers him the nearest thing to a native.

Another trait these four had in common was their often upset starts in politics. Boggs had been a Family Court judge but was almost unknown when he was drafted to run for Congress in 1946. He would win eight consecutive elections and serve six years as our lone congressman, eight as governor and then a dozen as senator. In each of those roles he would make important contributions to the state and the nation.

Williams had never run for public office and was even more unknown when he was drafted, almost as a sacrificial lamb, to face the formidable titan of Delaware politics, John Townsend. Few people expected that he would propel himself singlehandedly into the forefront of the efforts to keep our government clean and honest.

Frear was never one of the headline-grabbing senators, but his closeness to the seats of power made him an important influence that belied his coming from a small state. He, too, was a surprising winner in the first of his two Senate wins, over former governor C. Douglass Buck.

Carvel became enraged at voter fraud that he saw while serving on a grand jury, and after being elected lieutenant governor, was

twice elected governor a dozen years apart. He is almost unanimously accepted as one of the most progressive chief executives Delaware ever had.

Boggs, a lawyer, is the only one of the Big Four not to come from a business background. Frear ran a dairy and fuel business, Williams a feed company and Carvel, the fertilizer business.

All four were able to succeed without sinking into the political gutter that is all too common these days. Although all were only middling public speakers, they had no trouble getting their character and program across.

It never has mattered much in Delaware whether you were Republican or Democrat to be admired or to win. Williams might have been too conservative financially and Carvel too liberal on social programs for portions of the population, but they along with Boggs and Frear won support from all segments of the Delaware political spectrum.

As Nan Clements's obituary said, Boggs "returned all the love Delawareans gave him." He knew more Delawareans than anyone in the state's history. Clements wrote, and perhaps that's why his eventual loss to Biden proved to be such a tremendous upset. Delawareans still loved him but they opted for a new era.

Boggs, Carvel, Frear and Williams were first of all Delawareans who had the goodness of their state's people at heart.

[From the News Journal, Apr. 13, 1993]

#### CALE BOGGS, UNCOMPLICATED, UNPRETENTIOUS: HE WAS TRULY ONE OF A KIND

(By Allan Rusten)

When I picked up the Sunday News Journal on March 28 and read that J. Caleb Boggs had died at the age of 83, the news triggered a flood of warm memories about a unique and gentle man I had the extreme good fortune to know and to be associated with for what now seems like too brief a period of time.

Although I first met Caleb Boggs in 1952 when I was a young reporter for WDEL and he was a U.S. Representative running for governor, it was not until 1959 that I really got to know him. He had been governor six years by then. He had just been named chairman of the National Governors Conference, and there was beginning to be talk within the Delaware Republican Party about his becoming a candidate for the U.S. Senate.

This may be hard to believe, but in those days the staff of the governor of Delaware consisted of two secretaries. Period. No one had yet heard of policy wonks and spin doctors. Public office in Delaware was simple and straightforward in those days, and that suited Cale Boggs just fine.

But the state Republican Party decided that Gov. Boggs needed some "professional" staff support if he was going to succeed as Chairman of the National Governors Conference and perhaps run for the U.S. Senate seat in 1960. I was hired away from Channel 3 in Philadelphia where I was a news writer and reporter and "loaned" to Gov. Boggs as a combination speech writer/researcher/public information officer.

So my family and I moved back to Delaware in 1959 and we purchased a home in Green Acres in Brandywine Hundred. It was not until after we bought the house that I learned that Gov. Boggs also lived in Green Acres (Delaware had no governor's mansion then). That coincidence turned out to be a major convenience as we spent considerable time together during the next two years.

It's hard for an outsider or newcomer to understand the lack of pretentiousness that

is the normal condition of public officials in Delaware. I recall that when my in-laws made their first visit to see our new house in Green Acres, we took them on a drive around the community and pointed out Gov. Boggs mowing his lawn on Grinnell Road, across from the community swimming pool. My in-laws were flabbergasted to see a governor mowing his own lawn, but that was Cale Boggs. It was also pure Cale Boggs to call my home one rainy evening to express concern about my going out in the rain with a cold to bring a speech draft to his house. No he insisted, he (the governor) would come over to my house in the rain and collect the speech draft.

Much has been and will be written about Cale Boggs as a warm, gentle man who genuinely liked people. His ability to recall the first names of thousands of Delawareans from one end of the state to the other is legend. What I also observed on more than one occasion was the masterfully warm and down country way he made people think he remembered them, when actually he had no idea who they were. Perhaps the most amazing thing about the man is that in my 40 years in Delaware I have never heard anyone say a negative thing about Cale Boggs. That's an enviable record for any human being but for one who spent his entire adult life in politics and public office, it's unheard of.

Throughout his career, Cale Boggs fit comfortably into the mold of the Cheswold, Kent County, farm boy of his youth. There was a certain Will Rogers quality about him that made you instantly at ease with this likeable, unpretentious congressman or governor or senator. But he was no country bumplin. While former Gov. Russell W. Peterson receives the credit for transforming Delaware's commission form of government into a cabinet structure, it was actually Cale Boggs who laid the groundwork for that transformation.

It was in 1959 that Gov. Boggs, with the help of the National Governors Conference and a few Delaware volunteers, developed a comprehensive plan for changing the commission government to department cabinets. The plan and the campaign to sell it were given the title of "New Day for Delaware," and Gov. Boggs worked hard to win support for it in the General Assembly. There were even extensive public hearings held in Dover during which Gov. Boggs and various expert witnesses from Delaware and beyond testified as to the benefits of a cabinet form of government. I spent a lot of time with Cale Boggs during that period. Each day of those hearings, the late Rodney Layton (the governor's volunteer legal counsel) and I would drive from Wilmington to Dover for a lunch meeting with the governor to prepare for that day's testimony and hearings. (Even lunch was pure Cale Boggs: a cup of soup and a plateful of little tea sandwiches. It was the same lunch every day).

Despite Cale Boggs' efforts and sincerity, politics raised its sometimes ugly head and the Democratic-controlled legislature refused to approve the Republican governor's government reorganization plan. But the effort was far from a failure. It resulted in the first serious discussion of cabinet government for Delaware, and it laid the groundwork for the changeover that came several years later.

Cale Boggs fought the good fight trying to win the acceptance of his New Day for Delaware program. He suffered a lot of political abuse from some members of the legislature during those hearings, but he always turned

the other cheek, as was his wont throughout his life. But I have to admit that I always suspected that Cale Boggs had a twinge of uncertainty about abandoning a commission form of government in which so many of his good friends from all over the state could participate in governing Delaware.

Cale Boggs became a candidate for the U.S. Senate in 1960 and was elected. At his Green Acres home on election night, and the festivity of the victory celebration, he called me aside into his den and paid me perhaps the highest compliment of my professional career. He asked me to go to Washington with him as his chief of staff. It was a difficult decision for me, but having only recently uprooted my young family to move to Delaware from Philadelphia, I could not consider yet another family upheaval. I had to decline Cale's wonderful once-in-a-lifetime offer, but the memory of it is as fresh in my mind today as that night more than 32 years ago.

As I wrote this column, I kept asking myself what made Cale Boggs unique. Was it his honesty, his sincerity, his integrity? Was it his ever-present warmth and friendliness? Those traits certainly are a part of it. But most of all it was the genuine simplicity of his being, uncomplicated and unpretentious. No images here. Cale Boggs was real, and he was one of a kind.

Mr. ROTH. Mr. President, I think it is worthwhile to spell out in some detail the life of this great man.

His life began in Kent County on May 15, 1909. He was educated in public schools, then went to the University of Delaware. He graduated in 1931, the same year he married his high school sweetheart, Elizabeth "Bess" Muir of Dover.

Then he went to Georgetown University, where he received his law degree in 1937.

Mr. Boggs joined the Delaware National Guard in 1926. During World War II, he served with the Sixth Armored Division fighting in Normandy, the Rhineland, the Ardennes and central Europe. He earned five Campaign Stars, the Legion of Merit, the Croix de Guerre with palm and the Bronze Star with cluster.

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He retired from the Wilmington law firm of Bayard, Handelman & Murdoch about seven years ago.

He was a New Castle County Family Court judge in 1946 and chairman of the National Governor's Conference in 1959. Other official positions included an honorary membership in the Japanese Diet (1965); membership in the Joint Committee on Organization of the Congress (1965-66), the White House Conference on International Cooperation (1965)

and the U.S. National Commission for UNESCO (1964-66).

He also served as Senate member of the National Commission on Fire Prevention and Control (1971-72) and was a member of the board of visitors for the U.S. Military Academy at West Point (1965), the U.S. Naval Academy at Annapolis (1966 and 1972) and the U.S. Air Force Academy at Colorado Springs (1970).

Mr. President, I make a point of order that a quorum is not present.

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

The legislative clerk proceeded to call the roll.

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

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

#### TRIBUTE TO J. CALEB BOGGS

Mr. DOLE. Mr. President, I join with my colleagues today in saluting the life and career of Cale Boggs.

As one of America's Original Thirteen Colonies, Delaware is rich in history and in patriots. There can be no doubt that Cale Boggs has earned a place in Delaware history as one of the most outstanding and respected public servants of his—or any other—time.

Six years as a U.S. Congressman, 8 years as Governor of Delaware, 12 years as a U.S. Senator, in each of these positions, Cale Boggs earned a reputation as a public servant of intelligence and integrity.

I was privileged to serve alongside Cale in this Chamber for 4 years. He was what we now term around this place as a "workhorse." Cale was not flashy nor was he out seeking headlines or looking for publicity. He was out trying to work for the interests of Delaware. What he wanted to do, however—and what he did throughout his career—was to make a difference.

He worked quietly and effectively to ensure that the interests of the citizens of one of America's smallest States always received the highest priority.

Along with my colleagues, I extend my sympathies to Cale's family.

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

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

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. ROTH. I yield such time as he may need to the distinguished senior Senator from Oregon.

The PRESIDENT pro tempore. The Senator from Oregon [Mr. HATFIELD] is recognized for such time as he may consume.

A GENTLEMAN IN ALL CIRCUMSTANCES

Mr. HATFIELD. I thank the Chair. I want to thank my colleague from Delaware, Senator ROTH, for giving me time.

Mr. President, I come to the floor today to pay my respects and my tribute to the late Senator, former Governor of Delaware. It was my privilege to become first acquainted with the late Cale Boggs as a fellow Governor. We served together through his period as Governor. I must say the highest tribute I think I can pay to Cale Boggs was that he was one of the nice people in politics who proves that nice people can win. I do not mean that in a wimpish way. I am speaking purely that he was a man who was known to be a gentleman in all circumstances.

I remember many years ago, a former mayor of Philadelphia, with origins in my State of Oregon, once said you can disagree without being disagreeable. Now that phrase may have been predated but that was the first time I heard it. I think of Cale Boggs and in all of his relationships he handled himself strictly as a gentleman, nice in the sense that he was pleasant, he was positive, he was one who had great convictions, but he did not advance his convictions at the cost of tearing down the opposition or the people who may have disagreed with him.

I remember his smile, his laugh, his facial body language that communicated interest, passion, concern. I was proud that he represented that on the Republican side in the Governors' conferences and here in the Senate because of the imagery of parties that seem too often to convey that Democrats are interested in people and Republicans are interested in business or institutions, which is far from the truth, but nevertheless it is one of those imageries we combat constantly in politics, like many other images. But Cale Boggs was the embodiment of humanity at its finest.

I remember we would get into some very heated discussions in the Governors' conferences. We got in heated discussions that were led by polarized leaders, such as Nelson Rockefeller would lead the pro-civil defense program, the viewpoint at that time on how we should map our States to evacuate the cities and to run for the closest shelter and to have identification of shelters, urging everybody to build a bomb shelter in their home because the day of the apocalypse was upon us.

On the other hand, Bob Meyner, Democratic Governor of New Jersey, would always counter with his argument about that is impossible. He said, "Look at the traffic jam we have at 5 o'clock in the afternoon, or 8 o'clock in the morning"—on and on we would get involved in this heated discussion of pro- or anticivil defense.

On a number of occasions it would go on for a certain period of time, and

Caleb Boggs would ask for recognition. Caleb would make some kind of a remark with humor, with his nice personality, and it would be like pouring cold water on heat, it would be like putting oil on troubled waters. He was a peacemaker, he was a reconciler, he was all of that within our association as Governors. I cannot help but feel that he probably had that same relationship with constituents in Delaware which gave him that kind of stature of respect and admiration and affection.

There are some people who you can have great respect and admiration for but not necessarily sense a warmth to elicit a feeling of affection. But Caleb was all of those. You respected him for his intellect, you admired him for his clarity of thinking and his fairness, but you had that sense of warmth, that feeling of "I like him; I'd like him if he never opened his mouth; just to look at him, I like him." That is kind of a rare commodity in this business of politics and life in general.

Some people seek their whole life to be liked and they may achieve a part of that goal but never necessarily include respect and admiration. Here others seek respect and admiration but never succeed in eliciting the kind of warmth that brings the responsive warmth. But he was all of these.

I would only say in closing that I miss him and I want to say that the highest appellation I can pay him is my friend, and I give my sympathies to his family and my colleague from Delaware, who is among his friends, as well as other friends of Caleb Boggs. I yield the floor.

#### CALEB BOGGS

Mr. BYRD. Mr. President, I join many of our colleagues in sharing my own regrets at the death of our late friend, Senator Caleb Boggs from Delaware.

A friend from Delaware himself, Caleb Boggs—"Cale" to those who knew him well—served as a Member of the House of Representatives from Delaware from 1947 to 1953. Subsequently, Caleb Boggs was elected Governor of Delaware, an office that he fulfilled with distinction from 1953 until his election as a U.S. Senator from his home State in 1960 until 1963.

On an objective, senatorial level, Senator Boggs was a militant, but rational environmentalist. A cosponsor of the National Air Quality Standards Act of 1970, Senator Boggs helped to win congressional approval of this bill, which was signed into law by President Nixon. Further, Cale Boggs was a cosponsor and helped to write the Water Quality Act of 1965. In 1970, Senator Boggs helped to strengthen State authority to prohibit sewage and pesticide discharge into rivers and lakes and to provide for coordinated Federal attacks on river and lake pollution in the Water Quality Act of 1970.

Through those and other vital contributions in education, medicine, agri-

culture, transportation, and other domestic concerns, Senator Boggs left an enviable record of legislation aimed at improving the quality of life of all Americans and at widening opportunities for all of our citizens. But, above all, Cale Boggs will probably be best remembered by his friends still serving in the Senate and by the people of Delaware as a friend, a man of warm humanity, and as a gentleman who sought ever to set people at ease through his common touch and deep consideration of other people's feelings. Cale Boggs was a man whose friendship one easily sought and, once secured, was long treasured.

A graduate of the University of Delaware and of Georgetown University Law School, Cale Boggs, shunned stuffiness and pomposity. He sought to make communication between people easier, and seemed possessed of a desire to make friends even of those who opposed him on matters of law and detail.

To Caleb Boggs' family and friends, I add my condolences on his passing, as well as my assurance that I will recall Cales' gentle manners and sincere friendship as long as I live, and that I will always count him as one of my truest friends and associates in the long course of my own Senate career.

Mr. BIDEN. Mr. President, will the Senator from Delaware yield to me to speak to the passing of J. Caleb Boggs?

Mr. ROTH. I yield 10 minutes to the distinguished Senator from Delaware.

The PRESIDENT pro tempore. The Senator from Delaware is recognized for up to 10 minutes.

Mr. BIDEN. I thank my colleague.

#### SENATOR J. CALEB BOGGS

Mr. BIDEN. Mr. President, with the passing last month of former Senator J. Caleb Boggs, the State of Delaware and the United States lost a consummate public servant. We use that phrase "public servant," Mr. President, relatively loosely. The Presiding Officer knows better than anyone in this Chamber that there have been men and women who come through this Chamber who are dedicated for a time to public service. Many, when they leave public service, either voluntarily or because they have been defeated, move out of the entire public arena, everything from no longer participating in the local charity drive at home, to appearing at the Kiwanis Club, to showing up at the fundraiser for the YMCA, to being involved in church activities to raise money for worthy causes.

We all kid, Mr. President, about the rubber chicken circuit that we all are on when we go back to our home States. We are invited to myriad public events, almost all of which are designed for some good public purpose. A measure of the truth of a man's or woman's life, I think, is in our business determined by whether they conduct themselves after they no longer hold public office in the same manner they

conducted themselves when they held public office.

What I found about J. Caleb Boggs was that he lived his whole life for other people. Mr. President, even after he left the Senate in 1972, while his health still pertained, you could find J. Caleb Boggs at the VFW banquet; you could find him at the Columbus Day monument event raising money for worthy causes; you could find him deeply involved almost every evening of his personal retired life doing the same kinds of things he did when he was an elected representative.

J. Caleb Boggs was Delaware's U.S. Representative from 1947 to 1953. Then he guided our State from 1953 to 1961 as its Governor. From 1961 to January 1973, he served in this body where he had a reputation as a skillful coalition builder, an independent thinker, and a forceful voice for my home State. Along with the late John J. Williams, he made Delaware's delegation among the most admired in the Senate.

A former colleague of his and a friend of the President pro tempore as well, J. Allen Frear, recently passed away. But among all the people who have served, it has been my observation in the last 25 years of my involvement in elective office in the State of Delaware, that the qualities that J. Caleb Boggs evidenced were ones that were there throughout his life, before he was a holder of public office and public trust, and after he was out of public office.

Mr. President, the State of Delaware is small, where you will find an industrial city, middle-income suburbs, wealthy estates, small towns, and family-owned farms, all within a short drive of one another. And you cannot be narrowly focused to represent my State.

When there is a good likelihood that any two people you might meet in the State will know each other, and that you are as likely to meet someone who will engage you in debate in the grocery store as you are on the podium, you learn very quickly, Mr. President, how important it is that there be a sense of comity, that there is a sense of cooperation.

J. Caleb Boggs set a standard for all of us who serve in public life in any State. Few of us, myself included, have met that same standard. J. Caleb Boggs is a man, like my senior colleague, Senator ROTH, who decided years and years ago, back in the forties, as a Member of the House of Representatives, that he would be available. It was almost a joke that if three Delawareans gathered on a corner, they expected their U.S. Senator and their Governor to be there if they are to discuss an issue.

It is a bit of an exaggeration, but that tone was set by J. Caleb Boggs.

They tell a story, Mr. President, of a group of fellows from the VFW and the Kiwanis Club having a poker game one

night when J. Caleb Boggs was a U.S. Senator. There was an argument at the poker game. It was a nickel, dime, and quarter operation—more social than anything else. But, there was a disagreement. They could not settle it. So at a quarter of 12 at night, one of the persons in the group said, "Well, let us call Caleb. He will settle it." A sitting U.S. Senator. They called him at a quarter to 12 to decide whether one party was right and the other party was wrong. Whether that is apocryphal or not, that is how this man was viewed in my State. The first time I met him, I was walking down the street with my dad. My dad has never been involved in politics. He has never been involved in legislative office. He was a man who worked hard all his life and made a fine reputation for himself.

We were walking down the street in Wilmington. I was a high school student. J. Caleb Boggs saw my dad, pulled over the limousine, and said, "Joe," to my dad, "would you like a ride?" He was in the Governor's limousine. My dad had never been involved, never contributed any money, was in the opposite party, and had only met J. Caleb Boggs half a dozen times in his life.

This is the Governor of the State of Delaware. He pulled the limousine over and said, "Do you want a ride?"

I asked my dad, "Who is that? Is that somebody that works for the Governor?" He said, "No; that is the Governor."

The Governor pulled over and asked my dad if he wanted a ride.

Granted, I acknowledge the size of my State and the nature of the politics of my State over the years has made this kind of intimacy more likely than in a State of 24 million people. I acknowledge that. But it is interesting, Mr. President, that when Senator ROTH and I attended the funeral of Caleb Boggs, one of the comments made by one of the press people asking me questions was: "Is it not interesting, Senator, the last time we had a campaign in Delaware where not a cross word was spoken was in 1972, when J. Caleb Boggs ran for office?"

Mr. President, this man was the quintessential gentleman. He was a character in the sense that he set a standard that all of us are trying to repair to; most of us, like me, do not achieve that standard as well as we would like to.

But the truth of the matter is, Mr. President, this was a man who never, never, never failed to be there when the people of his State asked him for help, whether he was in the employ of the Government as a military officer who had a distinguished career in World War II, where he fought in Europe, whether he was a U.S. Senator, or whether he was a retired 75-year-old man who could not say no when someone asked him to help. He would show

up at events to lend credibility to them, to attract help for the causes, and merely to be there—to share with the people trying to do something good for his State.

He was a remarkable man. It sounds strange coming from the man who ran against him and who prevailed; J. Caleb Boggs did not stay in the Senate an extra term because of the Senator from Delaware named BIDEN. But it is interesting, Mr. President, that in that race, in 1972, not one single time did I ever personally criticize him, or did he ever personally criticize me—not once.

Mr. President, let me conclude by telling you a story about the nature of this man. We have an event in Delaware. It is called Returns Day. To the outsider, it is a beautiful event. To someone involved in public life, it can be brutal.

In our southernmost county, in the county seat, Georgetown, historically the way in which people would find out who won the elections in that county for over 200 years was that 2 days after the election—it was held the Thursday after the Tuesday election—the folks would ride in from all over the county to the town circle, the circle in Georgetown. There is the historic old courthouse. They would count the votes, and the town crier would come out on Thursday. The town crier would stand on a wrought iron balcony of this old colonial building and read the returns of the election.

The ceremony developed where we would then bury the hatchet. The Republican chairman and the Democratic chairman would literally bury the hatchet in the ground, and the people would have a picnic, in effect, on the circle.

It developed over the years to where the winner and loser of each statewide race show up on that Thursday. There is a luncheon. Thousands of people come to the circle. The results are ceremoniously read out. Then, for an hour, you hop in a carriage with the person who defeated you, or whom you defeated, with their family, and you ride for an hour through the town, sitting knee to knee with your opponent. It is a difficult thing for someone to do if they lost—difficult.

I defeated J. Caleb Boggs when no one expected him to be defeated. Had he started 2 months earlier, I would not be here. It was not because I was so good. I was not taken seriously at the time, and he was put in a difficult position.

The bottom line of all of this was that Wednesday after the election, Wednesday morning at 5:30, I showed up, like Senator ROTH and others do, as is the tradition in our State, to thank the voters. The candidates thank the voters at the factory gate. It was pouring rain; and I got a cold. I thought, "What I am going to do is call Senator Boggs and allow him to be able to tact-

fully avoid having to go through what some could consider a humiliating exercise the next day."

I called him, and I said, "Caleb"—I never actually called him Caleb at the time. I said, "Senator, this is Joe Biden. I called to tell you that I have a terrible cold and I am not going to be able to make it to Returns Day. I will not be there. So there is no need for you to have to go."

There was silence on the phone, Mr. President. Then he said to me, "Joe, thanks. But I rode when I won, and I will be proud to ride with you even though I lost. It is part of our State, Joe."

This was a man who had served the State for 26 years, the winningest politician in the State of Delaware at that time. He was an honorable man. My State lost when we lost him. And we would all be well served to emulate his notion of public service.

Thank you, Mr. President.

#### TRIBUTE TO CALEB BOGGS

Mr. THURMOND. Mr. President, I rise today to pay tribute to my good friend and former colleague J. Caleb Boggs, who passed away on March 26, 1993, at the age of 83. Senator Boggs was a man of character, courage, capacity, and compassion, and he will be deeply missed.

Senator Boggs was born in Kent County, DE, in 1909. He earned a degree from the University of Delaware at Newark in 1931, and that same year married his high school sweetheart, Elizabeth Muir. He earned a law degree from Georgetown University Law School in 1937, and after being admitted to the bar in 1938, he practiced law in Dover, DE.

Cale served in the Army with distinction during World War II, fighting with the 6th Armored Division in Normandy, the Rhineland, the Ardennes, and central Europe. He earned a number of honors and awards, including five campaign stars, the Legion of Merit, the Croix de Guerre with palm, and the Bronze Star with cluster.

Upon his return from the war, Cale became a judge in the family court of New Castle County, DE. Always keenly interested in public service, he ran successfully for Congress in 1946. He served in the Congress from 1947 to 1953, and then went back to Delaware as Governor.

Senator Boggs' 12 years as Governor were characterized by sound policies and excellent fiscal management, and his foresight and hard work are still benefiting the State of Delaware today. In 1960, following his term as Governor, he was elected to the Senate, where he served until 1973.

I got to know Cale during his time here in the Senate, and I took an immediate liking to him—a common reaction. With a sparkle in his eye and a spring in his step, he was a welcome sight on the Senate floor and every-

where else. Upon leaving the Senate, he returned home to his beloved State to practice law once again, this time in the capital, Wilmington.

Mr. President, Caleb Boggs was an outstanding individual in every way. His intelligence and high ideals earned him the respect of friend and foe alike, and his fine personality endeared him to all his colleagues. Our Nation and the State of Delaware have lost a good and loyal friend in Caleb Boggs, and we shall miss him.

I would like to take this opportunity to extend my deepest sympathy to Cale's son, J. Caleb Boggs, Jr.; daughter, Marilu Boggs; brother, Calvin Boggs; and the rest of his fine family. Our thoughts and prayers are with them at this time.

#### IN MEMORY OF JAMES CALEB BOGGS

Mr. STEVENS. Mr. President, today we remember and honor James Caleb Boggs, a Member of this body who dedicated his life to public discourse and community service. Caleb's public service began right after the war in 1947 and ended in 1972, 4 years after I came to the Senate.

As a young Senator, I learned a lot about this body and about public service by watching Caleb's example. He served on the Appropriations Committee and on Public Works and was one of the best negotiators I've ever seen.

By blending the leadership skills he developed as a general, with the sense of fairness and equity he acquired as a judge, he became one of this institution's great conciliators. As Governor of Delaware, he was able to calm troubled waters during the periods of great racial strife in Wilmington when everyone else had failed.

He and his high school sweetheart, his wife Bess, worked tirelessly for charitable causes—and not just in leadership positions, but in the trenches where it really counts. Every year they could be found ringing bells at Christmas time in the frigid Delaware winters to collect money for the Salvation Army.

I treasured the time we spent together fishing and sharing stories, and I miss his wise counsel and friendship.

#### TRIBUTE TO CALEB BOGGS

Mr. PELL. Mr. President, I join my colleagues today in paying tribute to the memory of our very distinguished and respected former colleague, Senator J. Caleb Boggs of Delaware. It was my good fortune to serve with him during my early years in the Senate.

Senator Boggs and I were elected to the Senate in 1960 and began our service together the following January, although he of course stood much higher in seniority because of his prior service as a Member of the House and as Governor of his State.

But that difference in seniority and our difference in partisan identity did not in any way deter the warm friendship we developed during his two terms in the Senate.

My warmest memories of that association go back to the fall of 1962, when Senator Boggs and I and Senator Ben Smith were chosen by Senator Mansfield to join him on a 5-week round-the-world factfinding trip requested by President John F. Kennedy.

We traveled first to Berlin and then to Southeast Asia and made two formal reports to the Foreign Relations Committee, one of which recommended a policy which "helps to bring about international peace in Vietnam but maintains, scrupulously, our advisory capacity. \* \* \*

If only that policy had been followed, how much better the United States and the world would have been.

It was a pleasure to be associated with Caleb Boggs in that venture and to benefit from the wisdom and perspective he brought to our mission.

He was above all, a thoroughly decent and dedicated public servant who put the national interest ahead of narrow partisan concerns. It was a privilege to have known him and to have shared those years with him in the Senate.

#### CALEB BOGGS: IN MEMORIAM

Mr. HOLLINGS. Mr. President, Senators of a certain age and tenure were deeply saddened earlier this month to learn of the death of our distinguished former colleague, Caleb Boggs. Caleb's life was devoted to public service. He served in the Army during World War II, was elected to the U.S. House after returning home from battle, left the House to serve as Governor of Delaware, and was elected U.S. Senator in 1960.

Mr. President, Caleb represented Delaware in the Senate for the next 12 years, earning a reputation as a man of exceptional decency and integrity. He was also as dedicated a legislator as you will ever encounter. Certainly, I have the fondest memories of my years of service in with Senator Caleb Boggs. He was a great friend to so many of us in this body. We will miss him greatly.

#### WOMEN IN THE MILITARY

Mr. ROTH. Mr. President, I understand that Secretary of Defense Les Aspin is expected to announce a major change in the Department of Defense's policy toward women serving in the military.

I rise today to applaud the anticipated order by the Pentagon to allow women to fly in combat aircraft. About 2 years ago, Congress opened the door to allow this action by repealing a 40-year-old ban that prevented women from competing for combat pilot positions. As one who led the fight on the Senate floor for lifting this discriminating ban against women pilots, I am very pleased the Pentagon is acting on this initiative.

In 1948, Congress imposed a rule which prevented women from serving

as combat pilots. This congressional restriction impeded the flexibility of our military services and created an artificial barrier to thousands of talented and courageous women aviators.

In 1991, Senator KENNEDY and I were successful in persuading the Senate to pass legislation removing the legal limitations which had prevented women from flying combat aircraft.

We believed the Secretary of Defense should have the greatest flexibility and maneuverability to marshal the forces at his command. We believed the women who had proven themselves, not only in the test pilot's seat, but in battle conditions and in the line of fire, should have the ability to compete for these esteemed combat pilot positions.

The courage and mettle of our female pilots were proven in the skies over Saudi Arabia, Kuwait, and Iraq during Operation Desert Storm. Our women pilots showed cool thinking and competence as Army helicopter pilots, Air Force AWACS pilots, and Navy surveillance pilots in the Persian Gulf. They flew behind enemy lines and transported troops into enemy territory. Some of them flew ahead of the ground assault into Iraq. We owe our victory in the gulf, in part, to the superb performance of these women pilots.

The bottom line is clear. Women have proven themselves steadily and consistently over the years, and they have served with great distinction. Our women military pilots are an exciting new generation of aviators. They are smart, articulate and, yes, they are indeed professional.

They deserve the opportunity to compete for these positions in combat planes.

Allowing women to fly combat aircraft is not about gender, but about excellence. It is not about women pilots flying combat missions, but about the best pilots flying combat missions. The readiness and preparedness of our military defense is a serious matter. When our Nation's future is at stake—and the future of free nations is at stake—we want the most skilled and seasoned men and women on the job.

With this order, I believe the Secretary of Defense is recognizing that in a combat situation, the best and brightest pilots should be selected on the basis of ability, not gender. I commend Secretary Aspin for his decision.

#### CRISIS IN BOSNIA

Mr. WARNER. Mr. President, yesterday afternoon at approximately 4 o'clock, the leadership of the House and the Senate, together with the chairman and ranking members of the relevant committees, met with the President of the United States for nearly 3 hours on the Bosnian tragedy. So far as I know, this was the first time that our President has consulted with such a broad group of the leader-

ship of the Congress with respect to the tragedy occurring in Bosnia.

I would like to sincerely compliment the President for the manner in which he conducted this meeting. He was thoroughly prepared. He encouraged each Member to speak very freely about their views. Present were the Secretaries of State and Defense and the acting chairman of the Joint Chiefs of Staff.

The discussion covered each and every option with respect to the merciless, mindless wounding and killing going on in Bosnia.

Great concern for the suffering was expressed by all present. There was however, a wide diversity of opinion as to what options should or should not be pursued.

The President listened very carefully. The President posed tough questions and asked Members to address those questions individually. He made it very clear that he would continue this consultation with the Congress and our allies before making a decision. It was clear to all present that the President, from his statements as well as his questions, had done extensive analysis of this most complex problem. I commend him for keeping his "cool" and not being pushed into making a decision prior to receiving the views of others and a very careful analysis.

Mr. President, I believe it is time for the Congress of the United States, and, most particularly, the Senate of the United States, to begin thorough, active, informed debate on this issue. While a few Members have taken the opportunity to debate the situation in Bosnia here in the Senate, the main debate is still in editorial columns and on television news programs as we witnessed this morning between two of our colleagues, Senator MCCAIN, a man who has impeccable credentials to address this issue, and Senator BIDEN, who has stated very strongly the need for prompt American military intervention as a part of U.N. forces.

I have had the opportunity to debate here, with both Senator BIDEN and Senator MCCAIN and others, this issue. Now, it is the responsibility of all Senators to fully learn for themselves from the military, intelligence, and other experts. After being so informed, comes the responsibility to express our views and take our positions. Congress, as a body, can no longer sit on the sidelines. Our President and Vice President, who was present yesterday at this meeting, have stepped forward and are spending a considerable amount of time learning about the complexity of this situation. As Commander in Chief the President is facing up to the need to eventually state a national policy.

I urge Senators to avail themselves of the expert advice, primarily from members of the Joint Chiefs of Staff. The Senate Armed Services Commit-

tee, at this moment, is in session listening to officers with expert knowledge on this question—the Senate Foreign Relations Committee, the Senate Appropriations Committee, the Senate Intelligence Committee, likewise have received testimony. But many Members of the Senate have not had the same opportunity. I believe it is time for the Senate as a whole to accept its part of the responsibility with respect to Bosnia, so that when the President establishes and announces a national policy toward Bosnia, the Congress will be in a position to have an informed debate and go on record if we are with him or not.

We must accept that responsibility if we are to consider sending men and women of the Armed Forces in harm's way or ask them to take greater risks beyond what they are already taking in the aerial resupply operations and in enforcing the no-fly zone and the naval embargo. We must take equal responsibility—with the President—if the decision is to intervene or not to further intervene. We have already intervened by requiring an arms embargo. We would not want to have the President announce a national policy, then delay or question implementation for a prolonged time to determine whether or not the Congress is or is not in support of the President. Our duty is to do our "homework" now, as the President is doing, do it thoroughly, and be prepared to debate and decide after the President announces his recommendation for a national policy on further intervention or nonintervention. Soon we will have a formal resolution, for the Senator from Delaware spoke of this need yesterday at the meeting with the President.

There are certain parallels to the congressional actions taken during the gulf war when the Senate had extensive hearings and briefings, extensive floor debate, then voted, by a narrow margin, to support the President.

We should now take the same careful steps with respect to crisis in Bosnia. We owe that duty to the uniformed people who must accept risks, we owe that duty to the American people to define those risks and define the presence, or absence, of our national interests, and we owe that duty to our President. Let's all get off the bench and, now, perform our duty—get on the field of play in full view of all.

The PRESIDENT pro tempore. The Senator's 5 minutes have expired.

Mr. WARNER. Mr. President, I ask unanimous consent if I may continue 1½ minutes.

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

Mr. WARNER. In the instance of the gulf war, the President evolved a policy. Congress engaged in extensive debate before and after. Debate in this Chamber helped fully educate the American people and, ultimately, by a

narrow margin we enacted a resolution expressing congressional support.

So I conclude, Mr. President, by urging my colleagues to gain for themselves the facts so that we can proceed to help educate the American public through an informed debate in the Senate. Let's all do our homework and do it thoroughly as the President, the Vice President are doing.

I ask unanimous consent that a column that appeared yesterday in the Washington Post by Richard Cohen, who urges the Congress to take these actions, be printed in the RECORD, as well as a letter that I addressed to the leadership asking that the Senate as a whole be provided with expert advice from the Joint Chiefs as soon as possible and a synopsis of testimony from a Senate Armed Services Committee hearing this morning involving three senior military officers from General Powell's staff. This hearing and committee deliberations will continue this afternoon.

I thank the Chair, and I thank the distinguished Senator from Delaware.

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

THE TOUGHEST CASE OF ALL

(By Richard Cohen)

The power of the press, supposedly greatly diminished in the age of Donahue, King and Oprah, nevertheless seems sufficient to pitch the United States into the war in Bosnia. The preponderance of editorial comment, the writing of op-ed columnists and the inflections of anchormen all demand of the West in general and the Clinton administration in particular that the Serbs be stopped by force. Only the people have yet to be heard from.

So far, this has been the strangest of debates. It has been largely conducted by commentators such as myself, hurry-up experts on a part of the world about which many of us knew little until recently. Great and vexing moral issues have been raised, sometimes tellingly, and references to the Holocaust have been brandished because (as any television viewer can see) vile things are once again happening in Europe. For certain people, Bosnia has become an all-consuming dilemma.

But not for Congress. Individual members have spoken out on the issue, and some, like Sen. Joseph Biden (D-Del.) have even visited the area. But Congress as a whole has yet to tackle the issue. No grand hearings in the manner of inquiries into the Vietnam War once held by the Senate Foreign Relations Committee have been mounted, although Biden held one of his own about two months ago at which, for the most part, no other senator attended. Congress just returned from its Easter recess. With the exception of Biden, though, not one member came back to Washington clamoring for military intervention.

The Clinton administration has been grappling with Bosnia. The president has said he has devoted more time to it than any other issue, and within the bureaucracy memos are flying back and forth. But Clinton himself has yet to engage the American people on the question of intervention in Bosnia. There has been no speech, no Clintonesque seminar such as the one he had on the economy.

Bosnia is a terribly complicated situation. It's made all the more complicated by the memory of Vietnam and Lebanon, where we intervened, and the Holocaust, when in the beginning we did not. But it is precisely for that reason that military intervention ought to be debated openly. After all, while it's possible that inaction might result in a wider war, it's just as likely that intervention could widen and intensify the war. It's possible that strategic bombing, the current flavor of the month among my op-ed brethren, would not be sufficient to stop the Serbs. What then? Ground troops?

The White House is keenly aware that Bosnia so far has engaged op-ed writers much more than the American people in general. For that reason, the options under active consideration are narrow in scope—maybe the limited use of air power to achieve a set purpose (save the remaining Muslim cities, for example). The idea is not to draw the United States and its allies into an escalating conflict for which there is now no popular support. As of yesterday, the policy review-cum-debate was still not finished, although Clinton is expected to make a decision within several days. Then an envoy will be dispatched to Europe to enlist our allies.

Still, the recent debacle in Waco ought to be instructive: Things sometimes just go wrong. It's possible that the neat policy papers circulating around Washington will have to be revised and revised again. That was the experience of Vietnam, and no rule of nature says it cannot be repeated. At the moment, the White House has no firm plans for the president to explain his forthcoming decision to the American people in a televised speech. Instead, background briefings are envisaged. The president should do both.

The lack of a popular mandate does not mean that the interventionists are wrong. It does not mean either that the administration cannot in other ways bring pressure on the Bosnian Serbs and the Belgrade regime—including good old-fashioned covert action. But if American lives are to be risked, both the president and Congress have to duplicate what was done in advance of the Gulf War. George Bush built a case for military action, and Congress after a debate agreed. Then we went to war.

Clinton has already ruled out the use of American ground troops. (There's zero political support for that option.) But that does not excuse either him or Congress from fully airing for the American people what our stake in Bosnia is (assuming we have one) and why we should get involved there. Inescapably more people will die in Bosnia before the West—and in particular the United States—decides on a course of action. But an even worse outcome is possible if we put a toe into Bosnia and have to pull it right out for lack of popular support. For the Bosnians whom we so much want to help nothing could be worse.

U.S. SENATE,

SELECT COMMITTEE ON INTELLIGENCE,

Washington, DC, April 26, 1993.

Hon. GEORGE J. MITCHELL,

Majority Leader,

Hon. ROBERT DOLE,

Republican Leader, U.S. Senate, Washington, DC.

GENTLEMEN: President Clinton indicated publicly on Friday, April 23, 1993 that the U.S. Government is considering options for addressing the situation in Bosnia that include aerial bombardment.

Because of the grave importance of any decision to commit U.S. forces to such aerial

combat operations, I request that you make arrangements promptly for all Senators to hear from the Chairman of the Joint Chiefs of Staff and appropriate representatives from U.S. intelligence agencies on the situation in Bosnia and the potential impact of executing various U.S. military options. It is vital that Senators have a common basis of fact from which each Senator may reach an informed, independent judgment about the wisdom of potential U.S. military action in Bosnia.

On Sunday's television program "Face the Nation," a Senator renewed his call for allied air strikes on Bosnia to be conducted largely by U.S. forces. He indicated that the U.S. Navy Admiral who serves as the NATO Commander in Chief, Allied Forces South advised that air strikes will "take out" Bosnian Serb artillery.

I have had the privilege of knowing that Admiral for many years and discussed this specific matter with him at some length last week. From my discussions with him, I gained a knowledge and an opinion that was at variance with the statements attributed to him on "Face the Nation." Other military experts, who have testified before the Armed Services Committee on which I sit, and the Select Committee on Intelligence on which I am Vice Chairman, repeatedly have expressed concerns about the prospects for success of U.S. military action.

I remain concerned that many Senators have not yet had the benefit of the intelligence and professional military judgment that is essential before a Senator decides whether to support further U.S. military action in Bosnia. Please make arrangements for all Senators to receive factual briefings on the military options available and the likely effect of pursuing them.

Sincerely,

JOHN WARNER.

SYNOPSIS OF TESTIMONY—HEARING, SENATE ARMED SERVICES COMMITTEE, APRIL 28, 1993

Mr. President, just this morning, three senior officers of our military services appeared before the Armed Services Committee, nominated by the President for positions of increased responsibilities on the staff of the Chairman of the Joint Chiefs of Staff, General Colin Powell.

I asked these officers for their views on prospective air strikes which some members of Congress have advocated. These same members, however, have ruled out the use of ground troops. The elimination of ground forces seems to be a political, not a military restriction.

Specifically, I asked these three officers if we directed our pilots to attack the kinds of easily hidden, mobile, artillery pieces that would be the intended targets in Bosnia, without the benefit of support from ground forces or low flying aircraft to acquire and identify these targets, would this not be a more difficult, higher risk operation? Is it fair to ask our pilots to assume greater risks by requiring them to fly at lower altitudes, taking greater risks, to locate these targets? Our military is trained to operate with land, air and sea, mutual support, to achieve military objectives. These politicians would ask our airmen to go it alone—greatly increasing their risks.

Major General Ryan, USAF (nominee to be Lieutenant General and Special Assistant to the Chairman of the Joint Chiefs): I don't know if I would use the term "fair, but it would be a more difficult operation; risks would be greater and the missions would be less effective.

Lt. General McCaffrey, USA (nominee to be J-5 Staff, Joint Chiefs of Staff): The operation would be "less effective and higher risk" to the aviators.

Major General Sheehan, USMC (nominee to be Lieutenant General and J-3 Staff, Joint Chiefs of Staff): I agree. Less effective target acquisition and destruction—higher risk to the pilots.

Mr. President, I believe it is clear that these very highly respected military officers agree that these air strike operations, under the difficult and restrictive conditions being contemplated by some political decision-makers, would entail greater risks and would be less effective than we would normally expect. I believe we do have a responsibility to consider carefully the implications of asking our pilots to accept these added risks to conduct such missions.

My fundamental point is that if increased U.S. military involvement is contemplated, then we are obligated to describe the objectives and the military should decide how, and what forces are needed to achieve the objectives. We shouldn't begin the process by imposing conditions first.

#### TRIBUTE TO LT. GEN. RICHARD L. BOHANNON, M.D.

Mr. LUGAR. Mr. President, I would like to take this opportunity, as the country is focused on the major issues involved in reform of our health care system, to recognize a man who more than 25 years ago made a call to action that could have drastically improved the health care status of Americans and, thus, averted many of the problems we face today.

In 1963, as the Surgeon General of the U.S. Air Force, Lt. Gen. Richard L. Bohannon, M.D., boldly asserted that Americans should take responsibility for their health by staying active and eating right. It is hard to believe that only 30 years ago we did not know that physical activity reduces the risk of heart disease, cancer and many other illnesses. We did not know that watching one's weight through a low-fat diet could reduce reliance on medical visits and prescription drugs to maintain one's health.

As the highest ranking military medical officer at the time, General Bohannon placed his reputation on the line by embracing critical, yet previously unsupported, research by Dr. Ken Cooper, then a colonel in the Air Force. Dr. Cooper's landmark effort to determine the effects of physical activity and lifestyle choices on health promotion and disease prevention paved the way for the wellness movement that followed.

During his service to the Government, Dr. Bohannon was the first official to establish a policy of health promotion and lifestyle modification. Once he retired from military service, he took it a step further and established an organization called the American Running and Fitness Association. I am proud to serve on the board of this nonprofit group of recreational athletes and medical professionals whose

mission is to educate the public about its role in health care, and about an individual's ability to make a positive difference in his or her own health and well-being.

As the health care debate continues in Congress, we must turn our focus to prevention. Encouraging Americans to take personal responsibility for their health through lifestyle choices can dramatically improve our Nation's overall health and lower our health care costs. Corporate America has taken the lead in this area. Case studies show that companies that take their employees health seriously can reap substantial benefits. In a report entitled "The Economic Impact of Employee Health and Fitness," Dr. Robert L. Kaman gives documented examples of savings achieved by employers who have instituted fitness programs:

At Tenneco, the average annual medical claim for a nonexercising male employee was nearly twice that of a male employee who took advantage of the in-house exercise program. With female employees, the average claim was greater than double.

Mesa Petroleum showed that exercisers filed health care claims averaging \$217 per year less than nonexercisers.

A number of employers, including Prudential Insurance and The Travelers, have reported significant reductions in absenteeism by those who exercise regularly. Toronto Life Assurance found that employee turnover was 14 percent lower with fitness participants than nonparticipants.

For every dollar spent on wellness programs, companies are seeing a significant return on their investment: Kennecott Copper Co. saves \$5.78 for every dollar spent, Equitable Life Assurance saves \$5.52 per dollar, and Motorola estimates a savings of \$3 for every dollar outlay.

Substantial cost savings can be achieved by encouraging people to make healthy choices, not to mention the improved quality of life that comes along with it. For these reasons, I hope that we will see a significant emphasis on prevention as we work to develop a comprehensive reform package.

Dr. Bohannon got the ball rolling those many years ago, and while he is currently engaged in his own personal struggle with Lou Gehrig's disease and thus unable to lead the charge at this time, I know that each of my colleagues will consider his strong testament to the power of prevention. Please join me in honoring a great man who has worked indefatigably over the years to improve our Nation's health.

#### INAUGURATION OF MILTON CARVER DAVIS AS PRESIDENT OF ALPHA PHI ALPHA FRATERNITY

Mr. HEFLIN. Mr. President, I want to congratulate Milton Carver Davis,

who was installed as the general president of Alpha Phi Alpha Fraternity, Inc., in January. Milton received his bachelor of science degree at Tuskegee University in 1971 and later attended law school at the University of Iowa. He has also studied at Northwestern University.

Milton Davis' involvement with Alpha Phi Alpha, the first intercollegiate Greek-letter fraternity established for black college students, goes back 25 years, to his undergraduate days at Tuskegee. He has served the fraternity as its Alabama legal adviser; representative to the National Pan Hellenic Council; Legal Counsel for the Southern Region, National General Counsel; a member of the board of directors; cochairman of the Commission on Racial Justice; and chairman of the National Constitution Committee.

Since obtaining his juris doctor degree, Milton has worked diligently not only for Alpha Phi Alpha, but also to establish himself as one of our finest attorneys. He was the assistant attorney general for Alabama from 1974-76. He is a member of the Advisory Committee of the 11th U.S. Circuit Court of Appeals; the Alabama State Board of Examiners; and the American Bar Association. He has been admitted to argue before the U.S. Supreme Court and is presently in private practice in Tuskegee.

Alpha Phi Alpha was organized at Cornell University in 1906, and has grown steadily throughout the years. It integrated its membership in 1945 and has expanded to the extent that there are now approximately 700 chapters located in the United States and the rest of the world, including Africa and Asia.

Alpha Phi Alpha's 150,000 members have included leaders like Dr. Martin Luther King, Jr.; Dr. W.E.B. DuBois; Duke Ellington; Vice President Hubert Humphrey; Health and Human Services Secretary Louis Sullivan; Supreme Court Justice Thurgood Marshall; and Senator Edward Brooke. From these names, it is obvious that this fraternity has a long and distinguished history of involvement, achievement, and leadership in civil and human rights efforts. During the past five years, Alpha Phi Alpha has given over \$1 million to benefit the NAACP, the United Negro College Fund, and the National Urban League. Each year, its five regions conduct Leadership Development/Citizenship Education Institutes, which train outstanding high school students in important leadership skills.

Mr. President, with Milton Carver Davis at its helm, Alpha Phi Alpha cannot help but continue to grow, prosper, and mold young men into leaders of the future. I congratulate him and wish him all the best for what I know will be a highly successful tenure as its 29th general president.

#### INDIAN SPRINGS SCHOOL—40TH ANNIVERSARY

Mr. HEFLIN. Mr. President, I am proud to recognize a prominent academic institution in my State, Indian Springs School, upon the occasion of its 40th anniversary. At a time when the quality of secondary American education, both public and private, is being intensely scrutinized, Indian Springs stands out—in every sense of the term—as a true educational success story.

Indian Springs School is a special place, set apart by an attitude among students and faculty that new people and new ideas are welcome. Both groups, many of whom live on the school's campus, look forward each year to the addition of new faces representing diverse places, unique experiences, and fresh ideas which can be shared and developed. Indeed, its tremendous diversity is arguably Indian Springs' greatest asset.

Administrators of this beautiful campus of roughly 250 students say, ironically, that individualism is the driving force making Indian Springs a total community. This seeming contradiction stems from the fact that personal freedom—to dress differently, to have different interests, to hold different beliefs—is cherished by everyone at Indian Springs. The shared concern for individual rights—so often absent in an educational setting like Indian Springs—binds this community together in a very special way.

Another unique aspect of the Indian Springs environment is its governing structure. Its government is not so much student government as it is community government. Students and faculty serve together on committees that oversee the functioning of all aspects of campus life. The population is small enough for everyone to gather for real town meetings where, in keeping with the New England tradition and the spirit of Indian Springs, every individual has an equal opportunity to express his or her views.

Indian Springs School was founded in 1952 under the provisions of the will of Birmingham industrialist Harvey G. Woodward. Originally an all-boys' school, it became coeducational in 1975. Located on a 350-acre wooded campus 15 miles south of Birmingham, Indian Springs is adjacent to Oak Mountain State Park, surrounded by lakes, hiking trails, and camping sites.

Indian Springs is accredited by the Southern Association of Colleges and Schools and approved by the Alabama Department of Education. It is a member of the National Association of Independent Schools, the Secondary School Admission Test Board, and the Council for Advancement and Support of Education. All members of the 1992 graduating class enrolled in colleges, including Columbia, Davidson, Rice, the University of the South, Vanderbilt,

and institutions throughout the State of Alabama.

Mr. President, as we strive for answers to the educational difficulties our Nation faces, we can look enthusiastically to Alabama's Indian Springs School. At this unique institution, the academic curriculum is a vehicle for learning how to question, how to understand, and how to develop the discernment necessary to form opinions and evaluate ideas, learning which is important not only to success in college, but in life as well. At Indian Springs, the academic program is only one of several overlapping challenges designed to inspire students to make the most of all their time and talents, inspiration that must increasingly be the goal of all educational enterprises if we are to meet the challenges of the future.

I commend Indian Springs School for standing as a shining example of the quality educational environment we as a society can foster and of which we can be justly proud. Congratulations on 40 years of pure excellence.

#### FRED LEE'S SELECTION AS ALABAMA'S SMALL BUSINESS PERSON OF THE YEAR

Mr. HEFLIN. Mr. President, I am proud to congratulate a neighbor, Fred Lee, for his selection as Alabama's Small Business Person of the Year by the U.S. Small Business Administration. Fred is one of the Muscle Shoals area's most successful business leaders. In fact, his selection as the first-ever Shoals Small Business Person of the Year award last year made Fred eligible for the State award, which now puts him in the running for the SBA's national title, to be given during Small Business Week, May 9-15.

Fred Lee is not only an astute and shrewd businessman; like so many of our fine business leaders, he actively uses his time and influence to make life better for those in his community and state. He is a strong educational advocate in our State, currently serving as vice chairman of the Alabama Commission on Higher Education. I also understand his flair for a certain musical instrument might endear him to the President when they meet at the White House during Small Business Week next month.

Fred Lee and his company, Shoals Ford automobile dealership, are outstanding examples of the caliber of business person and enterprise that typify this area's and Alabama's small business communities. I am proud to commend him for receiving this tremendous honor, and to wish him the very best in the national competition before the SBA. Alabama could not have a more worthy representative.

I ask unanimous consent that an article appearing in the March 20, 1993, edition of the Times Daily on Fred Lee

and his career as a small businessman be printed in the RECORD immediately following my remarks.

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

#### LEE STATE'S BUSINESSMAN OF YEAR (By Carl Cronan)

MUSCLE SHOALS.—Back when he started his career in the automobile sales business, Fred D. Lee Jr. said he noticed his mentor give a large sum of money to a drifter after listening to his hard-luck story.

"When the drifter walked out, I asked him, 'Why did you give him that money? You know you're never going to get it back,'" Lee recalled. "And he said, 'Fred, when you go into business in a community, you're taking something out of that community, and the community cannot exist and cannot thrive unless you put something back into it.' I took him very seriously when he said that."

The philosophy Lee inherited helped him build one of the Shoals area's most successful car dealerships, and also led to his recognition as the Alabama Small Business Person of the Year by the U.S. Small Business Administration.

Lee, who won the first-ever Shoals Small Business Person of the Year award last October to become eligible for the state award, is now in the running for the SBA's national title. He and other state recipients will attend Small Business Week ceremonies in Washington the week of May 9-15.

"It's indeed an honor to be recognized for doing something that I thought I was supposed to be doing anyway," Lee said in accepting the honor during a news conference at Shoals Ford in Muscle Shoals.

#### LEE AMONG "STRONG NOMINEES"

James Barksdale, director of the state SBA office in Birmingham, said Lee was among several "very strong nominees" considered by the Alabama Small Business Advisory Council for this year's award.

"The selection rested primarily on contributions back to the community," Barksdale said. Other criteria include staying power, response to adversity and financial stability, he said.

Lee is known throughout the Shoals both for donating time and money to the area and leading fund-raising efforts. His dealership has used Christmas party money to adopt needy families, and he has been active in the American Heart Association and United Way of the Shoals.

Barksdale pointed out that Lee was selected for the local award at large by members of the Chamber of Commerce of the Shoals, saying he knows of no other chamber that chooses its winner in that fashion.

Bill Hunt, chairman of the chamber's Small Business Committee last year, said the competition for the first Shoals Small Business Person of the Year award was tough.

"We have a lot of good small businesses in the community," Hunt said.

Along with the state small business award, U.S. Rep. Bud Cramer, D-Ala. of Huntsville, presented Lee with a framed copy of the Congressional Record in which Cramer paid tribute to Lee for winning the award.

"He is a talented and caring person, and that comes through."

"That's a side of you that shines very strongly," Cramer told Lee during the presentation.

#### FORD DEALERSHIP OVERCAME ODDS

Lee, a native of Tallahassee, Fla., spent 16 years in sales before taking over Shoals Ford in March 1986.

The Woodward Avenue business became one of the best Ford lots in the country.

Shoals Ford has about 50 employees, who Lee credited as being "the life blood of this business."

In addition to being a successful businessman and a talented musician, Lee serves as vice chairman of the Alabama Commission on Higher Education.

He called on local businesses and the political establishment to work together with the education sector, including teachers and parents, to make improvements to Shoals area schools.

"I'm a firm believer in education, and the improvements that we need in this state are monumental, but we can do it," Lee said.

"We have to join hands across ethnic lines and socioeconomic lines in order to move our community forward," he said.

"I believe that, and I'm doing the very best I can with what little I have to work with to do my share."

Lee will be among the guests at a special Rose Garden reception at the White House hosted by President Clinton during the national observance of Small Business Week.

"I don't know who else will be there," Barksdale said, "but we will have two saxophone players in the garden that day."

Lee said he will do a little promotional work for the Shoals during his visit to the nation's capital.

"I've said before that Northwest Alabama is probably one of the best-kept secrets in the United States," he said.

"I think the word is getting out, and won't be a well-kept secret anymore if I get my big mouth up in Washington talking about it."

#### A MINNESOTA PLAN FOR KOSOVO

Mr. DURENBERGER. Mr. President, we are all well aware of the horrors taking place in the former Yugoslavia as part of the ongoing conflict in Bosnia and Herzegovina and Croatia. Not a day passes in which we are not reminded of the terrible human tragedy taking place in this region. And while the United States and the world community have been uncertain about how best to proceed with the ongoing war, we must look now at ways to prevent this conflict from turning into a wider Balkan war.

Tensions between the Albanian majority and Serb minority in the province of Kosovo are increasingly volatile and present the very real threat of erupting into a violent conflict. The challenge for the international community is to develop a strategy which can prevent the situation in Kosovo from deteriorating further.

Minnesota Advocates for Human Rights, an independent organization of lawyers and other advocates committed to the impartial promotion and protection of international human rights, recognized the importance of addressing the situation in Kosovo. Several months ago, they initiated the Kosovo project, compiling information on the situation in Kosovo and preparing a series of recommendations.

Minnesota Advocates organized volunteers from various backgrounds into a working group, which met twice to

discuss information and consider possible recommendations. The volunteers also worked independently and in smaller groups to address issues relating to diplomacy, intervention, refugees, and war crimes. At the conclusion of the final meeting, the working group approved the preparation of the group's recommendations regarding the situation in Kosovo and addressing the broader issues of refugees and war crimes.

In the resulting document, "The Minnesota Plan: Recommendations for Preventing Gross Human Rights Violations in Kosovo," Minnesota Advocates for Human Rights presents a series of recommendations for discussion by the public and national and international policymakers. Included in the plan are recommendations for increased monitoring of human rights in Kosovo, support of independent and objective media within Serbia, and increased public attention on the situation in Kosovo.

Mr. President, at the appropriate time, Senator WELLSTONE and I will ask unanimous consent that the complete text of "The Minnesota Plan" be printed in the RECORD.

I am extremely grateful to Minnesota Advocates for the leadership they have shown in drawing our attention to this situation. I especially wish to express my gratitude to Barbara Frey, executive director of Minnesota Advocates, and Elizabeth Bruch, who coordinated the Kosovo project, as well as the many Minnesotans who participated in the working group.

Mr. President, the international community was caught unprepared for the level of conflict in Bosnia and Herzegovina. We must not make the same mistake twice. We must begin to address this matter, and must do so immediately.

I urge my colleagues, as well as appropriate officials in the Clinton administration, to seriously study the recommendations of Minnesota Advocates as together we seek ways to address the tenuous situation in the Balkans.

Thank you, Mr. President. At this time, I would like to yield to my colleague from Minnesota.

RECOMMENDATIONS FOR PREVENTING GROSS HUMAN RIGHTS VIOLATIONS IN KOSOVO FROM THE MINNESOTA ADVOCATES FOR HUMAN RIGHTS

Mr. WELLSTONE. Mr. President, I thank my senior colleague from Minnesota, Senator DURENBERGER, for yielding to me. As he has described, the Minnesota Advocates for Human Rights, an independent organization of lawyers and other advocates committed to the impartial protection of internationally recognized human rights, has in recent months conducted a policy study which has resulted in a set of recommendations for Western policy with respect to human rights in

Kosovo. I would like to share with my colleagues a trip report and the recommendations which have emerged from this study.

Several months ago, the Minnesota Advocates for Human Rights established a working group on Kosovo, and began a broad and impressive process of consultation that included not just experts on foreign policy and international human rights in the United States and abroad, but also ordinary Minnesotans. Experts or laypeople, all participants shared a common commitment to a progressive American foreign policy toward Kosovo based upon respect for human rights. The project also included a mission to Kosovo, during which participants tested their recommendations against the facts on the ground, giving them further depth and texture. They consulted with a large number of governmental and non-governmental officials in Kosovo before returning to the United States to refine their recommendations further.

In the face of the shocking and horrifying violence in the former Yugoslavia which continues rightly to hold the attention of American and Western policymakers, a related and equally tragic situation is developing in Kosovo, where the repression of ethnic Albanians is severe and the potential for a widening of the conflict is growing. I believe these thoughtful recommendations will make an important contribution to the debate on Western policy toward Kosovo, and urge your consideration of their views.

I commend the Minnesota Advocates for their initiative, and for their passionate and sustained commitment to the protection of human rights around the world. I want to especially commend the staff of the Minnesota Advocates who have worked on this project, including Jim Coy, Art Beeman, Elizabeth Bruch, Nancy Arnison, Peggy Hicks, and its executive director, Barb Frey, and all those who participated in the months-long consultative process from which emerged these important recommendations.

I ask unanimous consent that the entire text of the mission report and the recommendations of the working group on Kosovo be included in the RECORD following my statement, and I urge my colleagues' attention to both of these documents.

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

THE MINNESOTA PLAN: RECOMMENDATIONS FOR PREVENTING GROSS HUMAN RIGHTS VIOLATIONS IN KOSOVO

(By Minnesota Advocates for Human Rights, April 1993)

#### I. INTRODUCTION

The international community has been shocked and horrified at the violence and complexity of the conflict throughout the former Yugoslavia. While conditions in Croatia and Bosnia-Herzegovina have deservedly

received extensive media and public attention, there has been less focus on the volatile situation in Kosovo where the repression of ethnic Albanians is severe and the potential for widespread conflict is great. Any armed conflict in Kosovo could quickly escalate into international violence, potentially involving Albania, Bulgaria, Greece, Turkey and other nations. It is critical that the international community move beyond a defensive and reactive posture and begin to act affirmatively not only to end the current conflict in Bosnia-Herzegovina, but also to prevent further conflict and grave violations of human rights in Kosovo.

Both the causes and the potential solutions of the conflicts in Kosovo and in Bosnia-Herzegovina are fundamentally interconnected. The quest for a "Greater Serbia" underlies both conflicts and is manifest in the "ethnic cleansing" in Bosnia-Herzegovina and in the escalating persecution of ethnic Albanian Kosovars. The response of the international community to the conflict in Bosnia-Herzegovina will directly affect the situation in Kosovo. Thus far, the world's response has failed to deter Serbian aggression. Should this continue to be the case, ethnic cleansing will succeed horribly not only in Bosnia-Herzegovina but in Kosovo as well. If, however, the world community stiffens its resolve to confront the aggression in Bosnia-Herzegovina, then it may well spare Kosovo a similar fate.

In addition to addressing the situation in Bosnia-Herzegovina, there are specific actions that can be taken now relative to the human rights situation in Kosovo. Minnesota Advocates recommends that the international community, particularly the United Nations, implement a progression of steps to protect human rights and prevent an escalation of the conflict in Kosovo. Minnesota Advocates recommends these steps for the purpose of safeguarding human rights in Kosovo and does not advocate any particular political outcome or future legal status for Kosovo. While all efforts should be made to obtain Serbia's cooperation and compliance with the actions recommended, current indications suggest that Serbia is unlikely to comply voluntarily with recommendations from the international community. Thus, the international community must be prepared to act decisively with or without Serbia's compliance.

In the attached recommendations, Minnesota Advocates for Human Rights urges the international community to consider taking the following steps to address the human rights situation in Kosovo. First, there should be increased monitoring of human rights. In addition, the United Nations or other appropriate organization should convene direct negotiations between the Serbian government and representatives of the Albanian population of Kosovo. The United Nations should seek autonomy for Kosovo including the removal of Serbian forces, protection of group rights for Serbs and other minorities in Kosovo, fair elections and an interim police force of U.N. peacekeepers. If Serbia does not grant Kosovo autonomy, the Security Council should request that Serbia voluntarily place Kosovo under the United Nations trusteeship system. If Serbia refuses to take either of these actions, the Security Council should recognize the situation in Kosovo as a threat to international peace and security and should declare Kosovo a safe haven and protect the residents of Kosovo by all necessary measures. Finally, the international community should work to deter further Serbian

aggression through the support of independent and objective media within Serbia, increased public attention on the situation in Kosovo and the aggressive prosecution of war crimes and crimes against humanity committed throughout the former Yugoslavia.

#### Background

Using the authority of the federal government, the Serbs have suspended local government, imposed a military state and flagrantly violate basic human rights with impunity in Kosovo. Kosovo, an "autonomous" province of Yugoslavia from 1974 until the 1989 revocation of that status, has long been the site of ethnic conflict between the 90% ethnic Albanian majority and the minority Serbs. Serbs consider Kosovo to contain the "soul" of Serbia, and Serbian President Slobodan Milosevic began his climb to power by arousing Serbian sentiment against the Albanian Kosovars. Milosevic provoked mass demonstrations by ethnic Albanians when he revoked Kosovo's autonomous status after he came to power. Serbian authorities responded with violent crackdowns and a pattern of increasing discrimination and violence against the Albanian Kosovars.

Ethnic Albanian leaders have been illegally detained, beaten, tortured and killed; the ethnic Albanian population is regularly subjected to police harassment, discrimination and abuse. Serbian officials have closed Albanian language schools and fired virtually all ethnic Albanian professors and other professionals at Pristina University. Over 100,000 ethnic Albanians in government, business, the media, education and medicine have been dismissed from their positions and replaced with Serbs. A "shadow" society—including an elected government and basic medical and educational services—has emerged as the result of the Serbs' deliberate campaign to marginalize the ethnic Albanian population. Tensions are high and widespread violence has thus far been avoided largely due to the ethnic Albanian leadership's commitment to non-violence.

## II. RECOMMENDATIONS

### Human rights monitoring

1. The United Nations Security Council should take all possible steps to establish a U.N. observer mission in Kosovo and ensure that the mission includes an adequate number of human rights fact-finders with the qualifications and resources necessary to document and report on human rights abuses and to act as a deterrent to further violations. The Security Council should coordinate these efforts with the monitors from the Conference on Security and Cooperation in Europe (CSCE) who are stationed in Kosovo. In addition, the Special Rapporteur on former Yugoslavia should focus greater attention on Kosovo. The international community should support local credible human rights monitors.

Comments: The United Nations Commission on Human Rights has "invite[d] the Security Council to consider establishing a United Nations observer mission, in coordination with the Special Rapporteur and the Conference on Security and Cooperation in Europe and its missions of long duration, to be deployed as soon as possible to investigate and report alleged human rights violations in Kosovo, Sandjak and Vojvodina." The Commission has also extended the mandate of the Special Rapporteur for one year and requested that he continue his efforts "especially in carrying out such further missions in Serbia and other parts of the former Yugoslavia as he deems necessary."

These actions by the Commission are a valuable step in increasing the commitment of the international community to prevent further human rights violations in Kosovo. Moreover, the work of the Special Rapporteur and the CSCE monitors has been instrumental in drawing attention to and reporting on the situation in Kosovo. However, additional steps must be taken. The CSCE should clarify the mandate of the current monitors regarding "promot[ing] solutions to [the violations of human rights and fundamental freedoms]" and the monitors should take affirmative action to implement their mandate more effectively. International monitors stationed in Kosovo should work cooperatively with local credible human rights organizations.

### Direct negotiations

2. A conference involving representatives of the Serbian government and representatives of the Albanian population of Kosovo should be convened as soon as possible under the auspices of the United Nations, the CSCE, or the European Community to discuss peaceful resolution of the ethnic violence and massive human rights violations taking place in Kosovo.

Comments: This conference should be held irrespective of the progress of the peace process in Bosnia-Herzegovina. The attempt to draw the parties into direct negotiation in a neutral forum is critical to clarifying their diplomatic positions regarding Kosovo. Representatives of the Albanian Kosovars should be selected by the Coordinating Council of Albanian political parties. The conference might also include representatives of neighboring governments and other interested parties, such as Greece, Russia, Turkey, and the United States.

### Autonomy

3. The United Nations Security Council should declare its intent to refuse to recognize the Serbian government as the successor to Yugoslavia in the United Nations and should urge Member States to withhold recognition of Serbia until the province of Kosovo is granted autonomy. At a minimum, autonomy would require that the Serbian government: (1) stop human rights violations in Kosovo, including arbitrary detention, torture, inhuman treatment and arbitrary killings; (2) remove all Serbian and Yugoslav military forces, including paramilitary forces, from Kosovo; (3) restore Albanian Kosovars to their former professional and public positions; (4) stop resettling Serbs into Kosovo; (5) reopen all educational opportunities for Albanian Kosovars; and (6) rescind all facially discriminatory laws.

As a condition of autonomy, the Kosovo provincial government must agree to: (1) abide by international norms regarding minority rights, including provision of proportional representation for ethnic Serbs in the Kosovo provincial government; (2) allow United Nations monitoring of Kosovo to ensure compliance with international standards regarding minority rights; and (3) hold free and fair elections within one year of the withdrawal of Serbian and Yugoslav National forces from Kosovo.

The United Nations should provide peacekeepers to police Kosovo until elections are held. There should be no arming of Kosovars during this interim period.

Comments: Additional conditions may be added as part of the negotiation process. For example, economic incentives might be offered to Serbia or the Kosovo provincial government could agree to forego prosecution of members of the Yugoslav National Army (ex-

cluding paramilitary or terrorist groups) for violations of derogable rights in Kosovo which occur prior to the Security Council's declaration on recognition of the Serbian government as the successor to Yugoslavia in the United Nations. However, at a minimum, the conditions listed in the recommendation should be agreed to by the parties. In addition, neither party should engage in behavior which is fundamentally inconsistent with the concept of Kosovar autonomy. For example, the Serbian government should not use loyalty oaths or any other pretext as a basis for dismissing Albanians from their jobs. The prohibition of government-sponsored resettlement should not preclude necessary refugee resettlement from other areas of the former Yugoslavia.

### Trusteeship

4. If the Serbian government does not agree to grant autonomy to Kosovo by September 1993 as described above, or in the event of an escalating pattern of gross violations of human rights and fundamental freedoms, the United Nations Security Council should call for the Serbian government voluntarily to place Kosovo under the Trusteeship system governed by Articles 75-91 of the United Nations Charter. Designation of Kosovo as a trust territory would not determine a particular legal status for the region in the future.

Comments: Alternatively, a trusteeship agreement could be the outcome of the direct negotiations recommended above. In either case, the recommendations envision a new use of the trusteeship system. The trusteeship system, established first at the League of Nations mandate system and later modified and embodied in Articles 75-91 of the United Nations Charter, gives temporary control of territory to the trustee for the benefit of the people in the territory. The objectives of the system as described in the Charter are to further international peace and security, to promote progressive development toward self-government or independence as appropriate to the particular circumstances, to encourage respect for human rights and fundamental freedoms, and to ensure equal treatment in social, economic, and commercial matters for U.N. member states and their nationals. The system has been used only for colonies, and for territories which as a consequence of World War I had ceased to be under the sovereignty of the States that formerly governed them and which were not yet prepared for self-government. Only one territory, Palau, remains under trusteeship.

Under the system recommended above, the trusteeship system of the United Nations would be used in a new, but not inconsistent, manner. The trust territory of Kosovo could be administered by the United Nations acting through the Trusteeship Council in a manner agreed to by the concerned parties. In addition, Kosovo could be designated a "strategic area" under the trusteeship agreement which would place the region under the direct jurisdiction of the Security Council. Kosovo's status at the termination of the trusteeship would be the focus of negotiations and planning under the oversight of the Security Council and the Trusteeship Council.

A specific timeline is provided for the implementation of this recommendation for several reasons. First, the current level of repression of ethnic Albanians and others in Kosovo is unacceptable. Second, continuation of the status quo favors the Serbian government by rewarding aggression and providing further opportunity for consolida-

tion of Serbian gains. Finally, the risk of escalation of the conflict increases as time passes without a satisfactory resolution.

#### *Additional measures*

5. The Security Council should further resolve that if the Serbian government refuses to place Kosovo under Trusteeship after failing to grant autonomy or escalating the pattern of gross human rights violations, the situation in Kosovo will be deemed a "threat to international peace and security." In this event, the Security Council should declare Kosovo a safe haven and provide protection for residents of the province by all necessary measures.

Comments: Chapter VII of the U.N. Charter authorizes the Security Council to determine the existence of a threat to international peace and security. The Security Council may then decide what measures the U.N. and its member governments should take to prevent aggravation of the situation. Actions may include, for example, diplomatic measures, economic sanctions, and the use of force.

The Security Council now recognizes that massive human rights abuses and the displacement of large numbers of people may constitute threats to international peace and security. In the post-Cold War period, the Security Council has begun to use its powers under Chapter VII in regard to Iraqi attacks on the Kurds in northern Iraq, the refusal of the Khmer Rouge to cooperate with the peace settlement in Cambodia, and the difficult situations in Somalia and Bosnia-Herzegovina. Actions have included economic sanctions, military embargoes, protective zones, and the deployment of military forces.

The use of force should be a last resort after other measures fail or clearly would fail. Any decision to use force should be made collectively by the Security Council and the use of force should be necessary, proportionate and limited to the humanitarian purposes of protecting the vulnerable population. The Security Council should regularly assess the appropriateness of any enforcement measures.

#### *Minority rights*

6. The provincial government of Kosovo must guarantee minority rights for non-Albanians in the province as set forth by the United Nations, CSCE and the Council of Europe. Each minority must be allowed effective participation in government and equal access to public services as guaranteed in Article 21 of the Universal Declaration of Human Rights. The government of Kosovo must also permit United Nations monitoring to ensure compliance with international standards regarding minority rights.

#### *Communications*

7. The United Nations should provide support for independent and objective media within Serbia. The international community should use radio, television and written communications to provide accurate information to the Serbian population.

Comments: Because the Serbian war effort requires at least some measure of Serbian public support, it is important that the general Serbian public be informed of atrocities committed by Serbs against other ethnic groups. The Special Rapporteur for the former Yugoslavia has urged the establishment of an independent information agency "to counteract the dissemination of hatred among the population . . . disseminate objective information and . . . encourage the creation of mutual confidence between national and religious communities."

8. Every effort must be made to increase world attention to the situation in Kosovo and to maximize the opportunity for Kosovars to communicate with the outside world. The international community should support and consult locally based fact-finders and fact-finding organizations.

Comments: These efforts should include providing access to international standards, resources and training where appropriate.

#### *War crimes*

9. The United Nations should aggressively pursue the investigation and prosecution of war crimes, crimes against humanity, crimes against the peace and gross human rights violations in all regions of former Yugoslavia and the compensation for victims of those crimes. Such prosecution can serve as a deterrent to the commission of similar atrocities in Kosovo.

Comments: In October 1992, the United Nations Security Council established a Commission of Experts charged with investigating violations of international humanitarian law in the former Yugoslavia. In February 1993, based on an interim report by the Commission of Experts, the Security Council decided that an international tribunal should be established to prosecute those persons responsible for serious violations of international humanitarian law in the former Yugoslavia since 1991. The Security Council should take appropriate steps to implement this decision as expeditiously as possible.

The investigation and prosecution of war crimes in all regions of the former Yugoslavia, particularly in Bosnia-Herzegovina, should have a deterrent effect on the perpetration of war crimes could impede the current negotiation process regarding Bosnia-Herzegovina and any negotiations regarding Kosovo.

### KOSOVO MISSION REPORT

#### INTRODUCTION

In order to test the recommendations drafted by the Working Group on Kosovo,<sup>1</sup> the Minnesota Advocates for Human Rights sent a delegation to Kosovo during the first week of March 1993. The delegation consisted of Peggy Hicks, Clinical Professor at the University of Minnesota, and James Coy, a Minnesota Advocates staff member. In Pristina, the capital of Kosovo, Ms. Hicks and Mr. Coy met with Serbian government officials, elected leaders of the Albanian Kosovar "shadow" government, representatives of ethnic Albanian human rights organizations, trade union leaders, educators, UNHCR staff, and CSCE human rights monitors. Additionally, the delegation spent one day in Pec, a district capital in Kosovo which has been the focus of recent concern over human rights abuses. In Pec, the delegation interviewed ethnic Albanian political leaders, members of an Albanian Kosovar human rights organization, and CSCE monitors based in Pec and the nearby city of Prizren. The delegation also travelled through Skopje, Macedonia, en route to Kosovo. While in Skopje, the delegation met with representatives of the UNHCR and

<sup>1</sup> The Minnesota Advocates for Human Rights Working Group on Kosovo prepared preliminary recommendations for preventing gross human rights abuses in Kosovo. The recommendations were circulated in February and early March 1993 in the form of a discussion paper entitled "The Minnesota Plan: Recommendations for Preventing Gross Human Rights Violations in Kosovo." Based upon comments received on the discussion paper, the Minnesota Advocates prepared final recommendations in a revised "Minnesota Plan" in April 1993.

CSCE missions to Macedonia and with ethnic Albanians from Kosovo, including a member of the Albanian Kosovar Parliament living in exile.

#### PURPOSE OF MISSION

The mission to Kosovo enabled Minnesota Advocates to meet several objectives. First, the delegation had the opportunity to observe and analyze the human rights situation in Kosovo first-hand. This process allowed Minnesota Advocates to verify the factual foundations for the preliminary recommendations. In particular, the delegation confirmed the credibility of reports by the media and non-governmental organizations of ongoing systematic human rights abuse in Kosovo. At the same time, the mission underscored the complexity of the situation and allowed Minnesota Advocates to better understand the differing perspectives of the parties involved.

Second, the delegation was able to test the preliminary recommendations prepared by the Working Group on Kosovo with Serbian government officials and ethnic Albanian leaders in Kosovo, and with representatives of international organizations involved in the region. These meetings provided insight into the parties' perceptions concerning the recommendations and their differing viewpoints on the human rights situation in Kosovo. In addition, the delegation received useful comments concerning the feasibility of the recommendations. The recommendations have been revised, to reflect the mission's findings.

#### SUMMARY OF MEETINGS

The delegation met with a variety of individuals and institutional representatives in order to elicit a wide range of perspectives concerning the preliminary recommendations. A list detailing the delegation's interviews is attached to this report. The parties interviewed fall into three basic groups: ethnic Albanian Kosovars; Serbian government officials; and international observers. While the views expressed within each group were not monolithic, these groupings provide a convenient basis for summarizing the results of the meetings.

#### *Ethnic Albanian Kosovars*

The views of Albanian Kosovars expressed to the delegation reflected a broad consensus concerning the current human rights situation in Kosovo. While five different Albanian political parties are represented in the "shadow" government, the parties agree on most major issues and have created the Coordinating Council of Albanian Political Parties. Regardless of their party affiliation, virtually all Albanian Kosovars that the delegation met with recognized the Democratic League of Kosovo ("LDK") and its leadership as legitimate representatives of the Albanian Kosovar people. The Albanians uniformly expressed their support for an independent Kosovo and their belief that a return to autonomous status would not protect their interests in the long term. Further, autonomy would require recognition of Serbian rule, a proposition that virtually all ethnic Albanians categorically reject.

For the most part, the Albanian Kosovars consistently supported the detailed recommendations of the Minnesota Advocates. Specifically, they responded positively to Minnesota Advocates' call for increased monitoring of the human rights situation in Kosovo. Indeed, the Albanians seemed willing to endorse any steps which would increase international attention focused on Kosovo. An action plan recently proposed by Ibrahim Rugova, president of the LDK, ex-

pressly calls for the placement of additional CSCE monitors in Kosovo. While agreeing that an international diplomatic conference regarding Kosovo may be helpful, some Albanians expressed concern that the time may not be appropriate for such an initiative. Additionally, the relationship between a Kosovo "all-party conference" and the Vance-Owen negotiations was questioned.

The Albanian Kosovars specifically stated that restoration of autonomous province status to Kosovo would not adequately address the human rights situation in the region for a number of reasons. One concern commonly voiced was that since Serbia had once before rescinded Kosovo's autonomy, there was no guarantee that history would not repeat itself. Some Albanians also pointed out that in 1974 Kosovo had been an autonomous province of a truly federal Yugoslav state and that autonomy within today's "Yugoslavia" (Serbia and Montenegro) would be an entirely different, and less desirable, situation. Despite these problems, the Albanians were willing to accept autonomy as an interim step on the road to self-determination. Albanian Kosovars agreed to "whatever guarantees are necessary" to protect the rights of minorities, including the Serbian minority, in an autonomous, or independent, Kosovo. One Albanian put the point more personally: he stated that he would rather his own son were killed than that a single member of the Serbian minority suffered abuse at the hands of the Albanian majority.

Ethnic Albanians are quite supportive of the concept of U.N. trusteeship for the region. The LDK action plan explicitly demands that Kosovo be established as a United Nations protectorate and that U.N. peace-keeping forces be deployed in Kosovo. Other ethnic Albanians who met with the delegation also supported direct intervention of U.N. forces in Kosovo. The Albanian Kosovars stressed that they were willing to accept any degree of international involvement in the affairs of Kosovo if Serbian control over the territory was eliminated.

While ethnic Albanians believed that accurate and objective news media could serve a vital role in Serbia, they voiced skepticism concerning whether foreign efforts to disrupt or influence Serbian media could be effective. They noted that only Serbian-based information would be considered credible by the Serbian population. Most ethnic Albanians interviewed by the delegation endorsed the concept of a war crimes tribunal, but some questioned the effect it would have on preventing human rights abuse in Kosovo. Others argued that a war crimes tribunal should begin work now in Kosovo, claiming that "quiet ethnic cleansing" was already underway.

The delegation also met with three representatives of the Community of Albanians, Serbians, Montenegrins and Others for a United Yugoslavia, a newly-formed political "movement." This meeting was arranged by the Serbian Head of District, who referred to the party as an alternative to the anti-Yugoslav ethnic Albanians led by the LDK. The meeting was held at the Serbian Ministry of Justice offices. The leaders of the new movement are reportedly members of the Serbian Socialist Party. Representatives of the movement claimed that 78 percent of their 60,000 members were Albanians, but this figure admittedly included members throughout Serbia and Montenegro. Other ethnic Albanians were extremely skeptical of the membership figures supplied to the delegation by the movement's representatives. Given that the organization had been formed

only two months earlier, such doubts seem warranted. The views expressed by members of the movement were, not surprisingly, antithetical to the positions presented by the other ethnic Albanians interviewed by the delegation.

#### *Serbian government officials*

The perspectives of Serbian government officials who met with the delegation also demonstrated significant unanimity with the Serbian community concerning Kosovo's current situation. Some Albanian Kosovars mentioned to the delegation that they were aware of Serbians in Kosovo who did not support the Milosevic government's policies in the region, especially given the drastic economic consequences of such policies. They noted, however, that these people could not openly express their opposition to Serbian government policies. All of the delegation's meetings with Serbians were scheduled by government officials. Somewhat predictably, every Serbian interviewed demonstrated whole-hearted support for existing government policies in Kosovo.

The Serbians interviewed were reluctant to admit the existence of any human rights problems in the region. They contended that everyone was treated equally under the laws of Serbia, although they acknowledged that, hypothetically, there could be discrete cases where individual officers or officials acted outside of the law. The Serbian position was that any specific violations of rights that occur can and should be dealt with through existing legal channels. As evidence of their commitment to respecting human rights, the Serbians emphasized their willingness to allow international delegations like the Minnesota Advocates mission to visit the region, conduct interviews, and reach their own conclusions.

Despite their professed amenability to international human rights monitoring, the Serbians opposed the establishment of additional human rights monitors in Kosovo, as recommended by Minnesota Advocates. Instead, the officials stressed their cooperation with the existing CSCE mission, and contended that the mission, as defined in the Memorandum of Understanding between the Serbian government and the CSCE, was completely adequate. This contention is diametrically opposed to the position of ethnic Albanians on the same issue. The conflicting views were summarized by one CSCE representative interviewed by the delegation, who stated that the current CSCE mission was "the maximum the Serbs will agree to, and the minimum the Albanians will accept."

The Serbians contend that the existing Serbian Constitution permits a degree of "autonomy" for ethnic Albanians through local elections. They argue that the current situation simply stems from the Albanians' failure to accept any association with the Serbian state or to acknowledge the legitimacy of Serbian authority in Kosovo. Serbian officials contend that Albanians are engaged in a comprehensive boycott directed against Serbian control, pointing specifically to the Albanian boycott of recent Serbian national elections. Similarly, according to the Serbians, dismissals of Albanians from government, judicial, and academic positions are further evidence of Albanian intransigence. The Serbians argue that the Albanians are dismissed because they refuse to sign oaths acknowledging Serbian control in Kosovo. Were it not for this "boycott," the Serbians contend that the Albanians could now control the provincial legislature in Kosovo. Accordingly, Serbian government

officials do not reject outright some degree of local self-governance in Kosovo; however, autonomy under the conditions recommended by the Minnesota Advocates far exceeds the degree of self-government which the Serbians seem willing to accord to Kosovo.

The Serbian government officials interviewed by the delegation were, not surprisingly, staunchly opposed to any steps which would in any way limit Serbian control of Kosovo. They categorically reject the concept of U.N. trusteeship for Kosovo, even when designation as a trust territory does not predetermine a particular legal status for the region in the future. Any additional measures, including economic sanctions or more direct intervention by the United Nations, would be seen by the Serbians as unconscionable and unwarranted violations of Serbian sovereignty.

#### *International observers*

The delegation met with five representatives of the current nine-member CSCE mission to Kosovo. The Memorandum of Understanding between the CSCE and Serbia which established the CSCE mission calls for expansion of mission staff to twenty, which is consistent with the Minnesota Advocates endorsement of additional human rights monitoring in the region. Representatives of the CSCE who met with the delegation stressed that any solution to the Kosovo situation must occur within the context of the Vance-Owen process. As the CSCE mandate in Kosovo expressly calls for promoting dialogue between Serbian authorities and the Albanian community, CSCE representatives supported further encouragement of direct negotiations among the parties.

CSCE staff expressed the opinion that Serbian intransigence concerning additional autonomy for Kosovo rendered impractical any recommendations requiring Serbian acquiescence. They believe, therefore, that recommendations calling for Serbia voluntarily to grant autonomy or to place Kosovo in trusteeship are unlikely to succeed. Although the consensus seemed to be that neither the Serbians nor the ethnic Albanians wished to push the situation to the breaking point, CSCE staff expressed concern that, given tension in the region, a minor altercation of some sort could serve as a trigger for escalation of the conflict.

#### FINDINGS AND RECOMMENDATIONS

The Kosovo Mission provided the delegation with the opportunity to assess the responses of various parties to Minnesota Advocates' recommendations. While the delegation's general conclusions concerning the receptiveness of the Albanian and Serbian communities to the recommendations are not surprising, the consensus with each community which emerged during the delegation's interviews was more striking. The ethnic Albanians interviewed by the delegation almost universally endorsed the LDK's call for an independent Kosovo, or, in the alternative, a U.N. "protectorate" for the region. They were equally united in their rejection of permanently returning Kosovo to autonomous province status, even under the conditions contained in Minnesota Advocates' recommendations. The Albanian Kosovars readily agreed to any additional measures which might secure trusteeship for the region or increase international attention to the Albanians' plight.

In marked contrast, the Serbians presented a united front against any additional steps which might be viewed as recognizing either the existence of human rights abuse in the

region or the need for greater autonomy in Kosovo. They uniformly contended that Serbian laws currently in place provide equal treatment for all and are adequate to ensure the protection of individual rights. The Kosovar Albanians, they suggested, had historically been accorded more rights than any ethnic minority. The Serbians conclude that the problems in Kosovo stem solely from the Albanian's insistence on preferential treatment, and their refusal to acknowledge the legitimacy of Serbian authority.

While it was beyond the scope of the Minnesota Advocates mission to investigate or verify specific reports of human rights violations, it is apparent that a pattern of such violations exists in Kosovo. The Albanian Kosovars the delegation met with provided detailed documentation concerning specific instances of human rights abuse. Many of the meetings included first-hand accounts by the ethnic Albanian leaders of harassment, detention, and physical abuse. The information received by the delegation served to confirm the consistent accounts of other objective human rights groups and international observers concerning the situation in Kosovo.

The delegation proposed several modifications to the preliminary recommendations, based on the mission's findings. These modifications have been incorporated into the final draft of Minnesota Advocates for Human Rights' recommendations for Kosovo. The delegation suggested changing Recommendation No. 1, which calls for additional human rights monitors, to recognize that increased monitoring could occur only with the consent of the Serbian government. The delegation advised that Recommendation No. 2 be revised to advocate direct negotiations, under international auspices, between ethnic Albanians and the Serbian government. These changes reflect the delegation's conclusions concerning the need for discussions to focus specifically on the situation in Kosovo, the need for direct dialogue between the parties, and the importance of international involvement in resolving the conflict. Proposed changes to Recommendation No. 7 address the delegation's finding that direct intervention in Serbian communications would be at best ineffectual, and perhaps even counterproductive. However, the delegation does recommend support for independent and objective media within Serbia to counteract Serbian propaganda.

The most significant changes advocated by the delegation concern Recommendation No. 3, which addresses the issue of autonomy. The original language in the preliminary recommendation called for restoration of Kosovo's previous status as an autonomous province of Yugoslavia. The delegation recognized that the concept of "return" to autonomous status was ambiguous given the parties' differing conceptions of autonomy. Furthermore, the disintegration of the federated state of Yugoslavia means that no true "return" of Kosovo to the status it once held as an autonomous province within the federal republic is possible. Instead, the delegation recommended revising the proposal to clearly define autonomy and the conditions which must be met by each party. Specifically, the delegation suggested adding a requirement for United Nations monitoring of Kosovo to ensure compliance with international standards regarding minority rights.

#### CONCLUSION

Minnesota Advocates' recommendations are designed to prevent an escalation of human rights abuse in Kosovo. As docu-

mented by numerous credible sources and confirmed by the delegation, an ongoing pattern of human rights violations exists in Kosovo. Minnesota Advocates' primary concern is that the situation could deteriorate into open conflict, possibly involving other countries. The parties interviewed by the delegation expressed diverse opinions concerning the potential for armed conflict. While some believed that the ethnic Albanians were raising the specter of open conflict in the region as a ploy to garner international support, others seemed genuinely afraid that the inexplicable brutality which has swept much of former Yugoslavia would reach Kosovo.

In the end, the delegation was left with the impression that, while neither side currently intends to provoke an armed conflict in the region, the potential for escalation of human rights abuse in the region remains unacceptably high. Serbian police, military, and paramilitary forces give Kosovo the feel of a territory under military occupation. The paramilitary presence in the region undermines stability and threatens to spark greater violence. The most notorious paramilitary group, the Tigers, are led by Zeljko Raznjatovic, known as Arkan. Although Serbian government officials assert that Arkan has limited influence in the region, he was recently elected to the Serbian parliament as a representative from Kosovo.

Albanian resistance to Serbian authority might also trigger an escalation in the conflict. While the Albanian leadership has committed to a non-violent struggle for an independent Kosovo, the delegation heard reports of organized resistance in some ethnic Albanian villages to "weapons searches" conducted by the Serbian police. These reports are particularly alarming since any direct confrontation could be used by Serbian authorities as a pretext for full-scale military action.

Although escalation of violence in the region remains a serious concern, the divergent positions of the Serbians and ethnic Albanians seem to leave little for a negotiated resolution to the situation. The successive steps recommended by Minnesota Advocates, however, provide a framework for addressing existing human rights violations and preventing an escalation of human rights abuse in Kosovo. By responding quickly and decisively, the international community has the opportunity to avert further tragedy in the former Yugoslavia.

#### PARTIAL LIST OF ORGANIZATIONS/INDIVIDUALS WHO MET WITH THE KOSOVO DELEGATION

##### MACEDONIA

Catholic Relief Services.  
Macedonia Mission, Conference on Security and Cooperation in Europe (CSCE).  
Member, Kosovar Albanian Parliament.  
Macedonia Representative, Office of the UN High Commissioner for Refugees.

##### KOSOVO

Ethnic Albanian Groups:  
Parliamentarian Party.  
Kosovo Helsinki Committee.  
Democratic League of Kosovo (LDK) (in Pristina and Pec).  
Council for the Defence of Human Rights and Freedoms (in Pristina and Pec).  
Union of Independent Trade Unions.  
Association of Albanian Teachers.  
Community of Albanians, Serbians, Montenegrins, and Others for a United Yugoslavia.  
Serbian Officials:  
Head of Kosovo District.

Rector of the University of Pristina.  
Dean of University of Pristina Law Faculty.  
Chair for Kosovo District, Ministry of Justice.  
District Court Judge.  
International Organizations:  
Kosovo Mission, CSCE (representatives of Pristina, Pec, and Prizren offices).  
Kosovo Representative, Office of the UN High Commissioner for Refugees.

#### TRIBUTE TO DR. KIRK DEIBERT

Mr. HEFLIN. Mr. President, Dr. Kirk Deibert of Florence, AL, the Shoals area's first radiologist, died on March 18 at Florence Hospital. He was a native of Middletown, PA, and graduated from the Temple University Medical School in 1937. A member of the Medical Corps from 1938 to 1942, he served his residency in radiology at Vanderbilt University Medical School and Hospital from 1942 through 1945. After completing his residency, he served at the Institute of Radiology at Washington University and Barnes Hospital in St. Louis for 2 years. In 1947, he became the chief radiologist at the Thayer Veteran's Administration Hospital, serving there for 5 years. He was assistant professor and later associate professor of radiology at Vanderbilt.

Dr. Deibert came to Florence in 1952, becoming the first radiologist in Lauderdale and Colbert Counties. He also provided services to outlying hospitals in Russellville, Red Bay, and Hamilton throughout the 1960's. He eventually became head of the radiology department at Humana Hospital—now Florence Hospital—in 1986. He was a member of the Lauderdale County Medical Society and a fellow of the American College of Radiology, Inter-American College of Radiology, and American-Joslin Diabetes Society. He was also a member of the Roentgen-Ray Society, Radiology Society of North America, and was a life member of the Southern Medical Association.

It is fitting that the health care facility in which Dr. Deibert died last month was actually established through his leadership. He was one of seven people who founded the Colonial Manor Nursing Home, which evolved into Colonial Manor Hospital, which became today's Florence Hospital. In 1987, he and his wife, Lillian, deeded 100 acres to the city of Florence. That same year, the Deiberts' Rolling Acres Farm Foundation was established to ensure that this land would always be used for public recreation.

Dr. Deibert possessed a true concern for other people, and believed in working with others to accomplish tangible things for his community. He never sought front-page news or accolades for his efforts; to him, they were just a part of his duty as a citizen.

I extend my condolences to Lillian and the entire Deibert family in the wake of their tremendous loss. Flor-

ence and the Shoals area are much better off for having had Kirk Diebert as a resident and leader for so many years. He is sorely missed.

#### VISIT OF HER MAJESTY QUEEN SIRIKIT

Mr. ROBB. Mr. President, on behalf of all my colleagues, I am deeply honored to extend a very warm and sincere welcome to Her Majesty Queen Sirikit on the occasion of her royal visit to the United States and to our Nation's Capital.

Her Royal Highness has a well-deserved reputation as a strong advocate of the welfare of the Thai people. Queen Sirikit has helped many of those who are the most vulnerable among us, including children in many countries of the world. She has also taken a personal and prominent role in programs to ease the plight of millions of refugees who sought safety in Thailand when their own countries suffered from severe problems.

Her Royal Highness' work in creating the Foundation for the Promotion of Supplementary Occupations and Related Techniques was a most formidable achievement. This foundation has been highly successful in helping impoverished rural families and the disabled and handicapped citizens of her country to develop their talents as artists and craftsmen, providing a source of supplemental income, and an enterprise that helps promote the traditional culture of the Thai people.

Through her tireless dedication to improving the quality of life for her fellow citizens and preserving the special heritage and rich culture of that nation, Queen Sirikit has earned a very special place in the hearts of her people.

She has earned, as well, the enduring respect of people throughout the world; people who share the fundamental values of human decency, kindness, and compassion that are so clearly reflected in her work. Her courageous lifelong commitment to those values serves as an inspiration for us all.

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

Mr. HELMS. Mr. President, the Federal debt stood at \$4,232,458,084,674.47 as of the close of business on Monday, April 26. Averaged out, every man, woman, and child in America owes a part of this massive debt. That per capita share is \$16,477.75.

#### WASHINGTON WELCOMES TIBET'S TRUE REPRESENTATIVE

Mr. PELL. Mr. President, it was my great honor to host today a Foreign Relations Committee luncheon for His Holiness the 14th Dalai Lama of Tibet.

Most of you have met the Dalai Lama and share my respect for him and support for an end to human rights abuses in Tibet. As friends of Tibet and the Dalai Lama, we have, over the years, welcomed him to Washington as a religious leader, humanitarian, and Nobel Peace Prize Laureate. Along with these other assignments, we welcome the Dalai Lama as Tibet's true representative. There are only three world figures who are both spiritual and temporal heads of state: the Queen of England, the Pope, and the Dalai Lama.

In 1991 the President signed into law, Public Law 102-138, the Congress' recognition of the Dalai Lama and the Tibetan Government in exile as Tibet's true representatives. It is a recognition that is shared by 6 million Tibetans inside Tibet and 100,000 Tibetans in exile.

This past December, with Senator LEVIN, I traveled to Tibet. I will never forget the awesome grandeur of the Tibetan landscape nor the pervasion of the Chinese occupation. The Tibetan capital of Lhasa is now a Chinese city. According to the Dalai Lama, there are 150,000 residents of Lhasa, and only 40,000-50,000 Tibetans. Blocks of bleak Chinese housing have been built over bulldozed Tibetan neighborhoods. The Potala and Norbilinka palaces and the Jokhang Temple stand as anomalies amidst Chinese architecture. The growing Chinese population now rivals the Chinese Army in its threat to Tibet's survival. Whether the movement of Chinese into Tibet is the result of a decreed population transfer policy or not, the effect is the same, and, if it is not curtailed, the Chinese will overtake the Tibetans by sheer numbers. If any doubt this inevitability, they need only look to Manchuria, now completely assimilated into China, and Inner Mongolia where Chinese outnumber Mongolians 18 million to 3 million.

For too many years, the plight of the Tibetans has been disregarded in this country's dealings with China. This is no longer the case. The Chinese expect United States Government representatives to raise this issue, and they are prepared to respond. So far, their response has been to dismiss what is happening in Tibet as an internal matter and not a subject for international debate. The Chinese, however, want United States dollars and are eager to increase economic dealings with the West. It is also clear that the Chinese are sensitive to international criticism on Tibet. And so, Tibet finally may be a significant issue in the diplomacy game and the Dalai Lama a legitimate player.

During his visit to Washington, before his many meetings in Congress, the Dalai Lama met with Under Secretary for Political Affairs, Peter Tarnoff; Assistant Secretary of State for East Asia and Pacific Affairs, Winston Lord; Counselor of the Department of State, Tim Wirth; Secretary of

State, Warren Christopher; President Clinton and Vice President GORE. This is the welcome we, his supporters in Congress, have long believed appropriate, and I commend the Administration for joining us in this warm, and very appropriate, welcome to the Dalai Lama as true representative of the Tibetan people.

#### JIM VALVANO

Mr. HELMS. Mr. President, I hope I can get through these remarks without becoming too emotional.

I am just one of countless thousands of people who lost a dear friend this morning, and I freely acknowledge that it hit me pretty hard personally when the news of Jim Valvano's death came.

To me Jimmy V, as we all knew him, was far more than a popular and well-known sports personality. He was far more than a former coach at North Carolina State University. To me he was one of nature's noblemen. I knew him pretty well and I will explain why I say that in just a moment.

Jimmy V made people happy. He created excitement, pride, enthusiasm, and courage. He had a lot of things going for him. So when he died this morning at age 47 of bone cancer his very valuable life came to an end. He fought the good fight, the gallant fight against bone cancer, but I submit that he established himself as a profile in courage.

I doubt that sports fans will ever forget the Cinderella performance of Jim Valvano's North Carolina State University Basketball Team in 1983. They were called the cardiac kids. Nobody gave the Wolfpack a chance to win the NCAA championship, but they won it—and nobody is going to forget that 1983 team. And nobody is going to forget Jimmy V.

So, it seemed to us that this guy could always achieve the unachievable. There was something special about him. Even during his bout with malignancy, he fought it with the same verve and determination with which he coached, with which he did everything every day of his life. And to watch Jimmy V appear before crowds to encourage them to have faith, we sensed that we were seeing the ultimate in grace and courage at a time when he was bound to have been under great physical pain. It was almost unbelievable—and, yes, I wept as I watched and heard him.

Jim Valvano did not sit back and say, well, the end is inevitable. He worked tirelessly to make Americans aware of the need to bring cancer into the forefront of medical research inasmuch as it is going to kill more Americans—526,000 of them this year alone—than any other disease except heart disease.

He teamed up with the ESPN sports network and established what they call

the Jimmy V Foundation for Cancer Research to fulfill the dream that one day this deadly killer can and will be conquered.

But let me get back to 1983 when the Wolfpack of N.C. State University won the NCAA championship. I called the White House about 7:30 the following morning, I asked to speak to President Reagan. They put me through to his private quarters. He came on the line, chuckling and saying, "Yes, I saw the game last night, Jesse. Invite them up."

President Reagan knew what I was calling about. He knew that I wanted him to invite the Wolfpack Basketball Team of N.C. State University to come and see him. So I did and he did. But a strange thing happened. The NCAA ruled that year that neither the Wolfpack nor any other team that had won a championship could travel more than 100 miles from its home campus. I do not know the purpose of the ruling, but the NCAA in its infinite wisdom forbade the national champion basketball team of N.C. State University to come to Washington to be greeted and commended by the President of the United States.

So I called Jim Valvano, and told him about the NCAA ruling. He said, "I already know it. I do understand the NCAA ruling. But I will tell you one thing, Jesse. They can rule against the team going to Washington and sitting down with the President of the United States, but there is no rule, NCAA or otherwise, that says that Jim Valvano has to stay in Raleigh. I am going to come up and see the President of the United States and maybe we can work out a split-screen presentation where the team will be in a television studio in Raleigh and I will be up there with you and the President of the United States."

I said, "Come on. Come on." And he did.

Now, I will never forget the morning he came up to see President Reagan. The people at the White House had lined up four chairs, one for Senator John East of North Carolina, that great Senator, who served in this body with distinction, then JESSE HELMS, then Jim Valvano, and on the end the President of the United States, Ronald Reagan.

We waited a couple of minutes for the President to come, and he came in his genial fashion, shook hands with everybody, and asked, "Coach, is your team in the studio down in Raleigh?" Jimmy V. said, "Yes." The President said: "Why don't we start? But before we start, Coach, is it 'Val-van-oh' or is it 'Val-vhan-oh?' I want to pronounce your name right."

Jimmy V, Coach Valvano said, "It is 'Valvano.' And by the way, Mr. President, is it 'Regan' or 'Reagan'?"

The President laughed heartily. We sat down, and the President talked to

the Wolfpack team gathered in the TV studio in Raleigh. And that was it.

Millions of Americans, not just JESSE HELMS and a few others, drew inspiration from Jimmy V's good humor, his quick wit, his determination, his courage. Not long ago, Jimmy V told us that—and I am quoting him—"The future is unlimited if you believe. If you believe, in that one concept, you can make a difference."

That is what he said, that is what he taught his players, that is what he emphasized everywhere he went throughout his life. He did make a difference, and as a result a lot of other people made a difference. They made a difference in the NCAA finals in 1983. You'd better believe it! Whether it was in providing excitement on a basketball court for millions of people watching on television or raising money for cancer research or motivating all of us to believe in ourselves and in our dreams, he touched our lives.

If you conclude that I shall miss him and I am sad, I shall and I am. I will never forget back in the first part of March—I think it was March 4—when Jimmy V received the Arthur Ashe Award for Courage. And what do you reckon he said on that occasion? He stood before that crowd and said:

"Cancer can take away all of my physical abilities, but it cannot touch my mind. It cannot touch my heart. And it cannot touch my soul. Those three things are going to carry on forever."

That enormous crowd stood up and wept and gave him what was one of his last standing ovations.

So, without a doubt, the inspiration and legacy of Jimmy V, Jim Valvano, former coach of the N.C. State University Wolfpack, all of this will carry on in our minds and in our hearts and in our souls as well.

Yes, Mr. President, I am going to miss him, and so will millions of others. If I have one prayer in being thankful for Jimmy V, it would be that all of us might have the courage and the integrity of this man, whom we lost this morning at age 47.

Mr. President, I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

#### DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

The PRESIDENT pro tempore. Under the order previously entered, the Senate will now resume consideration of S. 171, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 171) to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential

Commission on Improving Environmental Protection, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Specter amendment No. 325, to contain health care costs and increase access to affordable health care.

The PRESIDENT pro tempore. Who seeks recognition?

Mr. GLENN. Mr. President, could the Chair inform us as to what the parliamentary situation is? As I recall, we had 1 hour of debate, evenly divided under the control of myself and Senator ROTH, and a vote at 12 o'clock; is that correct?

The PRESIDENT pro tempore. That is correct.

The chair makes this correction. The Senator from Pennsylvania [Mr. SPECTER] controls the time on the other side.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Senator from Pennsylvania.

#### AMENDMENT NO. 325

Mr. SPECTER. Mr. President, an order has been entered allowing 1 hour of debate, equally divided, on my amendment for health care reform. This was introduced yesterday afternoon, a little earlier than this Senator had expected. We had some vacant floor time before the scheduled 3:30 debate, and I tried to use some of that time by putting this amendment in. It continued a little longer than had been anticipated because the Democratic and Republican leaders were at the White House. So we filled some unused time, as the RECORD will show, on questions from the distinguished Senator from South Dakota [Mr. DASCHLE].

The amendment which this Senator has proposed, Mr. President, is a result of longstanding efforts in the health care field for 12 years and 4 months of my tenure in the Senate. I have been on the Appropriations Subcommittee for Health, Human Services, and Education, and have participated in extensive consideration of many, many bills on that subcommittee.

The first health care related legislation which this Senator introduced was back in 1985, which I had commented upon yesterday, on low-birthweight babies, November 21, 1985, S. 1873, the Community-Based Disease Prevention Act of 1985; then a series of bills in 1991, including cosponsorship of the legislation introduced under the chairmanship of Senator CHAFEE. Then this year I introduced two extensive bills on health care, S. 18 on January 21 and S. 631 on March 23, combining legislation which had been introduced by a number of Senators.

I have pressed this issue, Mr. President, because of my view that next to an economic recovery and stimulus, the most important issue facing America is health care reform. On January 21, which was the first legislative day

following the inaugural speech by the new President, I complimented the President for his inaugural speech and expressed the wish that he had been a little more expansive on two subjects—health care reform and an economic recovery.

I immediately wrote to the chairmen of the relevant committees and the majority leader asking for hearings on S. 18, and saying that it seems to this Senator that we ought to move ahead on this subject, whether it was my legislation or not.

I noted in yesterday's RECORD the push I had made last year, in 1992, back in July, offering amendments to a non-related bill. I must do that, and it is with some regret that I have offered this amendment on the environmental protection bill, but, as it is well known, every Senator has a right to do that. I offer it on another bill because I am not the majority leader, and I cannot call up health care. So the only recourse I have is to bring up the issue as an amendment. I had intended to offer it earlier on the debt ceiling, and there was a procedural approach there which made that very difficult, almost impossible. And I had tried to put it on the emergency appropriations bill, and it was just when I was on deck with my amendment that the distinguished majority leader changed the order of sequence permitting no more amendments. So this is the first time I have had a chance to offer this amendment.

I offer this, as I elaborated on yesterday, because of a series of events which have made it unlikely that we will take up health care this year: A statement by Congressman ROSTENKOWSKI, which I quoted from the New York Times on March 4; a statement by Congressman GEPHARDT from the New York Times on April 2; the article in the New York Times this past Sunday about States moving ahead because of the absence of Federal action; the ABC news story the night before last which I commented about; and OMB Director Panetta's statement yesterday that he urged President Clinton to delay releasing his health care plan.

This morning's press is filled with more of the same. One of the lead stories at the top of the New York Times today is concerning the health care plan. Headline: Clinton Rules Out Delay in Availing Health Care Plan, but noting in the body of the story that "Congress is unlikely to start work on the health care plan until next year." In a continuation of the New York Times story on page A-14, "As a practical matter, the relevant congressional committees will not be able to get the health-care proposals until they finish the budget."

I think this is very unfortunate, because on April 28, today, there are other matters facing the Congress and the committees. But had the relevant committees taken up this issue when I

wrote to the chairmen of the relevant committees back on January 22, there was adequate time to undertake this very important subject.

The distinguished Senator from West Virginia [Mr. ROCKEFELLER] was on the floor yesterday, and we had a little spirited debate. He said last year, on August 4, that the Congress is a one-man town, a one-person town, referring to the President. I have to disagree with that, Mr. President, and I do so in abbreviated form this morning. I have spoken on it at greater length before. But we are not a one-man town. We have a Senate; we have a House; we have initiatives here. In the 102d Congress, the Senate had 524 bills relating to health care, the House of Representatives had 940 bills relating to health care, for a total of 1,464. As of March 31 of this year, 70 bills were introduced in the Senate and 119 in the House for a total of 189 bills.

The point that I am making, Mr. President, in putting up this amendment, which has been fairly abbreviated in its consideration and its analysis, has been that we are ready to legislate on this subject. We really ought to treat this subject as we treated the Clean Air Act back in 1990. We need a critical mass. We ought to debate this subject and move ahead on it.

The legislation which this Senator introduced, the original S. 631, has a dozen titles and outlines that I will not repeat, as I went over it yesterday. It moves through from managed competition and universal coverage to primary care to provisions on access and provisions on consumer decisionmaking; cooperative agreements between hospitals; patients' rights to decline medical treatment which is up to the patient to decide since nobody should decide that for the patient; insurance simplification and portability; alternative dispute resolution; Medicare preferred provider projects; long-term health care—it is a comprehensive bill to start.

The distinguished majority leader was interviewed on Face the Nation earlier this year, on February 28, 1993. He said something cogent about the bill to legislate now. He said:

The fact of the matter is this is not a new subject. It isn't as though this dropped from Mars onto our desks. We have been debating this for 6 years, 8 years. I've been at this for a very long time. Most Members of Congress have been involved for a very long period of time.

I think what the majority leader said there, what I just quoted, underscores the point that we are ready to move ahead and to decide the kinds of issues which are presented here.

There are a great many items, Mr. President, where there is agreement on insurance market reform, on small group reform, on self-employers to have 100 percent deductibility, on primary and preventive health care, on re-

ducing defensive medicine, on allowing States to form purchasing cooperatives. So the issues which we are considering here are really well known to this body and to the House.

Yesterday we had a fairly extensive discussion on what this bill would cost. Opponents of my amendment have criticized it because there has not been a cost estimate from the Congressional Budget Office. But this Senator has done everything he could to get that.

In the introduction of Senate bill 18, which was back on January 21, 1993, I made an analysis of the costs, the savings, and the extra expenditures. This appears at page 374 of the January 21 CONGRESSIONAL RECORD for the 103d Congress. I said:

While precision is again impossible, it is a reasonable projection that we could achieve under my proposal a net savings of approximately \$82 billion \* \* \*.

And there is a specification about how that was arrived at.

Since yesterday I have found the costing of a couple financing items in my amendment. The financing with respect to repealing the health insurance tax over a 5-year period will generate \$32.9 billion. The revenue from employee exclusion limit over 5 years is \$113.2 billion. The revenue from employer deduction limit over 5 years is \$121.6 billion. This is from the Joint Tax Committee revenue projections on those items.

So it seems to me, Mr. President, that we are prepared to move ahead. I think the American people need to know that we are in a position to legislate and that there is no reason for further delay on the schedule which is now being undertaken by the administration.

I compliment the President for what he is doing, but that should not impede action by the independent U.S. Senate. That is why since 1985 this Senator has been working on these matters and has been pushing hard to present them to the U.S. Senate.

We have ample time to legislate. We miss days in session. We were not in session on Monday. We were not in session some days last week. It is not a secret that we begin our legislative activities Tuesday afternoon, and there is ample time for us to take up this kind of a bill and go through the hard, tough work, which is what we are supposed to do, to legislate on this very, very important subject.

I note my distinguished colleague from South Dakota, the senior Senator, is here.

Mr. PRESSLER. Mr. President, will my friend yield for a question?

Mr. SPECTER. I yield.

Mr. PRESSLER. I noted in this morning's New York Times an article by Thomas Friedman that says that even Congress was unlikely to start work on the health care plan next year.

Now, we had an exchange here on the floor yesterday—and I see my colleague

from South Dakota here—in which I raised the question about when this would come to the floor, and raised the concern that it appeared it would be late this year or next year.

I made a prediction it would not come until next year. I can already hear the discussions that it is an election year and that we should hold off until 1995. That is what the New York Times said this morning and the front page, and confirmed what I said yesterday. And I believe what the Senator said yesterday is that the agenda for this legislation coming here even by the administration's admission will not be until next year.

Mr. SPECTER. I thank my distinguished colleague from South Dakota for that inquiry, and the answer is yes. The New York Times, on the sections which he quoted and this Senator had made an earlier brief reference, is in line with that has been occurring continually this year about predictions that the legislation would not be taken up this year. That is precisely the reason why this Senator is pushing the bill.

Mr. President, how much time remains on this side?

The PRESIDING OFFICER. Fifteen minutes.

Mr. SPECTER. I thank the Chair.

I see the other distinguished Senator from South Dakota on the floor. So I yield at this point.

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

Mr. GLENN. Mr. President, I yield myself such time as I may use.

#### TIME LIMITATION AGREEMENT

Mr. GLENN. Mr. President, first there is a consent agreement worked out on both sides on the next three amendments.

I ask unanimous consent that following the disposition of the Specter amendment, the following Senators be recognized to offer the following amendments in specified order with no second-degree amendments in order and subject to the following limitations:

No. 1, McCain amendment regarding Indians, 1 hour equally divided; No. 2, Nickles amendment substantially identical to the text of S. 81, regarding economic impact, 2 hours equally divided; No. 3 is a Gorton amendment regarding Commission membership, 40 minutes equally divided.

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

Mr. GLENN. Mr. President, I further ask unanimous consent, in addition to the consent agreement that was just agreed to, that no amendments to language that may be stricken be in order.

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

Mr. GLENN. Mr. President, with regard to the amendment before us, the Specter amendment, we debated this at

considerable length yesterday afternoon with regard to the cost involved with this if we would pass it. I do not know what the Senator from Pennsylvania would do if we passed this.

Let us say we all got behind this today and really put it through and passed it here and pushed for it over in the House, and so on. What would happen then? There is no money to do anything about it. Someone last night said it is a little like the dog chases the truck and the truck stops. What does he do then?

I am not sure if we passed this bill exactly what would happen, because there is no money hooked up with it. This is about three times our whole defense budget, three or three and a half times. We are talking about the whole health care for this Nation which is running somewhere around \$900 billion a year now by best estimates. We are talking about really big money, about triple our whole defense budget, and talking about passing this thing.

If I came on the floor with a defense budget that was only one third of this, and I said here is the number of squadrons I want, here are the battleships I want, the carriers I want, the airplanes for them, and we want to go back up to two million regular forces again; I want you to pass that, please, but there is no way to pay for it. We have not specified yet. We are not going to raise the taxes. We are not going to raise the income tax rate. We are not going to VAT. We are not going to anything else. What would people think? They just would not think much of that proposal.

I find myself, I must say to my distinguished colleague from Pennsylvania, in the same situation now. Just picking one part of it, we are talking about a refundable tax credit to low- and middle-income individuals without employer provided insurance. With the estimates of numbers of people out there at 37 million who do not have any insurance, and you say that that is going to be a couple thousand a year for each of these people, that comes out to about \$74 billion a year for that one item alone.

If you say you are going to get better coverage or going to need around \$3,000 a year that would be what—\$111 billion I believe that multiplies out to.

We are just ignoring the cost on things. I am not quite sure what would happen. Would the Senator from Pennsylvania respond and tell me exactly what would be the next step on how you pay for this if we all got behind this and pass it?

I do not question there has been an awful lot of thought and study. It was spelled out here on the floor yesterday afternoon about how much time they spent meeting every Thursday morning, I believe, for a couple years, and so on, and thinking about this and putting it together. All you need to do is

read through the title to show there has been a tremendous amount of good thought gone into this. So I do not pre-empt that in any shape or form.

We are talking about managed competition, universal coverage, talking preventive care, access to health care for all different classes of income people, talking about consumer decision making, cooperative agreements between hospitals, patients' rights, insurance simplification, portability, malpractice reform, Medicare preferred provider demonstration projects.

I do not take exception to a single one of those things. I think that they are probably very well thought out, except for one thing—that is how do you tote up the bottom line? Who pays the bills?

And so I would ask my distinguished colleague, if we pass this today, let us say we got all the Republicans behind it and all the Democrats behind it on this side, and we said, "Yeah, this is a great idea. It is good, and it does most of the same thing the administration is looking at. But we thought this thing out, and we want to vote for it," and we did that, what would be the next step in trying to implement this?

Because somebody, somewhere, somehow down the line has to deal with the money. We are talking about a \$900 billion industry in this country, and not one item in here about how we are going to pay for it.

So, I repeat, this is a little bit like the dog chasing the truck. If the truck stops, then what are we going to do?

Mr. SPECTER. Mr. President, I would be delighted to respond to the question by my distinguished colleague from Ohio.

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

Mr. SPECTER. I believe I am speaking on the time of the Senator from Ohio at this point; am I not?

Mr. GLENN. OK; fine.

Mr. SPECTER. I had addressed that subject in substantial measure in my opening comments, when I referred to the CONGRESSIONAL RECORD of January 21, 1993, at page S 374, with my statement that it was impossible to be precise. "While precision is again impossible, it is a reasonable projection that we could achieve under my proposal a net savings of approximately \$82 billion," and I detailed, in some specificity, how I came to that figure.

When the distinguished Senator from Ohio makes a calculation based on 37 million people who are now not covered, they are not all going to be covered by an income tax credit. There is an analysis in my statement as to how many would be picked up as self-employed, how many would be picked up as a result of insurance market reforms, and a variety of other considerations.

Nobody can rule with mathematical precision. Even the Congressional

Budget Office has to make an estimate. I made the point that if you take a look at the Joint Committee on Taxation repealing the health insurance tax it yields \$32.9 billion over 5 years; and the revenue from the employee exclusion limit yields \$113.2 billion over 5 years; and the savings of revenue from the employer deduction limit, \$121.6 billion over 5 years, those are items which would be figured into the mix.

But I am very pleased to hear the distinguished Senator from Ohio say that he does not take exception to anything in the bill. I think I wrote that down accurately.

Mr. GLENN. No; you did not write that down accurately. I have to correct my distinguished colleague. I did not say I agree with everything in this bill at all. I said the titles of your different sections were very impressive and showed that you had looked at it a lot and thought about it a lot. But I do not sign on to everything in the bill.

Mr. SPECTER. The RECORD will show, Mr. President, what the distinguished Senator from Ohio said. I wrote this down: "Don't take to exception to anything," and I thought the last words were "in the bill." Perhaps we could have the court reporter type that up for us.

But I am not seeking to hold you to any admission.

Mr. GLENN. Just in case there is any misunderstanding out there, I do not agree with everything in this bill, so we can correct that if I misspoke myself.

Mr. SPECTER. I accept that modification.

Mr. GLENN. I reserve the remainder of my time.

I now yield such time as the Senator from South Dakota may require.

Mr. SPECTER. How much time remains on each side?

The PRESIDING OFFICER. Senator SPECTER has 15 minutes and the other side has 12½ minutes.

Mr. DASCHLE. I think the distinguished Senator from Ohio for yielding me some time.

Mr. President, I had the opportunity last night to discuss at some length many of the concerns that a lot of us have with regard to the proposal now pending before the Senate offered by the distinguished Senator from Pennsylvania. Those concerns, just to reiterate, relate primarily to process, not to substance.

I also have similar concerns, as does the Senator from Ohio, about some of the specifics of what the Senator is proposing here, though I do not disagree with the scope of his effort. He recognizes, as most do, that if we are going to deal with health care, the scope of the plan has to be very comprehensive. He recognizes that we have to deal with issues like preventive care, and we have to treat cost containment as the most important goal

of our effort. So I certainly do not challenge his approach with respect to its scope.

What I challenge, in his approach is the process he is using. We talked a little about that last night. Democrats, on occasion, have been criticized by those on the other side of the aisle for not having included the Republicans in our health reform efforts. I hope that is not the case. I hope we can reach out, in a bipartisan way on this matter, as much as possible.

As a matter of fact, I was just told this morning that there will be a session on Friday that will include all Senate Republicans and Democrats, with the First Lady to talk about health care, to talk about the task force proposal, to answer questions about the plan, and to try to begin reaching a consensus on all of the issues to be taken up in a comprehensive health care plan.

That is the kind of bipartisan spirit that I think we ought to see as we approach this very difficult issue.

But how many Republicans and how many Democrats were included in the construction of the pending proposal? How many Democrats were included as it was decided what kinds of managed care systems we would employ? How many Democrats were included when it was considered what kind of preventive care benefits we would have?

I wonder just how many times the author of this proposal reached out to Democrats to find ways with which to come up with a consensus?

Frankly, I do not fault him for what he may or may not have done. But certainly this approach is not going to help us successfully address the concerns raised by the Senator from Pennsylvania.

I also wonder whether it is appropriate to pass something of this scope as wide-ranging as this amendment appears to be, without having consulted either the Labor and Human Resources or the Finance Committee. Those committees are designated with the responsibility of considering very carefully all of the ramifications relating to health care reform. To bypass those committees and go straight to the floor seems to me to be unwarranted and unwise.

I would like to know what the ranking members of those committees think about having been bypassed like that. I would like to know how the myriad of witnesses—who could come forth to give us their views about this bill and who will not be given that chance because not one hour's worth of hearings have been held on this bill—are going to feel about being excluded from that process when the bill goes straight to the floor.

Mr. SPECTER. Will the Senator yield?

Mr. DASCHLE. I will at the end of my statement. I will be happy to yield, as I did last night.

So from that perspective, too, I worry about the process.

If we are going to accomplish something in health care this year, I do not think we have any choice but to try to do it in as bipartisan way as possible, to try to work through the committees, work with Republicans and Democrats, work with our leadership, and work with the White House.

But we are not doing that with this amendment. And I think that presents some serious problems.

As was stated on many occasions last night, we are talking about a 302-page proposal. I must tell you, I daresay there is not one Senator here who can tell you what is in that 302-page proposal, outside of perhaps the sponsor and the cosponsors. We have not had a chance to look at it.

I know it may have been in the RECORD. It may have even been sent to each one of our offices. But if we had to take a pop quiz today about what is in that bill, I guarantee you 90 percent of the Senators would flunk. They would not know what is in it.

We do not know how the bill treats the VA. We do not know how the bill treats preventive care. We do not know how the bill deals with all the complexities of health care, as we should, prior to the time we are called upon to vote up or down on the measure, as I understand we will have to do in just a half hour. That, too, concerns me a good deal.

We are amending a bill to allow the Environmental Protection Agency to become a Cabinet-status agency. And for us to do that, in my view, with all due respect, trivializes the whole issue of health care. It somehow relegates health care to a secondary matter thrown onto a bill having to do with the Environmental Protection Agency.

What kind of statement does that make, by 100 U.S. Senators, about the importance that we place on reforming our health care system and doing it right?

My colleagues on the other side of the aisle have reiterated, on numerous occasions, the need to enact health reform with some haste. But I would reiterate what I said last night. Our colleagues in Pennsylvania are quoted in a newspaper as having said that, to move quickly on health care, to quote GEORGE GEKAS and WILLIAM GOODLING, two Congressmen of high regard—I know them both well—would be "like a speeding train out of control and needs someone to hit the brakes," they say, "to prevent" what they call "a disaster."

That is what they said it would be like if we moved too quickly: It would be "a disaster."

I think in this case to take an amendment of this consequence, 302 pages, to bring it to the floor, to pass it without fully appreciating its ramifications, would be, as they say, a disaster.

One of the other concerns I have has to do with cost. The Senator from Ohio addressed that point. The Senator from Pennsylvania recognized last night we do not have an official estimate of the bill's cost. We have, I am told, an HMO in Pennsylvania that is taken as a model, and from that model are projected cost savings. Of course the Senator acknowledged last night we do not even know what the basic benefits plan would look like because his bill calls for the benefits to be determined by a Federal health board, something to which I subscribe. But if we do not know what the basic benefits plan is, how in the world are we going to be able to determine the costs of this plan?

He expressed frustration last night, for good reason, about CBO's inability to come forth with numbers. I indicated last night I share some of that frustration. But for us to vote on something of this magnitude and not know, within \$30 or \$40 billion, perhaps, what this thing is going to cost may make it subject to a budget point of order. That is something we ought to look into. How can we in good faith vote on something like this without having one agency of the Federal Government examine it and give us a cost estimate? That is not the way to deal with health care. That is not the way to approach an issue of this magnitude.

I would be happy to yield to the Senator from Pennsylvania for a brief question, but first I would like to make one last point. There was some concern expressed by the distinguished senior Senator from South Dakota about the Clinton administration's intentions with regard to health care. He cited an article in the *New York Times*.

I do not care to read the entire article but I must say the headline is pretty clear. It says, "Clinton Rules Out Delay in Unveiling Health Care Plan."

"Clinton Rules Out Delay in Unveiling Health Care Plan." I do not know how much more unequivocal you can get than that. What we are saying here is that the President has reiterated his determination to move this legislation ahead.

Mr. PRESSLER. Will my colleague yield?

Mr. DASCHLE. And I must say he has reiterated it in a way I think deserves commendation. His effort will include Republicans and Democrats, as the meeting on Friday will prove. It will include the senior Senator from South Dakota, the Senator from Pennsylvania, the Senator from Ohio, every Senator interested in health care.

I will be happy to yield to the Senator from South Dakota.

Mr. PRESSLER. It is true the article says, "Clinton Rules Out Delay in Unveiling Health Care Plan." But I am concerned about getting this thing done and I am not just trying to score debaters' points here. Legislatively,

when will we see this package on the floor? What will be my colleague's prediction?

Mr. DASCHLE. I am not the majority leader, as the Senator knows, but I can say this. The answer to that question relates directly to the degree to which both sides are willing to cooperate.

If the Senator from South Dakota will say "I am not going to obfuscate the health care issue, I am not going to put down obstacles, I want to work together, I want to find a way to resolve these issues in a bipartisan fashion"—if we can say that without any objection on either side, if we can guarantee there will not be filibusters, if we can guarantee we are going to move in good faith, then I say to the Senator from South Dakota there is no reason why we could not do it this summer. Let us do it as quickly as we can but let us not set an arbitrary deadline just to say we are done with it.

We know we have very difficult issues to approach. Those issues are further complicated by partisan bickering. If we delay and bicker about each one of these items in a partisan fashion, then there is no telling when we can pass this bill. But, if we can do it in a constructive way, I share the President's optimism that there is a good opportunity for us to do it this year.

Mr. PRESSLER. Will my friend not agree it is the responsibility of the Democratic leadership to bring the Clinton bill to the floor? We are ready to go. But we keep reading and hearing this is going to be delayed until next year. It is not just me saying it. This says, "Even though Congress is unlikely to start work on a health care plan next year." They must have been told that by somebody. It must be the intention of the Democratic leadership to delay.

Mr. DASCHLE. The author of the article probably heard the distinguished Senator from South Dakota last night say health reform was going to be delayed and delayed and delayed. When you hear that from a couple of Members of this body, certainly you come to some conclusions. It does not take very much to delay health care reform or any other piece of legislation.

Mr. GLENN. Will the Senator yield?

Mr. DASCHLE. Obviously, we have to be concerned about these predictions of delay. Are we getting signals this is going to be delayed? Are we getting signals there are some on either side of the aisle that do not want to move health care reform? Then if I were a reporter I would probably have to put that in my story. But if it is up to the President and majority leader—and frankly I believe it is up to many Members on the other side of the aisle, including the Senator from Pennsylvania—there is no reason why this legislation has to be delayed.

I know the Senator from Ohio wants to respond as well. I yield the floor in that interest.

Mr. GLENN. I just wanted to find out what our time situation is on both sides.

The PRESIDING OFFICER. There are 8 minutes and 30 seconds remaining.

Mr. GLENN. How much on the other side?

The PRESIDING OFFICER. They have 15 minutes remaining.

Mr. GLENN. Mr. President, we reserve the remainder of our time on this side.

Mr. SPECTER. Before yielding to my distinguished colleague, the distinguished Senator from South Dakota, I have just a couple of comments, to reply to what Senator DASCHLE has had to say.

He says he challenges the process and says the Democrats have been accused of not including Republicans. Senator DOLE, the Republican leader, and Senator CHAFEE, the chairman of the Republican Health Care Task Force, sought to send representatives to the White House task force and were denied that opportunity.

The distinguished Senator from South Dakota [Mr. DASCHLE] says why was the Labor and Human Resources Committee, the Finance Committee, and the White House—why were they not all consulted? The answer is they were, and I put that in the RECORD in some detail, including the response from the chairman of the Labor and Human Resources Committee.

And the question I ask my colleague from South Dakota, Senator DASCHLE, with respect to consultation of Democrats, is: Is Senator DASCHLE aware of the fact that he received a letter containing Senate bill 18, with a summary of the bill, in January of this year?

Mr. DASCHLE. If the Senator will yield, I was not aware of that. That is my point. I am sure if you ask most Senators that same question, the Senator will find, indeed, with all the mail Members of Congress receive, they probably were not aware of that letter.

Mr. SPECTER. I accept the negative answer, Mr. President, but I am not going to consume any more time. If that is the negative answer, after having sent Senator DASCHLE a letter, as I sent a letter to every one of the 99 Senators, in January, and he says 90 percent flunk—that is not the fault of this Senator or this body. That should be no reason, absolutely no reason, for not proceeding to consider this bill.

Mr. President, at this time I yield 5 minutes to my distinguished colleague, Senator PRESSLER.

Mr. PRESSLER. Mr. President, I thank my colleague very much.

Mr. SPECTER. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. There are 13 minutes remaining.

Mr. SPECTER. I thank the Chair.

Mr. PRESSLER. Mr. President, I rise to urge my colleagues to support the pending health care reform amendment. As I stated yesterday, my intent in cosponsoring this proposal was to send a clear message to the administration and to the congressional leadership. Congress is ready to deal with this issue and we must do so early this year. I do not fully support every measure of this particular amendment. However, I do support the basic principles of reform it contains: malpractice reform, small market insurance reform, revisions in the antitrust laws, reduction of administrative procedures, reduction of waste and fraud, a greater emphasis on preventive care, and tax incentives to help individuals purchase health insurance.

Is this a perfect bill? No. I do not fully support the provisions establishing the Federal health board, nor do I fully support it being given the authority to limit the growth in annual health care expenditures. But I do believe that this is a starting point.

I hope my colleagues support this bill. It will send a clear message to the administration and to the American people.

Let me say, Mr. President, I am not here today to score debating points. I have worked on health care matters since 1975, when I entered the House of Representatives. I served on the rural health care task force in both Houses and the Republican Health Task Force in the Senate. We have had many meetings and have offered numerous amendments. As a member of the Senate Aging Committee, I have worked on a number of matters dealing with health care. So I do not take a back seat to anyone in terms of a long record of interest in and activities on the Senate Committee on Aging, the rural health care task force, in both the House and Senate and the Senate Health Task Force.

But we are faced with a developing phenomenon this year, and that is lack of action on this issue. After much talk by both sides, very frankly, and after much talk by the administration, we are suddenly faced with a situation where the much anticipated bill is not going to be brought to the floor. We keep hearing that the studies are going on, the meetings are continuing, we are going to have a report, and that is all fine. And we all get the administration's health care plan, I suppose. But we keep hearing that it will probably be next year before it is dealt with by the Congress.

As I have said before, and I speak with the experience of serving in this Congress since 1975, when something is held over until an election year, it probably means it will be held over until the next year. So we are really talking about 1995 before this bill is taken up. That may sound like an ex-

treme statement, but you heard it first here on this floor. I fear that this is what is going to happen, and that is why I am speaking out, and that is why I cosponsored this amendment. I hope I am wrong, but I have asked for commitments. We could do this bill in June or July. We could devote July to this bill. We could do it in June. There is no reason why we could not.

Now we hear there are more delays. There is not any filibuster about it. There is no cloture. The delays are not on this side of the aisle. We are ready to go. This Senator is ready to go. I am speaking for myself and I think for lots of others. But I do not think the American people know quite what is going on. They have been hearing about health care reform. It was promised to be sent over in the first 100 days and it just has not shown up. Once it gets here, the American people cannot wait another 7 or 8 months, before we deal with this issue.

So this Senator is going on record today stating that I am ready to legislate in this area. I think Senator SPECTER has done a great service by having the courage to bring up this amendment, and by taking the criticism that goes with it. There is no other vehicle. It is time to act. And it is a signal that we want to do health care early this year.

There is no reason not to do it. We have studied it enough. It is time to go.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, first of all, I want to thank from the bottom of my heart Senator DASCHLE.

Mr. GLENN. I yield the Senator 6 minutes. I believe we have 8 minutes remaining. I yield the Senator 6 minutes.

Mr. ROCKEFELLER. Mr. President, I thank the distinguished Senator from Ohio. I want to thank the distinguished Senator from Ohio and Senator DASCHLE for holding the floor so long.

I listened to the Senator from Pennsylvania last night and the Senator from South Dakota this morning. The Senator from South Dakota worries we are not going to get a health bill until 1995. I can assure you that this is the way we are not going to get a health bill, if this is the type of approach we take.

When we have a new administration, and when the new administration is put into office on basically two planks—one is economic and the other is health care reform—then it is the usual and customary procedure, it would seem to me, especially with the intensity the President and First Lady are working on health care, and the intensity the majority leader of this body, as well as the minority leader, feel about health care, that we give them a chance to put their plan forward.

It has been several months, because the Clinton administration has been undergoing a process of preparation of their bill, which is unprecedented in the history of this country on any kind of legislation. The President was quoted on Monday as saying he is going to "bust a gut," as he put it, for health care reform.

I know personally, having worked with him and I believe sharing the confidence of both the President and First Lady, the depths of their commitment to getting this done. But this is one way you cannot get health care done. And if there is one thing that would upset my constituents in West Virginia, and I feel fairly certain the constituents of the Senator from Pennsylvania, it would be putting something that is so important to the lives of the American people, which affects them in so many ways, into law without even having a hearing. I mean, we are talking about a four-page sheet of explanation. We do not know what the costs are of this amendment.

The Senator from South Dakota talked about tort reform. I am for tort reform. There are all different kinds of tort reform. There have been no hearings, no nothing, no process.

My people from the State of West Virginia, if we were to pass this legislation, would be horrified, I think, and would rightly be scared. "What have they done up there? What are they doing?"

We are going to spend a trillion dollars this year on health care, a trillion dollars. We are going to spend \$2 trillion in the year 2000. This makes the Pentagon look like a cup of coffee in terms of money. And my people want to know we are doing something thoughtful; that we are doing something deliberate; that we have checked our figures; that we know exactly what the costs are; that we know exactly what the ups and downs of all of this are, what the sacrifices are, and what the advantages are. This is the most complicated process we are embarking on in history. I say that with all due respect to the Senator.

To actually adopt an amendment to some bill about something entirely different than comprehensive health care reform is something which would trouble my constituents in West Virginia enormously.

We are going to be meeting, as I understand it, with the First Lady, Ira Magaziner and Judy Feder—all Senators, Republican and Democratic—on Friday. I know that the First Lady very much wants, as she already has, to sit down with Republican Senators, and I have witnessed that. And, there will be more common meetings of Democrats and Republicans so we can discuss this together. But they have dozens of people just cross-checking figures, cost estimates.

This is massive legislation in dealing with health care reform, and you can-

not do it this way. I hope very much that we do get up-or-down votes on this, and I hope very much that the word going around that somebody on the Republican side is going to move to table this legislation so as to obscure the vote is not the case, and that the Senator from Pennsylvania will, in fact, insist on, as he indicated yesterday, an up-or-down vote and not settle for a tabling motion, which obscures the way people understand the result of this. I want people on record on this, too. Health care is an incredibly serious subject. It is not something which is done by form of an amendment on some totally unrelated bill.

We have for the first time, in my judgment, a President who really cares about health care. And this will sound political, and I do not mean it to be, but I had been so frustrated that I almost myself got into the race for President solely on the basis of my frustration about what was not happening in health care.

So the frustration of the Senator from Pennsylvania is shared by this Senator. The frustration of the Senator from South Dakota is shared by this Senator. But because I am frustrated does not mean that I go and take four pages and say, "Here is comprehensive health care legislation," with no hearings, no cost estimates, no sense of really what we are doing, and then pass it. The U.S. Senate is not meant to do that, particularly on something which is as massive as something called comprehensive health care reform.

I respect what the two Senators are trying to do, but this is not the way to go. I hope our colleagues will vote no on the amendment.

Mr. SPECTER. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. Eight minutes and thirty-four seconds remain.

Mr. SPECTER. Mr. President, had the distinguished Senator from West Virginia been elected President and asserted his attention toward health care reform, knowing him as I do, I would not have offered this amendment, if we had started at an early date and moved ahead in an expeditious manner.

When the distinguished Senator from West Virginia says it is being added to an unrelated bill, he knows full well that is the only way a Senator in my position can bring this matter to the floor. I am not the majority leader, who can bring health care to the floor. Last July 29, I offered a health care amendment to an unrelated bill. The distinguished majority leader said it did not belong. I agreed with him and said I would withdraw it if he would give me a date certain, and he did not do that.

The Senator from West Virginia talks about the absence of hearings. I do not know if he was aware of the fact of repeated evidence, which this Sen-

ator put into the RECORD, and efforts to get hearings from both the Finance Committee and the Committee on Labor and Human Resources.

When the distinguished Senator from West Virginia talks about a tabling motion and makes some reference to the Pennsylvania Senator indicating something yesterday, this Senator did not indicate anything about any style of vote. And if a Senator wishes to offer a tabling motion, that is the right of any Senator to do so.

How much time remains on my side, Mr. President?

The PRESIDING OFFICER. There are 7 minutes remaining.

Mr. SPECTER. How much?

The PRESIDING OFFICER. Seven.

Mr. SPECTER. I reserve the remainder of my time.

Mr. MOYNIHAN addressed the Chair. The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I believe the distinguished manager will yield me a minute.

Mr. ROCKEFELLER. Mr. President, I happen to know, although the Senator from Ohio is not on the floor, I happen to have overheard the conversation in which he was going to yield the Senator from New York 1 minute. Here is the Senator.

Mr. GLENN. Mr. President, what is the time remaining?

The PRESIDING OFFICER. The time remaining is 1 minute, 45 seconds.

Mr. GLENN. How much on the other side?

The PRESIDING OFFICER. Seven minutes.

Mr. GLENN. If there are any speakers on the other side, we would like to retain our last couple of minutes, if we could.

Mr. SPECTER. Is the Senator from Ohio asking us for 1 minute for Senator MOYNIHAN?

Mr. GLENN. No, I am not asking for anything. Senator MOYNIHAN can take our time.

Mr. SPECTER. If that is the request—

Mr. GLENN. I yield Senator MOYNIHAN the rest of our time.

The PRESIDING OFFICER. Senator MOYNIHAN is recognized for 1 minute.

Mr. MOYNIHAN. I thank my able and gallant colleague, the manager of the bill.

Mr. President, it is a welcome sight to see a Republican offer a health measure in this body. In 1971, President Nixon sent us a comprehensive health program of the order of play or pay, as it was called. It was turned down then in this body as not advanced enough, and that way we lost another generation. We did the same thing on welfare reform, and here we are a generation later trying to deal with them.

But not in this mode, Mr. President. This bill was referred to the Senate Committee on Finance. We have not

had any hearings. We have not addressed the subject at all. We will do, and when we do, we will seriously consider the proposal of the Senator from Pennsylvania. In the meantime, what we have is a trivialization of a serious issue. There is no chance this will pass. The other side is embarrassed it has been introduced. I regret that it has proceeded in this manner. A point of order lies against it. The whole procedure is impossible, improbable, wrong, and ought to be resented. In any event, let it be defeated, Mr. President.

I thank you for your kind attention. The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 6 minutes 45 seconds remaining.

Mr. SPECTER. How much time would the distinguished Senator from Delaware like?

The PRESIDING OFFICER. The time has expired.

Mr. ROTH. One minute.

Mr. SPECTER. I yield 1 minute to the distinguished Senator from Delaware.

Mr. ROTH. Mr. President, at the expiration of the time of the debate on this amendment, I shall make a motion to table the amendment by the distinguished Senator from Pennsylvania. I do so with greatest reluctance because I know he has worked very diligently for many, many months in developing his program. I recognize it will provide great aid when we have serious debate on this question of health care for the American people. But I do feel strongly that if it were to be adopted as part of this legislation, it would prevent the Cabinet status that I think is so important for the environmental agency. So at the appropriate moment, when time has expired, I will move to table.

I yield the floor.

Mr. SPECTER. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. There are 5 minutes, 30 seconds remaining for the Senator from Pennsylvania and no time remaining of the other side.

Mr. SPECTER. Mr. President, by way of a very brief summary, I urge my colleagues to resist a motion to table which will be made under the announcement of the distinguished Senator from Delaware, and I can understand his concern about impeding the bill that is coming out of his committee.

I ask my colleagues to vote "no" on the motion to table. Senator DOLE has advised this Senator that he will be voting "no" on the tabling motion. The distinguished Senator from Rhode Island [Mr. CHAFEE], the chairman of the Republican health care task force, who was on the floor yesterday, stated his intention to support this amendment, so I would expect him to be voting "no."

When the distinguished Senator from New York [Mr. MOYNIHAN] comments about consideration for this bill when the Finance Committee takes up the issue, that is his call. But this bill was introduced on January 21, and this Senator put into the RECORD a letter which I sent to Senator MOYNIHAN on January 22 asking for hearings on S. 18 and S. 19, and between January 22 and April 28, there has been an ample opportunity for those hearings to be held. Had those hearings been held, Mr. President, were we proceeding in a timely fashion with consideration of health care legislation, this Senator would not be pressing this amendment at this time.

This is not something that has come up on my agenda last week or last month or last year; it is something that this Senator has been working on, announced earlier, with legislation having been introduced all the way back to 1985.

I introduced health care legislation again in the 102d Congress, and a comprehensive bill having been introduced, S. 18, on the first day of this legislative session, and another bill, S. 631, which is a combination of legislation which had been introduced by Senator COHEN, Senator KASSEBAUM, Senator MCCAIN, and Senator BOND, and it is comprehensive.

If the motion to table is defeated, there will be ample opportunity for Senators to offer amendments to this legislation.

As I said yesterday, I do not say it is a perfect bill. I do not say that I support all aspects of the bill myself. It has been the product of a combination of bills. It is a critical mass which can provide the basis for legislation which is long overdue. What we ought to do is to follow the pattern established in the Clean Air Act in 1990 when the bill was brought to the floor and the Senate broke up into task forces, we worked on it, and we got a bill passed. I suggest that is the orderly way to proceed.

Mr. President, I know the hour approaches 12 noon, and I inquire as to how much time remains.

The PRESIDING OFFICER. There is 1 minute, 40 seconds remaining.

Mr. D'AMATO. Mr. President, I commend the Senator from Pennsylvania for his leadership on the health care issue.

The Senator from Pennsylvania has come to this floor on a number of occasions to offer legislation to reform our health care system. He has sought a date certain for consideration of comprehensive health care legislation, but for one reason or another his request has never been granted.

So I understand the sense of frustration that led my good friend to introduce his Comprehensive Access and Affordability Health Care Act of 1993 and to offer it as an amendment to the measure we are debating today.

The American people have made it clear that they are not happy with a health care system that costs over \$800 billion a year—more than 13 percent of our Nation's gross domestic product—yet fails to provide coverage for an estimated 36 million Americans.

They want, and deserve, meaningful reform to hold down the cost of health care and to guarantee coverage to those who don't have it.

Over the past several years, we have had pending before various committees of the House and the Senate countless bills to reform our health care system. I am told there were more than 1,400 such bills introduced in the last Congress alone. There are some 200 that have already been introduced in the 103d Congress.

In the last Congress, I joined 20 of my Republican colleagues in introducing the Health Equity and Access Improvement Act of 1991. Nothing in that bill was terribly controversial; it contained medical liability reforms and incentives for expanded preventive care to hold down costs, and tax credits to make health insurance affordable. This bill never made it out of the Finance Committee.

Mr. President, I want to know, what are we waiting for? Clearly, the decision has been made that nothing will be done until the President's task force submits its final proposal in May or June.

Yet, as the amendment by the Senator from Pennsylvania makes clear, there are significant measures pending in this body that we could be debating. But instead we wait. And as we wait, we begin to hear—as we have in recent statements by House Majority Leader GEPHARDT, and Ways and Means Committee Chairman ROSTENKOWSKI—that it is unlikely that we will get a health reform bill enacted this year.

Again I say, "what are we waiting for?"

We have models of health care reform around the country that are working today, and I would cite Rochester, NY, as an example. According to a recent Harris poll, Rochester leads the Nation in health care access and satisfaction—while succeeding in holding costs to a fraction of what they are elsewhere in the Nation. This poll found:

More than 84 percent of Rochester residents are satisfied with their health care—compared to 71 percent nationally.

Median out of pocket costs of Rochester area residents are only \$102 annually—65 percent lower than the national median of \$290.

Let me also share with you some of the findings of the House Committee on Government Operations as it relates to the Rochester health care system:

Health insurance premiums in Rochester average \$2,400 per employee, or about one-third less than the national average.

Of the Rochester area's 1.1 million residents, only 7 to 9 percent are uninsured, compared to 12 percent in New York, and 15 percent nationally.

On average, the Rochester area's hospitals are 84 percent occupied—compared with a national average of only 66.8 percent in 1990.

Rochester's per capita hospital expenditures in 1989 were 41 percent less than the State average, and 9 percent less than the national average.

The amendment by the Senator from Pennsylvania seeks to foster in every State the kind of innovation in health care delivery that we have seen work so effectively in Rochester.

And that, I think, is the point of the amendment by the Senator from Pennsylvania:

We have models of health reform that work today; and we have any number of worthwhile bills pending in the committees of the House and the Senate that would put these innovative ideas to work to extend benefits and hold down costs to all Americans.

But all of our hand ringing and talk over the issue of health reform doesn't amount to a hill of beans unless we put a bill before the Senate, debate it, and get it enacted into law.

I support the Senator from Pennsylvania's efforts to get a bill on the floor for debate. I do not support every provision in my colleague's amendment. I disagree with the inclusion of the financing provisions he has chosen to put in the bill, and I have expressed my views on these provisions to my colleague.

But I am of the belief, Mr. President, that if we postpone the debate on health reform until we have a plan before us that is 100 percent agreeable to each and every Senator, then we will never move forward on this important issue.

Mr. President, I believe the time has come to roll up our sleeves and begin the hard work of crafting a health care plan that will meet the needs of America.

Mr. HATCH. Mr. President, our colleague from Pennsylvania, Senator SPECTER, has his finger on the pulse of America. There is nothing more important on our agenda this session than the issue of health care reform.

Senator SPECTER has a very comprehensive plan, as do I and a number of other Senators. While I do not agree with every element of his approach, our plans share a common goal: Providing access to quality and affordable health care for all Americans, whether they are in Utah, Pennsylvania, or any other State.

Let me just note that Senator SPECTER's plan contains a number of features, which, in my estimation, are essential. These include medical liability reform, antitrust reform, and an increased emphasis on preventive health care. These are very important.

It is also important that we show our commitment to acting on health care reform, and maintaining its priority status. For this reason, I must oppose a motion to table.

Mr. SASSER. Mr. President, I would like to commend my friend from Pennsylvania on his effort to bring significant health care reform legislation before the Senate for consideration. I share his view about the gravity of the health care crisis and the urgent need to address this problem through the passage of comprehensive health care reform legislation.

I believe the amendment he brings before the Senate today is well-considered, and serves to move this body forward toward the goal of passing a reform measure in the 103d Congress. However, I regret to say that I will find it necessary to vote to table the amendment offered by Senator SPECTER. I will do so for several reasons.

First, I am certain the majority of this body would agree that many of the measure's provisions are meritorious. However, I believe that a most important aspect of the health care problem—that of skyrocketing health care costs—is not adequately addressed in the Senator's amendment. If we are to ever provide adequate and affordable insurance coverage to the uninsured and underinsured in this country; if we are ever to provide American families assurance that their insurance premiums and out-of-pocket medical expenses will not continue to rise at several times the inflation rate, we simply must make some difficult choices on ways to control health care costs. Health care reform legislation must include substantive, enforceable cost containment measures. And in my view, Mr. President, the amendment before us simply does not go far enough in this area.

My second concern relates to the fact that the President of the United States—who was elected with a clear mandate to provide badly needed leadership on health care reform—is within days of finalizing his health care reform proposal—the plan he and the First Lady have spent so much time and energy developing over the past few months. In fact, it is my understanding that the proposed plan is to be presented to the public on May 17—less than 3 weeks from today.

I might submit that the Senator from Pennsylvania would serve the effort to move on health care reform if he were to wait 19 days, examine the President's plan, compare it to his own proposal, and then work constructively with the President of the United States and with his colleagues on both sides of the aisle to fashion an effective and workable health care reform plan.

Finally, Mr. President, I am concerned that the amendment offered by the senior Senator from Pennsylvania—should it win approval—may delay

the passage of the important bill under consideration today. As I mentioned here yesterday, I am an original co-sponsor of S. 171, the Department of the Environment Act of 1993.

Each day, the American people are expressing more and more concern about the condition of their environment. The President, the Vice President, the Secretary of the Interior, the Director of the Environmental Protection Agency—all have made it clear that they understand that concern, and are ready to work with the Congress to address long-neglected environmental problems. The establishment of the Department of the Environment represents a clear step—a both symbolic and substantive move forward—toward establishing environmental protection and conservation as priority goals of this country and its Government.

So Mr. President, I shall vote to table the amendment offered by my distinguished colleague, Senator SPECTER. But I stand ready to work with him on the pressing issue of health care reform—with the goal of passing a comprehensive measure in the coming months.

Mr. MCCONNELL. Mr. President, with some 700,000 Kentuckians who are uninsured or underinsured, I fully understand the importance of swiftly enacting national health care reform. I recently traveled throughout my State to discuss this issue with medical professionals, hospital administrators, business leaders, and concerned citizens. Everyone agrees that reform of our health care system must be among our Nation's top priorities.

While I do not support all the provisions contained in this amendment, I intend to vote for the measure offered by the Senator from Pennsylvania because I feel it sends a clear message to the American public that there is no time better than the present for reform. I commend my colleague for his tireless efforts in pressing for action on this issue.

In the next few weeks, I anticipate that the administration will unveil its reform proposal. I look forward to the continued debate on this issue, and I will work hard to ensure that any comprehensive package this body may consider is beneficial to Kentucky's specific health care needs.

Mr. GORTON. Mr. President, as part of his successful Presidential campaign, President Clinton made it clear to all Americans that health care reform would be a top priority for his administration. A clear illustration of his commitment to that promise was his appointment of his wife, Hilary Rodham Clinton, to chair the task force of national health care reform. For the past several months she and members of the task force have labored to produce a comprehensive proposal to Congress by the middle of next month. Only the tragic death of her father

caused an understandable postponement of the anticipated deadline. She and the President are to be commended for the serious effort made thus far to find a solution to the rising health care costs and declining access to affordable care.

I share their desire to find a meaningful and lasting solution to our Nation's health care problems. For that reason, I have been meeting for the last 2 years with other members of the Republican health care task force to discuss alternative proposals to improve our health care system. These lengthy meetings have proceeded under the chairmanship of Senator CHAFEE and have informed and inspired Members to resolve some of the complex issues ahead of us.

At some point in the near future, Mrs. Clinton's task force, the Senate Republican health care task force, and several other organizations will offer to Congress their view of change. At that time, the Nation will begin a debate of enormous magnitude.

It is this Senator's belief, that the debate should begin with the proposal from Mrs. Clinton. After all, she and the Clinton administration have made it clear that their health care reform proposal will be the center of their domestic policy. Their level of commitment deserves this Chamber's patience to wait for the task force's final product.

Having said all that, I would like to offer Mrs. Clinton some friendly advice: We are here to help solve this problem. Frankly, many of us who have been working on health reform for the last 2 years have been disappointed with the lack of inclusion in the administration's deliberations of anyone from this side of the aisle. With the exception of one 1-hour briefing by Mrs. Clinton to 35 Republican Senators, this Senator and most others have not been invited to discuss health care reform with the administration. Nor have my letters concerning health care reform to Mrs. Clinton been answered. Moreover, I was disappointed to discover upon publication of the list of task force members that of the 500 or so individuals determining the administration's health care reform proposal, nearly a third are staff members of Democratic House or Senate members, and most of the rest are Government employees. Despite comments in the press to the effect that this will be a bipartisan effort, there is obviously reason to doubt.

That, I believe is a serious mistake. If the plan does indeed include employer mandates, global budgets, price controls, and increased taxes, bipartisan support will be difficult to find.

And yet, by voting against Senator SPECTER'S amendment, this Senator has shown his willingness to give the President the benefit of the doubt. I still welcome the opportunity to dis-

cuss health care reform with the administration and urge Mrs. Clinton to consult with us not just for form, but with a view toward accommodating our ideas. While parts of the Specter proposal are attractive, I believe we must wait to discuss it after we have given the First Lady's proposal the serious consideration which it deserves.

This is neither the time nor the place for passing comprehensive health care reform. Rather than amending legislation that will create a Department of the Environment, health care reform should be debated and passed on its own and after serious consideration. That consideration must begin with the Clinton proposal. Anything less would be a disservice to the commitment and initiative of the administration to resolve our health care problems.

Mr. SPECTER. Mr. President, I am prepared to yield to the Senator from Delaware for his tabling motion.

Mr. ROTH. Mr. President, I move to table the amendment.

Mr. SPECTER. Mr. President, 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 hour of 12 noon has arrived. Under the previous order, the question is on agreeing to the problem to table the Specter amendment No. 325. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and, the Senator from Texas [Mr. KRUEGER] are necessarily absent.

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

The result was announced—yeas 65, nays 33, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—65

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

NAYS—33

Bennett	Cohen	Dole
Brown	Craig	Faircloth
Chafee	D'Amato	Gramm
Coats	Danforth	Grassley

Gregg	Lugar	Simpson
Hatch	McCain	Smith
Hatfield	McConnell	Specter
Helms	Murkowski	Stevens
Jeffords	Nickles	Thurmond
Kassebaum	Packwood	Wallop
Kempthorne	Pressler	Warner

NOT VOTING—2

Bradley	Krueger
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So the motion to table the amendment (No. 325) was agreed to.

Mr. ROCKEFELLER. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

HEALTH CARE REFORM

Mr. DOLE. Mr. President, today the Senate voted to table the amendment on health care reform cosponsored by several of my colleagues on this side of the aisle.

Although I have concerns about the contents of the amendment offered, particularly in its cost and its lack of financing, it is this Senator's strong belief that health care is a topic we should be discussing at length. We hear all the time about the enormous complexity of the issue and how complicated it is to solve what many have called a crisis in this country.

Mr. President, no doubt, the amendment offered was not a perfect one. In fact, the original cosponsors freely admitted this. However, we are sure to perpetuate the problems if this body is unwilling to enter into serious discussions about viable reform alternatives. Given the complexity of the issue, I do not believe that health care reform will be resolved by pushing it aside because we are not ready to talk about it yet.

Given the nature and many intricacies of this issue, the administration and Congress must work together on reforming our Nation's health care system. As demonstrated by my colleagues on this side of the aisle, Republicans are ready to roll up our sleeves and face the difficult decisions that must be made.

Republicans welcome substantive discussions on health care. We continue to be fully committed to reforming our health care delivery system and will remain committed, Mr. President, until health care costs are contained and all Americans have access to the system.

The PRESIDING OFFICER. Under the previous order, the Senate will be considering a series of amendments. There will be 1 hour of debate, equally divided.

The Chair recognizes the Senator from Arizona [Mr. MCCAIN].

AMENDMENT NO. 327

(Purpose: To provide that one of the Assistant Secretaries of the Department of the Environment shall be an Assistant Secretary for Indian Lands)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows: The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 327.

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

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

The amendment is as follows: Section 104(b) of the Committee Amendment in the Nature of a Substitute is amended by adding at the end thereof the following new paragraph:

(3) One of the Assistant Secretaries referred to under paragraph (1) shall be an Assistant Secretary for Indian Lands and shall be responsible for policies relating to the environment of Indian lands and affecting Native Americans.

Mr. MCCAIN. Mr. President, this amendment is rather simple and straightforward. It would authorize the appointment of an Assistant Secretary for Indian Land in the new Department of the Environment. It is my understanding that this will not increase the cost nor will it, in my view, significantly increase the bureaucracy of the new Department.

The bill before us authorizes up to 12 Assistant Secretaries at the new Department of the Environment. I believe it is reasonable and appropriate to designate 1 of these 12 to implement Federal environmental policies for Indian lands and native peoples.

Before I get into my prepared statement, I just want to tell my friends here, if they want to vote this amendment down, that's fine. But we will have a vote. The fact is, if they want to again ignore the needs and the problems of our Nation's least privileged Americans—and that is our first Americans—that is fine with me. But I intend to get the Senate on record as to how they feel about native Americans.

The fact is, Mr. President, that native Americans today have two ways to improve their economy. One is through Indian gaming which is the subject of enormous controversy. The other is through landfills, basically desecrating what they hold most sacred, and that is their land. The RECORD will show, and I will include in the RECORD documentation that native Americans have been taken advantage of time after time on environmental issues. They have been forced, because of economic necessity, to betray the very thing that they hold the most sacred.

I cannot believe that the U.S. Senate would not ratify at least 1 of the 12 Assistant Secretaries to be one that is supposed to look out for those who are the least protected out of our entire population, and that is native Americans. To suggest that the reason why we will not approve this amendment is because there is somehow a clean bill, or there was somehow some rationale for no amendments, Mr. President, I believe ignores the problems of America's neediest citizens.

Mr. President, my amendment will authorize the appointment of an As-

sistant Secretary for Indian Lands in the new Department of the Environment that will be created by this legislation.

While I support this concept of elevating the EPA to a Cabinet-level Department, this legislation does not address the pervasive environmental problems faced by the neediest Americans in our Nation. I am deeply concerned by the fact that native Americans and their lands are receiving an adequate level of attention and assistance from the EPA.

The bill before us authorizes up to 12 Assistant Secretaries at the new Department of the Environment. It is both reasonable and appropriate to designate 1 of these 12 to implement Federal environmental policies for Indian lands and native peoples.

Later in my remarks I will tell you how much money has been given to native lands as far as environmental issues are concerned as opposed to the rest of America. The numbers are shocking.

Unless we act to create a permanent, high-ranking presence at the policy-making level to represent the interests of native Americans on environmental issues, I fear our historic neglect of the environmental problems faced by Indians in our Nation will continue.

The administrative structure established in the EPA to address environmental problems on Indian reservations has not adequately served native Americans. Unless this amendment is passed, Indian programs at a new Department of the Environment will continue to be buried below the policy level, and the concerns of native Americans on our Nation's 280 reservations will remain mostly unheard.

In creating a new Cabinet-level Department of the Environment, we need to ensure that native Americans have an advocate at its highest reaches. An Assistant Secretary for Indian lands will be able to more effectively promote Federal efforts to assist tribal governments in their efforts to protect Indian lands from environmental degradation, and to secure the resources that are urgently needed to rededicate existing environmental problems.

Mr. President, the environmental problems on Indian lands in the United States, are serious, widespread, and complex. Many Americans and many Members of this body are unaware of how much of our Nation is comprised of Indian lands. The total, land mass of Indian reservations is equal to the size of New England and the States of Maryland, Delaware, and New Jersey combined. Indian lands comprise 25 percent of the land in my State of Arizona. The Navajo Reservation alone is equal to the size of the State of West Virginia.

This vast expanse of land that is Indian country in America holds an alarming variety of environmental

problems that are adding to the often bleak quality of life faced by native Americans.

A brief review of a few of the environmental issues that exist in Indian country is a disturbing array of growing health risks and the tragic pollution of sacred lands. Mr. President, there are over 1,000 solid waste landfills on Indian lands that do not meet Federal standards, and approximately 450 of these sites are potentially hazardous. EPA officials stated in testimony before the Senate's Select Committee on Indian Affairs that of 108 sanitary landfills constructed by the Federal Government, no more than 2 are in compliance with EPA regulations.

An investigative series by the St. Louis Post-Dispatch in late 1991 detailed some of the most serious cases of environmental problems in Indian country.

Mr. President, as you can see, there are toxic trouble spots on virtually every Indian reservation in America.

The Pine Ridge Reservation in South Dakota, which has contaminated drinking water from uranium mining and numerous unsanitary landfills.

Landfills in the Devil's Lake Sioux Reservation in North Dakota and the Oneida Reservation in Wisconsin have been described as being "laced with arsenic, mercury, and other illegally dumped chemicals."

The Navajo Reservation in New Mexico, Arizona, and Utah has an estimated 1,000 sites polluted by old uranium mines or uranium waste.

Mercury pollution on Seminole land in Florida threatens fishing and the gathering of food.

Perhaps the worst spill of low-level radioactive waste in American history occurred 13 years ago at a uranium mine on the Navajo Reservation in New Mexico.

Earlier this year, flood waters of the Salt River in Arizona ripped open a landfill operated by an Indian tribe and sent tons of garbage flowing down the river and into neighboring communities.

The St. Louis Post-Dispatch reported that when the EPA finished writing new rules for garbage and solid waste control, copies were sent to all 50 States to prepare them for the new regulations. None were sent to Indian tribes, although tribes will clearly be subject to enforcement actions under the new regulations.

I want to remind my colleagues that these environmental maladies are afflicting the very poorest communities in the entire United States. Unemployment in Indian country averages 50 percent, and on some reservations approaches 90 percent. More than 15 percent of Indian homes lack basic sanitation facilities—a rate 8 times worse than the rest of the United States. On Navajo lands alone, more than 11,000 homes lack running water and sewage disposal.

These disturbing facts have a definite cost in human lives.

According to the Indian Health Service, over half the 56 infant deaths in Navajo country in 1989 occurred in homes without running water. Furthermore, the tuberculosis death rate for Indians is five times the rate for other races combined.

The increasing problem of hazardous waste sites and unsafe landfills on Indian lands can only exacerbate these problems, and further strain the abilities and limited resources of tribes and Federal agencies to solve them.

What will be done by Federal agencies to address many of these environmental problems in Indian country? Sadly, Mr. President, not nearly enough. Due to the ranking criteria used by the EPA under the Superfund Program, almost all of the hazardous waste sites on reservations will not qualify for Federal assistance.

This disturbing situation must be changed, and establishing an Assistant Secretary for Indian Lands at the EPA will be an excellent first step in doing so.

In monetary terms, the funds that are needed to address environmental problems on reservations are enormous, and far beyond the scarce resources of our Indian tribes. The Indian Health Service has estimated that the unmet needs of tribes for health-related water systems, sewage disposal, and solid waste deficiencies are at least \$700 million, and in all likelihood are far higher.

It is a simple statement of fact to say that the response of the EPA and other Federal agencies to environmental problems on Indian lands has been totally inadequate and a national disgrace. To recognize why an Assistant Secretary for Indian Lands at the EPA is so important, one needs only to look at the huge discrepancy between the funds that have been awarded to States by the EPA for the construction of wastewater treatment facilities, as compared to what the EPA has awarded to tribes.

A 1989 EPA report found that \$48 billion had been awarded to States and cities under title II of the Clean Water Act, while only \$25 million had been awarded to Indian tribes. It is simply indefensible, Mr. President, that in the first 15 years of Federal aid under this landmark legislation, Indian tribes received less than one-half of 1 percent of available funds.

This same EPA report estimated that native American tribes will need \$470 million to comply with water quality goals of the Clean Water Act, and to avoid environmental health risks. Yet, at the time of this report, only \$30 million was available to help the tribes do so.

I do want to express my appreciation to the EPA for taking some significant steps to enhance its activities on In-

dian lands, and to increase the funds it provides to Indian tribes for training, program development, and remediation efforts. This effort extends back to 1984. I know that officials of the EPA's Office of Federal Activities [OFA] are deeply committed to making a difference in the lives of Native Americans, and to addressing the environmental problems they face.

I am very pleased to have worked with officials at OFA in establishing a multi-media grant program to assist tribal governments with a broad range of environmental problems.

Let me also note that EPA was the first Federal agency to formally adopt President Reagan's Indian policy which stated that relations between the Federal Government and tribes would be carried out on a government-to-government basis. This was a decade ago, however, and the promise of the EPA's well-intentioned Indian policy has not been backed up with enough financial assistance, professional training, and environment program development for tribes.

EPA Administrator Carol Browner had some compelling views on this issue during the hearing on S. 171 before the Senate's Governmental Affairs Committee. Ms. Browner said:

I think we have failed the tribal communities of this country in terms of working with them to develop their capacity for environmental protection, for ecosystem protection. \* \* \* I am committed to changing this behavior, to making sure that we bring resources to bear, and that we work with tribes in a way that is acceptable to them.

Creating an Assistant Secretary for Indian Lands will accomplish several important goals that Ms. Browner spoke about. First, it will immediately and permanently raise the profile of environmental problems in Indian country within the entire Federal Government. Secondly, it will ensure that there will be an Assistant Secretary to work to secure the departmental and financial resources necessary to address these problems. Finally, it will establish a high-ranking position at the policymaking level of the new department to oversee the full implementation of the EPA's Indian policy, and better coordinate Indian environmental protection programs with other Federal agencies.

I firmly believe that the best solutions to problems in Indian country are those proposed by the tribes themselves. Therefore, I am pleased that tribes such as the Cherokee Nation, the Navajo Nation, the All Indian Pueblo Council, the Seminole Indian Tribe, the National Tribal Environmental Council, and many other tribes are supportive of creating a policy-level position for Indian lands in a new Department of the Environment.

The current administrative structure of the EPA and the amount of resources targeted by the agency to help Indian tribes is clearly adequate for

the task at hand. Even with some very welcome increases, only \$36 million will be available to tribes for all Federal environmental protection measures this year.

Tinkering with the status quo is not enough, Mr. President, especially at a time when it is likely that there will be cuts in vital environmental protection programs that native Americans need substantially more help from. I note that the Clinton administration's proposed 1994 budget calls for a substantial reduction in funds for the EPA's wastewater treatment revolving loan fund, yet we still face a facilities backlog of at least \$400 million on Indian lands.

The Senate should act right here and now to enhance the voice of native Americans within the new Department of the Environment called for by this bill. Creating an Assistant Secretary for Indian Lands is an appropriate and necessary step, and we can give both hope and promise to the tribes that so badly need our help with environmental problems.

By passing this amendment, we will not only make the new Department of the Environment more sensitive and responsive to the needs of native Americans, but we will be helping to reverse one aspect of our Government's legacy of neglect and mistreatment of a proud people who have endured so much.

Mr. President, one of the arguments that will be made, I am sure, is that there is no reason to separate out native Americans on this issue, that they should be treated equally with others.

The fact is, Mr. President, they have not been. The fact is that by solemn treaty we guaranteed native Americans certain rights and we assumed certain responsibilities for native Americans.

I will not insult the intelligence of the Presiding Officer by reminding him how those treaties came about.

But the fact is, we incurred solemn obligations. It seems to me, Mr. President, helping native Americans preserve their most precious asset, which is their lands, is something which should not be a major task for this Senate and this Government to overcome.

I believe that the unique status of a government-to-government relationship that embodies our policy toward native Americans mandates that we establish an Assistant Secretary for Indian Lands.

Mr. President, I ask unanimous consent that Senator NIGHTHORSE CAMPBELL be added as a cosponsor, as well as Senator WELLSTONE.

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

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The Senator from Arizona reserves the remainder of his time, which is approximately 14 minutes.

The Senator from Ohio.

Mr. GLENN. Mr. President, I yield myself such time as I may require.

Mr. President, I do not like to oppose this amendment, but unfortunately I have to. I, too, am concerned about native American issues and Indian tribes. We tried to build into this bill managerial flexibility for the Secretary, the new Secretary of Environment, to assign responsibilities and jurisdictions for the Assistant Secretaries. We did not try to spell all those out in the bill itself.

I think if we start carving out specific areas for Assistant Secretaries, it would possibly destroy what we tried to set up for the new administration to do. I think it is important to note that the new administration, though, I would say to my good friend from Arizona, has gone on record strongly supportive of native American concerns.

For example, at the Governmental Affairs Committee hearing on S. 171 on February 18 of this year, Administrator Browner indicated, in response to Senator MCCAIN, that she takes our Government's responsibilities to Indian tribes very, very seriously. I quote from her testimony that day. She said:

I think we have failed the tribal communities of this country in terms of working with them to develop their capacity for environmental protection. I am committed to changing this behavior to making sure that we work with them in a way that is acceptable to them.

Later in that same hearing, Senator MCCAIN again asked Ms. Browner if she would give serious consideration to having a high-level person in her bureaucracy to address native American concerns. Ms. Browner replied that she was certainly willing to discuss this with Senator MCCAIN. She too, thinks it is very important.

So it seems to me there is a record of commitment by the administration on this issue. But if the Senator wishes, we could certainly give his proposal additional consideration within this bill by having the commission on improving environmental protection consider the need for an Assistant Secretary devoted just to native American affairs. But I respectfully suggest, as floor manager of the bill, as much as I would like to, I just cannot support the amendment to this bill.

We have received information, just literally within the last few minutes, in fact, after I sat down here, from the EPA. I will enter parts of it in the RECORD and read part of it. But their statement on this is the following, and this is from EPA just as of a few moments ago. The time on this, I just noted, was 12:06, when it was transmit-

ted, I guess. So it really is very recent, from EPA. They say the following:

It is not clear at this time that creation of an Assistant Secretary for Indian Lands within the Department of the Environment offers an effective approach to fully implement the national system of environmental protection throughout Indian country. EPA believes that programs of the new Department must thoroughly incorporate tribes, on a government-to-government basis, into all of the environmental programs established under enabling federal laws. It is not feasible or appropriate to establish a separate environmental program solely oriented to the tribes, given resource constraints, the need to avoid duplicative efforts within the new Department, and the inclusive nature of federal environmental programs and statutes.

The better approach is for the new Department to accelerate efforts to enable tribal governments to establish and operate environmental programs and to assure that tribal concerns are fully considered in environmental rule-making. These include:

Continuing revision of environmental regulations and statutes to provide for delegation of programs to tribes;

Providing environmental program start-up assistance through General Assistance Program grants, and continued program support through set-asides for regulatory program grants, such as Clean Water Act Section 106 and Clean Air Act Section 103 grants;

Providing funding access to tribes for environmental infrastructure efforts, such as the wastewater construction grants program;

Technical assistance and training for tribal environmental staff in all major environmental program areas.

Those areas, those four I just read off, are those they include where they are planning to establish coordinated programs with the tribes to address these concerns. I will continue with their statement:

In addition, EPA believes that the policy concerns of tribes need to be fully reflected in all departmental program offices. To this end the agency is in the process of creating an EPA/Tribal Committee, which will involve representatives from tribal governments from all regions of the U.S., and which can advise the programs and the Secretary of tribal environmental concerns and priorities. Further, EPA recognizes the need to institutionalize the input of tribal concerns to the Secretary of the Environment. As it proceeds in planning the organization of the new Department we are assured that it will create an appropriate structure to accomplish this important function.

Finally, to facilitate the process of ensuring an Indian voice as the new Department implements the nation's environmental goals, and in support of the President's policy of having government reflect the essential character of the American people, efforts will be increased to recruit qualified tribal members to occupy positions in all programs and all levels within the agency.

That is a rather all-inclusive statement. I think it indicates they really want to work to this end. That statement was from EPA just this morning.

At the same time I was handed, literally after we came to the floor here, questions and their answers, which it is my understanding are the questions that the distinguished Senator from Arizona sent to EPA after our hearing

in the Governmental Affairs Committee. I do not know whether he has received a copy of those or not. I just got copies a few minutes ago right here.

Has the Senator received answers to those yet?

Mr. MCCAIN. In response to the Senator, no, I have not. Frankly, I am not surprised since the Director of the EPA was quoted she would be glad to discuss these native American issues and never made any attempt to do so, nor were our questions answered, as the Senator knows. The hearings took place a good long time ago, many weeks ago as I remember. So that is again an indication of their real commitment and concern about these issues.

But I hope the distinguished chairman will at least share those answers with me, since the EPA did not feel it was appropriate to send them to me.

Mr. GLENN. I certainly will. They may be in the Senator's office. I do not know. I will be glad to furnish these.

Let me just comment on them here. One of the questions was—the Senator was:

\* \* \* interested in your thoughts on how the EPA can better address environmental problems on Indian reservations. Would you agree that a major problem is that more resources need to be targeted for enforcement and technical assistance on reservations?

What percentage of the EPA's funding and staff are targeted on Indian tribes?

A. EPA currently provides resources for environmental protection on Indian lands in three ways. First, it provides resources through Congressional appropriations and set-asides such as those provided under Section 319 and Title VI of the Clean Water Act (CWA) and funds appropriated in support of the multi-media/general assistance program. Second, EPA provides resources through regulatory set-asides such as the up to 3% of CWA Section 106 funds that are set-aside under that Act's Indian Program regulations. Finally, individual EPA offices review their grant funds on a yearly basis and include tribes along with states within their discretionary programs.

Currently, 100% of EPA's multi-media/general assistance funds go to tribes. Other program funding directed to tribes include: about 2-3% of the funds for state, local and tribal programs, about 0.9% of the Agency's Superfund monies, and 0.5% of the wastewater treatment construction funds are reserved for tribes. Approximately 0.8% of EPA's FTEs are used to support the Indian Program. EPA has increased its support of tribal programs by over 700% since the adoption of its Indian Policy. As tribes continue to develop their capacity to participate in EPA programs, the Agency will need to continue to increase its efforts to support the development of tribal regulatory systems.

That was the answer to the first question. The second question that was asked of them was:

In light of the magnitude of environmental problems in Indian country, would you have a recommendation for an appropriate policy position to address them if the EPA becomes a department?

The answer:

In 1984, EPA was the first federal agency outside of the Bureau of Indian Affairs and

the Indian Health Service to adopt an Indian Policy. The Agency's policy recognizes the sovereignty of tribal governments and commits EPA to working with tribal governments on a government-to-government basis. If EPA becomes a department, these basic foundations of the Agency's Indian Policy will be the cornerstones of any Departmental approach which the Agency will take in the conduct of its affairs with Indian nations.

The next question:

Do you feel that native Americans deserve a voice and a strong advocate at the policy-making level of a new "Department of the Environment?"

The answer they have is:

For the past several years, EPA has had individuals in the role of special assistant to the administrator who have advocated for the inclusion of Indian tribes within all appropriate areas of the agency's programs. If the agency is elevated to departmental status, this advocacy role will, along with other appropriate program areas, be reviewed to determine how it can best be institutionalized within the evolving framework of the new department.

To facilitate the process of ensuring an Indian voice as the agency implements its Indian policy, and in support of the President's policy of having Government reflect the essential character of the American people, the agency will increase its efforts to recruit qualified tribal members to occupy positions at all levels within the agency, including those that develop policy at its highest levels.

The last question was asked of them:

Isn't it both reasonable and necessary to have one of the 10 assistant secretaries called for by this bill to be responsible solely for environmental policies and programs affecting Indian tribes and lands?

And the answer is:

The EPA Indian program is an important function that cuts across all of the agency's major programs to help protect human health and the environment. If the agency is elevated to department status, it will review its current structure and the legislative mandates of both its programs' specific and cross-cutting functions to determine how to most effectively employ its human and financial resources to meet its statutory obligations.

At this point, it is unclear as to which of the agency's programs will become Assistant Secretary-level functions and which will continue to operate across the agency's programmatic chain of command. If departmental status is approved, all suggestions for organization of the agency's Assistant Secretary positions will be given thorough consideration before decisions are made.

That ends the question-and-answer session. I will be glad to have a copy of this made immediately and given to the distinguished Senator from Arizona.

I reserve the remainder of my time.

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

The PRESIDING OFFICER. The Senator has 14 minutes remaining.

Mr. MCCAIN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MCCAIN. Mr. President, in July 1992, the Environmental Protection

Agency issued a report, and the subtitle of that report is "Environmental Risk in Indian Country."

If anybody believes that the EPA has been adequately responsive or in any way given sufficient priority to the environmental issues on Indian land, I think they need to read this report.

Mr. President, I quote on page 2:

Before 1984, EPA's regulatory programs did not take into account the unique constitutional status of Indian lands. In addition, most of EPA's authorizing legislation had no language addressing responsibility for environmental protection on Indian lands. As a result, while EPA fostered its partnership with the States, environmental protection on Indian lands often lagged behind.

Mr. President, the conclusion of this report, and it is a very important conclusion, says:

Diverse as the hundreds of American Indian tribes are, they share characteristics that distinguish them from the U.S. population at large. These characteristics, based on unique cultural and historical experiences, give American Indians a distinctly different pattern of exposure to environmental risk.

First, American Indian tribes are tied to a particular parcel and land, both culturally and economically. This land is the center of tribal identity and is critical for political culture and economic survival. As a result, the potential impacts of environmental degradation or disaster are enormous.

Second, most Indian tribes lack adequate environmental infrastructure on which to base sound environmental management decisions. Over the past 20 years, while EPA established partnerships with the States, tribes were undeserved due to legal uncertainties and political powerlessness. While EPA's Indian policy established necessary framework for creating strong tribal EPA partnerships, tribes still often lack the infrastructure, resources and expertise to sustainably manage their lands.

The vulnerability is all the more critical when the risk profile for American Indians is extended out into the future. Tribes are among the fastest growing population groups in the U.S., a trend that will place additional pressures on limited reservation resources. Already tribes face endemic poverty and severe unemployment and are investigating a variety of options to increase employment and income on reservations.

All of these options, from oil and gas development to tourism, to waste disposal, will have environmental impacts that will require planning and management.

As the pressure to pursue these developments increases, will tribes have the resources to address the problems they bring? Unless EPA makes significant changes, the answer to this question will be no.

Mr. President, significant change is, I believe, clearly called for, and one of the 12 Assistant Secretaries authorized in this bill should at least be devoted to Indian land.

There are several misstatements in the response to my questions on the part of the EPA, but since I have not had the chance to examine those answers, I will only say that clearly they have not targeted enough resources to Indians. In fact, two-tenths of 1 percent of the EPA's total budget has gone to

native American reservations. EPA has not made sufficient progress in working directly with the tribes.

Frankly, Mr. President, I will read in just a minute the views of numerous tribes that are critical of the EPA. In addition, the St. Louis Dispatch series on environmental programs on reservations reported that EPA's failures in Indian country caused an uprising within the Agency in 1990. That was now the employees of EPA felt about it. I could go on and on in this regard.

I would just like to quote, Mr. President, from several letters from Indian tribes that I received. The All Indian Pueblo Council said:

We certainly feel strongly about establishing an office such as the Assistant Secretary for Indian Lands.

The Seminole Indians' view is that the structure could most effectively begin to address tribal governmental concerns and facilitate the implementation of Federal environmental laws in Indian country would be provision for the appointment of an Assistant Secretary for Indian Lands. The Minnesota Chippewa Tribe's President said:

I want to express the tribe's strong desire for Congress to put language into this law which mandates the establishment of an Assistant Secretary for Indian Lands.

The chief of the Cherokee Nation said Not only has funding been inadequate, but the use of EPA coordinators . . . has essentially been window dressing. We recommend that the pending legislation be amended to provide for the establishment of an Assistant Secretary of Indian Affairs.

The president of the Navajo Nation wrote:

We support the creation of an Assistant Secretary or comparable position.

In New Mexico, the National Tribal Environmental Council wrote:

It is our belief that the failure of EPA to fulfill its obligations to Indian people and tribal governments is in large degree a direct result of the failure to have a consistent and credible force for Indian interests at the policy levels of the agency.

Mr. President, I have not had the chance to examine the responses of EPA, but the people who they are ultimately responsible to, the native Americans, clearly believe, unequivocally and unanimously believe, that their concerns are not being properly addressed. This amendment is one way—and by the way it is not the only solution, Mr. President—but is one way that their concerns will be more equitably addressed.

Again, I would like to point out, Ms. Browner in her testimony said she wanted to work with me and discuss these problems. I never heard a peep out of her and her agency.

We submitted specific questions to the EPA. They decided to send the answers to Senator GLENN. I certainly appreciate him receiving those answers. It would have been in keeping with the

custom around here to respond to the Senator who asked the questions. But I would put that all aside; it is relatively unimportant because clearly their answers are unsatisfactory.

Mr. President, for the life of me, I do not understand the resistance here. Perhaps my friend from Ohio, and he is my dear and close friend, can explain to me why they should resist the simple recognition of the kind of environmental disasters that are taking place on a daily basis on Indian reservations, that we should not give them the attention they deserves.

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

Mr. GLENN. Mr. President, I yield myself such time as I may require.

I reply to my good friend from Arizona that we did not try in this bill to delineate any of the things that might be at the Assistant Secretary level. What we did put in, we said that there is a list of things that have been looked at over there before. We specifically put in that we did not limit the Assistant Secretaries to any of these. In the Secretary's wisdom, they can make any quarter they want. And the reason we did not do this is because some of these may be combined with others in the way they are going to be organizing. But we had such things as, I repeat again, but not limited to enforcement, compliance monitoring, research and development, air, radiation, water, pesticides, toxic substances, solid waste, hazardous waste, hazardous waste cleanup, emergency response, international affairs, policy, planning and evaluation, pollution prevention, congressional affairs, intergovernmental affairs, public affairs, and administration and resources management.

Quite obviously, in consideration of any land within the continental borders of the United States, many of those things will overlap in all sorts of areas including areas that are non-Indian lands, including Indian lands.

I would say the consideration of Indian land would come under maybe nearly every one of those things in addition to all the other geographic areas of the United States.

I just point that out to indicate that we looked at this as giving the new Secretary good flexibility. Now, she has stressed at her hearings and also in the answers to the statements that we got just a few minutes ago here as I indicated I think a sensitivity to this problem and I hope she moves in this area.

Whether she wants to make a separate Assistant Secretary for Indian Affairs, I do not know whether or not that would be appropriate in the way that they outline their concerns. She says she is setting up an EPA tribal committee involving representation from tribal governments from all regions of the country. And she wants an Indian voice there. They are going to

make increased efforts to recruit qualified tribal members to occupy positions in all programs and all levels within the agency which would include, as I interpret that, all of these areas and perhaps even more that I mentioned a moment ago. So we have their assurance they are going to work toward that end.

I would hate to try to start dictating exactly what would be Assistant Secretaries and what would not be Assistant Secretaries, and so I regret that I have to oppose this amendment. Let me say once again that had I known the statement that I gave a copy of just a moment ago to my friend from Arizona—had I known this was coming, I would have made sure the Senator had that here. I do not know whether or not it was sent at the same time to the Senator's office. It may be there because these pages are labeled 12:06, 12:07, 12:08. That is less than 1 hour ago right now. And so the Senator may have it available. The staff brought it to me on the floor. I did not even get a chance to look at this in the office this morning.

I am glad they did respond because it helps in the discourse on the floor.

I reserve the remainder of my time.

Mr. MCCAIN. Mr. President, if I may respond, the Senator has always treated me with the utmost courtesy and consideration. We have known each other for many years. I am keenly aware of the fact that my friend from Ohio would share with me whatever information he received on my behalf at the earliest possible opportunity.

Mr. President, I would like to make a couple of additional points.

The EPA either does not know or does not understand a fundamental fact. That fundamental fact is that our relationship with native Americans is a unique one. It is a trust responsibility.

Mr. President, one of the arguments made by the EPA and others is, well, if you give this to native Americans, then the counties and the States and other organizations should have the same kind of designated Assistant Secretary. As I say, someone who pursues that argument simply does not understand the reality that we made solemn treaties with native Americans when we took basically everything from them, and then we gave them the poorest parts of our Nation. Those trust responsibilities are written in solemn treaties. We did not make treaties with counties. We did not make treaties with cities. Although there are certainly definitive Federal-State relationships, we did not make solemn obligations along the same lines as we did with native Americans.

What is happening on these reservations? What is happening today? Let me quote from a Boston Globe article of June 23, 1991:

From Connecticut to California, disposal companies have come up with a novel

scheme for handling wastes so rancid or toxic that no city or town will take them.

Give them to the Indians.

The firms pursue deals with the Sioux, Navajo, Chowtaw, and more than a dozen other tribes—for understandable reasons. Reservations offer 52 million acres of open space along with exemption from State environmental laws and most State and local taxes.

Indians risk scarring their cherished landscape with dumps that often leak and seldom deliver promised economic rewards, while the rest of the country in effect shunts the dumps it rejects onto those less able to resist.

"They've got to find a place to dump it and possibly the easiest is to dump it on the Indian people. We don't have the resources to deal with it or the political power," said William Koenen, a leader of the Chippewas.

Mr. President, another article from U.S. News & World Report of January of this year reported:

For Native Americans, it is a modern twist of an old aphorism: beware of white men bearing gifts. The Nation's Indian tribes, most of them impoverished and ignored, suddenly find themselves being wooed with offers cumulatively amounting to hundreds of millions of dollars. There is, of course, a catch: The Indians are being asked to accept what the rest of America increasingly wants no part of—garbage, toxic waste, landfills, incinerators, and nuclear-waste dumps. To some tribes, the offers represent a financial windfall and an economic development opportunity. To others, they are an ill-disguised bribe and a Faustian bargain.

Mr. President, we have clearly not provided these people with the protection and assistance that they need. Frankly, I think it is unconscionable that a simple cost-free appointment of an Assistant Secretary for Indian Affairs, which would send a message to native Americans throughout this country that we at least care enough to make an appointment regarding the oversight of the tragedies that are taking place every day on their reservations, is to me a very small symbol and one that costs the Federal Government virtually nothing.

So I reserve the remainder of my time.

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

The PRESIDING OFFICER. The Senator from Ohio is recognized.

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

The PRESIDING OFFICER. The Senator from Ohio has 13½ minutes remaining.

Mr. GLENN. Mr. President, I yield myself such time as I may require, but I think we have pretty well covered the subject. I do not know whether the Senator from Arizona has other people coming to speak to this subject or not. I have no one that I know of on our side of the aisle.

Does the Senator wish to move to a vote and yield back time?

Mr. President, I ask unanimous consent that—

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

Mr. GLENN. The time will be charged equally to both sides while we are in a quorum call.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Mr. President, I ask unanimous consent that certain letters from Indian tribes be printed in the RECORD.

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

HOBBS, STRAUS, DEAN & WILDER,

Washington, DC, March 11, 1993.

Senator JOHN MCCAIN,

Vice-Chairman, Senate Indian Affairs Committee, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: We write on behalf of our client, the Seminole Tribe of Florida, to comment regarding S. 171, legislation to establish the Environmental Protection Agency (EPA) as a Cabinet-level Department of the Environment.

From the outset, we express our thanks that as the Vice-Chairman of the Senate Indian Affairs Committee and as a member of the Senate Governmental Affairs Committee, you have actively sought a commitment from Administrator Browner that EPA will be responsive to tribes' concerns at the policy level. Furthermore, we appreciate the fact that you have invited Indian country to give input to possible amendments which you might offer to S. 171 which would ensure that the organizational structure of the proposed new Department of the Environment will address the policy concerns of tribal governments.

The Seminole Tribe has five Reservations in southern Florida, including two large rural Reservations and three smaller urban Reservations. Over the last several years, the Tribe has assumed an increasingly prominent role in environmental protection. The Tribe's Utilities Department administers the public water supply systems and wastewater treatment systems on the two rural Reservations, and also manages the solid waste disposal program. The Tribe's Water Resources Management Department (WRMD) regulates consumptive water uses, as well as storage and management of surface waters, pursuant to the 1987 Water Rights Compact with the State of Florida and the Tribal Water Code. The WRMD carries out water quality monitoring and other planning programs with assistance from EPA. The WRMD has been charged by the Tribal Council with developing a water quality regulatory program, and the Tribe has received financial assistance from the Administration for Native Americans to support this effort. The Tribe recently applied to EPA for treatment as a state for the purpose of setting water quality standards under the Clean Water Act.

Generally, we have three comments to S. 171 as currently worded. In the view of the Seminole Tribe, the structure that could most effectively begin to address tribal governmental concerns and facilitate the implementation of federal environmental laws in

Indian country would be a provision for the appointment of an Assistant Secretary for Indian Lands. We suggest that the bill be amended to provide expressly that one Assistant Secretary would have overall responsibility for overseeing the administration of federal environmental laws in Indian country, in a manner consistent with the sovereign authority of tribal governments.

We do not think, however, that an Assistant Secretary for Indian Lands will be enough. Indian country was virtually ignored by EPA for more than a decade after the Agency was created. Nearly another decade has passed since EPA adopted its 1984 policy for Indian lands, and still Indian country does not seem to receive an equitable share of the Agency's resources and attention. We are concerned that, if the Assistant Secretary for Indian Lands were charged with the total responsibility for implementing federal environmental laws in Indian country, the new Department's program for Indian country likely would be second rate, a duplicate of the mainstream program but with less resources. Accordingly, we think that all of the offices and bureaus of the new Department should have a role in protecting the environment of Indian country. All of the Assistant Secretaries should be charged with ensuring that the offices and bureaus under their supervision develop programs specifically tailored to the implementation of federal environmental laws in Indian country. Therefore, we recommend that the Assistant Secretary for Indian Lands be given a mandate to initiate Department-wide activities to ensure that all of the Department's offices and bureaus are responsive to the needs of tribal governments and the Indian people. This mandate should be expressed in statutory language in the Findings section of S. 171 as a direction to the Secretary.

We also recommend that two other sections of S. 171, as presently worded, be amended to include references to Indian tribes. These are section 109, which would authorize grants to states and local governments for assistance in gathering environmental data, and section 305, which would establish advisory groups for a Commission on Improving Environmental Protection. In section 109, grants should be authorized to tribes as well as states and local governments. In section 305, tribal officials with experience in administering environmental protection programs should be represented on the advisory group, in addition to federal and state officials.

Again, on behalf of the Seminole Tribe of Florida, thank you for the opportunity to present our ideas on this very important legislation.

Sincerely,

HOBBS, STRAUS, DEAN &  
WILDER,  
(By) DEAN B. SUAGEE.

MENOMINEE INDIAN TRIBE  
OF WISCONSIN,  
Keshena, WI, March 16, 1993.

Senator JOHN MCCAIN,  
Vice Chairman, Senate Select Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: The Menominee Indian Tribe thanks you for the opportunity to comment on the language of the Senate Bill 171 to establish the Environmental Protection Agency as a Cabinet-Level Department of the Environment. I feel by integrating my suggestions the EPA can enhance relationships with our Tribal Government. Facilitat-

ing a floor amendment, before the full Senate, would strengthen the established structure the EPA and the Menominee Indian Tribe on government-to-government relations already in place.

Listed below are the changes the Menominee Indian Tribe encourages to S. 171 to improve the text:

1. Title I—Section 104. Assistant Secretaries. Page 7, line (19) insert after 10; "of which, at a minimum, (1) shall be responsible for coordination on Indian Lands."

2. Title I—Section 107. Office of the Inspector General. Page 13, line (22) insert after Department; "Indian Tribe."

3. Title I—Section 109. Grant and Contract Authority for Certain Activities. Page 17, line (14) insert after State, "Indian Tribes."

4. Title II—Section 201. International Energy Conference. Page 33, line (12) insert after all, "Indian Tribes."

5. Title III—Section 301. Establishment; Membership. Page 34, line (10) insert after organization, "and at a minimum, one (1) expert on Indian Lands."

6. Title III—Section 305. Advisory Groups. Page 36, line (23) insert after Agency, "Indian Tribe officials."

Thank you for the opportunity to provide dialogue on this salient legislation for the Menominee Indian Tribe.

Sincerely,

GLEN MILLER,  
Chairman.

MICCOSUKEE TRIBE OF INDIANS  
OF FLORIDA,  
Miami, FL, March 10, 1993.

Senator JOHN MCCAIN,  
Vice Chairman, Senate Indian Affairs Committee, 838 Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: Thank you for the opportunity to provide input on behalf of the Miccosukee Tribe of Indians of Florida regarding S. 171, legislation which, chiefly, would make the Environmental Protection Agency (EPA) a Cabinet-level department by establishing a Department of the Environment. We appreciate your efforts as the Vice-Chairman of the Senate Indian Affairs Committee, before which S. 171 is pending, to ensure that the organizational structure of the proposed new Department of the Environment will provide for the policy concerns of tribal governments to be addressed.

In our view, the structure that could most effectively begin to address tribal governmental concerns would be a provision for the appointment of an Assistant Secretary for Indian Lands. This Assistant Secretary position could be one of the ten Assistant Secretary positions already authorized under S. 171, but the bill should expressly provide that one Assistant Secretary will have overall responsibility for Indian Lands. We think that an Assistant Secretary for Indian Lands is needed because for most of the last two decades, the implementation of federal environmental laws in Indian Country was simply not a priority for the federal government. While Congress began to correct this several years ago by amending some of the federal laws to authorize tribes to be treated as states for purposes of helping to carry out the federal laws, it will take many years to make up for past neglect.

The appointment of an Assistant Secretary for Indian Lands should not limit the responsibilities of the other Assistant Secretaries to ensure that offices and bureaus under their supervision carry out federal environmental laws in Indian country. The same range of environmental problems exist in In-

dian country as in the rest of the country, and thus we think that all of the offices and bureaus of the new Department should have a role in protecting the environment of Indian country. If the Assistant Secretary for Indian Lands were charged with the responsibility for directly overseeing the administration of all federal environmental laws in Indian country, we are afraid that the new Department's program for Indian country would be stretched too thin and would be a second-rate effort.

For these reasons, we believe that an Assistant Secretary for Indian Lands should be given a mandate to initiate Department-wide activities to ensure that all of the Department's offices and bureaus are responsive to the needs of tribal governments and the Indian people. This mandate should be expressed in statutory language as a direction to the Secretary. Language stating such an objective should be added to the Findings section of S. 171.

Two other sections of S. 171 as presently worded should be amended to include references to Indian tribes. These are section 109, which would authorize grants to states and local governments for assistance in gathering environmental data, and section 305, which would establish advisory groups for a Commission on Improving Environmental Protection. In section 109, grants should be authorized to tribes as well as states and local governments. In section 305, tribal officials with experience in administering environmental protection programs should be represented on the advisory group, in addition to federal and state officials.

Again, on behalf of the Miccosukee Tribe of Indians of Florida, thank you for the opportunity to present our ideas on this legislation, and for your efforts to make certain that the voices and concerns of tribal governments are represented in a new Department of the Environment.

Sincerely,

BILLY CYPRESS,  
Tribal Chairman.

COUNCIL ANNETTE ISLANDS RESERVE, METLAKATLA INDIAN COMMUNITY,

Metlakatla, AK, March 8, 1993.

Hon. JOHN MCCAIN,  
Vice Chairman, Senate Select Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: This letter is to provide the views of the Metlakatla Indian Community of the Annette Islands Reservation, Alaska on the captioned legislation.

We encourage the effort to have the legislation include a structure in the Department of the Environment to improve the agency's relationship with tribal governments. We suggest the appointment of an Assistant Secretary for Indian Lands in the new department.

We note that the bill as introduced contains no reference to tribes or Alaska Native villages in Section 104, Section 109 and Section 305 and urge that the final legislation contain such reference.

We appreciate the opportunity of providing tribal input.

Sincerely yours,

VICTOR C. WELLINGTON, Sr.,  
Acting Mayor.

MANDAN, HIDATSA, & ARIKARA NATION, FORT BERTHOLD INDIAN RESERVATION,

New Town, ND, March 24, 1993.

CAROL BROWNER,

EPA Administrator, U.S. Environmental Protection Agency, Washington, DC.

DEAR MS. BROWNER: The Three Affiliated Tribes of North Dakota have been utilizing federal funding for environmental programs since 1981. During this time the Tribe has developed a very comprehensive, structured and viable Environmental Program to protect the quality of the Fort Berthold Indian Reservations' environment which is comprised of 986,000 acres and is home to the Mandan, Hidatsa and Arikara Tribes. The main industries operating in the area are agricultural or oil and coal related.

Presently the Environmental Division consists of an Air Monitoring, Pesticide Enforcement, Radon, 106 Water Quality, 319 Nonpoint Source, Water Resources, Solid Waste, and Geographical Information Systems Program. The tribal GIS Program, which has stand alone capabilities, is currently developing watershed delineation, vulnerability mapping and utilizing a Global Positioning System (GPS) to enter pollution sources onto the GIS System. The Division has a current staff compliment of eleven people, four of which have hard science degrees.

The Tribes have established by resolution a Solid Waste Code, Pesticide Code, Hazardous Substances Control Act, Emergency Pollution Control Ordinance and an Administrative Procedure Act. These ordinances enhance the Tribes' authority to regulate activities affecting the quality of the Reservation environment and to protect human health and welfare.

The Tribal Administrative Procedure Act will ensure that tribal environmental programs will be implemented in compliance with tribal law and basic principles of common sense, justice and fairness.

The Tribes have also completed a four year Water Resource Assessment of the Reservation in conjunction with the USGS, have performed a Point Source Inventory, two Nonpoint Source Inventories, one Emissions Inventory and have begun a Radon Study of the Reservation.

Scientific studies have proven that both the non Indian and the Indian populations of the Fort Berthold Indian Reservation are possibly at risk of certain health ailments. Fort Berthold has one of the highest cancer rates in the nation. Studies have revealed pesticides in our streams, aquifers and Lake Sakakawea where water intakes are located that service many of our communities. Industrial waste has also been detected in two of our aquifers and arsenic in the Lake. Our Air Monitoring Program has recorded consistently increasing levels of sulfur dioxide in the air, and we have recorded very high radon readings in certain segments of the Reservation (glacial till areas containing granitic rock).

Studies have also revealed that we are underlain by vast fields of coal and substantial geologic oil and natural gas traps. Major air pollution sources between ten and forty miles from the Reservation include six coal fired power plants, one colossal coal gasification plant (which was fined one million dollars by EPA), extensive oil fields (which flare sour gas) and four natural gas refineries. Oil fields also produce hazardous waste in drilling muds are a source of the carcinogen, benzene and extract salt which can contaminate valuable aquifers.

The Tribes' Environmental Program is consistent with the United States Environ-

mental Requirements of Federal and Tribal Law. The Tribes' special environmental legal counsel—Stoel, Rives, Boley, Jones and Grey—in carrying out this plan, shall allocate sufficient funds from the annual appropriation to achieve substantial completion of the plan.

If you have any questions, please contact the Tribes' Environmental Division Coordinator, Kyle Baker at (701) 627-4569.

Sincerely,

WILBUR D. WILKINSON,  
Tribal Chairman.

COUNCIL OF ENERGY RESOURCE TRIBES,  
Denver, CO, March 1, 1993.

Hon. JOHN MCCAIN,  
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: Thank you for requesting our views concerning the protection of Indian lands under S.171, a bill to elevate the Environmental Protection Agency to the cabinet level and rename it the Department of the Environment. We share your concern that S.171 does not provide addressing Indian lands nor for carrying out its intergovernmental responsibilities with Indian tribes.

As part of a comprehensive overview of energy, economic and environmental policies, we propose an Office of Tribal Programs be established, funded by an Indian set-aside and administered by an Assistant Secretary. The fuller text of our views is attached. We have all been frustrated by the slowness of EPA in implementing its Indian Policy.

I would be happy to provide any additional information you may need.

Sincerely,

A. DAVID LESTER,  
Executive Director.

#### TRIBES AND PUBLIC POLICY

It is almost impossible for other Americans to comprehend the degree to which federal policy affects Indians and our Tribal governments. The intimacy of the relationship has no equal in the experience of states and their political subdivisions. Thus when changes occur in federal policies or programs, Indians often experience exaggerated impacts. The last major changes in federal Indian programs occurred early in the Reagan-Bush years. In 1981, federal aid was slashed by more than 33%. This created hardships for Tribal governments and severe economic and social dislocations for people living in our communities. Indian expectations for the Clinton presidency are high. We expect a new sensitivity to our diversity. We expect new understanding of our rights and the importance we place on the exercise of Tribal sovereignty. We expect equity and fairness with respect to our water, energy and other trust resources. We anticipate targeted support for Indian social and economic progress that respects our values and priorities. History has taught us that good intentions are not substitute for sound policy, wisely implemented. So in our excitement of raised expectations, it is worthwhile to reflect on the Tribal-federal protocols that have been learned from an often stormy past.

First among these protocols is federal flexibility. The particular social, economic, political and cultural realities of each Tribe require special effort to tailor programs to specific facts if we are to achieve the policy goals of self-government, social progress and economic growth. Federal rigidity is a recipe for conflict, frustration and failure that no one can afford; least of all Indian peoples.

The second protocol flows from the first; that a solution or settlement worked out consensually with one Tribe does not rep-

resent a model—and certainly not a strait-jacket—to which other Tribes must adhere to obtain settlement or resolution. This is as true in community-based health promotion and disease prevention as it is for Indian water settlements or energy development agreements. Tribes were created by a Higher Authority long before the factory concepts of standardized parts became fashionable. It seems that a Higher Authority placed little value in federal administrative convenience, while endowing all peoples with an inextinguishable will to be who they are and a striving to develop according to their sacred values.

The corollary to this second protocol is that the federal-Tribal political relationship is bilateral. While Tribes are willing to work within a framework of general Indian policy and programs, they will not submit to being treated as if they are nothing more than administrative extensions of the federal programs that they are "allowed" to operate. This protocol is called the government-to-government relationship.

Finally, the bedrock protocol. Indian Tribal governments share with the states and the American central government the burdens of sovereignty. Tribes are the third sovereign and help form the fabric of governance in the United States. Tribes are not creatures of federal invention nor are Tribes political subdivisions of states. Tribal self-governance predates both by quite a few millennia. Tribal Sovereignty is the first principle of Tribal-federal relationships.

#### INDIAN ENVIRONMENTAL POLICY

Building upon the three protocols of the Tribal-federal relationship and the Indian Policy of the Environmental Protection Agency, we now turn to Tribal environmental policy issues. The energy resource owning Tribes seek to protect our environmental values, our lands and our sovereignty. We seek to extend the benefits of national environmental protection law to Indian lands in a manner that is respectful and reflective of each Tribes' rights, priorities and culture. We do not view protection and development as polarized, mutually exclusive values. Rather, we view both as moral imperatives that define a pathway for each Tribe to be and to become as guided by its vision.

#### ENVIRONMENTAL PROTECTION AGENCY (EPA)

In the mid-1980s, EPA promulgated a comprehensive Indian policy and committed itself to an enlightened approach in working with Indian Tribes. EPA pledged an honest effort throughout its operations to remove barriers and proactively include Indian Tribes in its programs. The policy is sound, but the promise remains unfulfilled.

The policy is an important foundation for protecting Indian lands. To build upon and bring EPA actions in congruence with its Indian policy, we offer the following recommendations.

The energy resource owning Tribes recommend that EPA reaffirms its Indian policy and develop implementation strategies in consultation with Tribes for FY 94 and subsequent years.

*Rationale:* The reaffirmation of the EPA Indian Policy, while largely symbolic, is important because it sets forth the Agency's commitment to Indian Tribes.

The development of a multi-year implementation strategy is necessary for consistent application of the policy within EPA programs and regional offices. The cause of Indian environmental protection is very compelling. Many EPA personnel are highly mo-

tivated; if this were not so, we would not have achieved the progress to date. But, individual subjectivity in policy implementation is no substitute for institutional commitment, particularly when it comes to the hard issues of allocation of scarce program resources.

The energy resource owning Tribes recommend that EPA create an Office of Indian Tribal Programs.

*Rationale:* The treatment by EPA of Tribes as states is an innovative and enlightened approach for recognizing the sovereignty and governmental responsibilities of Tribes in the national environmental regulatory arena. But even the uninformed can easily see that Tribes are not states. While Tribes have power over their jurisdiction that parallel state authority over non-Indian lands in the state, Indian Tribes and states have significant legal, political, economic and cultural differences. And, each has a different constitutional and historical relationship to the American federal political system. Tribes require a non-categorical integrated approach to environmental programs. These programs operate in cultural and institutional settings very different from those of states. Therefore, EPA's Indian programs cannot be appendages to its state delivery system.

We recommend that EPA allocate funds to support regional Tribal Environmental Councils for each EPA region serving Indian Tribes. And, that EPA provide financial support for the National Tribal Environmental Council (NTEC).

*Rationale:* The protocols of EPA-Tribal relationships require great efforts on the part of EPA and each Indian Tribe. The national and regional Tribal Environmental Councils could serve to improve the effectiveness and efficiency between Tribes and the EPA. These multi-Tribal environmental organizations would parallel similar EPA-supported environmental associations of state governments.

We further believe that a national and regional structure for Tribes could be valuable in reducing Tribal-state conflicts that arise within the U.S. system of shared sovereignty. Cooperation between states and Tribes could be expanded. Merely creating Indian advisory bodies made up of individuals, or including a few Indians in state groups, ignores the protocols for effective working relationships with Indian Tribes.

We recommend creating a 3% Indian set-aside for funding Tribal environmental protection programs.

*Rationale:* Indian Tribes became eligible to participate in EPA programs nearly twenty years after the enactment of major environmental statutes. As a result, they have been denied participation in the early environmental capacity-building EPA programs. Among those EPA programs from which states benefitted, but are no longer available to benefit Indian Tribes are: education and training programs; institutional development, equipment and facilities; baseline data and assessments, research and development of technologies pertinent to state prevention and remediation priorities; and major public works grants programs for environmental infrastructure such as water treatment plants.

Until the Tribes convinced Congress to adopt Indian provisions in the environmental statutes beginning in the mid-1980s, Indian lands were in a strange limbo. Statutes, such as the Safe Drinking Water Act, are clearly intended by Congress to cover all of the United States. The enforcement pattern was to be respectful of the federal system of

shared sovereignty with states. But, states lacked jurisdiction over Tribes. Neither the Bureau of Indian Affairs (BIA) nor the Indian Health Service (IHS) in the Department of Health and Human Services (DHHS) has enforcement authority. EPA was not given specific regulatory powers over Indian lands and no authority delegated powers of Tribal governments.

It is this serious defect that we want to cure with this recommendation: to provide EPA with sufficient resources and a delivery system to assist Tribes in developing their ability to regulate and enforce compliance of federal standards (or higher Tribal Standards) as they undertake the development of their economies. Experience clearly indicates that given program flexibility through an Indian EPA programs delivery system, Tribes will acquire the capability of extending environmental quality over our lands equitably and fairly.

The energy resources owning tribes recommend the Superfund be made accessible to Indian Tribes by establishing criteria for Indian lands equivalent to that for non-Indian lands.

*Rationale:* Indian lands have been seen by many irresponsible persons as a safe place to dump or otherwise violate our land's environmental integrity. Since we have not enjoyed protection by any enforcement agency, we have an abundance of sites that warrant characterization and remediation. Criteria for prioritization on the Superfund List works in a discriminatory fashion against Indian lands. The assessments of cost-benefit and risk analysis are designed to address and urbanized country and ignore rural low population areas.

Indian Tribes are separate peoples. A Tribe whose lands and population seem small is endangered by pollution to a high degree. That is, a higher percent of both people and lands is affected. But, by current standards the Tribe and its lands rank too low for national listing and, therefore, remediation.

A more equitable approach would be to develop criteria that measure risk on a Tribe scale. This would result in addressing the highest threats to Tribes as is done for other U.S. jurisdictions.

We recommend that in the Office of Indian Tribal Programs a special regulatory and enforcement unit be established to support local Tribal regulatory enforcement authority.

*Rationale:* One of the inequitable features of Tribal governmental powers that distinguishes us from states is the enforcement powers of Tribes over non-Indians, corporations, state and federal activities. This is particularly so when it comes to protecting our environment. Tribes do not have criminal jurisdiction in any case and have limited sanctions in all cases. Additionally, Tribes do not have the resources to develop the facts and evidence in highly complex sciences or to establish the linkages to the health and public safety of those who live and do business within Tribal jurisdictions. This is particularly problematic when the polluter is a federal agency, utility or other entity whose presence is to serve the Tribe. The present Office of Federal Activities (OFA) is unable, given its resources, to perform this support function. A special unit designed to operate within established Indian Law in support of Tribal enforcement activities is needed to bring the level of enforcement, and the authority to do so, up to parity with that of other American jurisdictions.

We recommend that in the Office of Indian Tribal Programs a special division of re-

search, technology and technology transfer be established to support the long-term development of technology for Indian environmental protection.

*Rationale:* The continuation of technological progress is at least as important to Indian Tribes as to states and cities. To make this possible, an organized effort led by EPA is vital. In addition to bringing technological innovation to Tribes, this special unit should make Tribal technology available to states and their rural communities. A special focus for this unit will be technology for developing countries opening access to new foreign technology, but more importantly, to supply the technological needs of developing rural third world peoples.

And finally, we recommend that a division for education and training be established in the Office of Indian Tribal Programs.

*Rationale:* No past federal failure in Indian Affairs equals that in Indian education. No greater opportunity exists for gains in achieving the ends of EPA Indian Policy than an aggressive education and training program integrated into each Tribe's specific capability development plan.

LOWER ELWHA TRIBAL COUNCIL,  
Port Angeles, WA, March 3, 1993.

Senator JOHN MCCAIN,  
Senate Select Committee on Indian Affairs, Senate Hart Building, Washington, DC.

DEAR SENATOR MCCAIN: The Lower Elwha S'Klallam Tribe understands that the Senate is considering S. 171, a bill to establish a Department of the Environment. During your deliberations, we urge you to consider including provisions to establish the position of Assistant Secretary for Indian Lands or Indian Programs.

The unique jurisdictional concerns and governmental needs of Indian country require an advocate at the policy level. Tribes confront extreme difficulty in resolving environmental quality issues due to the conflicting roles played by the EPA, the Bureau of Indian Affairs and the Indian Health Service. In addition, the past serious lack of attention by the Federal government to the complex environmental regulatory and enforcement scenario facing Tribal governments compounds future discussions within the department.

An Assistant Secretary for Indian Lands within a Department of the Environment would be able to respond to these and other issues. For example, an Assistant Secretary for Indian Lands could deal as a co-equal with the Assistant Secretary of Indian Affairs within the Department of the Interior and with the Director of the Indian Health Service within the Department of Health and Human Service to resolve any conflicts over appropriate roles and missions. Moreover, instead of fragmented and possibly duplicative efforts directed at Tribal issues from various EPA programs and divisions, centralizing the focus of the Department's delivery of assistance to Indian country would allow more and better resources to be delivered.

We hope that you and other members of the Select Committee on Indian Affairs will advocate for an Assistant Secretary for Indian Lands within a much needed Department of the Environment.

Sincerely,  
CARLA J. ELOFSON,  
Chairperson.

ALL INDIAN PUEBLO COUNCIL,  
Albuquerque, NM, March 2, 1993.

Senator JOHN MCCAIN,  
Vice Chairman, Senate Select Committee on  
Indian Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: Thank you for your inquiry regarding the establishment of an Indian Office in the Environmental Protection Agency. We certainly feel strongly about establishing an office such as Assistant Secretary for Indian Lands for purposes of advising the Administrator and hopefully soon, Secretary, about Indian issues and concerns. While, in our experiences with EPA, Dallas Regional Office, and the headquarters office in Washington, DC., has been cooperative, it is mainly advisory. By having an Indian Office at the highest level within the Agency would be more beneficial for Indian interests and purposes because such an office would convey information and advice from within.

As you well know, States have no authority over Indian reservations and consequently are guarded against sharing funds to Indian tribes for environmental purposes. It is our belief that by the establishment of a small but necessary Indian arm in EPA would be a great improvement on the present situation.

Enclosed is a letter the nineteen Pueblos had recommended to the Clinton Transition Team. It reflects a broader concept that would consolidate Indian activities in one department which we think is a more appropriate and effective way than the scatter-gun approach presently in place and would benefit the Indians more adequately.

Again, thank you for seeking our advise.  
Sincerely,

JAMES S. HENA,  
Chairman.

THE MINNESOTA CHIPPEWA TRIBE,  
Cass Lake, MN, March 5, 1993.

Hon. JOHN MCCAIN,  
U.S. Senate, Select Committee on Indian Affairs,  
Hart Senate Office Building, Washington  
DC.

DEAR SENATOR MCCAIN: I am writing to express the support of the Minnesota Chippewa Tribe for Senate Bill 171, the law which would elevate the Administrator of the United States Environmental Protection Agency to the President's Cabinet. A Secretary for the Department of the Environment will undoubtedly help the United States Government to better focus its energy in meeting current and future environmental challenges.

Along with our support for S. 171, I also want to express the Tribe's strong desire for Congress to put language into this law which mandates the establishment of an Assistant Secretary for Indian Lands. An Assistant Secretary for Indian Lands would help to concentrate the USEPA's effort to assist Tribes in their development of environmental regulatory programs, a long sought objective.

Thank you for your past support of Tribal Governments. Please let me know if I or my staff may further assist in the passage of S. 171.

Sincerely,

DARRELL WADENA,  
President.

NATIONAL TRIBAL ENVIRONMENTAL  
COUNCIL,  
Albuquerque, NM, March 10, 1993.

Hon. Senator JOHN MCCAIN,  
Vice Chairman, Committee on Indian Affairs,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for requesting the views of the National Tribal Environmental Council [NTEC] on legislation that would elevate the Environmental Protection Agency (EPA) to a cabinet level Department of the Environment. In particular, your letter directs our attention to the issue of lack of Indian input at the policy making levels of EPA and by extension, the new Department. It is a matter of serious concern to us.

We support the idea of establishing a policy level position for tribes in the new Department. However, we do not embrace whether it would be more appropriate to establish an Assistant Secretary for Indian Lands or an Office of Indian Lands within the office of the Secretary. We do believe that whatever position is established that it be at a sufficiently high level to address the range of concerns facing Indian tribal governments. The position should assist the Department in addressing its responsibilities on Indian lands in the areas of program development, adequate funding, multi-media program development, and the provision of support and technical assistance to tribal governments in the development of much needed environmental programs. In short, either position should assist the Department to fully implement the EPA 1984 Indian Policy Statement and accompanying Implementation Guidance.

For the past twenty-two (22) years EPA has devoted billions of dollars from the Congress to address the health and environmental integrity of the Nation's people and resources. These dollars have been used to establish and support on-going environmental programs in every setting except on Indian lands. It is our belief that the failure of EPA to fulfill its obligations to Indian people and tribal governments is in large degree a direct result of the failure to have a consistent and credible voice for Indian interests at the policy levels of the Agency.

We earnestly support the suggestion that the new Department of the Environment have a policy level position. But irrespective of whether such a new Department should come to pass, it is extremely important that the issue of an appropriate voice within the environmental agency be addressed.

Finally, we would like to thank you for your support to increase federal funding to assist tribal governments in the 102d Congress. However, we would like to stress that even if a policy position is established there must be substantial increases in federal funding to develop environmental programs on Indian lands.

Thank you for your interest in our views. If you have any questions please feel free to contact me.

Sincerely,

SAMUAL L. WINDER,  
Executive Director.

LOWER ELWAH TRIBAL COUNCIL,  
Port Angeles, WA, April 27, 1993.

Hon. PATTY MURRAY,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR MURRAY: The Lower Elwha Klallam Tribe supports the elevation of the Environmental Protection Agency to a Cabinet level Department. We urge you to sup-

port S. 171, and to support Senator McCain's amendment to establish within the new Department of the Environment an Assistant Secretary for Indian Affairs. This amendment could substantially help to bring better coordination and increased attention and funding to the environmental protection of Indian lands. We also urge you to support an amendment to set aside 3% of the EPA budget for Indian environmental protection, as Indian lands represent 3% of the total U.S. land base.

Environmental problems on Indian lands in the United States are complex, widespread, and serious. They require both attention and funding, which will be aided through a permanent high-ranking presence at the policy-making level, and a budget that is proportional to the Indian land base. Indian lands contain many unique and valuable cultural and natural resources that must be maintained and protected. We in the Pacific Northwest are particularly fortunate to live in such a rich and varied environment. The Lower Elwha Klallam Tribe ardently supports environmental protection measures and hopes to see increasing amounts of attention and recognition devoted to environmental issues, particularly on Indian land.

Again, we strongly request your support of S. 171 and the Indian Amendments.

Sincerely,

BEVERLY J. BENNETT,  
Tribal Vice-Chairperson.

WARM SPRINGS, OR,  
April 27, 1993.

Hon. BOB PACKWOOD,  
Russell Senate Office Building, U.S. Senate,  
Washington, DC.

HONORABLE PACKWOOD: On behalf of the Confederated Tribe of the Warm Springs Indian Reservation of Oregon, I am writing to urge you support for an amendment by Senator McCain to establish an Assistant Secretary for Indian Lands within a new cabinet level environmental department. Legislation to create the new environmental department, S. 171, is expected to come up on the Senate floor in the very near future.

An Assistant Secretary for Indian Lands in an environmental department would elevate consideration of Indian issues in that department, help fulfill the federal trust responsibility to Indian Lands, coordinate environmental policies applying to Indian Lands, and provide tribes with "one stop shopping" within the new department.

It is also our understanding that another amendment is being contemplated to establish a 3% tribal set-aside out of all funding for the environmental department, corresponding with the 3% that Indian lands make up of the U.S. land base. Should such an amendment arise, we hope you would support that as well.

Any support you can give these amendments would be greatly appreciated.

Sincerely,

RAYMOND F. CALICA, Sr.,  
Chairman, Tribal Council.

THE NAVAJO NATION,  
Window Rock, AZ, March 23, 1993.

Senator JOHN MCCAIN,  
Vice Chairman, Senate Committee on Indian Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: The Navajo Nation understands that the Senate is considering S. 171, a bill to elevate the Environmental Protection Agency to the President's Cabinet and to rename it as the Department of the Environment.

The Navajo Nation fully supports and endorses this bill but would go further and re-

quest that the bill not leave out a substantial portion of this country's land mass and population uncovered by appropriate environmental protection programs on Indian lands. The Navajo Nation would support the creation of an Assistant Secretary or a comparable position to oversee the tribal needs and concerns at the highest policy-making level within the Agency.

In the past, there have been Special Assistants to the Administrator created to help further the progress of tribal environmental infrastructure development but all to little or no avail.

Therefore, it is the Navajo Nation's position that the bill include an Assistant Secretary for Indian Lands and that a Native American be appointed to this important position.

Thank you for the opportunity to comment.

Sincerely,

PETERSON ZAH,  
President.

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

The PRESIDING OFFICER. Without objection, the time will be charged equally to both sides, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. 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. GLENN. Mr. President, I yield back all time. I believe I have the only remaining time.

I move to table the amendment and 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 New Jersey [Mr. BRADLEY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Texas [Mr. KRUEGER], and the Senator from Tennessee [Mr. SASSER], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

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

The result was announced—yeas 16, nays 79, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—16

Breaux	Heflin	Moynihan
Byrd	Johnston	Robb
Chafee	Lautenberg	Rockefeller
Feinstein	Levin	Shelby
Glenn	Metzenbaum	
Graham	Moseley-Braun	

NAYS—79

Akaka	Bond	Bumpers
Baucus	Boren	Burns
Bennett	Boxer	Campbell
Biden	Brown	Coats
Bingaman	Bryan	Cochran

Cohen	Hatfield	Nickles
Conrad	Helms	Nunn
Coverdell	Inouye	Packwood
Craig	Jeffords	Pell
D'Amato	Kassebaum	Pressler
Danforth	Kempthorne	Pryor
Daschle	Kennedy	Reid
DeConcini	Kerrey	Riegle
Ford	Kerry	Roth
Dole	Kohl	Sarbanes
Domenici	Leahy	Simon
Dorgan	Lieberman	Simpson
Durenberger	Lott	Smith
Exon	Lugar	Specter
Feingold	Mack	Stevens
Ford	Mathews	Thurmond
Gorton	McCain	Wallop
Gramm	McConnell	Warner
Grassley	Mikulski	Wellstone
Gregg	Mitchell	Wofford
Harkin	Murkowski	
Hatch	Murray	

NOT VOTING—5

Bradley	Hollings	Sasser
Faircloth	Krueger	

So the motion to lay on the table the amendment (No. 327) was rejected.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to vitiate the yeas and nays that were called for on this amendment and ask for a voice vote.

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

The question is on agreeing to the amendment of the Senator from Arizona [Mr. MCCAIN].

The amendment (No. 327) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I believe the agreement that was agreed to earlier by both sides was the next amendment up would be the Nickles amendment regarding the Economic and Employment Impact Act, with a 2-hour time limit, evenly divided; is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Oklahoma is recognized.

AMENDMENT NO. 329

(Purpose: To require analysis and estimates of the likely impact of Federal legislation and regulations upon the private sector and State and local governments, and for other purposes)

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 assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mr. REID, Mr. MURKOWSKI, Mr. MCCAIN, Mr. BOND, Mr. MCCONNELL, Mr. HELMS, Mr. GORTON, Mr. COATS, Mr. FAIRCLOTH, Mr. GREGG, Mr. WALLOP, Mr. BURNS, Mr. SHELBY, Mr. COCHRAN, Mr. SIMPSON, Mr. GRAMM, Mr. SMITH, Mr.

KEMPTHORNE, Mr. CRAIG, and Mr. D'AMATO, proposes an amendment numbered 329.

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:

At the end of the bill add the following:

SEC. . ECONOMIC AND EMPLOYMENT IMPACT ACT.

(a) SHORT TITLE.—This section may be cited as the "Economic and Employment Impact Act".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—The Congress finds that—

(A) Federal regulation is projected to cost as much as \$688,000,000,000 by the year 2000;

(B) the 1992 United States merchandise trade deficit was \$84,300,000,000;

(C) excessive Federal regulation and mandates increase the cost of doing business and thus hinder economic growth and employment opportunities; and

(D) State and local governments are forced to absorb the cost of unfunded Federal mandates.

(2) PURPOSE.—The purpose of this section is to—

(A) ensure that the American people are fully apprised of the impact of Federal legislative and regulatory activity on economic growth and employment;

(B) require both the Congress and the executive branch to acknowledge and to take responsibility for the fiscal and economic effects of legislative and regulatory actions and activities;

(C) to provide a means to ensure congressional or executive branch action is focused on enhancing economic growth and providing increasing job opportunities for Americans; and

(D) to protect against congressional or executive branch action which hinders economic growth or eliminates jobs for the American people.

(c) ECONOMIC AND EMPLOYMENT IMPACT STATEMENTS.—

(1) PREPARATION.—The Comptroller General of the United States shall prepare an economic and employment impact statement, as described in paragraph (2), to accompany each bill, resolution, or conference report reported by any committee of the House of Representatives or the Senate or considered on the floor of either House.

(2) CONTENTS.—Except as provided in paragraph (3), the economic and employment impact statement required by paragraph (1) shall—

(A) state the extent to which enactment of the bill, resolution, or conference report would result in increased costs to the private sector, individuals, or State and local governments; and

(B) include, at a minimum, a detailed assessment of the annual impact both positive and negative of the bill, resolution, or conference report (projected annually over a 5-year period from its effective date, and, to the extent feasible, expressed in each case in monetary terms) on—

(i) costs and benefits to United States consumers;

(ii) costs to and benefits to United States business;

(iii) national employment, direct and indirect;

(iv) the ability of United States industries to compete internationally;

(v) affected State and local governments, fiscal and otherwise; (as reported by the Congressional Budget Office);

(vi) outlays and revenues by the Federal Government as compared to outlays and revenues for the same activity in the current fiscal year (as reported by the Congressional Budget Office); and

(vii) impact on Gross Domestic Product.

(3) EXCEPTION.—The economic and employment impact statement required by paragraph (1) may consist of a brief summary assessment in lieu of the detailed assessment set forth in paragraph (2) if preliminary analysis indicates that the aggregate effect of the bill, resolution, or conference report as measured by the criteria set forth in paragraph (2)(B) is less than \$100,000,000 or 10,000 jobs in national employment.

(4) STATEMENT WITH ALL LEGISLATION.—The economic and employment impact statement required by this subsection shall accompany each bill, resolution, or conference report before such bill, resolution, or conference report may be reported or otherwise considered on the floor of either House.

(d) POINT OF ORDER IN HOUSE OR SENATE.—

(1) RULE.—It shall not be in order in either the House of Representatives or the Senate to consider on the floor any bill, resolution, or conference report, whether or not reported by any committee of the House of Representatives or the Senate, unless that bill, resolution, or conference report includes the economic and employment impact statement required by subsection (c).

(2) WAIVER.—A point of order made under this subsection may be waived in the Senate by a three-fifths affirmative vote of Senators, duly chosen and sworn, and in the House of Representatives by a three-fifths affirmative vote of Members, duly chosen and sworn.

(e) EXECUTIVE REGULATIONS.—Each regulation and proposed regulation promulgated by a Federal department or executive agency shall be accompanied by an economic and employment impact statement prepared, in accordance with subsection (c)(2), by the department or agency promulgating the regulation or proposed regulation. The economic and employment impact statement shall be published in the Federal Register together with such regulation or proposed rule-making.

(f) PROVISION FOR NATIONAL SECURITY EMERGENCY WAIVER.—

(1) CONGRESSIONAL ECONOMIC IMPACT STATEMENTS.—The Congress may waive the requirements of subsection (c) at any time in which a declaration of war is in effect, or in response to a national security emergency at the request of the President.

(2) EXECUTIVE REGULATIONS.—The President may waive the requirements of subsection (e) at any time in which a declaration of war is in effect, or in response to a national security emergency as determined by the President in consultation with Congress.

(g) EFFECTIVE DATE.—This section shall take effect 30 days after the date of enactment of this Act and shall not apply to this Act.

Mr. NICKLES. Mr. President, the amendment that I send to the desk on behalf of myself, Senator REID, Senator MURKOWSKI, Senator MCCAIN, Senator BOND, Senator MCCONNELL, Senator HELMS, Senator GORTON, Senator COATS, Senator FAIRCLOTH, Senator GREGG, Senator WALLOP, Senator BURNS, Senator SHELBY, Senator COCHRAN, Senator SIMPSON, Senator PHIL GRAMM, Senator BOB SMITH, Senator DIRK KEMPTHORNE, Senator LARRY

CRAIG, and Senator AL D'AMATO is an amendment that says that before Congress passes any legislation we should pass an economic impact statement; we should know how much it is going to cost the economy; before any regulations that are promulgated by the administration become effective, we should know what its impact would be on the economy.

It is a very simple amendment. It is an amendment that is needed.

We have right now environmental impact statements. Before we proceed with construction or something, we now have an assessment to find out what harm, if any, it would do to the environment.

This amendment says, before Congress passes legislation, we should know what we are doing to the economy.

How many jobs will we cost? And we need to know if it helps the economy. We need to know that. Does it hurt the economy? This is information we will be seeking in this amendment.

Likewise with the administration, the cost of economic regulation is enormous. The cost of regulation today exceeds \$4,000 per household in the United States. That is an enormous cost. Think of that. The cost of economic regulation today exceeds \$4,000 per household. And the cost of regulation continues to explode.

So this legislation says, before Congress passes a bill or before an executive agency will pass a final regulation, we should know how much it will cost. How much will it cost the private sector? How much will it cost cities and counties and States to comply?

I know in my case, I had several small town mayors come in and visit me yesterday. They started talking about waste disposal sites and how much it would cost to comply. Frankly, they said they needed more time, it was going to cost a lot of money. The cost of garbage disposal, if it was not changed or postponed, would rise from something like \$6 a month to something like \$60 a month.

They are also aware and concerned about safe drinking water statutes that are on the books right now that require 25 minerals to be monitored. That number will increase to 200 minerals by the year 2000. We have the Resource Conservation Recovery Act. We have the Clean Water Act that deals with wetlands and a lot of other issues. I could go on and on. Increases in minimum wage—how many jobs will that cost? We should know.

We put in language in our bill, I would say de minimis language, that says if the total impact is less than \$100 million, or less than 10,000 jobs lost, we do not have to make this statement. But if we are talking about serious legislation, legislation that will cost over 10,000 jobs or cost the economy more than \$100 million we

should know it, Congress should know it, the executive branch should know it. We should acknowledge it. And maybe it will change the way we vote or the way the administration would carry forward in this proposal—maybe not. At least we would have the facts. At least we would not be able to sit back and say I do not know how that would be administered. I do not know how much it would cost. Gosh, that proposal had very good ideas. It sounded very good, but I had no idea it was going to cost people their jobs.

I can think of countless examples where Congress and/or the administration has had excellent ideas, very noble causes, but yet really did not realize the economic consequences of complying with the stated objectives.

So this is our intention. This is our goal. I do not think any Senator really should object to this legislation. This is good legislation. I will tell my colleagues, this is legislation supported by a multitude of organizations, cities, towns, States, by business organizations and others, that say at least: Congress, or administrative agency, know what the costs are, know what the ramifications are before you pass these regulations, before you pass these laws and make us comply, make the smaller entities raise taxes to comply.

Again, I think this is a very serious amendment. I hope my colleagues will concur. We have raised it on the floor of the Senate in the past. We have had generally supportive statements made by many of our colleagues. I think it is very appropriate and I am hopeful we will adopt this amendment today.

I also want to thank my friend and colleague from Nevada, Senator REID, who has worked with me on this legislation both in the drafting and organization of it. I welcome him as a principal cosponsor and hope my colleagues will follow his advice as well and pass this legislation today.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Parliamentary inquiry, is the time controlled by the Senator from Oklahoma? Will the Senator yield me 15 minutes?

Mr. NICKLES. I will be happy to yield the Senator 15 minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, there has been a lot of partisan bickering going on in these Chambers the last month or so. I want everyone today to recognize this is not a partisan amendment. The legislation, this amendment, is something the Senator from Oklahoma and I have worked on for a number of years, so I want to indicate this is not a partisan amendment. I refer this body to the other body. In fact, there is a similar piece of legislation now pending in the House of Representatives, H.R. 1295. The principal sponsor of that legislation is JAMES MORAN of Virginia.

Not only is he the prime sponsor of this bill, but as of today there are 54 other Democrats sponsoring this legislation, and 45 Republicans. This is an amendment that should be accepted.

Amplifying what the Senator from Oklahoma said, what this legislation would do—not to this bill, this legislation would become effective 30 days after the passage of this bill—but in fact what it would do is allow us, and the American public, when a piece of legislation comes before this body, to know the pricetag. We will know how much it would cost, not only for legislation but in the executive branch of Government we would also know what a regulation would cost the American people.

State and local governments complain all the time—we all hear it when we go back and meet with the county commissioners, the city commissioners, school board trustees—we always hear about their being stuck with Federal mandates. It happens all the time.

In fact it happens so often I thought it would be a good idea if we illustrated what has happened and how much more often it is now happening.

If we look at this chart we find from 1789 to 1959 we had 159 laws enacted, Federal laws that preempted State and local authority. So from this time, right to this time in history, we had the grand total of 159 Federal laws that preempted State and local laws.

From that time to now, that is from 1960 to 1989, we have had 255 laws, and the laws cover a number of different areas as indicated in this chart: Banking, civil rights, commerce. As you note as an example—civil rights, of course, right after the Civil War we had some civil rights legislation. Then we went a long period of time and had none. Then we had, during the last several decades, a spate of Federal laws that impacted on State and local laws. Then we go on through commerce, where we had a significant number of laws that impacted State and local governments, health and safety, the largest category, and then others including taxes, natural resources.

The point is during the last several decades there have been many, many things that have affected State and local government. Not only do we make these mandates burdensome, even when we offer monetary rewards, so to speak, to State and local governments, we many times renege. An example being with Federal-mandated legislation to require the education of the handicapped, something the Congress and the President, approximately 20 years ago, decided was the right thing to do. As we looked around the country we found the handicapped were being educated in one State a little bit, in another State a little bit, but generally not much at all. So the Federal Government said you must educate the

handicapped and that was the right thing to do.

They said it costs about 40 cents a dollar more to educate the handicapped, so we are going to give the States that money. What have we done since the legislation was passed? We are now down to about 5 cents from 40 cents, placing a tremendous burden on school districts throughout the country. We, the Federal Government, did not live up to what we said we would do.

That is an example of where we did offer some monetary support. Most of the time we do not offer anything. We just say: State, local government, we are passing this law and you take care of it any way you can. That is wrong. We need to get a handle on how we do this. And I think one way to do that is through this legislation.

People would no longer, in this body or the other body, be able to say I did not know—I did not know it would cost this much. We would know now.

Some blame the Republicans. Some blame the Democrats. And they are both right because it is everybody's fault.

The National Conference of State Legislators reported President Bush signed 20 bills into law in 1990 alone. That would cost State and local governments billions of dollars.

This is not a partisan issue, as indicated by the legislation that is a companion measure now pending in the House of Representatives. The ADA and the Clean Air Act were needed legislation, as are I think most of the bills we pass. The problem is that the private sector, as well as State and local governments, cannot afford all these things we think are good ideas. Mandates are financially strapping businesses, placing State governments in budget crunches all through this country.

We need to take a look at the regulations and the laws that we pass. We need to know the economic and employment ramifications of the laws and regulations that govern the people of this country. This is not a radical proposal. When I served in the State legislature, when we had a bill that came before us, we knew how much it would cost. Should we not on a Federal level know what it is going to cost the American public? Of course we should. It is a matter not only of good government but common sense.

We are not nitpicking. This legislation is not nitpicking, we are not grasping at straws because the legislation excludes impacts of less than \$100 million; \$100 million. We are not asking for a financial impact statement on something that has an impact of \$100 million, or that affects less than 100,000 jobs. That does not sound like we are nitpicking or grasping at straws. It appears that this is sensible, reasonable legislation, and is something that should have been in effect a long time.

There will be some who will say we already have them. I did not have a chance to return the call, but the Congressional Budget Office called and said, "On this financial impact statement, you required seven things. We already do two of them." Well, let us do all seven of them and let us do them where everyone who can read the English language can see clearly when we pass a bill of if a regulation is promulgated what it does to the American people. This amendment would ensure Congress, the administration, and taxpayers are fully aware of economic impact actions by the Federal Government.

In short, Mr. President, this legislation requires the General Accounting Office to prepare economic and employment impact statements to measure the cost to consumers, State and local governments, businesses, employment, the balance of trade as well as the overall impact on the gross domestic product, something which with the computer industry can be done and with a lot of ease.

I also would require similar statements, as I indicated, from Federal agencies on proposed regulations. According to the National Council of Elected County Executives, Medicaid costs last year to the States amounted to over \$38 billion, which is a fact. They estimate that by 1995, though, that environmental laws will cost State and local governments \$32—it is hard to say it—\$32 billion a year. These are two things we can expect in the future. Should we not, Mr. President, with added laws and regulations, know the additional impact of the laws we pass and the regulations that are promulgated by the executive branch of Government? The answer is, of course we should.

Mr. DORGAN. Will the Senator from Nevada yield?

Mr. REID. I will be happy to yield to my friend.

Mr. DORGAN. Mr. President, I am sorry to interrupt him. I think the idea that he and the Senator from Oklahoma propose is a worthy idea. Certainly, it does make sense for us when we impose mandates to understand the cost of those mandates and the cost of applying them. I want to make one point.

I hear State legislators and others, and State legislatures as a body, appeal to us not to impose mandates on them that are unfunded. Those same State legislators in recent years, including mine, as they have complained about unfunded mandates, have constructed a mechanism of provider taxes in order to milk the Federal system of billions and billions of dollars that they should not be receiving. They construct phony provider taxes for which they reimburse health care providers in order to milk the Medicaid system.

My only observation, as we discuss this, when we respond to local govern-

ments and to State legislatures, their cries about unfunded mandates, we say, yes, you have a point, but understand that we watch your behavior as well. And when you construct phony schemes, called provider taxes, to milk the Medicaid system and increase the Federal deficit by billions of dollars, then you ought to understand we are concerned about that. Responsibility runs both ways.

I make that point not because it relates to unfunded mandates, but because it relates to the behavior of each of these kinds of levels of governments in each body.

I just want to say I am sympathetic to what you are saying. I think you are proposing something that is worthy, but I wanted to make the other point as well. This runs both ways in government.

Mr. REID. Mr. President, I will respond to my friend from North Dakota who, by the way, we are fortunate now to have in this body. The Senator from North Dakota had a long and distinguished career in the other body of which he was a member on the Ways and Means Committee. That committee is the tax-writing committee of the other body and is involved in great detail about how we try to meet the different goals that are, in effect, forced upon the Ways and Means Committee. They have to come up with different ways to arrive at the budget figures, and you are also aware of what State governments have done.

My State did the same thing, but I suggest to my friend from North Dakota, and those others who are watching, that the State of Nevada, and I am sure the State of North Dakota, did it out of sheer desperation. They were laying on the ground gasping for air, principally because of many of the things that we have done: the runaway costs we have with health care and out of sheer desperation gasping for air needing one more breath. I recognize we have to send a message, and I think the colloquy between my friend and me will do that to State governments. I appreciate his comments.

Mr. President, as I have indicated, this legislation requires the GAO to prepare an economic impact statement. I have outlined what should be in that. It would require that on legislation and also regulations. We know the burdens that are placed upon States by virtue of things that we do. And I have listed a couple that account for about \$80 billion a year.

So it is about time we enact a mandate on Congress to force it to look at issues with the whole picture in mind. A vote for this amendment will provide the means to do that.

There was Executive Order 12291, issued in 1981 by President Reagan that called for agencies to produce a regulatory impact analysis and review to reduce the burdens of existing and fu-

ture regulations promulgated by the agencies. OMB would review these statements but not Congress.

My answer to that, and if somebody raises that as a defense to this amendment, I would say, where are they? It was a good idea, but its effectiveness is obviously questioned because very year we pass federally mandated bills of which we do not know the financial impact, and we should. There is a provision in the Budget Act that calls for cost estimates to State and local governments. I say to them, where are they? Perhaps a good idea, but the question I propound is, they are totally ineffective.

Until this legislation was prepared and I was working on it with my friend from Oklahoma, I did not know Executive Order 12291 existed. It must have been a waste of time. We did not know about it here. The American public did not know about it and, as far as that provision in the Budget Act that calls for cost estimates to State and local governments, we need to be on the firing line, not send something to State and local governments. If in fact they do, I doubt they do, but if they do, we need to know. Where are these estimates? Perhaps it was a good idea but totally ineffective and it was not done for the federally mandated things we have done recently. I voted for the Americans With Disabilities Act, but there is not a Member of this body who has not gone home and talked to small business people and large business people who have not been dumbfounded by the cost of this, the financial impact of how much it takes to implement this legislation.

I ask my friend from Oklahoma to yield to me another 5 minutes.

Mr. NICKLES. Mr. President, I yield to the Senator from Nevada 5 additional minutes.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Nevada has 5 minutes of additional time.

Mr. REID. So I say, Mr. President, that it is not a defense to say there is an Executive order that covers this. It is not a defense to say that the Budget Act calls for cost estimates. It has not worked. It has been totally ineffective. And we need to know, as I have indicated by this chart, of the many, many laws we pass which have impact on State and local governments, we need to know how much they cost. That is not asking too much.

It is legislation, I repeat, of the names that were read by my friend from Oklahoma, where there are only two Democrats on it. We introduced this quickly and perhaps it did not circulate enough. But with all the problems we have had on that side of the aisle and this side of the aisle recently, this is not a partisan issue. As I indicated, I repeat for the third time, there is a companion measure in the House of Representatives that has 55 Demo-

cratic cosponsors. I suggest that we vote for this legislation because it is a good amendment that would make our jobs more meaningful, and we would respond to the people of this country with the knowledge that, in anything we do, we know the financial impact.

I saw a quote recently from John Adams in a letter he wrote to his wife where he said, "I read my eyes out and can't read half enough. The more one reads, the more one sees the more one has to read." That is the way it is with the regulations and laws we pass. They just keep coming. We do not know the financial impact of them and we really should. It is the fair thing to do.

I yield the remainder of my time, since I did not use it all.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield the Senator from Alaska 5 minutes.

The PRESIDING OFFICER. The Senator from Alaska has 5 minutes.

Mr. MURKOWSKI. I thank the Chair and I thank my colleague.

Mr. President, I was originally going to propose a similar amendment under section 108 of this bill. That section creates the Bureau of Environment Statistics. The amendment would have required the Director of Environmental Statistics to file in the Federal Register an economic assessment of the financial impacts resulting from implementation of a proposed new regulation or a proposed new regulatory change including assessment of the total number of direct and indirect jobs to be gained or lost as a consequence of implementation.

But I have had the opportunity to join with my colleagues, Senator NICKLES and Senator REID, in introducing the amendment today. We have worked together. I am pleased to support the amendment, which both encompasses my previous proposal to require, Mr. President, the EPA to make an economic assessment of its regulations, and also requires every other Federal agency and the Congress to do the same.

Our new President is talking about jobs. This amendment simply requires the Government to tell us when new regulations will cost jobs. In other words, what is the impact on the job market?

It does not prohibit the Government from doing things like shutting down logging in the Northwest if it fears an endangered species, the spotted owl, is threatened. It simply requires the Government to let us know what the specific economic as well as environmental costs of implementing a regulation are. It also requires the Government to tell the public the costs of the new regulation as compared to the benefits of the regulation. This is just common sense, something we should have been doing all along.

When the Administrator of the Environmental Protection Agency, Carol

Browner, was asked at her confirmation hearing if probusiness environmentalist was an oxymoron, Ms. Browner stated, "Absolutely not."

The cost-benefit analysis should really be part of the rulemaking process.

The amendment does not pass judgment on the merits of any given regulation. It simply informs the public, Congress, and the Federal agencies, of the consequences of the proposed regulations before final decisions are made. It allows us to make sound, informed decisions at a time when the public is both demanding the protection of the environment and the creation of jobs.

Mr. President, so often we are left with the question of, well, was this what we intended to have happen as a consequence of legislative action taken within this body and formulated within our committees? So often we find, due to interpretation or some, perhaps, misdirected staff work or something else, it comes out different in application. It costs jobs.

The proposed amendment pending before this body would address the specifics with regard to jobs and cost. It is appropriate that we have that information in the decisionmaking process. I think all of us would agree, as we look at the necessity of regulatory authority and oversight, that it reflects a fulfillment of our environmental obligation relative to the costs that are passed on ultimately to the consumers, and the welfare associated with the creation of jobs. We have an environmental obligation; but, we also have an obligation to maintain an economy that is capable of supporting our environmental obligation.

So I urge my colleagues to look favorably on the pending amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Ohio.

Mr. GLENN. Mr. President, I do not know whether we could work something out on this or not. I am in great sympathy with the purpose of this amendment. We have not had a chance to really discuss this at length. But I, too, am aware of the difficulties that counties, municipalities, and others have with this. There is nothing that raises more complaints than Federal legislation that impacts on business or on local communities, and the Federal Government does not pick up the load on that. We do not send the money through to take care of it. So they are impacted.

So I really have a lot of sympathy for this. I have heard complaints from all levels of government at home in Ohio about this.

I am concerned about a couple of aspects, and at the appropriate time I might want to put in a quorum call and talk this over a little bit and see where we go with it.

But just a couple of comments. First, I am a little bit concerned that we are

creating another layer of bureaucracy here. We already have some of these same analyses that are supposed to be done, supposed to be, I say, by the whole legislative process. So we refer things to committee. And the committees then are supposed to look into the economic impact, the effect on counties and municipalities, different levels of government in our States, and the effects will vary widely from one State to another.

The executive branch, through the Office of Management and Budget Office of Regulation and Regulatory Affairs is once again supposed to look at these. ORRA requires regulatory agencies to perform cost-benefit analyses to assess economic and employment impacts. I think it is fair to say—and I do not want to get into a big hassle on the floor about the last administration unnecessarily—but some of these things that ORRA was supposed to be doing were undercut by the last administration so ORRA did not perform its function the way it was intended, the way we interpreted at least Executive Order 12291.

So I am a little bit hesitant about putting another level of control in here, another level of review, when we have the committee process here. We have CBO that can be called on to make these economic analyses, and they do do that. We then consider it again on the floor, and every time we have something come up on the floor we ask what impact does this have. And we try to make assessments.

The agencies are required to do an economic cost benefit analysis by Executive Order 12291. Now, if it is not being done properly, maybe we should make sure it does work properly and is not in effect bypassed, as it has been in recent years, rather than just putting another level of review on top of what is already there and is supposed to be working.

I do not know whether we could go ahead and accept this or pass it through and then have a committee hearing to try to bring a little more light to bear since we have not been able with our schedule to have a committee hearing on this yet even though it was submitted in January, I believe. Is that correct? It was submitted in January. We have not had a hearing on it yet, which I would be glad to do.

But what we are talking about is we have a requirement to look at the regulatory, economic, privacy, paperwork, cost impact, the whole works across the board. I do not know whether any estimate has been made as to whether GAO has sufficient funds to do this. I know we had a letter, when this was looked at last year, by GAO that they felt they did not have sufficient force to do this last year. GAO's budget, incidentally, was cut last year, I believe, by some \$75 million. So I think probably they are less able to accomplish this now than they were last year.

But what we are talking about is the legislation would duplicate and add to the current requirement that CBO analyze regulatory, economic, privacy, paperwork, and cost impact of each piece of legislation. The new layer of bureaucracy would in itself cost a considerable amount, which I do not have an estimate on. I do not know whether the sponsor of the bill has an estimate on how much it would cost to do this kind of analysis and do it at the level at which he wishes this to be done.

There are costs for all of the things we pass here, costs to consumers, U.S. business, to employment, to U.S. business' ability to compete internationally, costs to State and local governments, outlays, revenues, gross domestic product that all affect it. I agree with that. I am concerned about this. We have a lot of discussion about this back home in Ohio. But has there been any estimate run by GAO as to what it would cost to do the level of analysis that the sponsor of the amendment thinks should be done?

Mr. NICKLES. The answer is no. We do not have any affirmative statement from GAO on how much it might cost. I might mention, though, or remind my colleague that we put in a de minimis level. If the impact on the economy would be less than \$100 million or would impact in job loss of less than 10,000, then a study would not be required. So we are really only talking about the more significant pieces of regulatory legislation coming from the administration.

Mr. GLENN. I say to the distinguished Senator from Oklahoma that you have to run the analysis to make those determinations. So you cannot say it is going to cost more or less until you run the analysis first. That is what is going to cost. That is, is there any attempt also to, say, cut out some of it in order to save money and not just duplicate already existing systems that are in place? Is there any thought of doing away with CBO analysis or doing away with ORRA, or OMB's role which they have now? This would be another layer over those. Is that correct?

Mr. NICKLES. Let me respond by saying this: We debated amongst ourselves and others should this be done by the CBO or should it be done by the General Accounting Office? We decided to go with GAO because they have 5,000 employees. They have 72 economists. They have 2,000 evaluators who make economic determinations as well as other things. CBO has 226 employees. So GAO has the large budget. Their budget last year is \$429 million, which my colleague from Ohio—I am not meaning to debate—that was a \$3 million increase over the previous year. It might have been \$75 million less than requested. It is \$3 million over 1992. I might mention that the present administration, Clinton administration, has

requested an increase of \$56 million for 1994. That is a budget of \$485 million.

To answer the second part of the question, is it duplicative? Frankly, I do not think OMB has been making the determination on cost of regulations. I fault not just this present administration on OMB. I do not think it really was done in the last administration because the cost of regulation has exploded even during the eighties and particularly in the last 4 years.

So, as the Senator from Nevada said, this is not a partisan amendment. This is an amendment saying we need to get a grasp on the total cost of regulation and mandates that we are putting on cities, counties, States, and on the private sector as well.

Mr. GLENN. I respond, I do not disagree with the purpose of this at all. In fact, I am very supportive of the purpose of it. I am just concerned about the way we are doing it, whether we are putting another layer on the top and whether GAO has set up to handle this. They have a lot of people, but they have a lot of work also. This would almost dwarf their other efforts here if this were to pass and they could do all the exacting determination that is required by this piece of legislation.

They had requested an increase last year of some \$75 million. I think they were denied that. Were they cut? I believe the distinguished Senator from Nevada has something to do with that in the appropriations process. Did not they request \$75 million additional last year?

Mr. REID. The GAO?

Mr. GLENN. Yes.

Mr. REID. They were cut \$5 million last year.

Could I ask the Senator from Ohio a question?

Mr. GLENN. Sure. I yield for a question.

Mr. REID. The CBO, with less than 300 people, already does some of these things. The General Accounting Office, as my friend from Oklahoma indicated, to whom we have assigned this task now, has approximately 5,000 people to work for them. If the computer programs are not set up purely—I think they are almost set up. From the Senator's position as chairman of the Governmental Affairs Committee, it is true, is it not, that they are set up or could be shortly to do these functions?

My question is that the CBO, with less than 300 people, for example, on the Americans With Disabilities Act did an outline of what the impact would be on State and local governments. We have assigned, in this amendment, this task to the General Accounting Office. The reason for that is they have a staff of about 5,000. It seems to me that they are equipped, or if not, they will shortly be equipped to be able to do this. Does the chairman of the Governmental Affairs Committee think they are unequipped to do this?

Mr. GLENN. I think they are probably unequipped to do it at the magnitude we are talking about here unless they were given additional resources. I think just because they have a large number of people employed at the GAO, does not mean that they could take on something like this without some assistance.

Last year, I wrote to the GAO when similar legislation had come to our committee and got a letter back. This is a year old now. It is May 19, 1992. But they responded to my request for comments on S. 2319, which I believe was the bill of the Senator from Oklahoma. We had asked for comments on it.

They said:

\*\*\* which requires the Comptroller General to prepare economic and impact statements to relate to each bill, resolution, or conference report reported by any committee of the House of Representatives or the Senate or considered on the floor of either House. We believe that \*\*\* will result in a significant demand on GAO resources that would affect our ability to respond promptly to the large number of congressional requests we currently receive. Also given the state of the art in estimating the economic effects envisioned by this legislation, it could force the proliferation of the use of economic analysis techniques for which there is no strong professional acceptance. In addition, application of this requirement to every bill, resolution, or report by any committee would be extremely costly, time consuming, and could impede congressional business.

The task envisioned would duplicate work now being performed by the Congressional Budget Office. Many pieces of legislation would require months of data collection and analysis to make the needed estimates, this raising the very strong possibility that important legislation would be delayed.

If applied to amendments offered to legislation being considered on the floor, this requirement would often be impossible to satisfy on a timely basis. Overall, we believe that given the current state of the art, in this form of economic analysis and the already significant demands on our resources, that a case-by-case request for such analysis on significant legislation would be preferable to mandating such analysis on every committee action that met some predetermined threshold. We hope you find these views useful to you.

Would this be something that would lessen the impact on GAO if we were to change this so that they would make such analysis just upon request? Right now, as the legislation stands, I believe it would require that an analysis be done on everything that comes through; is that correct? Am I misinterpreting that?

Mr. NICKLES. To respond to my colleague from Ohio, we put in a de minimus amount and it is not small. We give GAO that ability to make that determination. And there is no question that if you are passing a resolution that declares May as Mother's Month, or something like that, that probably does not require an economic impact statement.

I think, obviously, if you are talking about increasing or indexing minimum

wage, or if you are talking about a Btu tax, yes, you are talking about something we should look at and should have an independent analysis by GAO.

Again, I have great respect for the Congressional Budget Office and Mr. Reischauer. But they have a much smaller shop.

Frankly, to respond to my colleague from Ohio, a lot of the investigations that are called upon by GAO were called on by Members of this body and Members of the House. I happen to think that have an economic impact statement on legislation that is proposed, or on regulations that are being contemplated by the executive branch, would be much better utilization of their time. They have 5,000 employees, and 72 economists, and 2,000 evaluators that are making these kinds of determinations. They have computer models. I think it might keep Congress from making some mistakes, and it might save a lot of money and save jobs. That is really the purpose of the amendment. So at least Congress and the executive branch will know the full ramifications of the proposals before we have votes or make final regulations.

Mr. REID. Will the Senator from Ohio allow me to respond to that?

Mr. GLENN. Mr. President, what is our time situation?

The PRESIDING OFFICER. The Senator from Ohio controls 44 minutes 14 seconds. The Senator from Oklahoma, 32 minutes 1 second.

Mr. REID. As I understood the question asked by the Senator from Ohio, would the sponsors of this amendment have any objection to having the legislation be one in which before the General Accounting Office would have to render one of these reports, a legislator, one of the Senators, would have to ask for it; is that the question?

Mr. GLENN. Yes, basically, because I was concerned that if we put this through as it is and give it to GAO, I think it inundates them. They would not be able to do the functions they perform for us now.

In response to the comments of the distinguished Senator from Oklahoma a moment ago, I say that to just assume that all the people in Congress are going to cut back their requests to GAO is a pretty big assumption. I make liberal use of GAO in my position as committee chairman, and we have found them to be excellent. They did the work on nuclear cleanup and a whole host of things that we have found extremely valuable. They do an excellent job in that regard.

My problem is, I think when you make an assumption that GAO can automatically do this on everything that goes through here, that is an enormous leap of faith in what they can do and cannot do with their existing staff. I think we would have to expand their staff considerably to do this the way the bill is lined up now.

Mr. REID. If I can respond to the manager of this bill, this is not the time to get into a debate about GAO, because that is ongoing. Some would say that they should not be on "60 Minutes" as much, and things of that nature. I have spoken to the Comptroller General about that.

There is a debate as to whether they have enough time—too much or not enough. But I think the question the chairman of the committee asked as to whether or not the amendment could be changed, so that prior to the statement being necessary, whoever proposes the legislation would have to ask for it. This is something that I would be happy to talk to Senator NICKLES about, keeping in mind that we already have, as the Senator from Oklahoma indicated, a cutoff point of \$100 million and 10,000 jobs.

I think the suggestion of the chairman of the committee is a reasonable one, that they would not have to do it automatically, but it would have to be a letter in writing to GAO or something of that nature. Is that the question?

Mr. GLENN. Well, part of it. But I responded to the Senator from Oklahoma a few moments ago on the \$100 million cutoff. You do not know the levels until you do the study. You do not know what the impact is going to be. You cannot say in advance we will not do this because it has a certain impact on localities, towns, and communities. You have to do the study to find out the level.

So it seems to me we are saddled with the current legislation here of sending a huge load to GAO, unless we are prepared to expand their activities and let them have additional personnel out there to cope with this.

Mr. NICKLES. Mr. President, I ask unanimous consent that Senator HATCH and Senator COHEN be added as cosponsors, and I yield to the Senator from Delaware, 5 minutes.

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

The Senator from Delaware is recognized for 5 minutes.

Mr. ROTH. Mr. President, I commend my colleagues from Oklahoma and Nevada for introducing this most important amendment. Last year, on February 27, I introduced S. 2289, a bill similar to the amendment now being offered by my colleagues from Oklahoma and Nevada. I was planning to reintroduce my legislation during this session, but I delayed reintroduction in order to first see what the administration would do in fashioning its policy regarding regulatory review. It has yet to do so.

With respect to differences between my colleagues' amendment and the bill I introduced in the last Congress, my colleagues' amendment would require an economic and employment analysis by the General Accounting Office for

each bill or resolution introduced in the House and the Senate; whereas, my bill would have required the Office of Management and Budget to do such an assessment.

In addition, my bill would have required a regulatory impact analysis clearance by OMB for the implementation of any agency rule. These differences, however, are differences and not failings and should not stand in the way.

We are both seeking to achieve the same goal—to educate the public and to give them an opportunity to make an informed judgment as to the regulatory cost of the legislation passed by the U.S. Congress.

Perhaps this amendment might even cause Congress to educate itself.

Mr. President, the quality of life in America depends on achieving national goals in a variety of areas that affects both individuals and American enterprises; health, safety, environment, civil rights, and a host of other areas. But all too often efforts to promote competitiveness, productivity, and economic growth are undermined by well-intentioned regulations that have unintended consequences.

By allowing Members to raise a point of order on any legislation that is not accompanied by a regulatory impact analysis, my colleagues' amendments provide a sensible and comprehensive approach toward reviewing legislation.

I wish to compliment my colleagues for their efforts in this important area and encourage my colleagues to vote for the passage of this amendment.

Mr. President, I yield back the floor. The PRESIDING OFFICER. Who yields time?

Mr. ROTH. I yield back the remainder of my time.

Mr. GLENN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally between the two sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. 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. NICKLES. Mr. President, I wish to thank my colleague, Senator REID, from Nevada, for his leadership and also Senator ROTH for his statement in support, as well as Senator MURKOWSKI, from Alaska, for his support and statement in support of this legislation.

Mr. President, I would like to at this point read into the RECORD a number of organizations that have endorsed the Economic and Employment Act, as introduced by myself and Senator REID:

The American Bankers Association; American Farm Bureau Federation; American Forest Council; American

Forest Resource Alliance; American Furniture Manufacturers Association; American Vocational Association; Associated Builders & Contractors; Citizens for A Sound Economy; Independent Bankers Association of America; Independent Petroleum Association of America; International Association of Drilling Contractors; National-American Wholesale Grocers' Association; National Association of Broadcasters; National Association of Homebuilders; National Association of Manufacturers; National Association of Regional Councils; National Association of Wholesale-Distributors; National Cattlemen's Association; National Conference of State Legislatures; National Federation of Independent Business; National Forest Products Association; National League of Cities; National Ocean Industries Association; National Rural Water Association; National Restaurant Association; National Taxpayers Union; Petroleum Marketers Association; and the U.S. Chamber of Commerce.

Mr. President, this amendment has so much more support than the organizations that I have just read.

I just stepped outside to talk to an individual who represents the Oklahoma Hospital Association. He brought to mind two regulations that are enormously expensive on hospitals; one was called the Clinical Laboratory Improvement Act.

Many of my colleagues will remember that, because that was going to mandate that all hospitals, rural and otherwise, all clinics were going to have to have basically a certified pathologist to do certain lab tests.

The net result was, it was estimated that regulation alone would close as many as 70 hospitals in my State because of the cost of compliance, because they need to have those tests, they need to have those tests time sensitive. But they did not have a certified pathologist, therefore, they would have to send those tests results over to a larger city, Oklahoma City, Tulsa, Muskogee, or something.

And the turnaround of getting those results back on those tests would be detrimental to the quality of life. If you have a diabetic that needs a test, or a heart patient that needs to get the blood count, whatever it is. Immediate access to the results of those tests with one bill, which had a very good intention—to improve the quality of laboratory work across the country—had good intentions, but the net results of this original legislation and the regulations that were to implement that legislation could have been disastrous to the quality of health care.

There is another regulation in the health field that just came out that all of my colleagues, I think, will be aware of, if they are not by now, and that is the so-called blood-borne pathogen regulation that is now mandated by the

Occupational Safety and Health Administration.

This is enormously expensive. If you are going to visit your dentist, you will note that they have to have their gowns and gloves and masks on, and so on. They cannot be laundered at home. Many dentists have laundered their gowns for years at home, but now they have to send them off. And the story goes on and on.

The net result is the cost of those regulations, I have been told by our dentist in Oklahoma, can exceed \$8 per visit.

I have four kids in my family. It seems like we are trying to finance the dentist's office expansions, and so forth. I do not like unnecessary costs being added and mandated by Federal regulations.

This legislation would try to get a cap on it, or at least try to understand the total cost of regulations. It is not a partisan amendment. I am delighted that we have Republicans and Democrats in support of this amendment. I think the reason is because the cost of regulation has exploded.

In 1992, it is estimated that the total cost of regulation was \$533 billion. That was done by the Rochester Institute of Technology. It is estimated to increase to \$688 billion by the year 2000, only 6½ years from now.

Then, looking at the regulatory cost per household, the household cost in 1992 was \$4,272. Think of that: The cost of Federal regulation, by household, over \$4,000 in the year 1992, and growing to \$4,647 by the year 2000. In other words, continuing to climb, to explode.

And we pay for it. It may be hidden, but we pay for it, in higher prices or higher taxes, or your water bill is higher, or your electric bill is higher, or your gasoline costs more, or your automobile costs more, or the house costs more, or the price of lumber costs more; the cost of health care goes way up; the cost of the dentist visit goes up; the cost of an inpatient or outpatient treatment goes up. All those costs are directly impacted by Federal regulation.

So the purpose of this amendment is very straightforward. If Congress is going to pass laws—bills, before they become laws—we should know how much it will cost before they become laws. Before we take a bill, a proposed law, and make it law, we should know how much it is going to cost. And if it has an adverse economic impact that exceeds 10,000 jobs nationwide, we should know it. Then if we want to go ahead and pass it with that information in mind, that is fine. Maybe the goal of the legislation is significant enough that we should do so. But at least we would know how much it will cost.

I think when we look at several pieces of legislation pending before Congress today—I can just think of

several. We have the Safe Drinking Water Act. Again, everybody wants safe drinking water. How much will it cost? Also, if the cost is real high per person, maybe we could look at more economical ways to still achieve the same goal.

We have the Endangered Species Act. Everyone in here is well aware of the spotted owl and the fact that jeopardizes anywhere from maybe 30,000 to 50,000 jobs. A lot of us would like to protect the spotted owl, but we would also like to protect those thousands of jobs in the logging industry, and we are concerned about the price of lumber and how much that has been going up. Actually, lumber prices have doubled in the last 6 months alone. And part of that is because of excessive regulatory burdens.

So we would just like maybe a little more common sense, or to see if we could maybe find a more economical way to do so. It does not prevent us from passing the Endangered Species Act just like it is, or the Resource Conservation Recovery Act, or any other piece of legislation. Congress may well pass them. But at least we would have an idea from an independent source what the economic cost would be.

My colleague from Ohio would like to add cost and benefits. In the legislation, in some points we mention cost and benefits, and we will be happy to modify it to include cost and benefits throughout the legislation. And I appreciate his suggestion for improving the legislation.

Some have indicated a reluctance to put additional burdens on the General Accounting Office. For one, this Senator thinks that some of the best use of the time, the money, and the resources of the GAO would be for trying to determine the economic costs and benefits of various proposals put before Congress and to come out of regulatory agencies. That is part of their function.

They have over 5,000 employees. In this year's budget, a \$56 million increase has been requested. For fiscal year 1993, the budget was \$429 million; the proposal is to increase that to \$485 million. That is a \$56 million increase. Percentagewise, I am just going to guess, that is well in excess of 10 percent, probably a 14- or 15-percent increase in their budget. So they are having some increases in their resources.

This language would allow them to exempt those bills that are not reported out of committee. They would only do the analysis on bills that are reported out of committee. So that would eliminate probably 95 percent of the bills that are introduced. So they would do the analysis on bills as they are reported out of committee, and only those that are determined by the General Accounting Office to have an economic impact in excess of \$100 million or 10,000 employees.

So we are going to exempt most of the bills that are reported by Congress.

And we will probably be exempting most of the regulations that are reported by the administration. But many regulations have very significant negative impact. This is what we are trying to avoid. We want to minimize negative impact.

One of the principles in the medical profession is: "First, do no harm." I think, likewise, Congress would really improve our productivity as far as the economy if first we make sure we do not do any harm. How can you be sure you will do no harm if you do not have an analysis to see what effect it will have on jobs? So I think it will be very good to have an independent analysis to see what the economic effect will be. That is the purpose of this legislation.

I believe we have 25 or 26 cosponsors of this legislation. I think the several groups that have indicated their support for this legislation, like the Rural Water Association, Independent Bankers Association, and National Federation of Independent Business.

I think when you look at the impact on jobs, what it means to creating jobs in the private sector, what it means as far as mandates to States and cities and local governments, I think this is excellent legislation. It may be some of the most important legislation we will be dealing with this year, and I hope my colleagues will concur.

Madam President, how much time is remaining?

The PRESIDING OFFICER. (Mrs. BOXER). The Senator has 8 minutes and 15 seconds remaining.

Mr. NICKLES. I reserve the remainder of my time, and I suggest the absence of a quorum.

Madam President, I ask unanimous consent the quorum call be charged equally to both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GLENN. Madam President, I further ask unanimous consent that the pending amendment be temporarily set aside, with the time remaining on each side as it is right now, to be brought up again later and that we then proceed to take up the amendment by Senator GORTON that I believe we will be prepared to accept and then return to this amendment at a later time.

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

#### AMENDMENT NO. 330

(Purpose: To modify the membership of the Commission on Improving Environmental Protection, and for other purposes)

Mr. GORTON. Madam 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 Washington [Mr. GORTON] proposes an amendment numbered 330.

Mr. GORDON. 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 72, beginning with line 25, strike out all through line 7 on page 73 and insert in lieu thereof the following:

(1) 7 members to be appointed by the President;

(2) 2 members to be appointed by the Speaker of the House of Representatives;

(3) 1 member to be appointed by the Minority Leader of the House of Representatives;

(4) 2 members to be appointed by the Senate Majority Leader; and

(5) 1 member to be appointed by the Senate Minority Leader.

(b) CHAIRMAN.—The Chairman of the Commission shall be appointed by the President

(c) POLITICAL PARTY AFFILIATION.—Notwithstanding any other provision of this section, no more than 7 members of the Commission may be from the same political party.

Mr. GORTON. Madam President, this amendment, which I understand has been agreed to by the managers on both sides, simply puts into the bill itself what is intended by the bill and what is included in the committee report; that states that of the 13 members of the Commission on Improving Environmental Protection, no more than 7 members will be from one political party.

Whatever the duties and the outcome of the work of that Commission, obviously they will be more acceptable if they are bipartisan. The distinguished Senator from Ohio [Mr. GLENN], of course, recognized that in the way in which he drafted the bill and has had the committee report written up. We would simply like to ensure that that takes place. This amendment does so. Madam President, at this time I would like to elaborate on why I elected to offer this amendment.

The amendment which was agreed to today simply asks that the minority party be allowed input on the selection of members to the Commission on Improving Environmental Protection. Input. That is what this amendment is about.

In fact, the idea for this amendment came from the committee report which accompanies S. 171. The report specifically states that "in the interest of political balance, no more than 7 members of the Commission should be from any one party."

So in the "interest of political balance" this Senator offers an amendment which retains the rights of the President, Speaker, and majority leader to appoint members to the Commission—but expands this right to minority leaders of both the House and Senate.

As proposed S. 171 appoints members to the Commission as follows: seven members appointed by the President; three members appointed by the Speaker of the House; and, three members appointed by the Senate majority leader.

My amendment will allow the minority party, along with our colleagues across the aisle, to have a say in the selection of members to this Commission. Under this amendment members will be appointed to the Commission as follows: seven members appointed by the President; two members appointed by the Speaker of the House; one member appointed by the minority leader of the House; two members appointed by the Senate majority leader; and, one member appointed by the Senate minority leader.

And lastly, this amendment would put into statute the Governmental Affairs Committee's own recommendation: No more than seven members of the Commission shall be from any one political party.

Under my amendment, the Commission remains intact, the funding authorized for the Commission is unaltered, and the responsibilities of the Commission go unchanged. The only change which this amendment makes is to allow the minority party the opportunity to appoint members to the Commission.

In closing, Madam President, this amendment acts upon the recommendation of the Governmental Affairs Committee, and is only a minor modification to the underlying bill. This amendment merely gives the minority party in both the House and Senate input. It is just that simple, Madam President, this amendment only asks that the minority party be heard.

Mr. GLENN. Madam President, I think Senator GORTON has fairly expressed the situation, and we are happy to accept the amendment.

Mr. ROTH. Madam President, I rise in support of the amendment proposed by the distinguished Senator from Washington. Yesterday, I offered a substitute amendment that would have completely eliminated the Commission on the new department's environmental laws and thereby solved the problem which the distinguished Senator has noted. In view of the adverse disposition of my amendment, this amendment is most welcome.

The recommendations of the Commission will have no legal effect. The recommendations are only recommendations. They will clearly have more value to the Congress if they are truly bipartisan. We all know that. The majority knows that. That is why the Senate report from Governmental Affairs, Report No. 103-38, on page 23, states:

The Committee recommends that, in the interest of political balance, no more than

seven members of the Commission should be from any one party.

The pending amendment codifies this committee recommendation. Therefore, there should be no objection to this amendment. The bill in its present form authorizes only members of one party to appoint members of the Commission and provides no constraint against excessive representation by one political party. The pending amendment cures this oversight and should be adopted.

Mr. GLENN. If there is no further discussion, I urge the adoption of the amendment.

The PRESIDING OFFICER. Is all time yielded back on this amendment?

Mr. GLENN. On the Gorton amendment all time is yielded back.

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

The amendment (No. 330) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. GLENN. Madam President, I ask that the pending amendment be set aside for further Senate business.

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

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, I appreciate the accommodation of the Senator from Ohio. I sought recognition to speak not to the current amendment sponsored by the Senator from Oklahoma but to some of my own concerns with the bill.

Madam President, the Senate is, of course, engaged in debate on this legislation which would elevate the Environmental Protection Agency to Cabinet-level status. Each Member of the Senate represents a State which, of course, has its own unique environmental protection needs and challenges. Earlier this month, the people took notice of an environmental issue of vital importance to the Pacific Northwest when the President convened his timber conference in Portland to address issues of environmental protection and the impacts on the families and communities, the livelihoods

of which have been built around these forests. No environmental issue has captured the attention of people in the State of Washington to a greater extent than has this one.

I highlight this environmental controversy because it has—in part—convinced me that elevating the Environmental Protection Agency to Cabinet-level status, while meritorious on its face, will not solve the chronic problem which plagues many environmental decisions.

What is this problem? You have only to talk to a timber worker in Forks, a real estate developer in Redmond, or a salmon fisherman in Longview to understand.

Environmental responsibilities in our Federal agencies are spread across the President's Cabinet, the Department of Commerce, the Department of Agriculture, the Department of the Interior, and the Environmental Protection Agency. As a consequence, environmental laws, rules, and regulations overlap in their applications, are confusing, time consuming, and costly. As currently proposed, elevating the EPA to Cabinet level status will not consolidate these environmental departments into one agency.

Again, I go back to the controversy in Washington State, in which turf battles among Federal agencies on environmental regulations and laws greatly complicate matters. Pacific Northwest timber communities have experienced firsthand the endless maze of overlapping environmental jurisdictions within our Nation's forests. The Forest Service of the Department of Agriculture, the Bureau of Land Management of the Department of the Interior, the U.S. Fish and Wildlife Service of the same department, each has jurisdiction over forest lands managed by Federal regulators.

I know that the people of Washington State would welcome regulatory relief that could come from consolidating the multiple Federal agencies with environmental jurisdictions into one, single Federal Department of the Environment.

I realize that this idea may not be politically popular in Washington, DC—but this Senator was sent here by the people of Washington State, many of them everyday working people, who face the day-to-day frustrations in dealing with multiple Federal agencies with overlapping regulations.

Within the next several weeks, I understand, the National Academy of Sciences will issue a report which will make recommendations on elevating the Environmental Protection Agency to Cabinet status, provide recommendations for joining together Federal agencies charged with environmental protection, and suggest new governmental environmental operations. The report, of course, has not been issued yet, but this Senator be-

lieves this debate would benefit from the consideration of such a report.

The idea was first broached, to the best of the knowledge of this Senator, very shortly after the election, within the first week or so, with the thought that the Clinton administration might propose such a consolidation. I think many initial reactions to this proposal were negative. I know the initial reaction of this Senator was negative. Within 24 hours, however, the thoughts of this Senator were that perhaps there was a great deal of sense in just such a proposal.

I have waited patiently, and will continue to wait patiently, for some kind of decision to support the consolidation of such agencies, not only on the part of the National Academy of Sciences but the administration itself. And it is for that reason the timing of this debate troubles this Senator.

Many times legislation is passed by this body only to be determined after the fact that the law has impacts which could not be foreseen at the time of its enactment. Try as we may when drafting legislation, we cannot always see into the future. We cannot always foretell all the impacts the legislation will have when implemented, but on many occasions we act on legislation without all of the available information. This may well be what we are doing in this case.

I certainly do not oppose the elevation of the Environmental Protection Agency to Cabinet-level status, but I am concerned that perhaps we are not acting with the best interests of efficient environmental protection in mind. This Senator would like to look at the report of the National Academy of Sciences, a report intended to determine "How the Government should organize its environmental research, and how best use its scientific information to advise environmental policy decisions."

This Senator would like to hear the recommendations of present members of the Cabinet and administration on the subject of such a consolidation. This report and those deliberations might well provide invaluable insights to help us make more informed decisions.

Madam President, this concludes my thoughts on the bill before us and explains the reason that I am somewhat troubled by the consideration of this bill at this point in time.

Although he has been busy at other matters, this Senator at least would greatly appreciate any comments the distinguished Senator from Ohio has on the subject. I suspect that he knows more about these consolidation proposals than the Senator from Washington. This Senator would appreciate any comments the Senator from Ohio has on whether he believes this bill simply to be a transition to some more ambitious attempt to consolidate environ-

mental protection agencies, or whether he views this as a substitute for and as a way to slow down such a change.

In this case the Senator is simply seeking information about an idea which seems to him to have some real validity and would like to know how it relates to the bill before us at the present time.

Mr. GLENN. I would be glad to respond. I did not hear all of the Senator's statement. I unfortunately had to be off the floor for part of it, but as I understood the Senator is concerned about whether EPA is going to be expanded in other areas.

Mr. GORTON. The concern of this Senator, I say, was with the early thoughts right after the election, and the possible proposals on the part of the National Academy of Sciences that we join together agencies with major environmental responsibilities, many parts of the Department of the Interior, the Forest Service from the Department of Agriculture, certain elements within the Department of Commerce, into one department of the environment, so that we could have a more single and coherent set of environmental policies in the country and so that our people and our local governments would deal with a single agency rather than with multiple and often conflicting needs.

Mr. GLENN. Fine. Let me respond to that.

When we first started looking at EPA elevation back a couple of years ago, almost 3 years ago now, we set out with the idea that almost every agency of Government has some part of the environmental pie. It is a rare agency that does not have something to do, some with very major parts, Agriculture, Interior, and others, and some of these things had gone on because EPA was sort of a new function on the block some 20 years ago.

So they farm out a lot of these things. The Department of Defense had major responsibilities, and so on. We set out with the idea of looking to see what really needed to be in these other departments, to get some of these things back under a really solid, well-administered department of the environment. That are so complex, and there are so many things spread all over Government, that it went beyond our ability on the committee to do this.

So even though I just abhor the idea of putting together another commission, committee, advisory board or whatever, we did not see any other way to do it. But if we are going to elevate, set up the commission—which we set up, to go ahead and look at all these different functions, decide what should be brought back under EPA and what should be left out there because they can be best administered say in the Department of Defense or whatever. You are running tanks around, doing what-

ever, wasted bases, how do you handle that? That is DOD. They have to do it. They want advice from EPA. It is their responsibility, their poverty, and so on. That is one example.

So that was the purpose of the commission. We did not want the commission to go on indefinitely. We put a 2-year sunset on it. That is how we are dealing with the situation that the Senator speaks to.

Mr. GORTON. I thank the Senator from Ohio. I take it the implication of that statement is that the Senator from Ohio finds this to be an intriguing idea but wants expert outside advice as to how it would be accomplished and what functions would be part of the new department of the environment.

Mr. GLENN. We do not see this as some great power grab that is going to get into all sorts of departments. If we want to move things back, we want to move them after study, so we can see them done better under EPA, whatever the function being done now. So what I have just stated a moment ago is our purpose in this whole thing.

Mr. GORTON. I gather the Senator from Ohio does not believe that the passage of this bill would be or is designed to inhibit that movement toward a department of the environment if this becomes desirable.

Mr. GLENN. It would not inhibit nor advance either one. It is sort of neutral in that regard as to what the Senator is speaking about. The commission was to give us advice on what they think would work best with regard to the environmental administration throughout the length and breadth of Government. Right now, I think the Senator would agree it is spread all over the lot, too much so. We need to get some of these things administered more from one spot.

Mr. GORTON. I thank the Senator from Ohio for that contribution. I have some apprehension that one of the reasons that I have some reluctance with respect to this bill is whether or not having someone else call Mister or Madam Secretary will not just create another roadblock on the way to a consolidation. We may find it desirable later on. But, nevertheless, I greatly appreciate the views of the Senator from Ohio. That is not the intention nor does he think it will be the consequence of passing this bill.

With that, I thank him for his time. If he wishes to move us back to the Nickles amendment, I would be happy to yield.

Mr. GLENN. Madam 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.

Mr. ROTH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued the call of 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.

Mr. BYRD. Mr. President, I do not intend to speak long. It is my understanding that the time I consume in speaking will not be charged against the time on the amendment.

The PRESIDING OFFICER. That is the opinion of the Chair.

Mr. BYRD. It is also my intention not to offer any motion at this point. But I am perplexed and amazed, I must say disappointed, that such an amendment would be offered. I cannot understand how a member of the Appropriations Committee—especially a member of the Appropriations Committee—can vote for the amendment offered by Mr. NICKLES.

But before I deal with that aspect of the amendment, let me say to Members generally what this does. This amendment is a way of changing the rules of the Senate. The rule is not mentioned in the amendment, but, in effect, the rules would be changed without subjecting either the amendment or the bill, if amended by the amendment, to the rule requiring two-thirds of those present voting to shut off a filibuster on a rules change. This is a way of indirectly changing a rule without running the risk of requiring a two-thirds vote to shut off a filibuster. A filibuster on this type of rules-change mechanism can be shut off by a three-fifths vote.

So that is one great danger in this approach. I think I should point out to those on the other side of the aisle, particularly, who are constantly trying to change this institution, who are constantly making efforts to change the rules in ways that would reduce the privileges, powers, and prerogatives of this institution, I think I should warn them that this approach can be used by the majority, as well. And one day, if it continues, if these pernicious assaults continue, then the majority will undoubtedly resort to the same tool or weapon.

The majority leader has indicated his interest in changing the rules to provide that a motion to proceed to a matter or measure not be debatable, or perhaps having a motion to proceed that would only be debatable for 1 hour.

To attempt to change that rule directly would result in a filibuster; it would require a two-thirds vote to shut off such a filibuster. This same approach by Mr. NICKLES can be used on this side, however, to provide for a non-debatable motion to proceed. I know that the other side may say, well, you will never get the 60 votes. Well, who knows? On the right bill, it is conceivable that 60 votes could be secured to invoke cloture.

I am one of the foremost protectors of the minority here. Mr. President, I have been in the minority. I have been the leader in the minority. I reverence this institution as a refuge to which the minority can retire and be protected against a tyrannical majority.

So I do not want to see too many things happen around here that would impinge upon the rights of the minority. I daresay my concern about the rights of the minority probably is greater than the concerns of some of those who are on the minority side. They are playing with fire here. They are tinkering around with the rules, and they know not what they are doing. This is dangerous. This is a pernicious amendment because if we change the rules with this amendment, we can also make other changes in the rules that would not bode well for the minority.

I try to keep in mind that my side may be in the minority again. So I am reluctant to see us take actions that may hurt the minority. But with respect to the motion to proceed without debate, I have very lately stated that I would support such a rules change because that still leaves Senators on both sides of the aisle the opportunity to filibuster the measure itself, or the nomination itself, or the matter itself, whichever it may be.

So I am willing to take my chances on a line-item veto if it comes over here from the other body. I am willing to take my chances and let it be taken up without debate, after which, I will busy myself with filibustering the measure itself. But I am concerned that a minority is pushing itself too far in this body. I have seen that happen in recent days.

Here we are with an amendment that would, in effect, change the rules. It would certainly have an impact on rule XXVI, dealing with the committee procedure. It would have an even more direct impact upon rule XXVIII, dealing with conference committee reports, and so on.

If this amendment were adopted from an Appropriations Committee perspective, the amendment could well result in great delay. We have to report 13 regular appropriations bills, plus supplementals, and we have to bring back conference reports. We have to go to conference on those bills, and come back with conference reports on practically all of them.

This amendment says, "It shall not be in order in either the House of Representatives"—so we are going to change the rules of the House as well—"or the Senate to consider on the floor any bill"—any bill, any appropriations bill for example, any supplemental appropriations bill—"resolution, or conference report, whether or not reported by any committee of the House of Representatives or the Senate, unless that bill, resolution, or conference report

includes the economic and employment impact statement required by subsection (c). Waiver: A point of order made under this subsection may be waived in the Senate by a three-fifths affirmative vote of Senators, duly chosen and sworn; and in the House of Representatives, by a three-fifths affirmative vote of Members, duly chosen and sworn."

Therefore, Mr. President, every appropriations bill, every appropriations conference report, would be required to include the economic and employment impact statements required by section 3 of this amendment. This requirement would force Congress to wait for the General Accounting Office to prepare economic and unemployment impact statements before taking up the appropriations bills—before taking up the appropriations bills, and once we have gotten over that hurdle, before taking up the conference reports on them.

This could take days, or weeks, or even months for the General Accounting Office to complete its analysis on each of these appropriations bills or conference reports.

If we want to return to Government by a continuing resolution, this is the direct way to bring that about. But would that not also be a big problem, dealing with a continuing resolution making appropriations, because the same thing would apply there?

This amendment would virtually guarantee, Mr. President, that we will not be able to complete our work in the Senate on appropriations bills by October 1. Forget it. That is the beginning of the fiscal year.

The General Accounting Office states that a very rough estimate of the resources involved would be that an organization of perhaps 200 people or more might be needed.

This means additional employees in the General Accounting Office. I thought the interest on that side of the aisle was to reduce the number of Federal employees in the Government. The General Accounting Office is going to have an organization of 200 or more. CBO now uses approximately 80 staff years to perform its costing responsibilities and related budget work. So what this is going to do is provide for a duplication. CBO does it with 80 people over a year's time. This amendment will require the General Accounting Office to duplicate this work and put on 200 new people.

The General Accounting Office also says that many pieces of legislation would require months of data collection and analysis to make the needed estimates, thus raising the very strong possibility that important legislation would be delayed. If applied to amendments offered to legislation being considered on the floor, this requirement would often be impossible to satisfy on a timely basis.

The impact on the General Accounting Office's ability to meet its heavy congressional

workload could also be severe, exacerbating an already significant shortfall in our ability to respond promptly to the many individual committee requests we receive each year.

Consequently, the need to make significant internal realignments, the complexity of the task envisioned, and the limited availability of GAO staff trained in economics and related fields would result in a very long learning curve for us—

GAO is talking—

as we began recruiting, reassigning and training staff and otherwise building the data bases and infrastructure necessary to perform the duties involved.

Mr. President, I say to my friends in the minority who keep dabbling in efforts to bring this institution to its knees, they are playing with fire. I urge them to stop doing it.

This is a most pernicious amendment. The problem here is, may I say to my dear friends on the other side, two can play this same game. One of these days, there may be more than 60 Members on this side of the aisle, and ROBERT BYRD may not be around here to protect the minority. I have taken positions to protect the minority of the Senate that I venture have not been taken by any minority leader on that side, or anyone in leadership on that side. I will not go into details, but I know whereof I speak.

I urge my colleagues to think twice, and I urge my friends on the other side of the aisle, particularly those members of the Appropriations Committee who have to work to bring out 13 appropriations bills and the supplemental and the conference reports thereon. I hope they will think twice and then think twice again before they vote for this very costly, very time-consuming, very unworkable proposal that will surely result in more delay and gridlock in the Congress in enacting appropriations bills and conference reports.

Heaven knows, we have problems enough in getting appropriations bills through this Senate and through the conference as it is. I do not know of any other committee chairman who has a committee that is bound and required to turn out 13 regular bills each year, every year, plus supplementals, or the equivalent thereof by way of continuing resolutions. I do not like to see us enact continuing resolutions. Since I have been chairman of the committee, I have tried my best to avoid continuing resolutions as much as possible. We have done very well with the cooperation of my friends on the other side of the aisle.

I just do not believe that Appropriations Committee members really know what they are doing if they vote for this amendment. I have to say, with all due respect to my friend, the author of the amendment, he is on the Appropriations Committee. What are we trying to do? Are we trying to destroy the appropriations process here? Is that what we are trying to do? Are we try-

ing to do it indirectly, without making a head-on attack? Why not assault the process head on? This is an indirect way.

I do not believe that the author of this amendment has fully considered the impact, the ramifications, and the result that would flow from the adoption of this amendment. I hope that Senators will vote this amendment down or vote to table it; or we will, if nothing else, have a motion to recommit with instructions to report back. I again urge Members not to continue to tamper with and dabble with the rules of the Senate. That is what this is. This constitutes a rules change. But it does not say up front that it is a rule change. This is a mugging of the rules of the Senate, a walking up from behind, not walking up from the front, walking up from behind and lashing out with a chain and mugging the rules of the Senate from behind. It is dangerous stuff.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. GLENN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue calling the roll.

The legislative clerk continued with the call of the roll.

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

Mr. GLENN. Mr. President, reserving the right to object, and I do not object, with the understanding that, at the end of the Senator's statement, we go back into a quorum call.

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

Mr. DANFORTH. Mr. President, I ask unanimous consent that I might proceed as though in morning business.

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

#### STUDIES OF THE AIRLINE AND AEROSPACE INDUSTRIES

Mr. DANFORTH. Mr. President, on March 17, the Senate passed legislation that had been asked for by the administration to create a commission to study the problems of the aerospace industry and the airline industry.

At the time of the debate on that legislation to establish the commission, I pointed out on the floor that we have had numerous studies of the problems of the airline industry and the aerospace industry.

As a matter of fact, I brought to the floor of the Senate two boxes of studies

or committee reports dealing with the problems of these related industries. I piled those studies up on top of the desk from which I was speaking. That pile came to approximately chin level.

These were all various reports that had been done by the General Accounting Office or the Department of Transportation or congressional committees about the problems of these industries.

But, nevertheless, it was agreed on the floor of the Senate by a voice vote that we would proceed with yet another study, as requested by the administration, and on March 23, the House passed the same bill.

So, it has now been a month. In fact it has been a month and 5 days since Congress passed this legislation creating yet another study of these two industries. The legislation that we passed provided for 90 days for the study to take place, however the 90-day time did not start ticking until the commission that was to be appointed was actually in place.

I am happy to report to the Senate that in discussions with the Department of Transportation today I am told that sometime this week we are going to have the membership of the commission announced by the White House. Unfortunately, however, merely announcing the membership of the commission is not sufficient to start the 90-day calendar running. That will only take place when the members of the commission are actually sworn in and the swearing in will be, of course, when people can manage to get themselves to Washington, which is hoped to be about 2 weeks hence.

So the upshot of all this is that we passed the legislation in March and probably sometime around the middle of May we will start yet another study of the problems of the airline industry and the aerospace industry. That will last for 90 days, meaning that in August sometime the study will be completed.

Then, of course, we will have to have time to digest the study. The administration undoubtedly will have to examine the study and find out what is in it. And maybe then at some time in the fall people will get around to suggesting actual legislation or actual steps that can be taken to aid these two industries. By then, of course, Congress will be ready to adjourn the first session of the 103d Congress.

My point is exactly the point I made in March. We have an emergency on our hands. We have a double emergency on our hands. We have an emergency relating to the airline industry and we have an emergency relating to the aerospace industry, and we are engaged in this extraordinarily leisurely process of setting up commissions, waiting for the commissions to be appointed, waiting for the members to be sworn in, beginning the work that the commissions are going to get done, and

then studying the work of the study. This is not a case where time serves the purpose of the airline industry or the aerospace industry.

Let me simply remind the Senate of what has been going on just this year. On January 21, McDonnell Douglas announced 8,700 layoffs. On January 26, Pratt & Whitney announce 10,000 layoffs. On February 18, Boeing announced 2,000 employees would be laid off by mid-1994. Delta announced on March 30, for the first time in its history, that it would lay off permanent employees—600 pilots. On April 2, American Airlines announced 900 employees would be laid off.

This is what has been going on, now, in the aerospace industry and the airline industry. And we claim around here that we are interested in people's jobs. Oh, let us get some job legislation. Let us get some job studies. Meanwhile, let us hail executives of aircraft manufacturing companies before committees of the House of Representatives and hector them about their companies.

Where is the concern about the working people of this country who work for airlines? Where is the concern about the working people of this country who work in the aerospace industry? Where is the concern among all the discussion about jobs bills, and about stimulus packages—where is the concern about real live human beings who are losing their jobs in industries that used to be at the cutting edge of America's competitiveness? What is happening?

We are delaying, we are studying, we are twiddling our thumbs while real people lose their livelihoods.

If this were a matter that had never been studied before, perhaps the 90-day study would be called for. We have studies coming out of our ears. If this was an issue where great minds had not come up with great ideas in the past, maybe yet another leisurely study at a leisurely pace would be called for. But there are all kinds of ideas of what should be done.

Let me simply review what some of them are. I have proposed that airline predatory pricing complaints subject to a summary process, to determine whether or not they are predatory pricing, with the Department of Transportation empowered to issue cease-and-desist orders if there is predatory pricing.

I believe the aviation fuel tax increases that have been proposed under the so-called Btu tax should be omitted from the coverage of that tax. The airline industry cannot afford to pay the tax.

I have proposed permitting increased foreign investment in our airlines. I have introduced legislation to accomplish that. They will need capital in order to survive and in order to prosper. Where is that capital going to come from? I believe foreign invest-

ment is absolutely essential for that purpose.

I have proposed the creation of an industry-led consortium of U.S. aircraft manufacturing companies to duplicate what was done for the semiconductor industry by Sematech.

And I have also proposed—and this is something that the administration can accomplish without our legislating—a bill on the subject of countervailing duty investigations against Airbus. If there is ever a ridiculous situation of unfair foreign subsidies, it is Airbus. Airbus has never made any money—never in its history, for decades—never made any money. Airbus, which has been subsidized to the tune of at least \$26 billion by European countries, and which now has 44 percent of the U.S. aerospace market, should not be able to conduct its business without countervailing duties as provided by international agreement and U.S. law.

These are recommendations that are already out there. They are recommendations that are not new. They are recommendations that have been studied. Yet we proceed on this tortoise-like pace, fiddling around. We want to declare economic emergencies and yet we do not know an economic emergency when we see it. When we have the patient lying in the middle of the street, instead of calling for the ambulance and acting with dispatch to address the situation, we sit around and have discussions about how to appoint more boards to prepare yet more reports which will require more time for us to study.

So I simply take the floor to point out that at least the administration, more than 1 month after the House passed the bill, is getting on with appointing the latest study group and that maybe in 3 weeks the study group will have its first meeting and then, 90 days thereafter, we will have yet more studies that we can begin studying.

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

Mr. EXON. Will the Senator withhold that request?

Mr. ROTH. Mr. President, I object.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I would agree to further activities on the floor only if at the end of the Senator's statement, that he agree that a quorum call will be placed again.

Mr. EXON. Mr. President, I will be glad to accommodate the managers of the bill in this regard.

I ask unanimous consent that I be allowed to proceed in the following fashion: First, to comment on the remarks just made by the distinguished Senator from Missouri; and then, briefly to proceed with regard to remarks I have prepared for the President's high-speed rail initiative that was announced at a press conference today. At the conclusion of that, I will agree to the sugges-

tion made by the Senator from Ohio that I, at that time, suggest the absence of a quorum.

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

Mr. EXON. Mr. President, I listened to my good friend from Missouri with regard to the difficulties in the airline industry today, all portions of the airline industry problems, certainly down to the manufacture of the aircraft and, most important, all of the employees—dedicated and talented employees—of all of the airlines, and all of the people who are in the airline production industry.

The Senator and I have expressed concern about this on many occasions over a period of months or years, and I certainly agree with him, and share with him the concern over the delay that has taken place since the bill that he referenced was passed.

The good news is that I have been told by the Commerce Department today—that I have been following and urging and pressing for the appointment of the Commission on a daily basis—I am advised that the announcement will indeed be made tomorrow of those who are to serve on this very important action Commission. Therefore, we may get back on track.

The reason for the delay, unfortunately, is the fact that the Commission, as the Senator from Missouri and others know, was to be appointed five by the House and their leadership, five by the Senate and their leadership, and five by the President, representing the executive branch.

Unfortunately, this has not moved as rapidly as many of us had anticipated and hoped. Therefore, I say that the remarks made by the Senator from Missouri with regard to the delay is discouraging.

However, I will simply point out, Mr. President, that everything that the Senator from Missouri has said about the difficulties of the industry is very real. But I will simply say that the previous studies that have been referenced by the Senator from Missouri, the bills that he has introduced, some of which I totally support, are trying to be designed in an expeditious fashion by the appointment of this action Commission—not just another study group, but an action Commission. And I have every confidence that report will be forthcoming and eventually be placed in an overall encompassing bill suggested by the President that we can take a look at and have action on this year while the Congress is in session.

So, therefore, I wish that we could move faster, but we have moved I think as fast as we can. Certainly, I am pleased that the very first action of any significance with regard to transportation when the Clinton administration came into office was the action of the talented Secretary of Transpor-

tion with regard to addressing the very concerns that the Senator from Missouri has been addressing and trying to do something about for a long, long time.

We can criticize the delay of a few weeks. The facts of the matter are the depths of the problems in the industry as a whole are so deep and so important to the future of transportation and jobs in the United States of America that I agree with the Clinton administration approach to do a 90-day action group Commission that will come forth with specific recommendations, and I suspect that many of them will be along the lines that have been suggested by the able Senator from Missouri and others.

Certainly predatory pricing is causing all kinds of havoc in the airline industry today. In fact, I have said before, to be in the airline commercial passenger industry business today you almost have to be in bankruptcy. If you are not in bankruptcy, you do not have the cash-flow to stay in business.

With regard to the Btu tax, certainly the Commission, I believe, will make a determination on that. But once again, that is something that I think has to be considered in overall policy. With regard to foreign investment in our airlines, this is just further deterioration of the fact that we are not only beginning to lose control of many important business interests in the United States today but, once again, we are relying on foreigners to invest in our companies, as foreigners have been investing ever increasingly in the bonds and other certificates of borrowing by the Federal Government, another indication that we are in big trouble.

Certainly, I agree with the concerns adequately and articulately expressed by my colleague and friend from Missouri regarding the Airbus. This is something that certainly has to be considered in concert with all the other problems which the Commission, that is going to be announced tomorrow, will deal with. Certainly, this may be described as a very slow tortoise-like pace. The facts of the matter are the problems are so deep in this industry that it has to be considered, in the view of this Senator, in an overall package and come forth with legislation that can hopefully be moved on through the Congress.

The other good news is that the individual who has been appointed as chairman of this committee that will be announced tomorrow has been actively engaged in finding the right kind of staff and finding office space as necessary. And I believe the Chairman of the Commission and the Commission members themselves are fully informed on the necessity of moving very rapidly on an action package that can solve or begin to solve the problems in this industry.

Therefore, I say that it is good news that the names are finally going to be

forthcoming, and there are lots of reasons—none of them fully justified, but reasons—for the delay; and that I hoped the Commission names would have been appointed 2 or 3 weeks ago. In any event, we are making progress. And I believe that no one understands the difficulty of the airline industry, and all of the people who work in it at several levels are in deep trouble today.

I salute once again the Clinton administration for putting this matter up front.

(The remarks of Mr. EXON pertaining to the introduction of S. 839 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

Mr. GLENN. Mr. President, reserving the right to object, and I will not object, we have been protecting the floor here making sure that every speaker at the end of their remarks put us back into a quorum call. With that understanding, I will not object.

Mr. DOLE. Mr. President, I have no objection to that. I have a couple of statements on nonrelated issues.

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

A NEW SHRILL, SOPHOMORIC TONE TAKES OVER AT THE NEW YORK TIMES

Mr. DOLE. Mr. President, as the Republican leader, I am used to taking my lumps on the editorial pages of a lot of liberal newspapers all across America, including some in Kansas. But no editorial page has ever been more personal, intolerant and, frankly, irresponsible than the New York Times these days. Unfortunately, it is part of a new editorial page direction the times is taking, leaving its traditional high road for the gutter. It is an embarrassing turn-for-the-worse at this world renowned newspaper.

The New York Times has a proud tradition of tolerating alternative and minority views. It has tenaciously defended the rights of the minority on issue after issue, stressing the importance of respecting and maintaining minority views. Regrettably, that tolerance no longer seems to apply to minority—or majority—views when they are held by Republicans. In nasty editorial after nasty editorial, the Times has attempted to rewrite history, portraying Republicans as a sinister anti-everything cabal, always up to no good. Fortunately, most Americans have a more refreshing and positive view—it is called two-party government, a concept with which the Times editorial page apparently cannot come to grips.

Since the first of the year, I have been smeared in a series of Times editorials. Again, I do not mind a good policy debate, but the Times has adopted such an ugly tone that it undermines its own credibility and adds little to civilized discourse. It has gotten to the point that we know we are doing something right when the New York Times editorial board goes into one of its hysterical, anti-Republican spasms.

Now, Republicans can have honest disagreements with the Times, but when our side of the story is ignored, and when false motives are attributed to me and my colleagues, it is time to speak up.

Perhaps the Times' unseemly step toward tabloid editorializing has do with the arrival of a new editor, a Mr. Howell Raines, who appears to be the Grinch who stole the Times' editorial page. According to a National Journal exposé, Mr. Raines' new attack-dog approach has even alarmed his colleagues on the editorial board, some of whom believe that the editorial page's newly pugnacious tone is nasty and shrill, unbecoming the Times' traditional voice of sober persuasion—and unlikely to advance the Times' agenda.

Now, I have had my differences with the New York Times during the years, but I have always respected its articulate voice and reasoned tone. How sad it is to see the Times tradition of excellence soiled by Mr. Raines' sophomoric ravings. Do not get me wrong; I certainly do not have a problem with colorful rhetoric, but there is a big difference between creative writing and undignified assaults. Even many prominent Democrats are apparently troubled by the Times' new attack mode.

For the record, neither Mr. Raines, nor his editorial board, has called me or my office since President Clinton's election. I have even offered to pay for the call if his editorial writers want to get the Republican view on any issue, but Mr. Raines has made it clear he and his staff do not want public policy input.

When I recently challenged a Times editorial on the Democrats' motor-voter legislation, and asked whether the Times editorial board had sought the views of myriad State and local officials concerned about this Federal mandate's unfunded price tag, Mr. Raines implicitly conceded in a letter he had not sought these legitimate views, responding "I do not think our advocacy would be influenced by the local and State officials you mention. It seems to me that our national experience has instructed us that the franchise cannot be trimmed to the convenience of office holders." Sounds to me like the Times did not want to let the facts get in the way of a cheap shot at Republicans.

Whether the New York Times likes it or not, Republicans will not be intimi-

dated by Mr. Raines and his undignified editorials, which insult Times readers with the notion that the opposition party should be seen but not heard. Neither I nor any of my Republican colleagues were elected to roll over and adopt Mr. Raines' misguided liberal agenda for huge taxes, colossal social welfare spending, massive deficits, and campaign reform certain to perpetuate Democrat monopoly control of Congress at taxpayer expense. In all fairness to President Clinton, we were not elected to be rubber stamps for his agenda either, which, hard to believe, often is not liberal enough for the Times' editorial board.

When we do not agree with President Clinton, Republicans will continue to offer constructive and responsible opposition government, and we will continue to do so on the high road. The low road is clear for Mr. Raines, and I will continue to draw inspiration from the personal assaults and insults from the New York Times editorial page, which all too often arrogantly confuses Mr. Raines' interest with the public interest.

Mr. President, the New York Times has never had a funnies page. Now, I am not so sure.

I ask unanimous consent that an article from the April 24 edition of the National Journal be printed in the RECORD.

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

RAINES'S REIGN: THUNDER FROM THE TIMES

(By Paul Starobin)

Stomp. Clomp. Tromp. What are those sounds emanating from the 10th floor of The New York Times's citadel on West 43rd Street? Why, it's Howell Raines, since Jan. 1 the editor of the editorial page, settling into his new digs. And the reverberations are being felt by everyone from his editorial board colleagues in New York to the House Democratic leadership and other policy makers in Washington.

The lawmakers have been offended by a spate of recent editorials bludgeoning Congress for dawdling on campaign finance reform and related issues. House Majority Leader Richard A. Gephardt, D-Mo., complained about the fusillades in a recent get-together with the editorial board—and House Speaker Thomas S. Foley, D-Wash., plans to hike up to New York City to meet with the board as well.

It's no surprise that a bunch of thinskin (and, in point of fact, fairly svelte) politicians wouldn't take kindly to the jabs. But some members of the editorial board, over which Raines presides, don't like the editorial page's newly pugnacious tone, either; they view it as nasty and shrill, unbecoming the Times' traditional voice of sober persuasion—and unlikely to advance the agenda.

"We sound like the New York Post," a board member said—"an editorial page of shrill braying as opposed to sound argumentation." Some board members also fret that the prominence given to populist cannonballs on how Washington doesn't work leaves less space for considered commentary on national policy issues on which progress is more likely.

However, publisher Arthur Ochs Sulzberger Jr. said the Times' editorial page was evolving in response to changes on the news side of the operation, particularly a growing emphasis on public policy analysis. An editorial "can't merely be another analysis," the publisher said. "It's got to be more directive, in my judgment, than that. You're seeing that playing itself out on our page."

Some of the Times' elite readers say it's high time the paper got the lead out. In the past, the Times editorial page was "respected but not feared," said Thomas F. Gibson, director of public affairs in President Reagan's White House and now director of communications for the Wexler Group, a Washington-based public affairs and lobbying group. "People looked at The Washington Post for strong commentary that would make a difference," he said. "Frankly, people for the longest time haven't looked to The New York Times to do that. I say 'amen' if that's the new vision there."

The page's new tone and populist bent are just a couple of things that some board members don't like about life under Raines, who took command after four years as head of the Times' Washington bureau. The board member who compared the page to the New York Post also described Raines as an "autocratic type" unable or unwilling to treat his 12 colleagues as partners in what has traditionally been a collegial enterprise. "I think most people are shell-shocked," the member said. A second Times source said it was "a virtual certainty" that there would be departures from the board. "I think there's a lot of unhappiness," the source said—"a lot."

Raines initially declined a request for an interview, saying through an assistant that he preferred to allow his page to speak for itself. Later, he offered to have lunch with a reporter in New York, but a meeting could not be arranged before National Journal's deadline. Although Sulzberger, to whom Raines reports, declined to comment on reports of board discontent, he said, "It's very much Howell's page, but we are in alignment."

Internal turmoil aside, the new page has scored some hits. On March 10, The Times blistered EMILY's List, the women's fundraising group, for hiring the Washington powerhouse lobbying firm of Patton, Boggs & Blow to "do its ignoble work" and help win an exemption from campaign finance reforms. The editorial was criticized for its "nasty tone" by a defender of EMILY's List who wrote to The Times—but EMILY's List dropped Patton, Boggs as its lobbyist.

A House Democratic leadership source complained that "Raines used to be a Washington bureau chief, and you would think he would have some better understanding of the difficulties involved in getting major pieces of legislation through." But asked about the impact of the campaign finance editorials, the source said: "I wouldn't isolate The New York Times' editorial page, but I do think that editorial pages and public-interest groups have kept the pressure on to get this done sooner than some people [in Congress] would like to have it done."

A source at The Times observed of Raines: "Clearly he's making his mark at the page. He has strong views about domestic politics and much less of that sense that The Times must always hold its powder for the big one, which has been the standard view. . . . So he's really changed the style from an insider's page to probably what is much closer to a standard editorial page."

At the Times' Washington bureau, the kick-ass tone initially had reporters spilling

their morning coffee. "The general reaction of the newsroom was a collective sucking of breath—just, 'Wow,'" congressional correspondent Michael Wines said. "It really is a sea change of tone and emphasis."

A reason the editorials received so much newsroom notice—in the Washington bureau and in the Time's third-floor newsroom in New York—was that Raines could be everybody's boss one day: He's viewed as a prospect for the executive editor's job at The Times, now held by Max Frankel. Although some reporters like the tougher editorial tone, others think The Times has been too far out front on reform-of-Washington issues.

Congress hasn't been the Times' only target. Attorney General Janet Reno, for one, caught a bullet for her handling of the Waco (Texas) episode. "A very green Attorney General" approved the attack on the cult compound. The Times declared on April 21 in "Janet Reno's Disaster, and Ours." And in March, she took a hit for her call for the resignations of incumbent U.S. Attorneys. The attack on Reno drew a "furious" response from White House counsel Bernard W. Nussbaum, according to an editorial board member. President Clinton's director of communications, George R. Stephanopoulos, "apparently has been really watching us and is furious," the board member added.

Perhaps the White House didn't like "Mr. Clinton Heads for the Timber," the April 1 editorial that said that Clinton's "cave in" to western Senators opposed to higher grazing fees "was reminiscent of his behavior as governor of Arkansas, when he often favored the economic welfare of the chicken industry over strict regulation of its adverse effects on the environment."

Asked for a comment on the Times editorial page, Stephanopoulos replied, "I have a four-word response: It's a free country."

The adage, of course, is that it never pays for a politician to pick a fight with a publisher who buys ink by the barrel. But how many people really read editorials? The House Democratic leadership source said the wisest strategy for elected officials would be "not to lose a lot of sleep" over the Times' tirades. But the problem, the aide said, is that "Members don't like to be criticized." And, "I think there is a real resentment of the media that has built up over the perk and privilege issue." Lawmakers reason that "most of the big papers who write this stuff know better and are just taking cheap shots," the source explained.

With editorials like the one that listed PAC contributions to the five top members of the House Democratic leadership, The Times is viewed as personalizing the debate. It's almost as if Ross Perot had smuggled a United We Stand, America Inc. gremlin onto the 10th floor, a Capitol Hill source quipped.

A fly-fishing devotee who hails from Birmingham, Ala., Raines has a reputation for being a gifted, graceful writer. In 1992, he won the Pulitzer prize for feature writing for his first-person saga of his relationship with his family's black housekeeper.

He also has a reputation for bossiness. "He is autocratic," a Times Washington bureau reporter said. "A very dictatorial person," another reporter who worked for Raines at the Washington bureau said. Then again, someone else who once worked for Raines found him to be "amiable" and "a sensitive man interested in nurturing me."

Raines's predecessor, Jack Rosenthal, now the Sunday magazine editor, was widely known for an easy-going style that endeared him to editorial board members, some of whom hail from academia and not many of

whom have daily newspaper experience. "Howell is much more a *New York Times*-style figure—blunt, not very nice, very ambitious," a Times source said. "Jack Rosenthal is an unusually genteel man," said David K. Shieler, a Washington-based free-lance journalist who worked for *The Times* for 22 years.

A change that was not universally applauded—a source called it an example of "an obsessive, overweening assertion of power"—was an edict banning food at the thrice-weekly editorial board meetings that Raines presides over. But another source said that the food situation had gotten out of hand with "a lot of spreading out of morning coffee and bagels and donuts. . . . People were accustomed to consensus and permissiveness," this source said, comparing the atmosphere to Montessori schools, where children are encouraged to direct their own learning without adult supervision. By that standard, the Raines regime might be thought of as English boarding school.

Traditionally, the 10th floor has been viewed as somewhere close to newspaper heaven. Editorial board members get a large office and a nice paycheck on the order of what an experienced Times reporter would earn. The price is anonymity. "It's sort of a golden dead end," a Times source said. "Really a cool deal."

Sources say Raines has been shooting down a lot of pieces proposed by board members and is also writing quite a few on his own. He seems to have ended, or at least suspended, a campaign by the Rosenthal-led editorial page on behalf of "managed competition" health care reform. Although this has some board members grumbling that *The Times* no longer has a declared view on one of the most important matters of the day, some health policy experts in Washington and elsewhere viewed the earlier managed competition crusade as obsessive and lacking in broad perspective. The writer of nearly all of the editorials, Michael M. Weinstein, has remained on the board.

Board member Dorothy Samuels, an ex-director of the New York Civil Liberties Union, has continued to write many of the editorials on campaign finance and related topics—but under the watchful editorial eye and prompting of Raines, according to sources.

The tough line on Clinton isn't a great surprise; last October, Raines called press cheerleading for Clinton "the most dramatic example of infatuation among some reporters since Kennedy."

Raines may, of course, alter his operating style—or colleagues may gradually get used to it. But don't expect changes in editorial tone. "Howell eats gunpowder for breakfast," Times reporter Wines said.

Mr. DANFORTH. Mr. President, will the Senator yield.

Mr. DOLE. I would be happy to yield to the Senator from Missouri.

Mr. DANFORTH. Mr. President, I am happy that I was on the floor to hear the Republican leader's comment. I can understand exactly how he must feel, having read the editorial page of the *New York Times* particularly this past week which lashed out at him in a very personal way on at least two occasions.

I would simply say that my own comments would be uttered more really in sorrow than in anger because we all benefit from thoughtful editorials and from thoughtful editorial pages. Even though we may disagree with a par-

ticular editorial or even the basic drift of a particular editorial page, thoughtful editorials play a very significant role in what we do in the Senate.

They help us in our deliberations. But the problem is that the *New York Times* editorial page has become so predictable and so extreme in its way of expressing itself. Day after day we are told that President Clinton's program is not simply a wonderful program. It is a veritable art work, not to be changed in any detail. And it is described in words such as sparkling, dazzling, and day after day Republicans who may disagree with the President are viewed as being villains, and the head villain of course is the Republican leader, Senator DOLE.

You never win a fight with a newspaper. All of us in politics understand that. This is a losing effort. But as the *New York Times* is entitled to its opinion, so is the Republican leader, and so are all Americans entitled to their opinions. I would simply say to my leader I am grateful that he has expressed his opinion on this matter.

Mr. DOLE. I thank the distinguished Senator from Missouri. I certainly, as I said, have a great deal of respect for the newspaper, the world's leading newspaper. But there has been a new policy adopted. It has caused a split on the editorial staff. Mr. Raines spent some time in Washington, where I guess he learned all these things he now writes about. And I know Democrats have gone to New York to sit down, to visit with Mr. Raines, because they have been scalded too. But I guess you can say when it "Raines, it pours."

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

#### MORNING BUSINESS

Mr. GLENN. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

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

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Edwin R. 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.)

MESSAGES FROM THE HOUSE

At 3:59 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 bills and requests the concurrence of the Senate:

H.R. 798. An act to amend title 38, United States Code, to codify the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans as such rates took effect on December 1, 1992.

H.R. 1032. An act to amend title 38, United States Code, to provide for improved and expedited procedures for resolving complaints of unlawful employment discrimination arising within the Department of Veterans Affairs.

ENROLLED BILLS SIGNED

At 4:12 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 62. Joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Rights Week".

S.J. Res. 66. Joint resolution to designate the weeks beginning April 18, 1993, and April 17, 1994, each as "National Organ and Tissue Donor Awareness Week."

MEASURES REFERRED

The following bills, previously received from the House of Representatives for concurrence, were read, and referred as indicated:

H.R. 798. An act to amend title 38, United States Code, to codify the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans as such rates took effect on December 1, 1992; to the Committee on Veterans Affairs.

H.R. 1032. An act to amend title 38, United States Code, to provide for improved and expedited procedures for resolving complaints of unlawful employment discrimination arising within the Department of Veterans Affairs; to the Committee on Veterans Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-751. A communication from the Principal Deputy (Production and Logistics), Assistant Secretary of Defense, transmitting, pursuant to law, notice of a delay in the submission of a report on Base Structure; to the Committee on Armed Services.

EC-752. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to a deferral of budget authority; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, and to the Committee on Agriculture, Nutrition and Forestry.

EC-753. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, notice of documentation of certified material relative to the Defense Logistics Agency; to the Committee on Armed Services.

EC-754. A communication from the Deputy General Counsel, Office of General Counsel, Department of Defense, transmitting, a draft of proposed legislation entitled "Military Construction Authorization Act for Fiscal Year 1994"; to the Committee on Armed Services.

EC-755. A communication from the Secretary of Defense, transmitting, pursuant to law, the report on the conduct of the National Security Education Program; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. 3. A bill entitled the "Congressional Spending Limit and Election Reform Act of 1993" (Rept. No. 103-41).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MOYNIHAN, from the Committee on Finance:

Frank N. Newman, of California, to be an Under Secretary of the Treasury.

Leslie B. Samuels, of New York, to be an Assistant Secretary of the Treasury.

Jack R. Devore, Jr., of Texas, to be an Assistant Secretary of the Treasury.

Ronald K. Noble, of New York, to be an Assistant Secretary of the Treasury.

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

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

The following-named officer, under the provisions of title 10, United States Code, section 601, for assignment to a position of importance and responsibility as follows:

To be lieutenant general

Maj. Gen. John J. Sheehan, U.S. Marine Corps.

The following-named officer to be placed on the retired list under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Martin L. Brandtne, USMC.

The following-named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Lt. Gen. Barry R. McCaffrey, U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated

under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Edwin S. Leland, Jr., U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Robert D. Chelber, U.S. Army.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Michael E. Rya, U.S. Air Force.

The U.S. Army National Guard officer named herein for appointment in the Reserve of the Army of the United States in the grade indicated below, under the provisions of title 10, United States Code, sections 593(a) and 3371:

To be major general

Brig. Gen. John R. D'Araujo

Reported by Mr. NUNN with the recommendation that the nominations be confirmed.

From the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (\*) are to be placed on the Executive Calendar. Those identified with a double asterisk (\*\*) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

\*In the Marine Corps Reserve there are 2 promotions to the grade of major general (list begins with Albert C. Harvey Jr.) (Reference No. 66)

\*In the Marine Corps Reserve there are 4 appointments to the grade of brigadier general (list begins with Jerry E. Ward) (Reference No. 82)

Total: 6.

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. GRASSLEY (for himself and Mr. CONRAD):

S. 833. A bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes; to the Committee on Finance.

S. 834. A bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes; to the Committee on Finance.

By Mr. COHEN:

S. 835. A bill for the relief of Pandelis Perdakis; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):  
 S. 836. A bill to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro (The Royal Road of the Interior Lands), and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SIMON (for himself, Mr. HATCH, Mr. DECONCINI, and Mr. METZENBAUM):

S. 837. A bill to prohibit certain political activities of certain Federal officers in the office of National Drug Control Policy; to the Committee on Governmental Affairs.

By Mr. KOHL:

S. 838. A bill to amend the Harmonized Tariff Schedule of the United States to correct the rate of duty on certain agglomerated cork products; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. EXON, and Mr. LAUTENBERG) (by request):

S. 839. A bill to establish a program to facilitate development of high-speed rail transportation in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SIMON (for himself, Mr. FEINGOLD, Mr. BAUCUS, Mr. DORGAN, and Mr. INOUE):

S.J. Res. 86. Joint resolution commemorating the fiftieth anniversary of the founding of the Food and Agriculture Organization of the United Nations and reaffirming the United States commitment to end hunger and malnutrition; to the Committee on Agriculture, Nutrition, and Forestry.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself and Mr. HATCH):

S. Res. 101. A resolution authorizing printing additional copies of Senate hearing titled "Nomination of Judge Clarence Thomas to be Associate Justice of the Supreme Court of the United States"; to the Committee on Rules and Administration.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. CONRAD):

S. 833. A bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes; to the Committee on Finance.

S. 834. A bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes; to the Committee on Finance.

#### SOCIAL SECURITY LEGISLATION

Mr. GRASSLEY. Mr. President, today, on behalf of myself and Senator

CONRAD, I am introducing two bills which, if enacted, would increase access to primary care for Medicare beneficiaries in rural and inner city communities. The Primary Care Health Practitioner Incentive Act of 1993, and the Physician Assistant Incentive Act of 1993, would reform Medicare reimbursement to nurse practitioners [NP's], clinical nurse specialists [CNS's], certified nurse midwives [CNM's], and physician assistants.

I introduced these bills in the 102d Congress in November 26, 1991, with Senator MOYNIHAN, and a statement and the text of the bills can be found on page S18426 of the CONGRESSIONAL RECORD for that date. A modified version of both these bills was included last year in the Senate version of H.R. 11, but were dropped in the House-Senate conference on that bill.

We are reintroducing these bills in the conviction that access to primary health care services for Medicare beneficiaries would be improved if we reformed the Medicare policies that place a limit on Medicare coverage of so-called physician services provided by these nonphysician providers.

These bills call for reimbursement of these provider groups at 97 percent of the physician fee schedule for services they perform regardless of geographic location or type of practice setting. The services include those which these providers are currently legally authorized to perform under State law whether or not the provider is under the supervision of, or associated with, a physician or other health care provider where that is permitted under State law.

In addition, modeled after the bonus payment of physicians who work in health professional shortage areas [HPSA's], these bills would permit the practitioners covered by this legislation who work in such shortage areas to be paid a bonus payment. We have included this provision to encourage nonphysician practitioners to relocate to areas in need of health care services.

#### THE PROBLEM

The Medicare program currently covers the services of all of these practitioners. However, various payment mechanisms are established for each and, for some, coverage is limited to certain geographic areas or types of facilities. The legislation authorizing these different reimbursement arrangements was passed in an incremental fashion over the years.

The underlying public Law for reimbursement of these providers is also inconsistent with State law in many cases. For instance, in Iowa, State law requires nonphysicians to practice with either a supervising physician or collaborating physician. But under Iowa law the supervising physician need not be physically present in the same facility as the nonphysician practitioner and, in many instances, may be, and is,

located in a site physically remote from that of the nonphysician practitioner he or she is supervising. In many instances, Medicare reimbursement policy will not recognize such relationships and instead requires that the physician be present in the same building as the nonphysician practitioner in order for services to be covered. This is known as the incident to provision, referring to services that are provided incident to a physician's services.

This has created a serious problem in Iowa, Mr. President. In many parts of my State, clinics have been established using nonphysician practitioners, particularly physician assistants, in order to provide primary health care services in communities that are unable to recruit a physician. The presence of these practitioners insures that primary health care services will be available to the community.

Iowa's Medicare carrier has strictly interpreted the incident to requirement of Medicare law as requiring the physical presence of a supervising physician in places where physician assistants practice. This has caused many of the clinics using physician assistants to close, and thus has deprived the community of primary health care services.

#### THIS LEGISLATION

If enacted, this legislation would establish a more uniform payment policy for these providers. And it would authorize coverage of these health care workers as long as they were practicing within State law and their professional scope of practice.

The legislation is based on the physician payment reform implemented beginning in January, 1992. The theory underlying it is that a particular service should have the same value whether it is performed by a physician or by another practitioner as long as that practitioner is licensed to practice by the State and is practicing within their scope of practice. The 3 percent payment differential is based on the malpractice expense difference encountered by physicians as contrasted with these practitioners.

Currently, the services of these nonphysician practitioners are paid at 100 percent of the physician's rate when provided incident to physicians' office services. If enacted, this legislation would discontinue this policy.

#### IMPLICATIONS FOR ACCESS TO CARE FOR MEDICARE BENEFICIARIES

I am pleased that the Clinton administration appears committed to increasing access to primary health care services. I believe that the legislation Senator CONRAD and I are introducing today should contribute to that end. If enacted, this legislation should encourage greater participation in the Medicare Program in underserved areas by these practitioner groups. I believe that this will increase access to primary care services for Medicare bene-

ficiaries. Many communities, both urban and rural, I should add, cannot support the services of a full-time physician assistant or nurse practitioner. Therefore, the bill, if enacted, should improve access to primary care in many inner city and rural communities.

Mr. President, I ask unanimous consent that the full text of the bills be included in the RECORD after my statement.

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

S. 833

*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 "Primary Care Health Practitioner Incentive Act of 1993".

#### SEC. 2. INCREASED MEDICARE REIMBURSEMENT FOR NURSE PRACTITIONERS, CLINICAL NURSE SPECIALISTS, AND CERTIFIED NURSE MIDWIVES.

##### (a) INCREASED PAYMENT.—

(1) NURSE PRACTITIONERS, CLINICAL NURSE SPECIALISTS, AND CERTIFIED NURSE MIDWIVES.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) in subparagraph (K), by striking "80 percent" and all that follows through "physician" and inserting "97 percent of the fee schedule amount provided under section 1848 for the same service performed by a physician"; and

(B) in subparagraph (M) the second place it appears, by striking "80 percent" and all that follows through "(r)(2)" and inserting "97 percent of the fee schedule amount provided under section 1848 for the same service performed by a physician".

(2) NURSE PRACTITIONERS.—Section 1842(b)(12)(A)(ii) of the Social Security Act (42 U.S.C. 1395u(b)(12)(A)(ii)) is amended—

(A) in subclause (I), by striking "65 percent" and inserting "65 percent or in the case of nurse practitioner services 97 percent"; and

(B) in subclause (II), by striking "or for services" and all that follows through "1848" and inserting "or in the case of nurse practitioner services 97 percent of the fee schedule amount specified in section 1848 for the same service performed by a physician or for physician assistants the fee schedule amount specified in such section".

(b) DIRECT PAYMENT FOR NURSE PRACTITIONERS OR CLINICAL NURSE SPECIALISTS.—Section 1832(a)(2)(B)(iv) of such Act (42 U.S.C. 1395k(a)(2)(B)(iv)) is amended by striking "provided in a rural area (as defined in section 1880(d)(2)(D))".

(c) BONUS PAYMENT FOR SERVICES PROVIDED IN HEALTH PROFESSIONAL SHORTAGE AREAS.—Section 1833(m) (42 U.S.C. 1395l(m)) is amended—

(1) by inserting "(1)" after "(m)"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of services of a nurse practitioner, clinical nurse specialist or certified nurse midwife furnished to an individual, described in paragraph (1), in an area that is a health professional shortage area as described in such paragraph, in addition to the amount otherwise paid under this part, there shall also be paid to such service provider (or to an employer in the cases described in clause (C) of section 1842(b)(6)) (on a monthly

or quarterly basis) from the Federal Supplementary Medical Trust Fund an amount equal to 10 percent of the payment amount for the service under this part."

(d) DEFINITION OF CLINICAL NURSE SPECIALIST CLARIFIED.—Section 1861(aa)(5) of such Act (42 U.S.C. 1395x(aa)(5)) is amended—

(1) by striking "clinical nurse specialist" each place it appears; and

(2) by inserting "(A)" after "(5)" and by adding at the end the following new subparagraph:

"(B) The term 'clinical nurse specialist' means, for purposes of this Act, an individual who—

"(i) is a registered nurse and is licensed to practice nursing in the State in which the clinical nurse specialist services are performed; and

"(ii) holds a master's degree in a defined clinical area of nursing from an accredited educational institution."

(e) REMOVAL OF RESTRICTIONS ON SETTINGS.—Section 1861(s)(2)(K) of such Act (42 U.S.C. 1395x(s)(2)(K)) is amended—

(1) in clause (ii), by striking "in a skilled" and all that follows through "1919(a)"; and

(2) in clause (iii), by striking "in a rural" and all that follows through "(d)(2)(D)".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after July 1, 1993.

S. 834

*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 "Physician Assistant Incentive Act of 1993".

#### SEC. 2. INCREASED MEDICARE REIMBURSEMENT FOR PHYSICIAN ASSISTANTS.

(a) IN GENERAL.—Section 1842(b)(12) of the Social Security Act (42 U.S.C. 1395u(b)(12)) is amended—

(1) by striking "a physician assistants" in subparagraph (A) and inserting "physician assistants";

(2) by striking "65 percent" in subclause (I) of subparagraph (A)(ii) and inserting "applicable percentage (as defined in subparagraph (B))";

(3) by striking subclause (II) of subparagraph (A)(ii) and inserting the following new subclause:

"(II) in other cases, for services of a physician assistant the applicable percentage (as so defined) of the fee schedule amount specified in section 1848, or for services of a nurse practitioner the fee schedule amount specified in such section, for the same service performed by a physician who is not a specialist"; and

(4) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) In subparagraph (A)(ii), the term 'applicable percentage' means—

"(i) 97 percent in the case of services performed by physician assistants, and

"(ii) 65 percent in the case of services performed by nurse practitioners."

(b) BONUS PAYMENT FOR SERVICES PROVIDED IN HEALTH PROFESSIONAL SHORTAGE AREAS.—Section 1833(m) of such Act (42 U.S.C. 1395l(m)) is amended—

(1) by inserting "(1)" after "(m)"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of services of a physician assistant furnished—

"(A) to an individual described in paragraph (1),

"(B) in a health professional shortage area as described in such paragraph.

in addition to the amount otherwise paid under this part, there shall also be paid to such physician assistant (or to an employer in the cases described in clause (C) of section 1842(b)(6)) (on a monthly or quarterly basis) from the Federal Supplementary Medical Trust Fund an amount equal to 10 percent of the payment amount for the service under this part."

(c) REMOVAL OF RESTRICTION ON EMPLOYMENT RELATIONSHIP.—Section 1842(b)(6) of such Act (42 U.S.C. 1395u(b)(6)) is amended by adding at the end the following new sentence: "For purposes of clause (C), an employment relationship may include any independent contractor arrangement, and an employer status shall be determined in accordance with the law of the State in which the services described in such clause are performed."

(d) REMOVAL OF RESTRICTION ON SETTINGS.—Section 1861(s)(2)(K)(i) of such Act (42 U.S.C. 1395x(s)(2)(K)(i)) is amended by striking "(I) in a hospital" and all that follows through "shortage area".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after July 1, 1993.

Mr. CONRAD. Mr. President, I am pleased to join Senator GRASSLEY in introducing the Primary Care Health Practitioner Incentive Act and the Physician Assistant Incentive Act. The proposals we are introducing today rationalize Medicare reimbursement for a set of primary care providers who must play an important role in a reformed American health care system—nurse practitioners, clinical nurse specialists, certified nurse-midwives and physician assistants.

These providers play an important role in our health care delivery infrastructure, particularly in rural areas, but have never been utilized to their fullest potential. Each specialty has its own training requirements. For example, nurse practitioners are registered nurses who have advanced education and clinical training in a health care specialty area that is either age- or setting-specific. A few examples include pediatrics, adult health, geriatrics, women's health, school health, and occupational health. Nurse practitioners generally perform services like assessment and diagnosis, and provide basic primary care treatment.

Almost half of the 25,000 nurse practitioners across the nation have master's degrees. Clinical nurse specialists, on the other hand, are required to have master's degrees and are found more frequently in tertiary care settings in specialties like cardiac care. However, many also practice in primary care settings.

Physician assistants on average receive 2 years of physician-supervised clinical training and classroom instruction. Unlike nurse practitioners, they are educated using the medical model of care, rather than the nursing process. Physician assistants work in all settings providing diagnostic, therapeutic, and preventive care services.

A certified nurse-midwife is a registered nurse with advanced training in

midwifery. Certified nurse midwives are certified by the American College of Nurse Midwives, and generally receive training either in 1-year non-degree programs or 2-year master's degree programs. More than half of the 2,600 certified nurse-midwives practicing today hold master's degrees. They specialize in reproductive care for women and conduct well over 2 million deliveries each year.

Members of each of these provider groups work with physicians to varying degrees. They generally work in consultation with physicians. As their professions and educational opportunities have developed, their roles have expanded to the point where each has become an integral contributor to our health care system, particularly where areas are short of physicians. Today, one often finds a nurse practitioner or physician assistant staffing a clinic where no physician is present.

Within their areas of competence, nurse practitioners, clinical nurse specialists, certified nurse-midwives and physician's assistants furnish care of exceptional quality. Numerous studies have demonstrated that they do a particularly effective job of providing preventive care, supportive care and health promotion services. They also emphasize communication with patients and provide effective follow-up with patients. These qualities will all be especially important in a reformed national health system that places greater emphasis on primary care.

As the law stands today, Medicare provides for reimbursement of nurse practitioners, physicians' assistants and clinical nurse specialists working with physicians. But because of the incremental way in which the various payment mechanisms have been established, reimbursement varies widely by setting and type of provider. For example, payments to physicians' assistants must be made through their employing entity. Payments to nurse practitioners, certified nurse-midwives and clinical nurse specialists are made on an assignment-related basis. Reimbursement for all four classes of providers varies depending on the setting in which they perform their services.

Medicare requirements can hinder the ability of practices to set up satellite clinics that are staffed by providers other than physicians. For example, although the State of North Dakota allows for broad use of such providers, the reimbursement levels provided by Medicare can create difficulty both for the providers and the practices themselves.

In rural North Dakota, and in many other areas throughout the country, one or two doctors might rotate between a series of clinics. The clinics might also be staffed by physician's assistants, nurse practitioners or other providers. If a Medicare patient requires care when a doctor is conducting

business away from the clinic, and the only provider present is a physician assistant, the clinic can't be reimbursed by Medicare for care he or she provides to that individual—the same care that would be reimbursed if the physician were in the next room. The State of North Dakota allows that same physician's assistant to provide the care without a physician present, but Medicare provides no reimbursement.

In this situation, the physician assistant has a few options. First, he or she can tell the Medicare patient, who obviously needs care, to come back when the physician is present, so the clinic can receive Medicare reimbursement. The second option is to accompany the patient to the closest hospital and provide the care through the emergency room, at an added cost to the Medicare program and the American taxpayer. Third, he or she can simply see the patient, knowing the clinic will not be compensated by Medicare. Finally, the physician assistant can provide the care, and the clinic then apply for Medicare reimbursement under the physician's provider number—an option none of us would prefer.

And in areas where there is no physician at all, but where alternative providers may be available, those providers will be unable to operate a financially viable practice. While the State of North Dakota allows and promotes the use of such providers, Medicare essentially precludes their use in the areas where they are needed most—communities where no physician is available, or where a physician is available only part time.

It is because of situations like these that the Office of Technology Assessment, the Physician Payment Review Commission and the providers themselves have all expressed the need for consistency, and for a reimbursement scheme that acknowledges reality.

Greater use of nurse practitioners, physician assistants, clinical nurse specialists and certified nurse-midwives can improve our ability to provide health care services in areas where access to providers can be difficult. These providers have historically been willing to move to both rural and inner-city areas that are undeserved by health care providers. In fact, they are located in about 50 communities throughout North Dakota.

Many communities that cannot support a physician can support a fulltime nurse practitioner or physician assistant. As I have already discussed, some towns already utilize these providers to some extent. North Dakotans and residents of many other States recognize the value of each of these health care professionals, and appreciate the access to quality care they provide. But although North Dakota improves access to health care for our rural residents by allowing for relatively broad utilization of these providers, our ef-

forts are impeded by an irrational Federal reimbursement scheme. But no matter what the State of North Dakota does, unless changes are made in Federal reimbursement, we will never encourage use of nurse practitioners, physician assistants, clinical nurse specialists and certified nurse midwives to the greatest extent we need to provide rural residents with access to primary care.

The bills Senator GRASSLEY and I are introducing would help eliminate the barrier to using these important primary care providers. The bills provide each of these provider groups with reimbursement at 97 percent of the physician fee schedule for the services they provide, regardless of practice setting or location. By doing so, our proposals eliminate the types of irrational situations that arise in areas where a physician simply cannot be present at all times. Another important provision allows for a bonus payment to these providers if they elect to practice in Health Professional Shortage Areas [HPSA's]. All but six counties in North Dakota are completely or partially designated as HPSA's. The health care access problems residents of those counties experience could be substantially alleviated by the presence of this special class of primary care providers.

The improvements in the reimbursement structure that Senator GRASSLEY and I advocate are sensible and will pay dividends in improved health access to health care for Americans living in rural and urban areas alike. Our proposals are also consistent with the philosophy behind the resource-based relative value scale, which pays different types of physicians the same when they provide identical services. And by rationalizing Medicare reimbursement, our proposals will better enable practices to utilize nurse practitioners, certified nurse-midwives, clinical nurse specialists and physician assistants in a variety of settings.

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

S. 836. A bill to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro (The Royal Road of the Interior Lands), and for other purposes; to the Committee on Energy and Natural Resources.

EL CAMINO REAL DE TIERRA ADENTRO STUDY  
ACT OF 1993

• Mr. BINGAMAN. Mr. President, I rise today to introduce legislation to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro, the Royal Road of the Interior Lands. For nearly 300 years, El Camino Real de Tierra Adentro was the primary route for clergy, colonists, soldiers, Indians, officials, and trade caravans between Mexico and New Mexico. Originating as an Indian trail following the Rio Grande

from Taos Pueblo in the north to El Paso del Norte—today's El Paso, TX—the route fostered trade and cultural exchange between the Pueblo Indians of New Mexico and the native cultures of Meso-America. This exchange went on for centuries prior to the arrival of the Europeans from Spain.

From the Spanish colonial period (1598–1821) through the Mexican national period (1821–1848), and through part of the United States Territorial period (1848–1912), El Camino Real de Tierra Adentro extended 1800 miles from Mexico City through Chihuahua City, El Paso del Norte, and on to Santa Fe in northern New Mexico. This road was the first to be developed by Europeans in what is now the United States. For a time it was one of the longest roads in North America.

Mr. President, historically significant routes such as El Camino Real make history come alive for residents as well as visitors to New Mexico and Texas. National Historic Trail designations are a low cost, low impact way to chronicle and interpret the history of movement across and into our Nation. The legislation I am introducing today authorizes a study of El Camino Real de Tierra Adentro in order to evaluate the appropriateness of adding it to the National Historic Trail System. The study will be done in cooperation with the Government of Mexico and provides for technical assistance with the possible objective of establishing an international historic trail. Today, as our ties to Mexico grow ever closer, it is vital that we take steps to understand our linked past.

I am pleased that my colleague from New Mexico, Senator DOMENICI, is a co-sponsor of this bill. I understand that companion legislation to this bill will be introduced shortly in the House by Congressman RICHARDSON and Congressman COLEMAN. With this level of support, I hope we can look forward to speedy passage of this bill.

I ask unanimous consent that this legislation be printed in the RECORD.

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

S. 836

*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 "El Camino Real de Tierra Adentro Study Act of 1993."

#### SEC. 2. FINDINGS.

Congress finds that—

(1) El Camino Real de Tierra Adentro was the primary route for nearly 300 years that was used by clergy, colonists, soldiers, Indians, officials, and trade caravans between Mexico and New Mexico;

(2) from the Spanish colonial period (1598–1821), through the Mexican national period (1821–1848), and through part of the United States Territorial period (1840–1912), El Camino Real de Tierra Adentro extended 1,800 miles from Mexico City through Chihuahua

City, El Paso de Norte, and on to Santa Fe in northern New Mexico;

(3) the road was the first to be developed by Europeans in what is now the United States and for a time was one of the longest roads in North America; and

(4) El Camino Real de Tierra Adentro, until the arrival of the railroad in the 1880's, witnessed and stimulated great multi-cultural exchanges and the evolution of nations, peoples, and cultures.

#### SEC. 3. DESIGNATION OF TRAIL.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

"(36)(A) El Camino Real de Tierra Adentro, the approximately 1,800 mile route extending from Mexico City, Mexico, across the international border at El Paso, Texas, to Santa Fe, New Mexico.

"(B) The study shall—

"(i) examine changing routes within the general corridor;

"(ii) examine major connecting branch routes; and

"(iii) give due consideration to alternative name designations.

"(C) The study shall be done in cooperation with the Government of Mexico and shall provide for, as necessary, technical assistance to Mexico with the possible objective of establishing an international historic trail."•

By Mr. SIMON (for himself, Mr. HATCH, Mr. DECONCINI, and Mr. METZENBAUM):

S. 837. A bill to prohibit certain political activities of certain Federal officers in the Office of National Drug Control Policy; to the Committee on Governmental Affairs.

#### OFFICE OF NATIONAL DRUG CONTROL POLICY POLITICAL ACTIVITIES ACT OF 1993

• Mr. SIMON. Mr. President, today I am introducing legislation to prohibit political campaigning and political management by appointed officers of the Office of National Drug Control Policy [ONDCP], commonly known as the drug czar's office. I am pleased to be joined in this effort by Senators HATCH, DECONCINI, and METZENBAUM.

Mr. President, the Office of National Drug Control Policy is responsible for the formation and implementation of our national drug control strategy. Appointees to this office perform a public service that requires leadership on a complex issue which affects the lives and well-being of all Americans. While I do not expect the drug director and other appointees to act in a political vacuum, I cannot accept the blatant politicization of the office which occurred under the previous administrations.

Last year, the Orlando Sentinel reported that 42 percent of the positions at ONDCP were patronage positions. This is the highest percentage of political patronage positions in any Federal governmental agency. By comparison, the Justice Department and the Departments of the Army, Navy and Air Force each had less than 1 percent. The article also noted that some staff members in key positions at ONDCP "did not even mention the word 'drugs' in

their job applications." The high percentage of political appointees coupled with the general lack of experience with the drug issue severely undermined the legitimacy of the office.

I believe this is a direct result of the politicization of the office which began under former drug czar William Bennett. During his tenure as drug czar, Mr. Bennett traveled the Nation making political campaign speeches on behalf of administration-endorsed political candidates. Upon his resignation, Mr. Bennett was the first choice to head the Republican National Committee—it would have been a natural transition.

Gov. Bob Martinez, who cochaired the 1988 Bush Presidential campaign replaced Mr. Bennett as drug czar. Prior to his confirmation hearings, I stated that I would oppose his nomination unless he made a commitment to refrain from partisan political activity in his office. He refused to make that commitment and that was one of the reasons I opposed his nomination. Mr. Martinez, following in the footsteps of his predecessor, also engaged in partisan political activities; last year he was part of a so-called Republican truth squad that appeared at the Democratic Convention.

This is not to say that I oppose a high-profile drug director. I do not. But I do oppose the use of the office as a partisan bully pulpit, and I intend to oppose any nominee to the drug director's office who will not agree to refrain from partisan political activity. I hope that the administration's choice for drug director will agree to make such a commitment.

Last fall, I offered an amendment to limit political activity in the drug director's office on H.R. 5488, the fiscal year 1993 Treasury postal appropriations bill. The Senate approved my amendment by voice vote. It prohibits the use of those appropriated funds to pay for public appearances in political campaigns by drug czar appointees. The legislation I am introducing today would go one step further to prohibit political campaigning and political management by these officers.

Some progress has been made in the effort to fight illegal drug use in the United States, most notably in the continuing decline in casual cocaine use, but there is absolutely no doubt that there is still work to do. The increases in hard core cocaine use and heroin availability and the soaring drug-related murder toll put our modest progress in perspective. In my home State of Illinois, there were three times as many murders in 1992 than there were deaths of U.S. Armed Forces in the Persian Gulf war. According to law enforcement officials, many of these fatalities were connected to the drug trade.

Politics cannot continue to overshadow the important mission of the

Office of National Drug Control Policy. I believe this legislation is an important step in helping to restore some respect and credibility to the drug director's office. I urge my colleagues to co-sponsor this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following my statement.

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

S. 837

*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 "Office of National Drug Control Policy Political Activities Act of 1993".

**SEC. 2. PROHIBITIONS ON POLITICAL ACTIVITIES.**

(a) IN GENERAL.—Section 1003(a)(2) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1502) is amended—

(1) by inserting "(A)" after "(2)"; and  
(2) by adding at the end thereof the following new subparagraph:

"(B) The Director, the Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Associate Director for National Drug Control Policy shall not take an active part in political management or in political campaigns. No later than 90 days after the date of the enactment of this subparagraph, the Director of the Office of Personnel Management shall promulgate regulations prescribing what actions constitute an active part in political management or in political campaigns for purposes of this subparagraph."

(b) AMENDMENT TO HATCH ACT PROVISIONS.—Section 7324(d) of title 5, United States Code, is amended—

(1) in paragraph (1) by inserting before the semicolon " , except for an employee as provided under section 1003(a)(2)(B) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1502(a)(2))"; and

(2) in paragraph (3) by inserting before the semicolon " , except for an employee as provided under section 1003(a)(2)(B) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1502(a)(2))".

By Mr. KOHL:

S. 838. A bill to amend the Harmonized Tariff Schedule of the United States to correct the rate of duty on certain agglomerated cork products; to the Committee on Finance.

**CORK PRODUCTS DUTY ACT OF 1993**

• Mr. KOHL. Mr. President, I rise today to introduce legislation amending certain provisions of the Harmonized Tariff Schedule of the United States [HTS] dealing with classification of agglomerated cork. This legislation is necessary to correct an unintended change in the tariff treatment of certain cork products that resulted from the replacement of the Tariff Schedules of the United States [TSUS] with the HTS. My legislation would reinstate the historical tariff treatment for these products which existed for many years prior to the adoption of the HTS. By restoring the tariff treatment for agglomerated cork that prevailed

under the TSUS, this legislation will not only make the HTS consistent with the original congressional intent, but will also reduce the cost of cork to U.S. industry and U.S. consumers and will retain jobs in the United States.

**PRODUCT DESCRIPTION**

This bill will affect the tariff treatment of two separate product groups: First, cork/rubber composites, consisting of blocks, cylinders, frame members, and other shapes, and second, composition cork products consisting of blocks, cylinders, and other shapes. Cork/rubber (also known as vulcanized cork/robber) is manufactured from raw cork which is ground to specific grades and combined with synthetic rubber. Composition cork is made from raw cork wood which is ground into granules of uniform sizes and then combined with binders such as animal glue, polymers, and resins. The material is then pressed into block or cylindrical molds and heat cured for stability. Once they arrive in the United States, these molded shapes of cork/rubber and composition cork are manufactured into gaskets, seals, insulation, floor and wall coverings, bulletin boards, and other products.

**THE EFFECT OF CONVERSION FROM THE TSUS TO THE HTS ON TARIFF CLASSIFICATION OF AGGLOMERATED CORK**

The purpose of the bill I am introducing today is to restore the duty that prevailed under the TSUS for both vulcanized cork/rubber and composition cork. For nearly 20 years, cork/rubber and composition cork are manufactured into gaskets, seals, insulation, floor and wall coverings, bulletin boards, and other products.

**THE EFFECT OF CONVERSION FROM THE TSUS TO THE HTS ON TARIFF CLASSIFICATION OF AGGLOMERATED CORK**

The purpose of the bill I am introducing today is to restore the duty that prevailed under the TSUS for both vulcanized cork/rubber and composition cork. For nearly 20 years, cork/rubber was imported under TSUS item 220.25 which provides for vulcanized sheets and slabs wholly of ground or pulverized cork and rubber. During the same period, composition cork was imported under TSUS item 220.20 which provides for natural and composition cork, not further advanced than cut or molded into blocks, rods, sheets, slabs, stick, strips, and similar shapes. Cork/rubber classifiable under Item 220.25 was dutiable at the rate of 3.7 percent, while composition cork under item 220.20 was dutiable at the rate of 2.5 cents per pound—5.5 percent per kilogram.

In 1989, the TSUS was replaced by the HTS. This new tariff nomenclature was designed to facilitate trade by making the system for classifying imports uniform among the United States and its major trading partners. Congress, however, did not intend the conversion from the TSUS to the HTS to result in any significant changes to the rates of duty on individual products.

When Congress enacted the HTS, the same language which was contained in Item 220.25 was inserted as subheading 45.4.10.10 and the rate of duty was maintained at 3.7 percent. Because the language was qualified by the superior heading for blocks, plates, sheets, and strip in subheading 45.4.10, however, the customs service recently ruled that vulcanized blocks, cylinders and frame members did not qualify under the provisions from vulcanized sheets and slabs in subheading 4504.10.10. It then relegated such products to the residual provisions of subheading 4504.10.50, which carries a rate of duty equal to 18 percent ad valorem.

The implementation of the HTS had a similar effect on composition cork. While HTS subheading 4502 maintains the same tariff treatment for natural cork as obtained under TSUS Item 220.20, the new provision does not extend to composition cork. Under the HTS, composition cork is considered agglomerated cork classifiable under the provisions of heading 4504. Heading 4504, however, failed to incorporate a provision similar to TSUS Item 220.20 for simple cut or molded shapes of agglomerated cork at 5.5 cents per kilogram. Goods previously classifiable under Item 220.20 were therefore relegated to the residual provisions for other agglomerated cork in subheading 4504.90. The rate of duty thus increased from 2.5 cents per pound—5.5 cents per kilogram—to 18 percent ad valorem.

**IMPACT OF THIS LEGISLATION ON DOMESTIC INDUSTRY**

All cork is currently imported into the United States, since it is obtained from the cork oak which is grown in Southern Europe and Northern Africa. There are absolutely no U.S. producers of agglomerated cork, primarily because the cost of importing ground cork into the United States and forming it into agglomerated cork is prohibitive when compared with the cost of importing agglomerated cork.

No U.S. manufacturer would be adversely affected by restoring the previously existing duty rates that applied to vulcanized cork/rubber and composition cork. In fact, restoration of these rates would benefit U.S. industry and U.S. consumers by reducing the costs of imported agglomerated cork and the U.S. products made from it. Moreover, without the amendments contemplated by the bill, U.S. cork manufacturers may be forced to transfer certain operations abroad or to close their U.S. manufacturing facilities altogether. The Customs Service acknowledges that cork importers could gain more favorable tariff treatment by importing cork/rubber sheets and slabs and selected products of composition cork. In order to gain such favorable tariff treatment, however, importers would have to transfer certain of their operations abroad to further manufacture the cork/rubber and composition cork

before it enters the United States. At a minimum, this will result in the loss of many U.S. jobs. Since even the transfer represents only a partial solution, however, U.S. manufacturers of cork products would still be required to absorb part of the cost of increased tariffs. Since it is already clear that such manufacturers would utilize synthetics and other substitutes instead, the U.S. cork industry would be radically downsized, forcing the closure of entire plants.

Finally, the technical correction in the HTS proposed by this legislation has no revenue impact. The bill I am introducing today simply returns the tariff duty for agglomerated cork to the original tariff duty found under the TSUS which never should have changed with the enactment of the HTS. Hence, there is no need to offset this change with a duty producing provision.

Mr. President, I urge my colleagues to join with me by cosponsoring this legislation which corrects an unintended change in the tariff treatment of agglomerated cork.

I ask unanimous consent that the text of the legislation appear in the RECORD following my remarks.

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

S. 838

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

**SECTION 1. AGGLOMERATED CORK PRODUCTS.**

(a) IN GENERAL.—The article description for subheading 4504.10.10 of the Harmonized Tariff Schedule of the United States is amended to read as follows:

"Vulcanized blocks, plates, cylinders, sheets, slabs and other shapes wholly of ground or pulverized cork".

(b) CUT OR MOLDED AGGLOMERATED CORK.—Chapter 45 of the harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading with the article description having the same degree of indentation as the article description in subheading 4504.90.20:

"4504.90.10	Agglomerated cork, not further advanced than cut or molded into blocks, plates, cylinders, sheets, slabs, rods, sticks, strips and other shapes.	5.5¢/kg	Free (A, CA, E, IL).	22¢/kg".
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**SEC. 2. EFFECTIVE DATE.**

(a) IN GENERAL.—The amendments made by section 1 apply 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.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon a request filed with the appropriate customs officer before the date which is 90 days after the date of the enactment of this Act, an entry of an article described in heading 4504 of the Harmonized Tariff Schedule of the United States (as amended by section 1) that was made—

- (1) after December 31, 1988, and
- (2) before the 15th day after the date of the enactment of this Act, and with respect to which there would have been a lesser duty if the amendments made by section 1 applied to such entry, shall be liquidated or reliquidated as though such amendments applied to such entry. •

By Mr. HOLLINGS (for himself, Mr. EXON, and Mr. LAUTENBERG) (by request):

S. 839. A bill to establish a program to facilitate development of high-speed rail transportation in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

**HIGH-SPEED RAIL DEVELOPMENT ACT OF 1993**

Mr. HOLLINGS. Mr. President, today, I am pleased to introduce by request the High-Speed Rail Development Act of 1993. This legislation outlines President Clinton's vision for high-speed rail in America, and represents a significant first step toward widespread implementation of this exciting and important technology.

As chairman of the Commerce Committee, I long have recognized the potential of and national interest in high-speed ground transportation to improve our transportation network, boost our national competitiveness, create jobs, relieve congestion in crowded metropolitan corridors, mitigate the environmental impact of additional needed transportation capacity, and save energy. Foreign nations have made a major investment in high-speed rail networks which carry passengers swiftly and safely from place to place, but except for funding to improve Amtrak service in the Northeast corridor, the United States has lagged far behind in this area.

Since 1989, when the Commerce Committee first investigated the possibilities for high-speed ground transportation systems, I have pushed for an enlightened national transportation policy which focuses on the importance of passenger rail transportation. In both the 101st and 102d Congresses, I introduced bills addressing the need for improved surface transportation alternatives, and, in 1991, the Senate passed one of these bills, S. 811, the High-Speed Ground Transportation Act of 1991, as reported by the Commerce Committee. At my insistence, key components of this balanced bill were incorporated into the Intermodal Surface Transportation Efficiency Act of 1991.

Clearly, implementation of high-speed rail in the United States will cost money, given the capital-intensive nature of such projects. Recognizing the Nation's current budgetary constraints, the President has set forth a reasonable first step which leverages other available Federal programs, as well as State, local, and private-sector investment in high-speed rail. I note, however, that we must target carefully

our investment in this area, because, if we disperse the funding too widely, we will never see real improvement in passenger rail service in any one corridor.

I further point out that we will need to continue to address the future potential role of high-speed magnetic levitation transportation. Maglev represents an important technology which may change the way we travel in the next century, and we already have made significant strides in assessing the possible benefits of this next-generation transportation mode. In this regard, I look forward to receiving from the administration the complete report of the national maglev initiative as mandated by the Congress.

I expect that the Commerce Committee will review carefully the administration's legislation which I am introducing today, and I look forward to working with my colleagues Senator EXON and Senator LAUTENBERG, and with Secretary Peña and the administration and others on this issue.

I ask unanimous consent that the full text of the bill I am introducing today be printed in the RECORD.

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

S. 839

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "High-Speed Rail Development Act of 1993".*

**SEC. 2. FINDINGS.**

The Congress finds that—

- (1) high-speed rail passenger transportation (high-speed rail) may offer a safe and efficient alternative to aviation and motor vehicle travel for intercity transportation in certain corridors linking major metropolitan areas in the United States;
- (2) high-speed rail may have environmental advantages over certain other forms of intercity transportation;
- (3) Amtrak's Metroliner service between Washington, District of Columbia, and New York, New York, the United States' premier high-speed rail service, has shown that Americans will use high-speed rail when that transportation option is available;
- (4) high-speed rail may help relieve congestion experienced in densely travelled corridors;
- (5) high-speed rail should be developed in those intercity corridors where such service is appropriate;
- (6) new high-speed rail service should not receive Federal subsidies for operating and maintenance expenses;
- (7) the States and localities should take the prime responsibility for the implementation of high-speed rail service;
- (8) the private sector should participate in funding the development of meritorious high-speed rail system;
- (9) in some intercity corridors, Federal financial capital assistance is required to supplement the financial commitments of State and local governments and the private sector to ensure the development of the infrastructure required by meritorious high-speed rail systems;
- (10) new technologies can facilitate the development of high-speed rail in the United States;

(11) the development of these technologies can expand the competitiveness of U.S. industry in the development of high-speed rail systems in this country and overseas; and

(12) Federal assistance is required for research, development and demonstration of these technologies.

### SEC. 3. NATIONAL HIGH-SPEED RAIL ASSISTANCE PROGRAM.

The Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.) is amended by adding at the end thereof the following:

#### "TITLE X—HIGH-SPEED RAIL ASSISTANCE

##### "SEC. 1001. DESIGNATION OF CORRIDORS.

"(a) The Secretary is authorized to designate as a high-speed rail corridor (HSR Corridor) any corridor that serves two or more major metropolitan areas in the United States where the Secretary determines that high-speed rail offers the potential for cost effective intercity public transportation as part of the Nation's transportation system.

"(b) Designations made by the Secretary under subsection (a) of this section shall be in response to a petition from the governor(s) of a State or States that substantially encompass the proposed corridor.

"(c) Any petition submitted pursuant to subsection (b) of this section shall include such information as the Secretary determines to be necessary to evaluate the merits of that corridor, including designation of a public agency to be responsible for coordination of activities under this title and legally able to enter into financial assistance agreements under sections 1002(c) and 1003(a) of this title.

"(d) A decision by the Secretary to designate a HSR Corridor under subsection (a) of this section shall be based on such criteria as the Secretary deems appropriate, including—

"(1) the integration of the HSR Corridor into Statewide and metropolitan area transportation planning undertaken pursuant to 23 U.S.C. §§ 134 and 135 and;

"(2) the interconnection of the proposed high-speed rail service with other parts of the Nation's transportation system, including the relationship of the proposed service to multimodal terminals;

"(3) the support and participation in the proposed development of the HSR Corridor of the cities which it would serve;

"(4) the effect of the proposed high-speed rail service on the congestion of other modes of transportation;

"(5) the financial commitments of the State and local governments and the private sector to development of high-speed rail service;

"(6) the effect of the proposed service on State and local governments' efforts to attain compliance with the Clean Air Act;

"(7) the anticipated level of ridership;

"(8) the estimated capital cost of the proposed system;

"(9) the ability of the projected revenues of the proposed service, including any financial commitments of the State or local governments, to cover capital costs and operating and maintenance expenses;

"(10) the support of any owners and operators of existing rail facilities proposed for improvement in developing high-speed rail service;

"(11) if a State proposes to develop the HSR Corridor through the award of a franchise to construct and operate a proposed high-speed rail system, the award and active implementation of such a franchise and the involvement and support of the holders of that franchise; and

"(12) the effect of the proposed high-speed rail service on other transportation services in operation or under development.

"(e) The Secretary shall, upon application of the governor(s) of a State or States, designate as a HSR Corridor any intercity rail corridor designated as a high-speed rail corridor by the Secretary under section 1010 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104(d)(2)).

"(f) The Secretary shall designate as a HSR Corridor any intercity rail corridor, other than the mainline of the corridor improved under Title VII of this Act, that includes a significant segment where regularly scheduled rail passenger service operates at speeds in excess of 100 miles per hour on the date of enactment of the High-Speed Rail Development Act of 1993, upon application of the governor(s) of the State or States in which such corridor is located.

##### "SEC. 1002. CORRIDOR MASTER PLANS.

"(a) A public agency designated under subsection 1001(c) of this title and seeking financial assistance for development of a HSR Corridor designated by the Secretary and eligible for funding under section 1003 of this title shall prepare and submit to the Secretary a corridor master plan for that corridor.

"(b) The corridor master plan prepared under subsection (a) of this section shall identify a coordinated program of improvements to permit the establishment of high-speed rail service in the corridor, including those improvements necessary to achieve high-speed service and not eligible for financial assistance under section 1003(c) of this title. Such plan shall include—

"(1) identification of how the proposed high-speed rail service relates to the Statewide and metropolitan area transportation plans for the affected State(s) and metropolitan areas;

"(2) identification of the specific elements that comprise the program to achieve the high-speed service, including their estimated costs, schedules, timing and relationship with other projects and how these elements fit into a plan to achieve high-speed service;

"(3) identification of the transportation benefits that would be derived from each element including reductions in trip times and increases in average speeds and top speeds;

"(4) identification of specific improvements that comprise each element, the eligibility of such improvements for financial assistance under section 1003(c) of this title, and a proposed allocation of financial responsibility for specific improvements, including proposed sources of funding;

"(5) identification of anticipated levels of ridership and projections of revenues and expenses associated with the proposed high-speed rail service when completed and for each major increment undertaken to achieve high-speed service including estimates of any operating subsidies that would be required and the sources of such subsidies;

"(6) an operating plan for the project, as designed, identifying the proposed schedule and frequency of the proposed high-speed service and showing the coordination of the service with any other rail operations on the corridor; and

"(7) such other information as may be required by the Secretary.

"(c) The Secretary is authorized to enter into an agreement with the public agency preparing a corridor master plan to fund up to 80 percent of the eligible costs associated with preparation of such plan; *Provided however*, that at least 20 percent of such eligible costs shall be funded with State or local

funds. Eligible costs associated with preparation of a corridor master plan shall include design, environmental and route selection analysis, preliminary engineering necessary to support such analyses, and any other analyses that the Secretary determines are required to prepare such a plan.

"(e) An action by the Secretary under this section shall not constitute a commitment to fund any element or improvement contained in such corridor master plan.

##### "SEC. 1003. FINANCIAL ASSISTANCE FOR HIGH-SPEED RAIL CORRIDORS.

"(a) The Secretary may enter into a financial assistance agreement with a public agency designated under subsection 1001(c) of this title to fund eligible improvements to the infrastructure of a HSR Corridor designated under section 1001(a) of this title for the purpose of facilitating the development of high-speed rail service; *Provided however*, that no financial assistance shall be provided under this title for improvements to the main line of a corridor improved under Title VII of this Act, or for improvements to a corridor in a State where the State by law, regulation, or order prohibits the use of State and/or local funds for the construction and/or operation of such improvements.

"(b) The Secretary shall establish appropriate terms, conditions, and procedures for the provision of financial assistance under this section.

"(c) Improvements eligible for financial assistance under subsection (a) of this section shall be those improvements to the infrastructure of an HSR Corridor, other than the acquisition of rolling stock, that are necessary to facilitate the development of high-speed service and that are not eligible for funding under other Federal transportation programs, and which include—

"(1) final engineering and design;

"(2) site specific environmental analyses;

"(3) acquisition of right-of-way and related property;

"(4) acquisition, construction, rehabilitation or replacement of roadbed, structures, track, guideway, signal and communications systems, electric traction systems, propulsion or guidance systems incorporated as part of a guideway, maintenance-of-way facilities, maintenance-of-equipment facilities, private highway-rail grade crossings (including payments to property owners to close crossings where appropriate) not eligible for funding under 23 U.S.C. 130 and 23 U.S.C. 133(b)(4), those portions of terminals and stations directly related to the operation of the high-speed rail intercity service, and environmental mitigation associated with development of high-speed rail service.

"(d) An agreement may not be entered into under subsection (a) of this section unless it provides for the completion of at least an element of a program to achieve high-speed rail service, including portions thereof not eligible for financial assistance under subsection (c) of this section.

"(e) In entering into any agreement to provide financial assistance under subsection (a) of this section, the Secretary shall ensure that such agreement includes the maximum practicable private funding for any element of a program to achieve high-speed rail service that is the subject of such agreement.

"(f) In entering into any agreement to provide financial assistance under subsection (a) of this section, the Secretary may provide financial assistance for up to 80 percent of the cost of specific eligible improvements to be funded under the agreement; *Provided however*, that no less than 20 percent of the cost of such improvements shall be provided by

State and/or local funds and that the overall financial assistance provided by the Secretary under the agreement shall not exceed 50 percent of the public share of the element funding. The public share of an element's funding consists of its total cost minus the maximum practicable private funding for such element.

"(g) In determining whether to enter into a financial assistance agreement to fund an element of a program to improve a HSR Corridor, the Secretary shall consider how the element to be funded under such agreement meets the criteria identified in subsection 1001(d) of this title, the information contained in the corridor master plan, the transportation benefits to be derived from the element, the level of financial commitments by the State and/or local governments and/or private entities to fund the subject element, commitments by the State and/or local governments and/or private entities to ensure completion of the element, commitments by State and/or local governments to fund any increases in the operating deficit of the National Railroad Passenger Corporation that result from operation over the HSR Corridor after the element is completed, and such other information that the Secretary deems appropriate.

"(h) The Secretary may provide financial assistance under subsection (a) of this section for a element not contained on an approved corridor master plan prepared under section 1002 of this title only if a financial assistance agreement for such improvement is entered into prior to 30 months from the date of enactment of the High-Speed Rail Development Act of 1993.

**"SEC. 1004. HIGH-SPEED RAIL TECHNOLOGY DEVELOPMENT.**

"(a) The Secretary is authorized to undertake research and development of steel-wheel-on-rail technologies for commercial application in high-speed rail service in the United States.

"(b) In carrying out activities authorized in subsection (a) of this section, the Secretary may enter into financial assistance agreements with any U.S. private business, educational institution, State or local government, public authority or agency of the Federal Government.

**"SEC. 1005. DEFINITIONS.**

"(a) The term high-speed rail means rail passenger transportation capable of operating at sustained speeds of 125 miles per hour or greater.

"(b) The term element as used in sections 1002 and 1003 of this title means a discrete portion of a program to develop a HSR Corridor that has a demonstrable intercity ground transportation benefit independent of other improvements to such corridor.

"(c) The term State or local funds as used in this title means funds generally available to States or local governments to fund transportation projects excluding any payments or contributions to State and/or local governments or authorities from holders of a franchise or other private parties with an interest in the development or operation of the high-speed rail system.

"(d) The term financial assistance agreement means various forms of arrangements to provide financial assistance, including grants, contracts or cooperative agreements."

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

(a) There are authorized to be appropriated to the Secretary of Transportation for the National High-Speed Rail Assistance Program authorized under sections 1002 and 1003 of Title X of the Railroad Revitalization and

Regulatory Reform Act of 1976, such sums as may be necessary for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

(b) There are authorized to be appropriated to the Secretary for high-speed rail technology development authorized under section 1004 of Title X of the Railroad Revitalization and Regulatory Reform Act of 1976, such sums as may be necessary for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

(c) Section 601 of the Rail Passenger Service Act (45 U.S.C. 601) is amended by deleting paragraph (a)(1) and inserting in lieu thereof, the following—"There are authorized to be appropriated to the Secretary for the benefit of the Corporation for making capital expenditures under title VII of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 851 et seq.), such sums as may be necessary for each of fiscal years 1994, 1995, 1996, 1997, and 1998."

(d) Of the amounts authorized to be appropriated under subsections (a) and (b) of this section, the Secretary of Transportation may reserve the funds necessary for payment of the administrative expenses incurred by the Secretary in carrying out the Secretary's responsibilities under this title.

(e) Of the amounts authorized to be appropriated under subsection (a) of this section, the Secretary of Transportation may reserve up to 1 percent for the purpose of providing financial assistance to the public agencies designated under section 1001(c) and responsible for coordination of activities under this title on those corridors designated by the Secretary under section 1001(a). This financial assistance may provide for up to 80 percent of costs deemed eligible by the Secretary that are incurred by the public agencies in carrying out their responsibilities under such sections 1002 and 1003 of this title, such sums to be apportioned among the eligible public agencies through a formula established by the Secretary.

(f) Financial assistance provided under subsection (e) of this section shall be provided only pursuant to an agreement between the Secretary and a public agency whose responsibility encompasses in whole or in part a HSR Corridor designated as such by the Secretary and eligible for financial assistance under sections 1002 and 1003 of this title.

(g) Funds made available under this section shall remain available until expended.

Mr. EXON. Mr. President, I am pleased to introduce, with Senators HOLLINGS and LAUTENBURG, the President's high-speed rail initiative. Chairmen DINGELL and SWIFT will introduce companion legislation in the House of Representatives.

I congratulate President Clinton and Secretary Peña for their shared vision of high-speed passenger rail. The President has appropriately marked his first 100 days in office with this initiative, which merges national investment, technology, environmental, employment, and transportation needs.

As chairman of the Senate Surface Transportation Subcommittee and as a long-time advocate of high-speed ground transportation, this train has been a long time coming.

For the last 12 years on the Commerce and Budget Committees, I fought a sometimes uphill battle just to maintain Federal investment in Amtrak passenger rail service. The introduction of President Clinton's bill

starts an exciting new passenger rail transportation ERA.

In the fall of 1989, I chaired one of the first hearings on high-speed ground transportation and introduced legislation in the 101st and 102d Congresses. This investigation culminated in the Senate passage of S. 811, the High-Speed Ground Transportation Act of 1991.

This ground-breaking legislation incorporated a balanced approach to high-speed ground transportation development and encouraged public and private partnerships. Key provisions of S. 811 were finally incorporated into the Intermodal Surface Transportation Efficiency Act—ISTEA—of 1991.

Our subcommittee further built on that success and in the second session of the 102d Congress held new hearings, which previewed the future of high-speed rail and magnetic levitation technologies.

In addition, we incorporated a high-speed mission for Amtrak and completion of the Northeast Corridor Improvement Program between New York and Boston in the 1992 Amtrak Reauthorization Act.

In the coming weeks, I also expect that the national "Maglev" initiative report mandated by the Congress will be released.

Of course, I am hopeful that the high-speed rail will someday serve locations in Nebraska. While that could be a number of years into the future, high-speed rail holds many other immediate benefits to the citizens of my home State. By providing a rail option in the Northeast United States, limited airport capacity can be made available for long-haul air service from States like Nebraska. In a sense, high-speed rail brings Nebraska closer to its goal of securing more nonstop air service.

Another key benefit for the State of Nebraska is that revitalized employment in any sector of the rail industry helps secure the financial future of thousands of Nebraska railroad retirees. As you know, Mr. President, the railroad retirement system is financed by current employment. The rapidly declining ratio of railroad workers to railroad retirees concerns Nebraska retirees for some time. High-speed rail holds the promise of not only new rail employment but also a more secure retirement for Nebraska's railroad retirees.

President Clinton's initiative stands in stark contrast to the attitude of the past two administrations to passenger rail. A bold jump into the future has replaced the foot dragging of the last administration.

I recently had opportunity to ride with Secretary Peña on X-2000 tilt train. We both had an opportunity to experience the excitement of travel on one of the world's most advanced and comfortable modes of transportation. The tragedy is that the manufacturing

and technologies which produced the X-2000 are now foreign based. The Clinton administration's vision includes using passenger rail service as a way to bring new technologies and good jobs back to the United States.

I welcome the President's initiative and can assure him that it will receive a full and fair hearing by the Senate Surface Transportation Subcommittee. The President has delivered a very solid proposal from which to work. Of course, I will have some recommendations and additions to the President's plan, which I will save for another time because this day rightly belongs to President Clinton and his bold vision of a new era for rail transportation.

Mr. LAUTENBERG. Mr. President, I rise today, along with Senators HOLLINGS and EXON, to introduce President Clinton's High-Speed Rail Development Act of 1993.

This bill heralds a new commitment by a new administration to the future of high-speed rail in America. It is a critical first step toward a final long-term investment program that recognizes the environmental, energy, transportation, and, most importantly, job-creation benefits of high-speed rail.

Mr. President, there are a host of compelling reasons to take this bold step with regard to high-speed rail. Infrastructure serves as a base for economic growth, with every \$1 invested resulting in \$2 of growth in the gross domestic product. Our roadways and airways are overloaded, congested, and limiting our Nation's potential for economic expansion and successful interstate commerce.

Therefore, we must find alternatives that harness current technology and existing transportation pathways and provide the potential for passengers to travel safely and efficiently. So it follows that high-speed rail service is one critical cornerstone in a balanced transportation agenda for the future.

This bill represents a commitment by the President to cement in law a principle that Europe and Japan have long held as fact: Rail transportation requires a level playing field with other modes. If we recognize that pollution and congestion demand our expanded investment in high-speed rail, a truly level playing field requires us to consider granting the same Federal benefits to high-speed rail that were granted to highways and aviation when they were expanding. So, this legislation signals a new era for targeted investment in a critical transportation mode that will provide a foundation for our economic future.

This legislation also seeks to leverage private, State, and Federal dollars to fund specific elements of each high-speed corridor plan. This kind of partnership bodes well for the ultimate success of the corridors, for States will begin with an up-front commitment to a long-term high-speed rail project.

I am pleased that the President's bill recognizes the critical need to reauthorize the Northeast Corridor Improvement Program through 1998. As chairman of the Appropriations Subcommittee on Transportation, I have fought long and hard for this program. By calling for its reauthorization, the President has signaled his commitment to my long-held goal of high-speed service from Boston to Washington with trains like the new X-2000 tilt train.

Nowhere better have we seen the benefits of high-speed rail transportation in the United States than in the Northeast corridor. Past investments in the corridor have resulted in tangible benefits—benefits for 11 million passengers riding each year and 65 million commuters each day. I believe the success of the Northeast corridor is testimony to the ability of a long-term investment strategy to make a real difference for millions of workers and riders across America over the next decade.

Mr. President, I look forward to working with Secretary Pena and my colleagues in the Senate to develop a comprehensive high-speed rail program that ensures further high-speed improvement along the Northeast corridor and also brings the benefits we have enjoyed in the Northeast corridor to the rest of the Nation.

By Mr. SIMON (for himself, Mr. FEINGOLD, Mr. BAUCUS, Mr. DORGAN, and Mr. INOUE):

S.J. Res. 86. A joint resolution commemorating the 50th anniversary of the founding of the Food and Agriculture Organization of the United Nations and reaffirming the U.S. commitment to end hunger and malnutrition; to the Committee on Agriculture, Nutrition, and Forestry.

THE 50TH ANNIVERSARY OF THE U.N. FOOD AND AGRICULTURE ORGANIZATION

Mr. SIMON. Mr. President, I submit the following joint resolution and ask that the full text be printed in the CONGRESSIONAL RECORD.

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

S.J. RES. 86

Whereas, with each passing hour, more than 1,000 young children die among the poor of Asia, Africa and Latin America, lost to their families because their parents could not feed them;

Whereas, for lack of food, millions of the world's poor are left stunted, mentally retarded or blind, and countless others are continually weakened by anemia, condemned to do little more than survive;

Whereas world population will climb past 6,000,000,000 by the year 2000, placing ever more intense demands on the agricultural production and environment of the United States;

Whereas this growth in global population will require innovative scientific, economic, and political measures to address hunger among the poor, especially to promote more

efficient and sustainable agricultural production and a broader distribution of food;

Whereas, if the United States is to build world agriculture to meet these challenges, the United States must strengthen and not lessen international cooperation in agriculture both bilaterally and through the United Nations;

Whereas 50 years ago, in the midst of World War II, the United States and its allies recognized the need for global cooperation to end the scourge of hunger and took the first steps to found the Food and Agriculture Organization of the United Nations at the first United Nations Conference on Food and Agriculture held at the Homestead in Hot Springs, Virginia, May 18 through June 3, 1943;

Whereas, through advances in agricultural technology, the nations of the world, including the developing countries, now have more than enough food to feed every man, woman and child so that suffering from hunger need not continue;

Whereas, although more than twice the number of people are being adequately fed today than at the end of the Second World War, nearly 800,000,000 people remain chronically hungry, and the world still has not met the goal of "freedom from want of food" that President Franklin Roosevelt set in convening the Hot Springs Convention;

Whereas, at the International Conference on Nutrition in December 1992, many of the goals of the Hot Springs Conference were reaffirmed and the United States and 158 other countries committed themselves to ending hunger and malnutrition, both domestically and through a Global Plan of Action for Nutrition; and

Whereas the United States has agreed to adopt its own National Plan of Action for Nutrition by the end of 1994: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States is authorized and requested—

(1) to issue a proclamation commemorating the fiftieth anniversary of the founding of the Food and Agriculture Organization of the United Nations at Hot Springs, Virginia; and

(2) to reaffirm the commitment of the American people to end hunger and malnutrition, both at home and abroad, and to foster the growth of agriculture in every quarter of the globe so that one day mankind may be truly free from want of food.

#### ADDITIONAL COSPONSORS

S. 11

At the request of Mr. BIDEN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 157

At the request of Mr. DASCHLE, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 157, a bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate deduction for charitable use of passenger automobiles.

S. 158

At the request of Mr. DASCHLE, the name of the Senator from Idaho [Mr.

CRAIG] was added as a cosponsor of S. 158, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for travel expenses of certain loggers.

S. 183

At the request of Mr. REID, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 183, a bill to authorize the President to award a gold medal on behalf of the Congress to Richard "Red" Skelton, and to provide for the production of bronze duplicates of such medal for sale to the public.

S. 228

At the request of Mr. BRYAN, the name of the Senator from Missouri [Mr. BOND] 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. 235

At the request of Mr. REID, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 235, a bill to limit State taxation of certain pension income, and for other purposes.

S. 442

At the request of Mr. BINGAMAN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 442, a bill to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes.

S. 449

At the request of Mr. SMITH, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 449, a bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated.

S. 457

At the request of Mr. CRAIG, his name, and the name of the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 457, a bill to prohibit the payment of Federal benefits to illegal aliens.

S. 458

At the request of Mr. SMITH, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 458, a bill to restore the second amendment rights of all Americans.

S. 477

At the request of Mr. FEINGOLD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 477, a bill to eliminate the price support program for wool and mohair, and for other purposes.

S. 487

At the request of Mr. DANFORTH, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor 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. 570

At the request of Mr. GRASSLEY, the name of the Senator from Michigan [Mr. LEVIN] 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. 600

At the request of Mr. BOREN, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 600, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit.

S. 652

At the request of Mr. KRUEGER, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 652, a bill to eliminate the price support and production adjustment programs for tobacco, and for other purposes.

S. 687

At the request of Mr. DANFORTH, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from Mississippi [Mr. LOTT], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania [Mr. WOFFORD] was withdrawn as a cosponsor of S. 687, *supra*.

S. 715

At the request of Mr. COHEN, his name was withdrawn as a cosponsor of S. 715, a bill to establish parents as teachers programs.

S. 732

At the request of Mr. KENNEDY, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 732, a bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

S. 784

At the request of Mr. HATCH, the names of the Senator from Idaho [Mr. CRAIG], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Washington [Mr. GORTON], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 793

At the request of Mr. DURENBERGER, the name of the Senator from Vermont

[Mr. LEAHY] was added as a cosponsor of S. 793, a bill to amend the Federal Food, Drug, and Cosmetic Act to require that standards of identity for milk include certain minimum standards regarding milk solids, and for other purposes.

SENATE JOINT RESOLUTION 9

At the request of Mr. THURMOND, the names of the Senator from Idaho [Mr. CRAIG], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE JOINT RESOLUTION 14

At the request of Mr. THURMOND, the names of the Senator from Hawaii [Mr. INOUE], the Senator from Hawaii [Mr. AKAKA], the Senator from Texas [Mr. KRUEGER], the Senator from Michigan [Mr. RIEGLE], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of Senate Joint Resolution 14, a joint resolution to designate the month of May 1993, as "National Foster Care Month."

SENATE JOINT RESOLUTION 55

At the request of Mr. HATCH, the names of the Senator from Kansas [Mr. DOLE], the Senator from California [Mrs. FEINSTEIN], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Illinois [Mr. SIMON], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of Senate Joint Resolution 55, a joint resolution to designate the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, as "National Home Care Week."

SENATE JOINT RESOLUTION 58

At the request of Mr. RIEGLE, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maryland [Ms. MIKULSKI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Joint Resolution 58, a joint resolution to designate the weeks of May 2, 1993, through May 8, 1993, and May 1, 1994, through May 7, 1994, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 60

At the request of Mr. BYRD, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from California [Mrs. FEINSTEIN], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of Senate Joint Resolution 60, a joint resolution to designate the months of May 1993 and May 1994 as "National Trauma Awareness Month."

## SENATE JOINT RESOLUTION 62

At the request of Mr. BIDEN, the name of the Senator from Rhode Island [Mr. CHAFFEE] was added as a cosponsor of Senate Joint Resolution 62, a joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Right Week."

## SENATE JOINT RESOLUTION 70

At the request of Mr. SIMON, the names of the Senator from Wisconsin [Mr. FEINGOLD], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 70, a joint resolution expressing the sense of the Congress with respect to the renewed civil war in Angola.

## SENATE JOINT RESOLUTION 72

At the request of Mr. RIEGLE, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Joint Resolution 72, a joint resolution to designate the last week of September 1993, and the last week of September of 1994, as "National Senior Softball Week."

## SENATE JOINT RESOLUTION 73

At the request of Mr. RIEGLE, the names of the Senator from Hawaii [Mr. INOUE], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Iowa [Mr. GRASSLEY], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 73, a joint resolution to designate July 5, 1993, through July 12, 1993, as "National Awareness Week for Life-Saving Techniques."

## SENATE JOINT RESOLUTION 79

At the request of Mr. LAUTENBERG, the names of the Senator from Virginia [Mr. WARNER], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Joint Resolution 79, a joint resolution to designate June 19, 1993, as "National Baseball Day."

## SENATE RESOLUTION 79

At the request of Mr. FEINGOLD, the names of the Senator from Wyoming [Mr. WALLOP], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Resolution 79, a resolution expressing the Sense of the Senate concerning the United Nation's arms embargo against Bosnia-Herzegovina, a nation's right to self-defense, and peace negotiations.

## SENATE RESOLUTION 101—RELATIVE TO AUTHORIZING PRINTING ADDITIONAL COPIES OF A SENATE HEARING

Mr. BIDEN (for himself and Mr. HATCH) submitted the following resolution; which was referred to the Committee on Rules and Administration:

## S. RES. 101

*Resolved*, That in addition to the usual number, there shall be printed 250 copies of volumes 1, 2, 3 and 4 of Senate hearing entitled, "Nomination of Judge Clarence Thomas to be Associate Justice of the Supreme Court

of the United States," which may be printed at a cost not to exceed \$1,200 per volume, for the use of the Committee on the Judiciary.

## AMENDMENTS SUBMITTED

## DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

MCCAIN (AND OTHERS)  
AMENDMENT NO. 327

Mr. MCCAIN (for himself, Mr. CAMPBELL and Mr. WELLSTONE) proposed an amendment to the bill (S. 171) to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes, as follows:

Section 104(b) of the Committee Amendment in the Nature of a Substitute is amended by adding at the end thereof the following new paragraph:

(3) One of the Assistant Secretaries referred to under paragraph (1) shall be an Assistant Secretary for Indian Lands and shall be responsible for policies relating to the environment of Indian lands and affecting Native Americans.

## HATFIELD AMENDMENT NO. 328

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the bill (S. 171), supra, as follows:

On page 44, line 9, strike "and".

On page 44, line 13, strike the period and insert "; and".

On page 44, between lines 13 and 14, insert the following new subparagraph:

(T) regional operations and State and local capacity.

On page 74, line 2, strike "and".

On page 74, line 8, strike the period and insert "; and".

On page 74, between lines 8 and 9, insert the following new paragraph:

(6) enhance the capacity of State and local governments to manage, finance, and implement environmental laws (including regulations).

At the appropriate place, insert the following:

"It is the sense of the Senate that building the capacity of state and local governments to more efficiently and effectively implement and manage environmental regulations should be a primary mission of the Department of the Environment."

NICKLES (AND OTHERS)  
AMENDMENT NO. 329

Mr. NICKLES (for himself, Mr. REID, Mr. MURKOWSKI, Mr. MCCAIN, Mr. BOND, Mr. MCCONNELL, Mr. HELMS, Mr. GORTON, Mr. COATS, Mr. FAIRCLOTH, Mr. GREGG, Mr. WALLOP, Mr. BURNS, Mr. SHELBY, Mr. COCHRAN, Mr. SIMPSON, Mr. GRAMM, Mr. SMITH, Mr. KEMPTHORNE, Mr. CRAIG, Mr. D'AMATO, Mr. HATCH, and Mr. COHEN) proposed an amendment to the bill (S. 171), supra, as follows:

At the end of the bill add the following:

## SEC. . ECONOMIC AND EMPLOYMENT IMPACT ACT.

(a) SHORT TITLE.—This section may be cited as the "Economic and Employment Impact Act".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—The Congress finds that—

(A) Federal regulation is projected to cost as much as \$688,000,000,000 by the year 2000;

(B) the 1992 United States merchandise trade deficit was \$84,300,000,000;

(C) excessive Federal regulation and mandates increase the cost of doing business and thus hinder economic growth and employment opportunities; and

(D) State and local governments are forced to absorb the cost of unfunded Federal mandates.

(2) PURPOSE.—The purpose of this section is to—

(A) ensure that the American people are fully apprised of the impact of Federal legislative and regulatory activity on economic growth and employment;

(B) require both the Congress and the executive branch to acknowledge and to take responsibility for the fiscal and economic effects of legislative and regulatory actions and activities;

(C) to provide a means to ensure congressional or executive branch action is focused on enhancing economic growth and providing increasing job opportunities for Americans; and

(D) to protect against congressional or executive branch action which hinders economic growth or eliminates jobs for the American people.

(c) ECONOMIC AND EMPLOYMENT IMPACT STATEMENTS.—

(1) PREPARATION.—The Comptroller General of the United States shall prepare an economic and employment impact statement, as described in paragraph (2), to accompany each bill, resolution, or conference report reported by any committee of the House of Representatives or the Senate or considered on the floor of either House.

(2) CONTENTS.—Except as provided in paragraph (3), the economic and employment impact statement required by paragraph (1) shall—

(A) state the extent to which enactment of the bill, resolution, or conference report would result in increased costs to the private sector, individuals, or State and local governments; and

(B) include, at a minimum, a detailed assessment of the annual impact both positive and negative of the bill, resolution, or conference report (projected annually over a 5-year period from its effective date, and, to the extent feasible, expressed in each case in monetary terms) on—

(i) costs and benefits to United States consumers;

(ii) costs and benefits to United States business;

(iii) national employment, direct and indirect;

(iv) the ability of United States industries to compete internationally;

(v) affected State and local governments, fiscal and otherwise (as reported by the Congressional Budget Office);

(vi) outlays and revenues by the Federal Government as compared to outlays and revenues for the same activity in the current fiscal year (as reported by the Congressional Budget Office); and

(vii) impact on Gross Domestic Product.

(3) EXCEPTION.—The economic and employment impact statement required by paragraph (1) may consist of a brief summary assessment in lieu of the detailed assessment

set forth in paragraph (2) if preliminary analysis indicates that the aggregate effect of the bill, resolution, or conference report as measured by the criteria set forth in paragraph (2)(B) is less than \$100,000,000 or 10,000 jobs in national employment.

(4) STATEMENT WITH ALL LEGISLATION.—The economic and employment impact statement required by this subsection shall accompany each bill, resolution, or conference report before such bill, resolution, or conference report may be reported or otherwise considered on the floor of either House.

(d) POINT OF ORDER IN HOUSE OR SENATE.—

(1) RULE.—It shall not be in order in either the House of Representatives or the Senate to consider on the floor any bill, resolution, or conference report, whether or not reported by any committee of the House of Representatives or the Senate, unless that bill, resolution, or conference report includes the economic and employment impact statements required by subsection (c).

(2) WAIVER.—A point of order made under this subsection may be waived in the Senate by a three-fifths affirmative vote of Senators, duly chosen and sworn, and in the House of Representatives by a three-fifths affirmative vote of Members, duly chosen and sworn.

(e) EXECUTIVE REGULATIONS.—Each regulation and proposed regulation promulgated by a Federal department or executive agency shall be accompanied by an economic and employment impact statement prepared, in accordance with subsection (c)(2), by the department or agency promulgating the regulation or proposed regulation. The economic and employment impact statement shall be published in the Federal Register together with such regulation or proposed rulemaking.

(f) PROVISION FOR NATIONAL SECURITY EMERGENCY WAIVER.—

(1) CONGRESSIONAL ECONOMIC IMPACT STATEMENTS.—The Congress may waive the requirements of subsection (c) at any time in which a declaration of war is in effect, or in response to a national security emergency at the request of the President.

(2) EXECUTIVE REGULATIONS.—The President may waive the requirements of subsection (e) at any time in which a declaration of war is in effect, or in response to a national security emergency as determined by the President in consultation with Congress.

(g) EFFECTIVE DATE.—This section shall take effect 30 days after the date of enactment of this Act and shall not apply to this Act.

#### GORTON AMENDMENT NO. 330

Mr. GORTON proposed an amendment to the bill (S. 171), supra, as follows:

On page 72, beginning with line 25, strike out all through line 7 on page 73 and insert in lieu thereof the following:

(1) 7 members to be appointed by the President;

(2) 2 members to be appointed by the Speaker of the House of Representatives;

(3) 1 member to be appointed by the minority leader of the House of Representatives;

(4) 2 members to be appointed by the Senate majority leader; and

(5) 1 member to be appointed by the Senate minority leader.

(b) CHAIRMAN.—The Chairman of the Commission shall be appointed by the President.

(c) POLITICAL PARTY AFFILIATION.—Notwithstanding any other provision of this sec-

tion, no more than 7 members of the Commission may be from the same political party.

#### NOTICES OF HEARINGS

##### COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, April 29, 1993, at 9 a.m., in SR-301, Russell Senate Office Building. The committee will receive and consider a proposal by counsel, Claire M. Sylvia, regarding the petitions relating to the election in Oregon.

For further information on this meeting, please contact Carole Blessington of the Rules Committee staff at 202-224-0278.

##### JOINT COMMITTEE ON PRINTING

Mr. FORD. Mr. President, there will be a meeting of the Joint Committee on Printing, in room 301, Russell Senate Office Building on May 11, 1993, at 9:30 a.m., to consider the annual review of the Government Printing Office activities.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public a time change in a hearing previously announced by the full 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, beginning at 10 a.m. instead of 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

For further information, please contact Paul Barnett of the committee staff at 202-224-0612.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON, Mr. President, I would like to announce for the public a change to a prior hearing notice printed in the RECORD.

A nomination hearing has been scheduled before the full Committee on Energy and Natural Resources. The hearing will take place Tuesday, May 4, 1993, at 9:30 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Thomas Grumbly, nominee to be Assistant Secretary of Energy for Environmental Restoration and Waste Management, and Susan Tierney, nominee to be Assistant Secretary of Energy for Domestic and International Energy Policy.

In addition to these previously announced witnesses, the committee will receive testimony from John Leshy, the President's nominee to be Solicitor at the Department of the Interior.

For further information, please contact Rebecca Murphy at 202-224-7562.

##### COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing to consider the President's nomination of Erskine B. Bowles, of North Carolina, to be administrator of the Small Business Administration. The hearing will take place on Wednesday, May 5, 1993, at 2 p.m., in room 428A of the Russell Senate Office Building. For further information, please call Patricia Forbes, counsel to the Small Business Committee at 224-5175.

##### SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. AKAKA. Mr. President, I would like to announce for my colleagues and the public that the hearing scheduled before the Subcommittee on Mineral Resources Development and Production to receive testimony on hardrock mining royalty issues and written statements on S. 775, the Hardrock Mining Reform Act of 1993, has been moved to room SH-216 of the Hart Senate Office Building.

The hearing will take place on Tuesday, May 4, 1993, at 2:30 p.m.

For further information, please contact Lisa Vehmas of the subcommittee staff at 202-224-7555.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, April 28, 1993, at 10 a.m., in SR-332 to consider pending nominations.

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

##### COMMITTEE ON ARMED SERVICES

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, April 28, 1993, at 9:30 a.m., in open session, to consider the following nominations: Jamie S. Gorelick, to be General Counsel of the Department of Defense; Maj. Gen. Michael E. Ryan, USAF, for appointment to the grade of lieutenant general and to be Assistant to the Chairman of the Joint Chiefs of Staff; Maj. Gen. John J. Sheehan, USMC, for appointment to the grade of lieutenant general and to be Director for Operations [J-3], Office of the Joint Chiefs of Staff; and Lt. Gen. Barry R. McCaffrey, USA, for appointment to the grade of lieutenant general and to be Director for Strategy, Plans and Policy [J-5], Office of the Joint Chiefs of Staff.

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

##### COMMITTEE ON ARMED SERVICES

Mr. GLENN. Mr. President, I ask unanimous consent that the Commit-

tee on Armed Services be authorized to meet at 3 p.m. on Wednesday, April 28, 1993, in executive session, to discuss Bosnia.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Wednesday, April 28, 1993, at 10 a.m. to conduct a hearing on the state of urban America on the eve of the 1-year anniversary of the civil disorders in Los Angeles and 25 years after the report on the Kerner Commission.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., April 28, 1993, to receive testimony from Jim Baca, nominee to be Director, Bureau of Land Management, Department of the Interior.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GLENN. 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 Wednesday, April 28, beginning at 9:30 a.m., to hear Robert M. Sussman, nominated by the President to be Deputy Administrator of the U.S. Environmental Protection Agency.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 28, at 9 a.m. to hold hearings on State Department nominations.

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

SUBCOMMITTEE ON AGING

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Aging be authorized to meet for a hearing on new directions in aging policy, during the session of the Senate on Wednesday, April 28, at 10 a.m. in SD-106.

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

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS AND ALCOHOLISM

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources'

Subcommittee on Children, Family, Drugs and Alcoholism be authorized to meet for a hearing on programs for supporting families, during the session of the Senate on Wednesday, April 28, at 10 a.m. in SD-430.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. GLENN. 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 Wednesday, April 28, 1993, at 9:30 a.m., to hold a hearing on "Oversight of Federal Trade Data: What We Don't Know Could Hurt Us."

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

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks, and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., April 28, 1993, 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.

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

ADDITIONAL STATEMENTS

JARED ROSNER, RESPECTEEN REPRESENTATIVE FROM WOODBRIDGE, CT

• Mr. DODD. Mr. President, I rise today to share with my colleagues a remarkable young person, Jared Rosner of Woodbridge, CT. I recently met Jared when he was visiting Washington as Connecticut's representative for the RespecTeen National Youth Forum.

Jared earned the opportunity to come to Washington to lobby his congressional representatives after writing a letter about ozone depletion to my friend and colleague, Representative ROSA DELAURO. Currently an eighth grade student at Amity Junior High School, Jared is a thoughtful and articulate spokesman on the subject of ozone depletion, which threatens our planet's ecological future. I am confident that Jared will continue to be an effective advocate on issues of concern to him and his peers as he pursues his life goals.

Jared's parents, Krista Hart and Robert Rosner, as well as his teacher, Mrs. Rita Gedansky, should be justly proud of his achievements—I commend them all. I believe it is critical that we all do our part to foster and encourage the intellectual and civic development of our

Nation's youth. Jared Rosner is a shining example of what can be accomplished when we do.

Mr. President, I respectfully request that a copy of Jared Rosner's essay entitled "Ozone Depletion" be included in the RECORD following my remarks.

The essay follows:

OZONE DEPLETION

(Written in 1990)

The ozone layer is a thin layer of gas in the stratosphere which is critical to the survival of the planet. Ozone molecules are formed when ultraviolet light hits oxygen molecules (O<sub>2</sub>), and causes three oxygen atoms to band together. The ozone molecules then absorb harmful ultraviolet rays, shielding plants and animals on land and in the ocean, lakes, and rivers.

There is clear evidence that the ozone layer is being destroyed. NASA's 1987 airborne survey over the Antarctic detected an ozone hole approximately the size of the United States. In Antarctica in winter, the cold polar stratospheric clouds have icy surfaces which allow reactions converting inactive chlorine compounds into harmful chlorine monoxide. To make things worse, the loss of ozone apparently decreases the absorption of solar energy; this cools the air, increases ice cloud formation, and creates even more ozone destroying chlorine monoxide. NASA's ER-2 research airplane measured concentrations of chlorine monoxide and ozone simultaneously as the plane flew from Punta Arenas, Chile (53 S) to 72 S, on September 16, 1987. As the plane entered the ozone hole, concentrations of chlorine monoxide increased to about 500 times normal levels, while ozone decreased.

It is now known that the Arctic's stratospheric ozone is also being eroded. In the past 20 years, ozone depletions of 2-10 percent have apparently begun to occur during the winter and early spring in the middle-to-high-latitudes of the Northern Hemisphere as well, with the greatest decline in the higher latitudes.

It is now quite evident that chlorofluorocarbons are the major culprits in ozone depletion. Introduced several decades ago, they are widely used as refrigerants, aerosol propellants, solvents, and blowing agents for foam products. At first they seemed to be a perfect property, because they are very stable, unreactive in the lower atmosphere (troposphere), and pose no direct toxic threat to living organisms. Unfortunately, when CFC's are exposed to ultraviolet radiation in the stratosphere, they are broken apart, and the free atoms destroy ozone.

The development of Supersonic transports (SST's) was abandoned in the 1970's because of environmental concerns. It is now being considered again, and the effects of SST's on the ozone layer is an important part of the consideration. One study has concluded that if a fleet of SST's large enough to be commercially viable were built using engines that are now standard, they would reduce the ozone layer by 15 to 20 percent. The study's author, Harold Johnston, has shown that nitrogen oxides destroy ozone in the stratosphere, even though they are known to actually control ozone in the troposphere. (chart 2) The nitrogen oxides and other particles emitted by SST's might disturb the normal chemistry of the ozone layer in the way that CFC's do.

Ozone in the troposphere, where we live and breathe, is also a problem. Ground level ozone is the main cause of smog-induced eye

irritation, impaired lung function and damage to trees and crops. The severity of smog is therefore generally expressed on the basis of ground-level ozone concentrations. In other words, the same three-oxygen molecule that is critically important for absorbing ultraviolet radiation in the stratosphere, where some 90 percent of atmospheric ozone is concentrated, is a problem when it accumulates in excess near the earth's surface.

While a decrease in ozone near the ground would benefit polluted regions, any decrease in stratospheric ozone is disturbing, because the resulting increase in ultraviolet radiation reaching the earth could have many serious effects. It could elevate the incidence of skin cancer and cataracts in human beings, and it might damage crops and phytoplankton, the microscopic plants that are the basis of the food chain in the ocean. Large changes in ozone may also have unpredictable climate effects.

In September 1987, 46 nations signed the Montreal Protocol, a treaty to achieve a 50 percent net reduction in ozone-destroying chemicals worldwide, by the end of the century. But the Montreal Protocol had not even gone into effect when in 1988 an intense reevaluation of measurements worldwide concluded ozone was depleted all over the globe, not just Antarctica. The parties to the treaty now are in the process of strengthening it. By the end of the year they are expected to agree on a total phase-out of CFC's and strict controls on other sources of stratospheric halogens.

The only way to save the ozone layer is to stop the production and use of chlorofluorocarbons in refrigerants, insulants and solvents. The Montreal Protocol of 1987 is an international agreement to stop CFC production by 1998, but it may not go far enough. CFC's released today will last for years and years. One chlorine atom can split 100,000 ozone molecules in one year.

There are several efforts which address the ozone problem. The Program for Alternative Fluorocarbons Toxicity Testing was formed in January 1988. Fourteen international companies are testing the five leading ozone-friendly compounds. The EPA is expected to begin regulating the "venting" of CFC's into the atmosphere, so some companies are trying to recover and recycle CFC's now. NASA's Ozone Trends Panel is studying the variations in the ozone hole. In March, 1988, there was a convention on the Protection of the Ozone Layer. It recommended freezing production of chlorinated hydrocarbons now, and reducing production later.

There are amendments proposed to the Clean Air Act which will regulate alternatives to CFC's. Industries which use CFC's are concerned about the cost of developing alternatives which might later be found to be unsafe. It is certain that a total phase-out of CFC's is necessary, and it must come soon. Al Gore, U.S. senator from Tennessee, recommends a Strategic Environment initiative to take a broad approach to all environmental concerns. Even more, we all need to respect our planet at least as much as our economy, and to be willing to make sacrifices for its safety and ours.

**OZONE DEPLETION UPDATE—1993**

The depletion of the ozone layer is now known to be pervasive around the globe, not limited to a hole over Antarctica. The stratosphere over all regions except the tropics has lost a few percent of its ozone since 1979. During December, January, and February of this year, concentrations of stratospheric ozone measured 9 to 20 percent below average in the middle and high latitudes of the

northern hemisphere. Measurements made by the Upper Atmosphere Research Satellite (UARS) support the idea that destructive chemicals helped thin this winter's ozone: the satellite measured extremely high concentrations of chlorine monoxide over much of the Arctic and surrounding regions.

Scientists predict that concentrations of chlorine in the stratosphere will increase 7-9 times the natural level by the year 2000. However, CFC's continue to be produced, and one of the replacement chemicals for CFC—hydrochlorofluorocarbons, or HCFC's—also will deplete the ozone layer. Dupont, a major manufacturer of these chemicals, will be allowed to produce HCFC's until 2030.

Environmentally safe alternatives exist: water-based solvents and cooling systems, and helium refrigeration, can replace CFC's and HCFC's.

There is some good legislation which will prohibit the "venting" of CFCs. Venting R-12, which is the CFC in a car's air conditioner, and R-22, which is the CFC in home and office air conditioners, is now against the law. This means that in making and repairing these air conditioners the coolant must not be allowed to escape into the atmosphere.

*Discovered*

Record high concentrations of chlorine monoxide (ClO), a chemical by-product of CFCs, known to be the chief agent of ozone destruction.

*CFC uses*

- Refrigeration.
- Air conditioning.
- Cleaning solvents.
- Blowing agents.
- Aerosol sprays.

*CFC reduction*

1987, Montreal Protocol: called for 50% reduction in CFC production by 1999.

Three years later, as ozone loss mounted, international delegates met in London and agreed for a total phaseout of CFCs by the year 2000.

*Ozone losses*

Ozone has declined 4%-8% over the U.S. in the past decade.

Fifty percent loss of ozone over Antarctica.

Potential 1% to 2% ozone loss each day over Northern Europe.

Every time ozone depletion is detected over Antarctica, there's a significant increase in ultraviolet radiation on the ground in Australia and New Zealand.

*Effects of ultraviolet radiation*

- Cataracts.
- Mutations in DNA.
- Skin cancers.
- Can disrupt the ocean food chain.

In Australia, scientists believe that crops of wheat, sorghum and peas have been affected, and health officials report a threefold rise in skin cancers.

*What's being done*

In Chile, some parents are keeping their children indoors between 10 a.m. and 3 p.m., and soccer practices have been moved to the evening.

New Zealand schoolchildren are urged to eat lunch in the shade.

*Deadline*

The United States has cut four years off its deadline to get rid of chemicals causing the deterioration. New date—December 31, 1995.

*What You Can Do*

When in sun for prolonged periods, wear fabrics with a tight weave and a wide brimmed hat.

In summer, wear sunscreen with a sun protection factor of at least 15.

Wear sunglasses in bright sunlight. •

**REACTING TO TAILHOOK**

• **Mr. MCCAIN.** Mr. President, we have now received the second and final report of the Department of Defense's investigation into the incidents that took place at the Tailhook conference in 1991. On October 29, 1991, I was the first Member of Congress to denounce these incidents and call for a full investigation. I have always insisted that those who abused women, or dishonored their service, should be appropriately punished.

It is imperative that such justice be done. There should be no room in a professional and all-volunteer military for sexism, or any activity cosponsored by a military service, or on a military facility, that does not reflect the high standards of professional military conduct. We cannot tolerate conduct by our military officers that brings disgrace to their service, or injures the dignity and honor of their colleagues.

I cannot ignore the fact that the Tailhook incident has cast a cloud over a service in which my family has served with pride for four generations. I cannot ignore the fact that it has cast a cloud over a service that has defended this country with great honor and success since we sought our independence. And, I cannot ignore the fact that the actions of a few wrongdoers has cast a cloud over hundreds of thousands of men and women who continue to serve with honor, and whose conduct is beyond reproach.

I believe that the Navy did make important errors in the way it handled the Tailhook investigation. I believe that it was slow to react, slow to appreciate the seriousness of the situation, and initially failed to conduct a suitably rigorous investigation. Several senior officers and political appointees have already been disciplined for these failings.

There is, of course, no bright side to the Tailhook incident. However, we can and must learn from past mistakes. In this regard, the Navy has taken important steps to prevent future Tailhooks, and to deal with the broader problem of sexual harassment. The Navy's response to the Tailhook incident since October 1991 has been direct and forceful.

In October 1991, this response started with the publication of a single policy addressing sexual harassment and immediately terminating any type of Navy support for the Tailhook Association. This policy has the widest distribution within the Navy and details both command and individual responsibility in any harassment situation and calls for the mandatory separation from the Navy of serious offenders.

To articulate this policy, the Department of the Navy conducted a manda-

tory all-hands shutdown. This type of forum, used with frequency in safety related training, provided a clear concise message from the Secretary of the Navy that the Navy would face squarely the issue of harassment, focus on solutions, and eradicate this form of discrimination as was done with racial inequality and drug abuse.

The Navy created the Standing Committee on Women in the Service. This panel generated 80 specific recommendations for immediate implementation. They are far ranging, hard hitting, and form the basis for future efforts that could ultimately eradicate sexual harassment from the service. To date, one quarter of these proposals have been completed, and the remainder are far along in the implementation process.

For example, one of the standing committee's recommendations was to institute a toll-free sexual harassment hotline to allow women the safety and security to report sexual harassment incidents privately and without enduring bureaucratic redtape. To date, more than 75 percent of the phone calls have been from men requesting clarification of sexual harassment policies—signaling an ever-increasing awareness of this singular policy.

Every level of leadership training, from initial petty officer indoctrination to prospective command officer courses, reinforces these new policies.

In April 1992, the Navy graduated the first coeducational recruit companies from the Naval Training Center in Orlando. This unique initiative was developed to foster and encourage mutual respect and teamwork by grouping young 17- and 18-year-old men and women together in the same company, forcing them to train together, live together, eat together, and bond together as one unit. The success of this program is shown by its record of zero harassment incidents in the year since its inception.

Six additional women flag officers have been selected this past year. Senior enlisted positions including command petty officer billets are being filled in greater numbers with well qualified women. At least 28 more command positions have been opened to women, and opportunities for advancement have significantly increased. In general, promotion rates for women have been better than for their male counterparts.

Only time can tell whether these actions will be sufficient. It is already clear, however, that the Navy leadership alone cannot rectify the impact of Tailhook. The fact is that the Navy's reputation can only be restored by the deeds of the individuals who wear its uniform. Every man and woman in the Navy must take it upon themselves to act in a manner which protects the dignity and honor of their service.

More broadly, I believe that Tailhook further illustrates the need to give

women full equality in the Navy, and that this can only be done if we move steadily and deliberately toward allowing them to serve as combat pilots and on combat ships. However, I also wish to make it clear that I do not believe that we should move toward placing women in ground combat roles, given the very different conditions that exist in the Army and Marine Corps.

Nevertheless, part of the problem we faced in Tailhook was the false impression that women were somehow a separate class of members of the Navy, given privileges they had not earned. The fact is that women have earned those privileges, and their conduct in Desert Storm proved that fact. They have not been denied full access to the most challenging positions in the Navy because of a lack of capability, but because of traditions which time has overtaken.

Mr. President, I believe we can only put Tailhook fully behind us if we focus on the solution to the problem and not the incident. I believe that the Navy will mete out justice and move forward with honor and integrity to continue to serve as it has for two centuries. That is the goal that all those who have served in the U.S. Navy, must earnestly strive for, as we repair this breach of honor.●

#### SUPPORTING DEMOCRACY IN RUSSIA THROUGH TRADE

● Mr. BAUCUS. Mr. President, I rise today to discuss the steps we are taking to help Russia and the other former Soviet Republics through trade.

Last Sunday, the people of Russia made a historic statement of support for reform and democracy. Many believed they had lost heart over the past year. Some, even here in the United States, spoke patronizingly of a supposed Russian cultural preference for a "strong hand" or the need for a Chinese solution in which an authoritarian government would suppress dissent while economic reform moved ahead.

Sunday's referendum proved these skeptics wrong. Democracy has already made Russian life much better—through free speech, better films and newspapers, more open emigration, and a greater voice in national policy.

Over the long run, it can make life easier as well as better. It has not yet, however, restored economic growth or reduced unemployment. And if it does not do so in the next few years, it may not succeed in the long run.

We cannot make sure it does these things. But we can help, and I think democracy in Russia and the other former Soviet Republics is so important to the world that we must help.

When most people speak of helping Russia, they speak mainly of financial aid, moral support, and technical assistance. I am also for aid. But in the long run, aid will not solve Russia's

economic problems. Russians themselves must start the businesses, create the jobs, and make the products that will expand the Russian economy.

The single most important contribution we can make to that process is to increase trade. And—unlike many forms of aid—increasing trade helps us as well as Russia, since a richer Russia will buy more American goods.

Last year, American trade with Russia totaled \$3.4 billion. That is only a tenth of the volume of our trade with China. It is the same as our trade with Norway—a country whose population is 3 percent of Russia's 150 million. Lack of hard currency, ambiguous laws, conflicts between the central and regional governments, and a poor distribution system all make trade with Russia difficult. Russians themselves have to solve most of these problems. But Russia is also handicapped by lack of business and trade experience and there is no better place to learn these skills than on the job.

That is why I am so pleased by the sections of the administration's Russian aid package which promote trade. These include: Agricultural trade credits; support for some important individual trade projects; tariff reductions through eligibility for the generalized system of preferences; preparation for easing controls on U.S. technology exports; support for Russian entry into the General Agreement on Trade and Tariffs; and commitment to review laws on the books which restrict United States trade with Russia and other former Soviet Republics.

First, agricultural trade. Seven hundred million dollars worth of Food for Progress loans will restore Russia's ability to buy American grain. Russian consumers will once again be able to buy American wheat, oilseeds, and feed grain. These products have an extremely important side benefit in helping to avoid food shortages. We should never forget that the event which brought down Tsar Nicholas in 1917 was not a Communist plot, but a bread riot in St. Petersburg.

Second, trade and investment projects. The Eximbank will finance an \$82 million loan to help Caterpillar Tractor develop a gas pipeline on Russia's Yarnal Peninsula, thus creating jobs in Russia and bringing an important contract to the United States.

The Trade and Development Agency will grant \$1.4 million for oil and gas feasibility studies. And OPIC, the Overseas Private Investment Corporation, will offer a \$150 million package to support CONOCO's "Polar Lights" project in the White Sea.

Third, tariff reductions under the Generalized System of Preference Program, or GSP a special program that helps developing countries enter the U.S. market by letting them export some of their products duty free. Under the administration's Vancouver sum-

mit package, Russia will become eligible for the GSP. This would open a temporary duty-free market for up to \$440 million worth of Russian exports. This will create jobs and help the Russian economy, as well as providing new products for American consumers.

Fourth, export controls. The administration has agreed to help Russia design a more efficient system of export controls, to ensure that Russian technology, or Russian high-technology imports from the United States and other countries, do not go to help outlaw nations develop their military capacity.

This is obviously important for its own sake. However, it will also allow us to relax our controls on technology exports to Russia. Thus, it would let American companies export state-of-the-art hardware, software, and other high technology products to Russia.

Fifth, GATT. The administration pledges to give Russia technical aid and advice in meeting GATT free-trade rules, and to support Russia's formal application for membership. This will vastly ease Russia's ability to trade with the 108 countries that are GATT members.

Finally, President Clinton has agreed to review our own laws, like the Jackson-Vanik amendment, which restrict trade with Russia. I view this step as long overdue. It would be an extraordinary irony if the laws we devised during the cold war became an obstacle to the ability of today's democratic Russian Government to make reform succeed. Assuming the issue of refuseniks has been completely resolved, I would support eliminating Jackson-Vanik's application to Russia.

These trade-promoting pieces of the aid package have two important things in common.

First, they help Russia. They ensure that Russian citizens have food. They create jobs. They help Russian entrepreneurs learn new skills. In the long run, they will help reform and democracy succeed.

Second, they help us. They preserve an essential market for American farmers. They create a new market for some American manufacturers, including producers of big-ticket capital goods. And they help build long-term business relationships that mean exports and jobs for America.

In the long run, the fate of reform depends on the ability of the Russian people to develop a market economy. Promoting trade with Russia is our single best opportunity to help them begin to prosper. I am very pleased to see the administration take that opportunity. ●

SERMON DELIVERED BY SENATOR JOHN DANFORTH, WASHINGTON NATIONAL CATHEDRAL

● Mr. COHEN. Mr. President, on a recent Sunday, the senior Senator from Missouri, JOHN DANFORTH, preached a

sermon on the Holocaust at the Washington National Cathedral.

Senator DANFORTH is a man of many talents—a lawyer, a clergyman, and one of the most thoughtful and dedicated Members of this body. He has served with distinction for many years. His opinions are often sought and highly regarded, and he has played a key role in much of the important legislative business transacted in recent years. While noting these accomplishments, I must also observe with considerable regret that Senator DANFORTH will be leaving us at the end of his current term to return to his native Missouri and pursue other endeavors.

However, while we still have benefit of his wisdom, I would like to call the Senate's attention to Senator DANFORTH's remarks at the Washington National Cathedral. His thoughts are particularly thoughtful and timely as we mark the opening yesterday of the Holocaust Museum here in Washington and the anniversary of the Warsaw ghetto uprising. I ask that the text of his speech be placed in the RECORD for the benefit of all Senators.

The text of the sermon follows:

SERMON PREACHED BY THE REVEREND JOHN C. DANFORTH, A U.S. SENATOR FROM MISSOURI, TO COMMEMORATE THE OPENING OF THE U.S. HOLOCAUST MEMORIAL MUSEUM, WASHINGTON NATIONAL CATHEDRAL, APRIL 18, 1993

Fourteen years ago this Cathedral held the first national observance of Days of Remembrance of the Victims of the Holocaust. It was my privilege to preach the sermon.

A year later, President Carter signed a law making Days of Remembrance an annual observance.

This year is especially eventful for two reasons. Tomorrow marks the 50th anniversary of the Warsaw Ghetto Uprising, the symbol of Jewish armed resistance against the Nazis. Secondly, we are dedicating the United States Holocaust Memorial Museum. That structure will guarantee that, for generations to come, Americans will never forget the horrors of the past.

From the beginning, Days of Remembrance have included a Sunday, the Christian day of worship. Christians who helped design Days of Remembrance wanted it that way. They wanted Christians to reflect on the Holocaust and to consider their own responsibility and their own response.

So we meet today, not in an auditorium but in a Christian cathedral, not in an interfaith service, but in the central act of Christian worship. We meet to remember six million Jews—their terrible deaths and the events leading to those deaths. We meet to say what the Holocaust means to us as Christians and what we intend to do as our response.

It is not possible to recognize the magnitude of the Holocaust without admitting the complicity of Christians. Germany, in the 1930s and '40s, was a country of ancient Christian traditions, both Catholic and Protestant. Nothing of any consequence that occurred in that country could have escaped the notice of Christian citizens. Because the Holocaust was so prolonged and so enormous, countless Christians must have participated in it.

Consider the size of the Holocaust. Then ask yourself if Christians were responsible.

Nazi persecution of Jews lasted 12 years, from 1933 to 1945. This was no passing phase.

Hitler raved against Jews at mass rallies attended by hundreds of thousands. This was no secret act.

Innumerable people built and guarded death camps, operated gas chambers, and cremated or disposed of bodies. This was a job for multitudes.

Nazis rounded up Jews throughout Europe. Cattle cars filled with Jews crisscrossed the continent. This was a huge and complex task.

In the end, the extermination of Jews became the highest priority of Nazi Germany. It took precedence over winning the war. This was not the work of a few madmen. It was the mission of a nation, meticulously planned and carefully executed. It defined the purpose of a political system. It engaged the commitment of citizens and soldiers. It could not have been a secret. Those who did it and those who condoned it professed the Christian faith.

How could Christians have done this?

In the summer of 1944, one of the Auschwitz gas chambers was out of order. Therefore, the SS proceeded to kill children by burning them alive on a wood fire. To mask the screams, prison officials ordered an inmate orchestra to play the Blue Danube.

Of the six million Jews killed in the Holocaust, one million were children. How could Christians have done this?

To answer this, we must see that the Holocaust is not an isolated anomaly. We must see it in context.

This does not mean that the Holocaust is merely another event in the long course of history. It is unique. We should never obscure its horror by comparing it to anything else. It stands alone as the darkest epoch of humankind. Never before or since has absolute evil held such overwhelming sway.

But anti-Semitism did not begin in the 1930s. In the Fourteenth Century, Christians in Europe gave Jews the choice of converting to Christianity or burning alive. In 1648 and '49, programs in Eastern Europe claimed a half million Jewish lives.

And anti-Semitism continues in the 1990s. It continues in our own country. Last year, at Brown University, swastikas and anti-Jewish statements appeared on dormitory doors and in library books.

Last year, at Queens College, New York, dead cats were placed in toilets with graffiti on the wall saying, "We're going to do to Jews what we do to the cats."

This past February, in Fort Lauderdale, Florida, a newspaper ad appeared advertising soap made from Jews.

Thoughtful Christians are asking, what is the cause of this behavior and what can we do about it? Gregory Baum, a Christian student of anti-Semitism wrote, "The Holocaust teaches the Church that any monopolistic claim to divine truth or any form of ecclesiastical self-elevation will eventually translate itself \* \* \* into social attitudes and political action and hence generate grave injustices and eventually accumulate to become major crimes."

This is a good explanation of anti-Semitism, as well as other forms of religious hatred. Any monopolistic claim to divine truth leads to grave injustice and major crimes.

There can be no doubt that this is true. In country after country, it is true today. It is true in Lebanon and in Northern Ireland. It is true in America and Azerbaijan, in Bosnia and Herzegovina. It is true in Sudan and on the West Bank of the Jordan. It is true between Catholics and Protestants, Christians and Muslims, Muslims and Jews.

Killing in the name of God is as old as history. To true believers, it is a cause. To the less religious, it is an excuse. Here is the line of reasoning: I have God's truth. You have rejected God. I have a mission. It is to spread God's truth. You resist me. I will destroy you.

In the Middle Ages, Christians launched crusades in the name of Christ. Claiming Christ's sanction, they took arms against supposed infidels. In this century, supposed Christians, who were followers of Adolf Hitler murdered six million Jews. All this was in the name of or under the cover of the Prince of Peace.

If a monopolistic claim to divine truth leads to holocaust, what are we Christians to do? How are we to respond so as to assure that neither holocaust nor anything like it will ever happen again?

First, we must make it clear that Christians do not have a monopolistic claim to divine truth. We must say, as Cardinal Franz Konig said, "Anti-Semitism has no basis in theology." If Christian theologians have not stated this with sufficient clarity in the past, they must state it forthrightly in the future.

With regard to any monopolistic claim to divine truth, Jesus taught us that we are not to judge others lest we be judged ourselves. We are not to condemn others lest we be condemned ourselves. St. Paul taught us the limitation of our own wisdom. He said that we see through a glass darkly. He said that all people, including the most devout Christians, fall short in the sight of God.

Then there is our responsibility to be ministers of Christ, ambassadors of reconciliation. The Epistle to the Ephesians speaks of Christ who makes peace, who reconciles us to God, who brings hostility to an end. This is the Christ of the New Testament—the Christ who reaches out his arms in love—who embraces humankind. We Christians, clergy and lay, are his ministers, not his warriors or his vigilantes.

Christ has not licensed his followers to abuse other people. The opposite is the case. Listen to the words of Jesus from the Sermon on the Mount:

"You have heard that it was said to the men of old, 'You shall not kill, and whoever kills shall be liable to judgment.' But I say to you that everyone who is angry with his brother shall be liable to judgment. Whoever insults his brother shall be liable to the council, and whoever says, 'You fool' shall be liable to the hell."

In Christianity, the commandment, "Thou shalt not kill" includes even insults. It includes even calling a person a fool. It certainly includes anti-Semitism in any form. The Christian faith not only does not condone it, the Christian faith forbids it.

The first step, then, is to state clearly that Christians do not monopolize divine truth and that we cannot abuse other people. That is a task for our theologians and our preachers. But what about the ordinary Christian? Surely, the whole answer to the Holocaust is not in the hands of scholars and preachers. The work of holocaust was the work of average men and women. So the work of preventing holocaust should be the work of average men and women. The work of love is more than thinking and speaking. The work is acting.

What can ordinary Christians do to combat holocaust? What actions can we take? Here are three examples. You will be able to think of others.

First, as Christians, we can show an interest in the religious life of Jewish friends. It

is a wonderful experience to attend the bar mitzvah of a friend's son, or share a Seder meal at Passover, or, best of all if you can get an invitation, attend an orthodox wedding. If you show an interest, Jews will delight in surrounding you with the warmth of their tradition. Simply knowing people and their beliefs helps prevent meanness and abuse. It is also proof, on a very personal level, that Christians do not monopolize divine truth.

Second, ordinary Christians can actively fight any form of bigotry they encounter. When we hear a hateful word, we can speak out against it. We can let it be known that we do not approve of it and do not want to hear it repeated. And, we can do more.

From time to time, we read newspaper accounts of terrible acts to Jews in our own communities. A swastika may be painted on a synagogue or graffiti on a school. It would be a wonderful act of faith and a magnificent statement to the community if Christians arrived within hours, with buckets and scrub brushes, and cleaned up the mess. Christians can do more than say they oppose bigotry. They can show they oppose bigotry.

Third, Christians can seek out specific ways to work with Jews in the service of the broader community. Such a project could be a joint outreach to the inner city or to the homeless. This would not be just another effort by good people to do good works. It would be specifically religious. Jewish and Christian congregations, in concert with each other, would act out their religious commitments to love their neighbors. They would be doing so, in the name of God, not out of a general feeling of good will. If people can kill one another in the name of God, surely they can work together in the name of God. In compassion for the poor and weak, Jews have a lot to teach Christians. The prophetic tradition of social justice is a legacy Jews have given us.

Taking an interest in Jewish religion, active opposition to bigotry, common projects of social outreach—these are three ways in which ordinary Christians can respond to the Holocaust.

The point is not precisely how we respond, but that we respond—in thought, in word and in deed. The point is that we respond to the most dreadful epoch in history, that we respond not because we are good people, but because we are Christians. The point is that we make it our task to assure that neither the Holocaust nor anything like it will ever happen again.

We gather in our cathedral at our regular time of worship. We remember the death of six million Jews. Jewish guests at this service honor us by their presence, for they share with us their special tragedy. Let us make it a point to share more together in years ahead.

At our service in our words Christians respond to the Holocaust. We renounce bigotry in all its forms. We renounce it in the name of Christ.●

#### WORKERS MEMORIAL DAY

● Mr. KOHL. Mr. President, April 28 commemorates the anniversary of the Occupational Health and Safety Act, watershed legislation that, it was hoped, would provide basic health and safety protections for American workers in their places of employment.

And yet Mr. President, since the enactment of this important legislation, nearly 2 million Americans have died

as a result of workplace hazards. Each year some 10,000 more workers die of work-related injuries, and over 100,000 more from occupational disease. The Rand Institute of Civil Justice estimates that workplace injuries cost \$83 billion a year in medical and productivity costs.

The 1991 tragedy in a North Carolina poultry plant spotlighted the reneging on the Federal promise of workplace safety. Unlike other Federal environment and safety laws, like the Clean Air Act, the Occupational Health and Safety Act has not been substantially reformed in 20 years. The workplace has been enhanced; but not protections for workers.

I am not one of those who believe that the majority of employers are out to cause harm to their workers. I am not one of those who believe that simply increasing criminal penalties for gross and negligent violations will ensure safe workplaces. Businesses do struggle to make a profit, and rightfully so. But their profits should be gained as a result of their productive work force, not at the expense of the lives and productivity of their work force.

So we must encourage labor-management teams. In Wisconsin, they have been proven to save business money by reducing liability insurance costs. We must increase the input that workers have in creating and maintaining safe working environments. We must assure that adequate on-the-job safety training programs are available. We must assure that American workers no longer have to choose between reporting a violation that might save a life and keeping a job to support their family. We must be clear that we want employers spending their time cooperating with employees, not pushing reams of paperwork that bureaucrats aren't going to read anyway. We need healthy productivity.

And we must assure that the Occupational Safety and Health Administration has the resources, financial and personnel, to do more than show up once every 5 years in response to a worker complaint. Back-ended criminal enforcement is a way to put a little money in the Federal treasury, but it does woefully little to prevent the injuries and illnesses in the first place.

I support reforming OSHA. And I take this opportunity of the anniversary to remember the workers who have given their lives, and years of productivity, to their employers. Let us right the wrongs of those workplaces. Let us move on OSHA reform—in memory of the past and committed to a safe and healthy future.●

**PRINCIPLES TO GOVERN WESTERN POLICY TOWARD BOSNIA, SERBIA, AND CROATIA**

• Mr. FEINGOLD. Mr. President, one of the most tragic and troubling conflicts of our time has been how to respond to the unspeakable horrors perpetrated by Slobodan Milosevic's Serbian Armies against the people of the Republic of Bosnia and Herzegovina. There are no simple solutions to this problem, but that is no justification for the inaction which has paralyzed the international community regarding Bosnia.

Senator BIDEN, chairman of the Subcommittee on European Affairs, has provided much needed leadership on this issue. He recently traveled to the region, and held a comprehensive series of meetings with political, military, and United Nations officials. His conclusions and recommendations are presented in a report entitled, "To Stand Against Aggression: Milosevic, the Bosnian Republic, and the Conscience of the West."

I commend this report for the consideration of my colleagues. It includes many thoughtful and important observations, which I believe clearly articulate the issues, and should shape our thinking on this war. Unfortunately, because of its length, I cannot submit the entire report to the RECORD. However, without objection, I request Section II of Senator BIDEN's report, "Principles to Govern Western Policy," be entered into the RECORD.

The excerpt follows:

**II. PRINCIPLES TO GOVERN WESTERN POLICY**

If the West is to fulfill the obligations of conscience—and to protect its own interest in international stability—the following principles should govern the policy the United States must now lead the international community to apply toward Bosnia, Serbia, and Croatia:

Redefine the conflict from civil war to international aggression.

Focus first on the imperative of halting the Serb advance.

Recognize the liabilities and limitations of the Vance-Owen plan.

Avoid codifying a Serb victory.

Plan military and humanitarian actions not as mutually exclusive but as reinforcing. Accept the imperative of American military action under any scenario.

Pursue a longer-term strategy of preserving a multi-ethnic Bosnia and deterring wider war.

Seek Russian acquiescence rather than collaboration.

**A. REDEFINE THE CONFLICT FROM CIVIL WAR TO INTERNATIONAL AGGRESSION.** From George Orwell on, modern journalists have understood that, in politics and geopolitics, to control the name is to own the story. During the war in the former Yugoslavia thus far, the shorthand of electronic and print journalism has produced an impression that the conflict is a "civil war" born of "centuries-old religious hatred." This simplification, underscored by the three-sided configuration of the Vance-Owen negotiation, perfectly suits Slobodan Milosevic and his minions, whose aim is territorial aggrandizement and whose need is Western confusion and apathy.

In truth, Bosnia remains a multi-ethnic republic, recognized by the United Nations and dedicated to the principles of democratic rule and minority rights. It is widely understood that thousands of Bosnian Croats led by Mate Boban and thousands of Bosnian Serbs led by Radovan Karadzic have aligned themselves with Croatia and Serbia respectively. What is neglected in public discussion—crucially neglected—is the courage and conviction of thousands of other Bosnian Croats and Serbs who have remained loyal to the Government of Bosnia and to the principle of harmonious multi-ethnic life which it seeks to uphold.

In beleaguered Sarajevo today, multi-ethnic "presidency" continues to lead a multi-ethnic government that presides over a multi-ethnic population defended by a multi-ethnic army. Even with the defections of Bosnian Croats and Bosnian Serbs, the fighting forces of the presidency are 20% Croat and 15% Serb.

Accuracy and clear thought compel that we refer not to the "Muslim" government and the "Muslim" army, but to the "Bosnian government" and its loyalist army.

**B. FOCUS FIRST ON THE IMPERATIVE OF HALTING THE SERB ADVANCE.** The immediate imperative of Western strategy must be to hold the center of Bosnia against an unabated Serb onslaught that has proceeded behind the diversion of the Vance-Owen "negotiating process."

Facing a Bosnian Government army that has been denied the means to defend itself, Bosnian Serb forces have been steadily resupplied by the Yugoslav National Army, which in turn continues to enjoy access to Russian arms. Given this imbalance, only prompt Western intervention can halt the erosion and prevent the collapse of what remains of Bosnian-held territory.

The defense of this critical nucleus must be achieved by a dramatic shift in Western policy, commencing with immediate airstrikes on Serb heavy weapons and Yugoslav Army supply lines and close air support for U.N. relief flights. It will also require strong Western pressure on the Tudjman regime to halt the aggressive acts of Croatian auxiliary forces in western and southern Bosnia.<sup>1</sup>

**C. RECOGNIZE THE LIABILITIES AND LIMITATIONS OF THE VANCE-OWEN PLAN.** We must recognize that the Vance-Owen "negotiating process" has had several perverse effects:

(1) Misguided hope for its success have frozen the West's response to Serbian aggression.

(2) Paradoxically, while diverting the West with hope of a diplomatic solution, the proposed map, with territorial delineations that deny the creation of a contiguous Greater Serbia, has underscored to the Milosevic regime that it can attain its aspirations only by force. Moreover, in signaling that the West would respond even to barbarous aggression with nothing more than diplomatic pleading, the "process" has induced the Milosevic regime to perceive a clear path to creating a Greater Serbia.

(3) Meanwhile, the Vance-Owen map has incited fighting between Croats and Muslim forces—groups previously operating in alliance against Serb aggression—in Bosnian areas the plan would award to one or the other.

In short, the Vance-Owen plan has paralyzed the West, fueled Serb aggression, and weakened Muslim-Croat resistance.

<sup>1</sup>Cities where such conflict has apparently occurred include Gornji Vakuf, Travnik, Vitez, Konjic, and Jablanica.

Whatever its good intentions, the Vance-Owen plan is also unrealistic and even perverse as a formula for peaceful coexistence. Its delineation of areas of preeminence for the three ethnic groups is based on the demographics of the past and the assumption that Bosnians will return to their homes. If that return does not occur—for example, Muslims returning to an area designated for Muslim control—then that area will not be controlled by the Muslims, the map notwithstanding. The very existence of the plan thus creates an incentive to deter any such return by ever more vicious "ethnic cleansing."

Only belatedly and at too great a cost has the Vance-Owen process produced one useful result: the refusal of Serbs to sign it has begun to galvanize the international community against Serb intransigence.

Western policymakers must now, however, beware that this unity could be dissipated by a Serb feint in the direction of acceding to the plan. Since the Vance-Owen plan is entirely inconsistent with Serb visions of a Greater Serbia and with current Serb expectations that this goal is being achieved, any such feint will be a deception—until that expectation of victory through aggression is changed.

**D. AVOID CODIFYING A SERB VICTORY.** Because Serb aggression is nearing the fulfillment of its territorial aspirations in Bosnia, the West may soon witness the "conversion" of Slobodan Milosevic to the role of "peacemaker." Purporting to be weary of the horrible slaughter, he will call for a cease-fire and place ostentatious "pressure" on his subordinate, Radovan Karadzic.

If and when this occurs, Western policymakers must discern the parallel with Serbian actions in Croatia, where the Serbs agreed to the "Vance plan" and a U.N.-monitored cease-fire that has had the effect of entrenching Serb gains. Within the areas of Croatia they control, the Serbs have honored none of their pledges under the Vance Plan, whether for disarmament or the return of refugees. Similarly, if the Serbs sue for a cease-fire in Bosnia, it will surely be a tactic to begin the codification of territorial gains already achieved.

Western debate has exhibited a temptation to accept the inevitability of such a Serb victory, and to focus instead on the dangers of a wider war, potentially involving Albania, Macedonia, Bulgaria, and—on opposite sides—Greece and Turkey. For this reason, President Clinton promptly reaffirmed President Bush's warning to President Milosevic that an outbreak of "ethnic cleansing" in the Serbian province of Kosovo would yield a Western military response.

As to the severe danger of wider war, and the need to deter Milosevic from precipitating it, there is broad consensus. Already the Albanian military is conducting exercises in apparent preparation for a mass exodus of Kosovar Albanians into Albania and Macedonia, which has an Albanian population of some 40 percent. Bulgaria, Greece, Serbia and Albania all have historical claims on different parts of Macedonian territory. Meanwhile, East European states like Hungary and Bulgaria are busily developing alliances with other Balkan countries.<sup>2</sup>

<sup>2</sup>With these factors in play, the following sequence cannot be dismissed as improbable: Undeterred, Milosevic and his Serb henchmen in Pristina begin the "cleansing" of Kosovo by driving Kosovar Albanians into Macedonia and Albania; Albania responds militarily to protect Kosovar Albanians and to annex Albanian portions of Macedonia; with Macedonia disintegrating, other nations with conflicting claims on its territory intervene; these interven-

What must be faced is that the complexity and difficulty of dealing with conflict in Kosovo, and all that would flow from it, far exceeds the challenge of defending Bosnia—and that the best means of preventing a wider war is to defeat Serb aggression now.

Deterrence requires credibility. When no country has even challenged that Kosovo is part of Serbia itself and that Kosovar Albanians are citizens of Serbia, why should Milosevic believe the West will suddenly develop the fortitude to intervene to defend Serbia's own citizens?

The available means to dissuade Milosevic from further aggression and mass violations of human rights is to act now in defense of Bosnia. Given the insipid Western response to date, only a significant air campaign against the Bosnian Serb and Yugoslav national armies is likely to establish the credibility of Western resolve and thereby deter Milosevic or any similar successor from expelling hundreds of thousands of Albanians from Kosovo.

President Clinton has accurately assessed the stakes of acquiescing in Milosevic's quest for a Greater Serbia: "if you look at the other places where this could play itself out in other parts of the world, this is not just about Bosnia." This truth extends even beyond the Balkans.

The former Soviet empire brims with the potential for ethnically-based conflict; Hungary and Romania, Moldova and Russia, Russia and the Baltics, Georgia and Russia, Russia and Kazakhstan. Just as the Bosnian Serbs aim to unite with Serbs in Serbia, these other conflicts are primarily based on ethnic minorities living in a state adjacent to its "mother country." What happens in Bosnia will form a prominent precedent—not for the abstract notion of a new world order but for political decisions looming in Russia, Ukraine, Georgia, and the Baltic states.

If political and military leaders in these countries conclude that aggression undertaken to unify one people in one nation carries with it only a modest price—rhetorical condemnation and temporary economic sanctions—the Bosnian precedent could mark the beginning of a terrible new chapter in European history.

For all its cruelty and destruction, the conflict in Bosnia would be remembered as modest compared to a war between Russia (still a potent nuclear power) and Ukraine (on the verge of acquiring the world's third largest nuclear arsenal) sparked by the presence of millions of Russians in the Crimea.

It is thus for the West not simply a matter of conscience—but a strategic imperative—to defend the principle of minority rights so well embodied in the Bosnian Government and to defeat the practice of ethnic unification through aggression so heinously personified in Slobodan Milosevic.

**E. PLAN MILITARY AND HUMANITARIAN ACTIONS NOT AS MUTUALLY EXCLUSIVE BUT AS REINFORCING.** Under the tutelage of Lord Owen, political debate for months was suffused by a common but inaccurate perception: that the application of military force would endanger U.N. efforts to deliver relief.<sup>3</sup> But in fact such efforts have been wholly hostage to Serb whim precisely because the

tions place Greece and Serbia in tactical alliance against Turkish and Albanian Muslims. This scenario is in fact considered highly plausible by experts in the U.S. government.

<sup>3</sup>In the past week, Lord Owen abandoned his opposition to military action and called for airstrikes. Having previously heaped scorn on those who advocated such a course, he did not explain how any of the underlying circumstances had changed.

U.N. was unwilling to use force to ensure delivery. While the application of military force would imperil existing U.N. procedures, which rely on Serb cooperation, alternative means of food delivery are available:

First, American-led Western airdrops have proven remarkably successful, having delivered more than 1000 metric tons of food and medicine in a matter of weeks without a single allied casualty.<sup>4</sup>

Second, U.N. cargo flights delivering food could be protected with the close air support (CAS) of Western air power (e.g., A-6's and A-10's), under the supervision of AWACS and Hawkeye radar-detection aircraft.

The application of air power will require several steps to protect existing U.N. relief personnel and peacekeeping forces from retaliation:

Conceptually and operationally, the activities of UNHCR (U.N. High Commissioner for Refugees) must be made subordinate to UNPROFOR (U.N. Protection Force); and some UNHCR personnel must be withdrawn.

UNPROFOR must be converted from a food/medicine escort service to a serious military force, fully capable of defending itself.

This will require configuring the force and fully equipping it with anti-tanks weapons and armored vehicles able to withstand RPG (rocket-propelled grenade) fire, as well as a rapid ground-to-air communications link.

To respond to any attacks on UNPROFOR forces, NATO nations must operate continuous high-altitude combat air patrol (CAP). At supersonic speed, an F-16 or F-18 on CAP can be anywhere in Bosnia in less than two minutes.

A Western decision to use air power, even if limited to defensive purpose, would change the entire dynamic of the siege of Sarajevo. Under the prevailing pattern the Bosnians Serbs, confident of Western acquiescence, first shut down the airport with sniper and other fire before resuming the shelling of the city. By so doing, they afflict wide and random destruction without fear of destroying an incoming U.N. flight, a provocation they seemingly wish to avoid. Were the West to begin a 24-hour a day airlift, Bosnian artillery men firing from the hills surrounding Sarajevo would be forewarned of immediate Western counter-strikes. They would thus face, in contrast to their current license to murder with impunity, the risk of initiating their own destruction.

**F. ACCEPT THE IMPERATIVE OF AMERICAN MILITARY ACTION UNDER ANY SCENARIO.** The existence of the Vance-Owen plan, and signatures on it by Bosnian Croats and Muslims, creates scenarios flowing from two possibilities: (a) that the Serbs will sign; and (b) that they won't. It must be recognized that an adequate Western response under either scenario will require American military participation.

If the Serbs do not sign, the United States must lead the West in aiding Bosnia, pri-

marily through air power, to defend existing military frontiers and to lift the siege of Bosnian cities. This will require American participation in close air support for U.N. relief flights and combat air patrols for UNPROFOR as described above, as well as strikes on Serb artillery and JNA supply activity.

Western officials have identified most locations of heavy weapons in Bosnia and support units in Serbia; those targets could be substantially destroyed in an air attack so long as tactical surprise is maintained. To accomplish this would require small numbers of forward "spotters" to locate redeployed Serb heavy weapons and direct precision-guided munitions to their targets using laser designators. To lift the siege of Sarajevo, for example, would require a deployment of such 500 Special Forces.

In the less likely event that the Serbs do sign an agreement, strong follow-up will entail that the United States promptly contribute—in reasonable proportion—to a multilateral force mandated to ensure compliance, including the impoundment of heavy weapons and the disarming of irregular forces. Ironically, more ground forces will be required if an agreement is signed, for a substantial ground force will clearly be required to police the safe return of Bosnian citizens from areas of "ethnic cleansing."<sup>5</sup>

**G. PURSUE A LONGER TERM STRATEGY OF PRESERVING A MULTI-ETHNIC BOSNIA AND DETERMINING WIDER WAR.** Building on attainment of the immediate objective of halting the Serb advance, a longer-term Western strategy in Bosnia should aim to widen the perimeter of Government control while upholding the spirit and practice of multi-ethnic democracy. Meanwhile, the Milosevic regime must be weakened and deterred.

Beyond the military air support described above, this strategy will require:

Not only permitting but abetting Bosnian self-defense;

Assisting in the repatriation of Bosnian refugees and reconstruction in Bosnian areas rendered safe;

Proceeding with war crimes tribunals; Isolating Serbia diplomatically and economically, while breaking Milosevic's media monopoly within Serbia;

Deploying a large U.N. force in Macedonia.

As to the question of Bosnian self-defense, the perverse effects of the U.N. arms embargo should now be plain beyond question. Serbia began the war will all the resources of the Yugoslav army; it has retained covert connections with Russian arms suppliers; and the Serb monopoly on heavy weapons within Bosnia has produced some of the most monstrous atrocities in modern warfare. While the Western debate has been beguiled by images of an invincible Tito guerrilla, the Bosnian Serbs have needed no such combat ferocity in conducting a low-risk campaign of mass murder.

If the arms embargo is lifted, it is the West, not fundamentalist Iran or radical Libya, that should provide weapons to the tens of thousands of Bosnian soldiers—Muslims, Serbs, and Croats—who stand ready to fight for their country. According to Western military officials with whom I consulted in Bosnia, the Bosnians would require little or no further training in order to use small

<sup>4</sup>The U.S. European Command (USEUCOM) in Stuttgart faced a dilemma in preparing for the food airdrop in Bosnia. Large palettes would be accurate but deadly—more than 100 Kurds were killed by falling palettes in non-urban areas of northern Iraq—whereas dropping thousands of MRE's (meals-ready-to-eat) from high altitudes would produce too great a dispersal to benefit those besieged in Bosnian cities. The American military quickly devised an ingenious solution: high-altitude drops of large containers sufficiently weak to break open at low altitude, producing a MIRVed MRE effect, both accurate and safe. (Large-scale tests of this technique on remote German drop-sites yielded an unexpected empirical finding, the only light note on this trip: that the European wild boar, when offered a choice among MRE rations, prefers pasta.)

<sup>5</sup>A sizable ground force would be required not in order to combat widespread Serb opposition, but to deter it. High-ranking American military officials conveyed to me their judgment that Serb irregulars would be highly unlikely to challenge such an overwhelming force, although the danger of individual acts of terrorism cannot be discounted.

arms and anti-tank weapons to good effect. More sophisticated weaponry would require several weeks of training.

There should be no confusion: A successful policy of arming the Bosnians means a long-term commitment of billions of dollars and hundreds of military advisors. This training can be provided, however, in safe-haven areas; and most of the necessary funds should be provided by Saudi Arabia, Kuwait, and other moderate Arab states—states which have complained bitterly of the embargo and Western apathy.

While exercising all possible diplomatic efforts to lift the embargo, the United States should cease any application of its own military assets to enforce the embargo. All American resources available for the interdiction of any commerce in the Balkan region should be devoted exclusively to tightening the embargo against Serbia.

Meanwhile, until such time as the arms embargo is lifted, there is nothing in the embargo obligation that prevents the United States, or any other Western nation, from supplying the Bosnian Government with a wide variety of goods and equipment—uniforms, boots, blankets, even military training of refugees—relevant to the self-defense of the Bosnian republic.

Concerning the conduct of war tribunals, two questions have arisen:

First, how can we expect to conduct diplomatic business with leaders such as Milosevic and Karadzic whom we have branded war criminals and stated our intent to prosecute? This question, I believe, answers itself: We cannot have any such expectation, nor could we even were we to drop our intention to prosecute.

Second, what are the implications of the Bosnian Government's stated intent to conduct such tribunals even at the local level? This question, I believe, requires careful consideration.

Certainly, the Bosnians will never find peace if they remain engaged in a national witch-hunt. But what must be understood is the dual role of war crimes tribunals: not only to punish the guilty but to vindicate the innocent.

A visitor to Croatia, Serbia, or Bosnia is confronted with passionate accounts of Croatian atrocities against Serbs during World War II, Muslim acquiescence in Turkish oppression of both Serbs and Croats during the Ottoman Empire, and the Serb "ethnic cleansing" of Muslims and Croats in recent months. The aim of war crimes tribunals must be to break the psychology of collective guilt and collective blame, rather than reinforce it.

Although recent atrocities are enormous in their brutality, their conduct has in fact required a relatively small number of Serbs, and far fewer Croats and Muslims have sought revenge by retaliating against innocent Serb civilians. True war crimes can be punished, and we should not be tempted by any idea of a blanket amnesty as the catalyst for a peace settlement. Without war crimes trials, and the accompanying individualization of responsibility for the atrocities committed during the war in Bosnia, a multi-ethnic Bosnian state cannot be sustained.<sup>6</sup>

<sup>6</sup> Aryeh Neier, Executive Director of Human Rights Watch, has stated the argument lucidly:

The case for persisting with war crimes trials in the former Yugoslavia is overwhelming. A central cause of this war is the collective attribution of guilt to particular ethnic and religious groups for the crimes supposedly committed by others of the same group in the distant or not-so-distant past. In-

H. SEEK RUSSIAN ACQUIESCENCE RATHER THAN COLLABORATION. Clinton Administration policy on Bosnia has been shaped by sensitivity to the traditional Russo-Serb relationship. The Administration has sought to engage Russian cooperation in the U.N. Security Council and to avoid weakening President Yeltsin vis-a-vis the conservative-nationalist forces in his parliament who are strongly, almost pervasively pro-Serbia.<sup>7</sup> This sensitivity is wise but potentially immobilizing if allowed to become a defining parameter of American policy.

The Clinton Administration has hoped for some positive effect from a kind of good cop/bad cop division of labor, under which the Yeltsin government would inveigh the Milosevic regime and the Bosnian Serbs to desist in their onslaught while the United States intensified outside pressure for a diplomatic settlement. President Clinton appointed Ambassador Reginald Bartholomew as special envoy to the negotiations and Russian Deputy Foreign Minister Vitali Churkin was appointed as special envoy to Yugoslavia.

This effort at cooperation was undoubtedly well-advised insofar as it expanded communication and trust between the Yeltsin and Clinton governments. But any expectation that the Yeltsin government could elicit moderation from Belgrade was misguided.

Far from being a dependency of the Russian government, the Milosevic regime is spiritually, politically, and economically allied with the enemies of the Yeltsin government. Earlier this month, when Radovan Karadzic traveled to Moscow,<sup>8</sup> his purpose was not to consult with the Russian foreign minister but to meet secretly with Russian opposition leaders. One topic in such meetings, it is fair to speculate, was an expansion of Russian support for the Serbs, notwithstanding U.N. sanctions.

Russian opposition parliamentarians, right-wing journalists, and assorted military figures frequently visit Belgrade; and a recent investigation by the Moscow-based *Nezavisimaya Gazeta* has reported that managers of state factories in Russia with long-standing ties to Yugoslavia are engaged in sanctions-busting.

The United States should continue to cooperate with the Russian government on the issue of Bosnia, but with a clear understanding of where interests lie. President Yeltsin does not have a vested interest in the Milosevic regime; Yeltsin's interest consists in defending himself against Russian reactionaries who are aligned with the Milosevic regime. Milosevic is not Yeltsin's ally but his enemy.

Instead of allowing American policy to be limited by what the Yeltsin government can endorse, the Clinton Administration should minimize the Bosnia-related questions on

evitably, those who are victimized in this war will harbor resentments against the groups they see as responsible for their suffering. A war crimes tribunal would individualize guilt: that is, particular Serbs, rather than all Serbs, would be held accountable. If there is ever to be peace in the former Yugoslavia, it will come only after the cycle of collective attribution of guilt is broken.

<sup>7</sup> A fierce unwillingness to countenance any possibility of Serb culpability in the war in Bosnia is surprisingly widespread even among Russians whom the West views as dedicated democrats.

<sup>8</sup> Karadzic had just returned from Moscow when I visited Belgrade to meet with Milosevic. During the course of our meeting, after disclaiming any control over Karadzic or Bosnian Serb policy, Milosevic suggested that we include Karadzic in our discussion of Serb aims. Within 20 minutes of the moment Milosevic picked up the phone, Karadzic arrived spiraling.

which the Yeltsin government must take a stand, recognizing that any action that curtails the power and longevity of the Milosevic regime ultimately serves the interest of both Yeltsin and Russian democracy.

In practice, this approach may mean working even more closely with the Yeltsin government to ensure a Russian abstention from Security Council resolutions that prove necessary. At home, Yeltsin can plausibly argue that vetoing U.N. action to repel Serbian aggression is not only bad policy but would imperil tens of billions of dollars in Western assistance. Meanwhile, Moscow can dissociate itself from implementation of decisions on which it abstains.

By pursuing a policy based on Russian acquiescence rather than direct participation, the United States would not undermine the utility and authority of the Security Council. Indeed, effective application of the principle of collective security will, from time to time, require adroit diplomacy to counteract religious and historic ties that could otherwise interfere with needed Security Council action.

With Boris Yeltsin facing a crucial referendum on April 25, the United States has tried to defer actions that would damage Yeltsin's political position. But beginning on April 26,<sup>9</sup> the United States must begin to act with the full force of its leadership. The steps outlined in Section III should be part of that "April 26th strategy."<sup>•</sup>

#### THE PUBLIC RESPONSE TO TELEVISION VIOLENCE

• Mr. SIMON. Mr. President, years ago, when I began to pursue ways to limit violence on television, the issue was just beginning to percolate in the minds of the public. Today, there is growing concern expressed about the level of media violence and the impact it has on individuals. While much of the pressure for change in entertainment programming is still coming from the public, I am encouraged by steps that have been taken recently by the TV industry. They, too, are stepping back and reevaluating what is and is not appropriate for television viewing, particularly for children and teenagers.

As many of my colleagues know, 3 years ago I sponsored legislation that gave the entertainment industry an antitrust exemption, to allow them to come together to address the problem of media violence. Over the past few months the networks and the cable industry have taken some internal steps to begin reducing the amount of violence in their programming. They, in conjunction with the Motion Picture Association, are planning an industry-wide conference in August where they plan to work directly with the hundreds of people who actually develop ideas and scripts for programs and movies. This is movement in the right direction, but it must continue.

Recently Times Mirror polled 1,516 Americans on media violence. The con-

<sup>9</sup> As noted earlier, April 26 is also the date of the opening of the Holocaust Memorial Museum.

clusions were instructive. Viewers clearly differentiate between violence in news programming and violence in entertainment programming. In the minds of the viewer, news programs have gotten better over the past 5 years while entertainment programs have gotten worse.

A majority of those polled believe that the increasing violent nature of television programming is harmful.

I urge my colleagues to take a close look at the Times Mirror poll and ask that the summary be printed in full in the RECORD.

#### The summary follows:

##### TV VIOLENCE MORE OBJECTIONABLE IN ENTERTAINMENT THAN IN NEWSCASTS

Many more Americans express concern about the amount of violence on entertainment television programs than about the increasingly violent content of broadcast news. TV news, while seen as containing more graphic violence than in the past, is also seen as reflecting the reality of a violent society.

Further, a large sector of the public appears desensitized to violent video in newscasts because of the graphically brutal movies and entertainment television programs it watches.

These are the principal findings of a recent Times Mirror nationwide survey which found that while more people think the news is too full of violence, fewer people today than in the 1980's believe that the news exaggerates the amount of violence in America. The poll also learned that heavy consumers of action movies, reality crime shows and other violent fare are less uneasy about the violent content of TV news and do not want to be sheltered from reporting of graphic violence, as do many other Americans.

Other highlights of the survey of 1,516 Americans conducted February 20-23 include:

The worlds of television news and entertainment television are judged very differently, with the public believing their newscasts have gotten better and their entertainment programs have gotten worse over the past five years.

The public feels its entertainment television is too violent, and believes this situation to be getting worse. And a strong and growing majority believes that this is harmful to society. In addition, most feel that we as a society have become desensitized to violence as a result of seeing it so frequently on television and in movies.

There is a good deal of "casual" viewing of television news among children, and a significant level of concern among parents about the pictures that their children are seeing and the words they are hearing. Fully half of those with children between 8 and 13 years of age report having turned the TV off or changed the channel because there was something on the news they did not want their child to see—in most cases, something violent. More women than men reported being upset with something their child had seen and have tried to protect their children from televised violence.

There is a "video violence" generation gap. Those under 30 are far more likely to be heavy consumers of violent programming and movies. Accordingly, they have different standards regarding violence in news broadcasting. Younger people are far less bothered by violence on television, less likely to feel the news is too full of violence, and less likely to feel violence is harmful to society, then

are older Americans. Younger people and others disposed to violent programming are much less critical of the quality of entertainment television than are older people.

Young people, non-whites, men and lower income groups all express relatively less concern about violence in news reporting and the most interest in "real life" crime/action shows, such as "Cops," "Rescue 911" or "Top Cops." As many under 30's report seeing such shows regularly as report regularly watching network news.

Those 50 & over are least pleased with entertainment television, most bothered by violence on the screen, and the most infrequent viewers of reality crime shows.

##### VIOLENCE ON TV NEWS MORE APPARENT

A 52% majority of Americans feel that "TV news is too full of violence." That is an increase from 42% in a 1971 Louis Harris national survey. Today, only 44% do not think the news is too full of violence—two decades ago a majority of Americans (52%) held that opinion.

While a larger proportion of the public thinks the news is more violent than in the past, more people also believe that this accurately reflects social reality. By a margin of 55% to 37%, TV news is judged as not exaggerating the amount of violence in the country by Times Mirror's respondents. Ten years ago, the margin was smaller, 52% to 44%, in a comparable ABC news nationwide survey.

Even so, a growing number of Americans voice criticism of television news for the amount of attention it pays to crime stories. Fifty-seven percent believe that TV news gives too much attention to stories about violent crimes, while 12% say they do not give enough attention to such stories, and 26% volunteer that the amount of coverage is appropriate. A national survey conducted in 1983 found 53% saying "too much attention" was paid to this type of story and 17% saying "not enough attention".

##### BUT NEWS NOT BLAMED

Despite criticism that broadcasters pay too much attention to crime stories, Americans are much more troubled by the amount of violence in entertainment programming. Further, a preoccupation with violence is not a dominant criticism of news broadcasting as is the case for entertainment shows. Most Americans (64%) think that entertainment television programs have gotten worse over the past five years and too much violence is most often given as the reason for entertainment TV's decline (38%). In contrast, a large majority thinks that TV news, both network and local, has gotten better (69% and 60%), not worse (14% and 18%) over the past five years. Critics of TV news complain less about violence and more about bias in network news and sensationalism in local news.

Among the respondents bothered by TV violence, twice as many people criticize violence on entertainment shows (58%) as violence on the news (31%). Looked at another way, even among people who think that TV news is too full of violence, most believe that the news has improved over the past five years. But among people who think entertainment TV is too violent, almost all believe it has worsened.

Indeed, there is much in the survey that suggest the public makes sharp distinctions between violence on news and violence on entertainment shows. It is clearly more concerned with violence in entertainment than with violence it feels reflects reality. A majority of those interviewed said they found

TV programs showing violence in fictional situations to be more disturbing to them (54%) than programs that show violence in real situations (33%). And, in discounting a fascination with violence for its own sake, a majority said they found TV programs showing violence in real situations to be more interesting to them (50%) than programs showing violence in fictional situations (29%).

##### THE FUSION ON NEWS AND ENTERTAINMENT

The audience appeal of real violence reflects the popularity of "actuality" shows, where footage of real crime or emergency situations is seemingly captured as it is happening. These shows, such as "Cops," "Rescue 911" and "Top Cops," are enormously popular, particularly to young viewers. Just over one-third of the public (36%) reports watching these shows "regularly" with another 30% saying they watch "sometimes." While regular viewing of real life shows is less prevalent than viewing of local (76%) or network news (58%), the number report regularly viewing these shows is considerably higher than other staples of entertainment television, including: game shows (30%), crime drama shows about detectives and police (23%), shows such as "Current Affair" or "Hard Copy" (22%), talk shows (22%), and shows about celebrities such as "Entertainment Tonight" (12%).

The crime/emergency actuality shows have their strongest following among the less educated, racial minorities, the young and the poor. Fully 60% of blacks say they regularly watch these shows, compared to 33% of whites and 41% of Latinos. Regular viewership decreased with education from less than one-fifth of college graduates (18%), to one-third of those with some college education (34%), to 44% of those with less than a college education. The younger generation accounts for much of the audience of such shows. Just under half of women under 30 (47%) report regularly watching, as do 42% of men in the same age cohort. This compares to 37% of those between 30 and 49, and to just 29% of those 50 or older.

##### VIOLENCE VIEWERS AND THE NEWS

Opinion about the violent content of the news is substantially different among people who are the biggest consumers of violent entertainment—real life or otherwise. This audience segment, is comprised largely of young people, men and members of minority groups. Analytically, 45% of the Times Mirror sample was classified as heavy consumers of violent programming including: movies, reality tv, and fictional crime dramas.<sup>1</sup> Age, gender, and education all bear a relationship to how much violence a person watches. However, age appeared to be the highest demographic determinant of violence viewing. Seventy-four percent of the under 30's were in the heavy consuming category, 50% of the 30-49 year olds and only 20% of the 50 & older.

People who watch a lot of violent entertainment are less apt to say that news is preoccupied with violence and is exaggerating violence in society. They are also less prone to believe that televised violence is itself a cause of real life violence.

	Viewership of violent entertainment			
	Total	High	Average	Low
TV news too full of violence:				
Yes .....	52	47	55	60
No .....	44	51	42	33
Don't know .....	4	2	3	7
Total .....	100	100	100	100

	Viewership of violent entertainment			
	Total	High	Average	Low
<b>Violence on TV shows harmful to society.</b>				
Very Harmful .....	47	37	50	64
Somewhat harmful .....	33	34	36	24
Harmless .....	15	24	9	8
Don't know .....	5	5	5	4
<b>Total .....</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Violence on TV/movies a cause of breakdown in law and order:</b>				
Major cause .....	39	27	45	59
Minor cause .....	39	43	39	27
Hardly a cause .....	18	27	13	7
Don't know .....	4	3	3	7
<b>Total .....</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

<sup>1</sup>N=1,516.  
<sup>2</sup>N=678.  
<sup>3</sup>N=537.  
<sup>4</sup>N=301.

Reflecting the different attitudes of heavy viewers of violence, younger Americans show much more indifference to the violent content of the news and much less discontent with violence on television generally. While 85% of people 50 and older think there is too much violence in entertainment TV, only 57% of people under 30 subscribe to this view. Similarly, 49% of under 30's think that TV news pays too much attention to violent stories, but 63% of older people make that criticism of broadcasters.

	Age—		
	Under 30	30 to 49	50 plus
<b>TV news too full of violence or not:</b>			
Yes .....	48	50	58
No .....	51	47	36
Don't know .....	1	3	6
<b>Total .....</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Amount of violence portrayed on TV programs not including the news:</b>			
Too much .....	57	69	85
Reasonable amount .....	39	28	12
Very little .....	3	1	2
Don't know .....	1	2	2
<b>Total .....</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>TV news gives too much attention to stories about violent crimes, not enough attention or what:</b>			
Too much attention .....	49	56	63
Not enough attention .....	18	12	9
Right amount .....	29	28	22
Don't know .....	4	4	6
<b>Total .....</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Violence on TV shows bothers you or not:</b>			
Yes, bothers .....	48	61	65
No, does not bother .....	52	38	34
Don't know .....		1	1
<b>Total .....</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Violence on TV shows is harmful or harmless to society:</b>			
Yes, is harmful .....	77	77	85
No, is harmless .....	19	17	11
Don't know .....	4	6	4
<b>Total .....</b>	<b>100</b>	<b>100</b>	<b>100</b>

**NO PICTURES PLEASE**

Perhaps most tellingly, the biggest difference between people who watch a lot of violent entertainment and those who do not, is the latter groups' desire to be sheltered from broadcasts containing graphic violence. Only 38% of frequent viewers of entertainment violence subscribe to the idea that "TV news should just tell us about violent news, but not show pictures of murder and war." However, 55% of people who infrequently watch reality crime shows and violent mov-

ies would like broadcasters to show fewer pictures. In the most extreme measure in the survey, 31% of frequent viewers of violent programming said they think that public executions should be televised. A fourth as many infrequent viewers (8%) want such public displays.

**DESENSITIZATION OBSERVED**

There is widespread acknowledgement that televised violence has a psychological impact on society. Fully 84% of Americans feel that stories about violence have made Americans more fearful than they were in the days before television, a number that is unchanged since 1983. What has changed, and in dramatic fashion, is the view that "television shows so much violence that people grow up not being shocked by violence." Two decades ago, just over half (53%) of the public agreed with this statement. Today, better than three-quarters (78%) say they believe the amount of violence seen on television has a desensitizing impact on society. The public's belief that society is becoming increasingly violent, coincides with its view that programming is significantly different from the past, and that television news exploits violent pictures and scenes. Fully 83% of the public said that television news now shows more violent and bloody scenes when covering crime that it did 10 years ago.

Moreover, Americans feel that scenes of violence on TV news are often shown simply for their shock value or to lure an audience. By a lop-sided margin of 73% to 20%, with the remainder expressing no opinion, most Americans feel graphic violence on television is shown "mainly to attract viewers" rather than because it is necessary "to tell the story." Three-quarters agree with the statement that "TV reports about crime are often shocking, but don't tell me anything new." A similar number (77%) believe that "TV news should run more stories about 'good news' and fewer stories about violence." Yet there is also a recognition that these "marketplace" forces, i.e., reality, have some basis in fact. Sixty-five percent agree that "TV news runs lots of crime stories because that's what people are interested in hearing about."

**CHILDREN AND THE NEWS**

There is a great deal of "occasional" viewing of the news among young children, and significant concern among parents over what their children are seeing. Just over half (54%) of parents with kids between the ages of 8 and 13 say that their children either regularly or sometimes watch the news. And most worry that their children may suffer harmful effects as a result of what they see. Over six-in-ten (62%) reported they are worried either "a great deal" or "a fair amount" that their child might be disturbed by what he or she watches on the news, with one-quarter of all parents expressing a great deal of concern. Women (74%) are significantly more likely to say they are worried than men (51%).

This concern over what children see on television news often causes parents to try to shield them. A majority (53%) reports having switched the channel or turned off the TV because there was something on the news they did not want their child to see. Women are again more likely to report doing this (64%) than men (42%). Asked why they last changed the channel or turned off the set, most said the reason was to prevent scenes of violence from being shown. Fully 72% report switching the set off to shield a child from violence, while 57% did so to prevent exposure to something of a sexual nature.

Additionally, 17% say they have changed channels or turned the set off to prevent exposure to bad language, and 11% to limit exposure to drug scenes.

While parents express concern over what their children see on the news, images from entertainment television have them much more alarmed. Far more said they worry about the amount of violence on fictional television (61%) than violence on the news and in "real life" programming (14%). Another 11% said they worry about both equally. Just 12% of parents with children between the ages of 8 and 13 said they do not worry about their child's exposure to violence on television.

**VIOLENCE ON ENTERTAINMENT TELEVISION**

The overwhelming view is that entertainment television is too violent. More than seven in 10 Americans (72%) say there is "too much violence" on non-news TV programs. Just one-in-four believes there is "a reasonable amount," with the remainder saying there is "very little violence" or offering no opinion. A national opinion poll taken in 1971 found virtually the same division among the public.

Reactions to TV violence also differ by gender and generation. Just under two-thirds of men (64%) say there is "too much violence," compared to four-fifths (79%) of women. Clear generational differences are also evident. Fifty-seven percent of those under 30 think entertainment TV is too violent compared to fully 85% of those over 50. While a majority of each age-sex grouping feels there is too much violence, this sentiment ranges from a bare majority of men between 18 and 29 (50%) to virtual unanimity among women over 50 (91%).

While the perceptions of excessive violence on entertainment television have not changed in ten years, more Americans are troubled by the TV violence now and more believe it has a poisonous effect on society, than a decade ago. The percentage of Americans who say they are personally "bothered" by "violence on TV shows" has increased from 44% to 59% between 1983 and 1993, with the number saying they are "bothered a great deal" up from 16% to 24%.

At the same time there has been a similar and significant rise in the percentage of citizens who feel that violence on TV is unhealthy for society as a whole. Where many (64%) felt violence on entertainment television was "harmful" to society in 1983, most (80%) do so now. Just 15% feel that violence on TV shows is "harmless" to society, with the remaining 5% expressing no opinion. The number describing violence on television as "very harmful" increased from one-quarter of the public (26%) to almost one-half (47%) during this same period. There has also been a significant increase in the degree to which the violence on TV and in movies is described as being either a major or minor cause of the breakdown of law and order in society between 1971 (66%) and now (78%). Almost four-in-ten believe television to be a major contributor to this societal ill.

**TV ENTERTAINMENT—CONTINUING TO GET WORSE**

By a huge margin of 64 to 27 percent, more Americans say that TV entertainment shows have become worse rather than better over the last five years. This negative view of entertainment TV is not new, however; exactly the same numbers were reported by an ABC News poll in February 1983. The twin complaints about entertainment TV in our current survey are that it has become worse because of excessive or graphic violence—men-

tioned by 38%, and too much or explicit sex—mentioned by one-third.

But the Times Mirror survey also found evidence that television is doing a relatively better job of satisfying its target audience—the 18-30 year old group that is most attractive to advertisers. Persons under 30 are evenly split over whether TV has improved or not. Forty-two percent said it has, 49% said it has not. By comparison, persons between 30 and 49 years of age are much more certain it has worsened—30% said better, 60% said worse. Among Americans over 50, the gap is cavernous only—13% said better, 79% said worse.

In addition, more women feel television has gotten worse rather than better (71% vs. 22%) than do men (56% vs. 33%). Clearly, men aged 18-29 have the most positive view of TV entertainment with 47% saying entertainment television has improved and 42% saying it has worsened.

While a substantial segment of the public believes entertainment television has deteriorated, a similarly large slice believes that television news has improved over a similar period. When asked about the national nightly news on ABC, CBS, NBC and CNN, far more said it has gotten "better" rather than worse, 69% to 14%, with the remainder saying it has stayed the same or expressing no opinion. Americans hold a similar view of local news, by a slightly lower margin, 60% to 18%, with the remainder expressing no preference.●

#### THE NEED FOR IMPROVED ANALYSIS OF CONVENTIONAL ARMS TRANSFERS

● Mr. McCAIN. Mr. President, we all know that arms transfers are a two-edged sword. On the one hand, the right kind of transfers can bring stability to troubled countries and regions, deterring aggression, and giving peaceful states the strength they need for their security. Carefully structured arms transfer plans can reduce the need for outside peace keeping efforts, and reduce the burden placed on U.S. power projection forces.

On the other hand, the wrong kind of arms transfers feed aggression and instability. They turn local and ethnic quarrels into major wars, they give nations like Iran and Iraq the tools of intimidation, and they are turned against nations who seek peace and stability. We have seen this all too clearly in the case of Iran, after the fall of the Shah, and in the case of Iraq, which turned from defense to aggression.

The practical problem for American policy is to understand the difference between arms transfers that contribute to peace and serve our strategic interests, and arms transfers that threaten peace, and threaten our interests and those of our friends and allies.

We have recently tended to focus our attention on proliferation, which is the most threatening aspect of modern arms transfers. Proliferation, however, is only part of the problem. The hundreds of wars that have been fought since the end of World War II have been fought with conventional arms. In fact,

it is one of the ironies of modern warfare, that most of the killing in modern warfare has been done with small arms, and that the longest and bloodiest battles have not involved the use of advanced conventional weapons.

If we are to deal with conventional arms transfers, however, we must have a realistic data base. We must have facts that are both relevant and accurate, and it is this issue that I wish to address today.

Conventional arms transfers are currently evaluated in two ways. Experts evaluate them in terms of the impact of specific numbers and types of weapons and technologies, and their impact on the military balance in specific arms races or conflicts. They judge the stabilizing or destabilizing impact of transfers by detailed analytic comparisons that are relevant to the strategic issues at hand.

Such comparisons, however, do require considerable expertise and a great deal of knowledge about specific arms races. They force the analyst and the policy maker to deal with complex issues. As a result, the second method of analysis is more popular—particularly within the arms control community. This form of analysis is to look at broad comparisons of the dollar value of arms transfers—usually by region.

This method ignores the nature and impact of the arms involved, and whether they do or do not help maintain the peace or serve U.S. strategic interests. In most cases, it is used in studies which explicitly or tacitly assume that the dollar value of arms sales can be directly compared, and that the larger the sale, the worse the arms transfer. As a result, a relatively arcane and superficial measure has become critical to many policy discussions and studies.

The problems involved are often compounded by taking the dollar data involved out of context. Comparisons are made by broad geographic region that have nothing to do with the specific arms races involved. Further, data are used for periods that may or may not reflect a meaningful period for comparison. Quite often, the data are chosen to deliberately exaggerate the shock value of the comparison, with little regard for its actual political and military impact.

We would be far better off if we set arms transfer policy in terms of net assessments of the key arms races involved, and in terms of the impact of the specific weapons and technologies that make up a given arms transfer or pattern of transfers. We have nothing to gain from methods of analysis that are inherently shallow and superficial. We have nothing to gain from broad dollar comparisons that provide no picture of the military balance, or regional comparisons that treat Israel in the same way they treat Iraq, or South Korea in the same way they treat North Korea.

If we are to use dollar comparisons, we must at a minimum have dollar comparisons that are timely and accurate. We must have at least some confidence that the dollar data we use are directly comparable, that they are timely, that we know the methodology and sources involved, and that we have some way to relate them to the volume of weapons and technology involved.

Unfortunately, we have no such material today. While we get occasional data directly from the intelligence community, virtually all of the unclassified data used in our discussions of policy, legislation, and arms control come from two sources: The Arms Control and Disarmament Agency [ACDA] and the Stockholm International Peace Research Institute [SIPRI]. The ACDA data are usually taken from an annual report called "World Military Expenditures and Transfers." The SIPRI data are presented in an annual yearbook.

Virtually every press report, academic article, arms control analysis, or speech on conventional arms transfers that looks at regional patterns and arms transfer issues uses these documents. As a result, I have recently asked Richard F. Grimmert of the Congressional Research Service and my staff to examine these documents and their accuracy and value.

I believe that Mr. Grimmert's analysis is of great value, and would ask my colleagues to give it close attention. There are broader issues involved, however, which I feel need urgent attention by the new Director of ACDA.

The SIPRI data are gathered by a small staff with no intelligence support and which are forced to use educated guesswork in making most of their estimates. There is no practical way that their work can be improved or made authoritative.

In contrast, the authors of ACDA's "World Military Expenditures and Arms Transfers" can draw on the full resources of the U.S. Government and intelligence community. As a result, ACDA is the only organization which is capable of providing the kind of arms transfer data that we need in the Congress, and that is needed by arms control analysts throughout the world.

Unfortunately, ACDA's present reporting effort has many major flaws:

The reporting needs to be timely and cover current trends. ACDA has not given timely production of the document the proper priority. Further, largely as a vestige of the security precautions needed during the cold war, the data lag 1 to 2 years behind current trends and have many important omissions. There is an urgent need to treat this document with the urgency it needs, and to reexamine the validity of the security barriers that now limit its timeliness and relevance.

Virtually all of the reporting and analysis focuses on the total dollar value of arms transfers. There is only

one table that shows the patterns in actual weapons transfers, as distinguished from estimates of dollar value, and this table covers a 5-year period, lags 3 years behind the date of issue of the report, and receives no analysis or discussion in the overview section of the report.

The end result is to focus attention exclusively on dollar estimates—which grossly exaggerates the importance of U.S. arms sales. For example, if one looks at table III of the 1990 edition, the United States exported 18 percent of all arms to the developing world during 1985–89. If one looks at table V, the United States exported only 13 percent of all tanks, 7 percent of all field artillery, 8 percent of all armored personnel carriers, 5 percent of all surface-to-air missiles, no anti-aircraft artillery, and 24 percent of all combat aircraft.

Improvements are needed in the analysis of actual weapons transfers. The limited data shown on weapons should be expanded to include the categories of weapons used by Richard F. Grimmett of the Congressional Research Service. Tables should be provided that show annual transfers over a 5-year period, and provide detailed transfer data on recipient countries—or at least selected recipient countries where transfers are having a major destabilizing effect: Iran, Iraq, Libya, North Korea, Syria, et cetera. We also should include such data in the overview analysis with suitable tables and graphs.

Analyses and tables should be provided which focus on local arms races, rather than simply on regions. With the exception of one report on the Iran-Iraq arms race, there has been no effort to come to grips with the pattern of weapons flows in key arms races like the Koreans, India-Pakistan, Arab-Israeli, Persian Gulf, et cetera. One side effect of this failure is that no report has ever called attention to the fact that U.S. arms sales have gone largely to defending of stable countries while foreign arms sales have dominated the buildup of aggressor or destabilizing states.

A comprehensive review is needed of the accuracy and comparability of the dollar cost data reported on the arms agreements and deliveries of United States, European countries, Communist countries, and emerging countries. Many experts feel that there are longstanding problems in estimating the comparable cost and overall cost of Communist country arms sales, and in ensuring that our estimates of U.S. arms transfers and agreements are directly comparable to those of other free market states.

There are strong indications that the current reporting system exaggerates the relative value of actual U.S. arms transfers, and includes a substantial amount of services for the United States that is not included for other

countries. An interagency task group should be set up to examine this issue, and the results of its work should be included in next year's report. Each table should regularly be footnoted to warn the reader of problems in accuracy and comparability.

A more realistic definition is needed of the regions used for reporting. The end of the cold war and the breakup of the Warsaw Pact makes the current regional totals moot. We should divide Africa into North Africa and Sub-Saharan Africa to reflect basic regional realities. Some breakout is needed to show the difference between Northeast and Southeast Asia. The Near East fails to distinguish between the gulf and Arab-Israeli confrontation states plus Egypt, which is a much more reasonable set of categories for analysis. ACDA should distinguish between Russia and the other former Soviet republics. Europe should be restructured to report on NATO Europe, Central Europe, and a definition of Other Europe that places Yugoslavia and Albania in Central Europe.

The tables on seller countries needs to be expanded to cover two pages to include all of the world's major arms sellers by country. ACDA should consistently report the arms transfer activities of all major NATO European, Central European, Asian, and Latin American exporters by country. It is particularly important that seller nations like Germany, Italy, Poland, Czechoslovakia, North Korea, Brazil, et cetera, be reported upon.

Careful review is needed of the country data provided in the document. There are some trivial problems like the failure to report new countries like Djibouti, but more serious problems where gaps are left in estimates for key countries like Iran and Iraq—although such data are reported by the CRS—and trend lines reflect a consistency in dollar cost that does not reflect the pattern of actual weapons transfers, a common problem for many smaller developing countries.

Sections need to be added on proliferation: At present, no analysis is made of the expenditures of proliferating countries on missiles and weapons of mass destruction. There should be overview tables on the state of the biological, chemical, nuclear, and missile developments in proliferating countries, and which show main supplier countries.

I have already written the Director of ACDA to ask that these improvements be made, and the Director of the CBO to point out how oversimplified use of dollar cost data can affect a major analysis of conventional arms transfers. I hope that you will join me in urging such improvements in both the reporting provided by ACDA and in the overall quality of the analysis of conventional arms transfers.

We cannot hope to properly regulate and legislate such transfers unless we

have improved data and analysis. We cannot have an informed public debate or resolve the tradeoffs between risk and improved security. This is one of the key emerging security issues of the post-cold-war era, and we must be far better prepared to deal with it than we are today.

Mr. President, I respectfully request that Mr. Grimmett's analysis and my letters to the Director of ACDA and the Director of the CBO be included in the RECORD at the end of my remarks.

The material follows:

NOVEMBER 11, 1992.

ROBERT D. REISCHAUER,  
Director, Congressional Budget Office, Washington, DC.

DEAR MR. REISCHAUER: I have recently reviewed the CBO study entitled "Limiting Conventional Arms Exports to the Middle East". I believe that this is a useful study, but it also raises issues regarding data and methodology which I believe need further study.

A Methodology Which Fails to Address the Nature of Regional Arms Races and U.S. and Regional Strategic Interests:

The first, and most general, problem raised by the study is that it treats the Middle East as a region, and all buyers and suppliers as part of a common pool. No effort is made to examine the dynamics of the individual arms races shaping the region, although one figure (Figure 4) does at least hint at the fact that the Arab-Israel and Persian Gulf arms races are very different.

As a result, no analysis is made of the motives and actions of given suppliers. No analysis is made of who is driving the arms race, or of what mix of continued supply and arms control might stabilize a given arms race, or bring added stability to the Middle East. Radical states like Iran, Iraq, and Libya are lumped together with Israel, Egypt, and Saudi Arabia.

Further, no effort is made to analyze U.S. strategic interests in the region, or the extent to which arms sales do or do not contribute to those interests. No effort is made to examine the strategic or economic tradeoffs between a need for U.S. military presence, strengthening friendly states through arms transfers, and arms control.

The work done in Appendix B suggests some methodologies that could be used to deal with quantifying these issues, but I am disturbed at the lack of scope in the analysis as it currently stands. It fails to meet what I regard as a basic criteria for analysis: Examining all of the issues to be addressed, and examining whether the model used for analysis excludes so many variables that it severely limits the value of the results. A valid arms control analysis cannot axiomatically assume that U.S. or regional strategic needs can be met simply by examining options for region wide constraints on arms sales.

The Report Relies on Highly Uncertain Dollar Cost Data Whose Accuracy and Comparability Are Questionable:

Virtually all of the reporting and analysis focuses on the total dollar value of arms transfers. The only figures and tables that show the patterns in actual weapons transfers, as distinguished from estimates of dollar value, lump together all transfers from the major suppliers. (Summary Table 1, Table 1, and Table 4)

The end result is to focus attention exclusively on dollar estimates—which grossly exaggerates the importance of U.S. arms sales.

The way the CBO presents its figures makes this difficult to illustrate. However, if one looks at Table III of the 1990 edition of World Military Expenditures and Arms Transfers, the figures in that document show that the U.S. exported 18% of all arms to the developing world during 1985-1989. In contrast, if one looks at Table V, the U.S. exported only 13% of all tanks, 7% of all field artillery, 8% of all armored personnel carriers, 5% of all surface to air missiles, zero percent of all anti-aircraft artillery, and 24% of all combat aircraft.

If we are to understand the impact of U.S. arms transfers on the region, and the trade-offs between arms transfers and arms control, we must look at weapons transfers and the impact of such transfers, on the individual arms races that drive the military balance in the region.

We need analysis of actual weapons transfers. These should include expanding the categories of weapons to include those used by Richard F. Grimmett of the Congressional Research Service, providing tables that show annual transfers over a five year period, and provide detailed transfer data on recipient countries—or at least selected recipient countries where transfers are having a major destabilizing effect: Iran, Iraq, Libya, North Korea, Syria, etc. We also should include such data in the overview analysis with suitable tables and graphs.

We also need analysis which focuses on local arms races, rather than simply on regions. No effort is made to come to grips with the pattern of weapons flows in key arms races like the Arab-Israeli, Persian Gulf, Morocco-Polisario, Sudanese arms race, etc. One side effort of this failure is that no attention is called to the fact that U.S. arms sales have gone largely to defending or stable countries while foreign arms sales have dominated the build-up of aggressor or destabilizing states.

While I am familiar with the argument that such analysis is difficult for security reasons, I know of no valid reason for this argument, and would point out that the U.S. intelligence community provides an annual scrub of the IISS Military Balance which provides far more detail on weapons transfers by number and type.

We need a comprehensive review of the accuracy and comparability of the dollar cost data reported on the arms agreements and deliveries of United States, European countries, Communist countries and emerging countries:

Anyone familiar with the problems in costing Soviet defense expenditure is aware that we have long had severe problems with estimating the comparable cost and overall cost of communist country arms sales, and in ensuring that our estimates of U.S. arms transfers and agreements are directly comparable to those of other free market states.

There are strong indications that the current reporting system exaggerates the relative value of actual U.S. arms transfers, and includes a substantial amount of services for the U.S. that are not included for other countries.

You touch upon the edges of this issue in Appendix A, but only to the extent you analyze the different definitions of data used by various sources, and broad questions about uncertainty. You do not examine whether there are statistically valid reasons that allow direct comparison between the data on U.S., other free market economies, and communist country sales. You do not attempt to examine the uncertainties involved. To me, explicit analysis of the uncertainty in the

input data is a critical part of any complex analysis.

Improving Future Studies:

If I may summarize my reaction to the CBO study, I believe that it reflects an unconscious bias common to many studies of the arms transfer problem. It assumes that it is the sheer volume of arms transfers to a region that must be reduced, and does not examine the real world choices that must be faced by the new Administration and the U.S. Congress.

In an era of major defense cuts, we must find ways of making explicit trade-offs between general efforts at arms control, arms control efforts targeted against given countries (particularly destabilizing or radical states), using arms transfers to aid friendly or threatened countries, using arms transfers to aid U.S. deployments or create interoperable region forces, and funding U.S. power projection capabilities. Ignoring these realities is simply not an adequate basis for dealing with the realities we face in the Middle East or any other region.

Sincerely,

JOHN MCCAIN,  
U.S. Senator.

NOVEMBER 10, 1992.

Hon. RON LEHMAN,  
Director, Arms Control and Disarmament Agency, Washington, DC.

DEAR RON: I am deeply concerned with the timeliness and content of World Military Expenditures and Arms Transfers. This document has become a key reference for many analysts of arms transfers and arms control options, but it has long standing weaknesses which severely, if not fatally, compromise its value and the value of any analysis based upon it.

To be specific, I believe that a clear plan is needed to make the following changes in the document:

Virtually all of the reporting and analysis focuses on the total dollar value of arms transfers. There is only one table that shows the patterns in actual weapons transfers, as distinguishes from estimates of dollar value, and this table covers a five year period, lags three years behind the date of issue of the report, and receives no analysis or discussion in the overview section of the report.

The end result is to focus attention exclusively on dollar estimates—which grossly exaggerates the importance of U.S. arms sales. For example, if one looks at Table III of the 1990 edition, the U.S. exported 18% of all arms to the developing world during 1985-1989. If one looks at Table V, the U.S. exported only 13% of all tanks, 7% of all field artillery, 8% of all armored personnel carriers, 5% of all surface to air missiles, no anti-aircraft artillery, and 24% of all combat aircraft.

We need major improvements in the analysis of actual weapons transfers. These should include expanding the categories of weapons to include those used by Richard F. Grimmett of the Congressional Research Service, providing tables that show annual transfers over a five year period, and provide detailed transfer data on recipient countries—or at least selected recipient countries where transfers are having a major destabilizing effect: Iran, Iraq, Libya, North Korea, Syria, etc. We also should include such data in the overview analysis with suitable tables and graphs.

While I am familiar with the argument that this is difficult for security reasons, I know of no valid reason for this argument, and would point out that the U.S. intel-

ligence community provides an annual scrub of the IISS Military Balance which provides far more detail on weapons transfers by number and type.

We need analyses which focus on local arms races, rather than simply no regions. With the exception of one report on the Iran-Iraq arms race, there has been no effort to come to grips with the pattern of weapons flows in key arms races like the Koreas, India-Pakistan, Arab-Israeli, Persian Gulf, etc. One side effect of this failure is that no report has ever called attention to the fact that U.S. arms sales have gone largely to defending or stable countries while foreign arms sales have dominated the build-up of aggressor or destabilizing states.

We need a comprehensive review of the accuracy and comparability of the dollar cost data reported on the arms agreements and deliveries of U.S., European countries, communist countries and emerging countries. We have long had severe problems with estimating the comparable cost and overall cost of communist country arms sales, and in ensuring that our estimates of U.S. arms transfers and agreements are directly comparable to those of other free market states.

There are strong indications that the current reporting system exaggerates the relative value of actual U.S. arms transfers, and includes a substantial amount of services for the U.S. that is not included for other countries. An interagency task group should be set up to examine this issue, and the results of its work should be included in next year's report. Each table should regularly be footnoted to warn the reader of problems in accuracy and comparability.

We need to use a more realistic definition of the regions used for reporting. The end of the Cold War and the break up of the Warsaw Pact makes the current regional totals moot. We should divide Africa into North Africa and Sub-Saharan Africa to reflect basic regional realities. Some break out is needed to show the difference between Northeast and Southeast Asia. The Near East fails to distinguish between the Gulf and Arab-Israeli confrontation states plus Egypt, which is much more reasonable set of categories for analysis. We need to distinguish between Russia and the other former Soviet republics. Europe should be restructured to report on NATO Europe, Central Europe, and a definition of "Other Europe" that places Yugoslavia and Albania in Central Europe.

The list of seller countries shown in Table III and Table V needs to be expanded to cover two pages to include all of the world's major arms sellers by country. We should consistently report the arms transfer activities of all major NATO European, Central European, Asian and Latin American exporters by country. It is particularly important that seller nations like Germany, Italy, Poland, Czechoslovakia, North Korea, Brazil, etc. be reported upon.

Careful review is needed of the country data provided in the document: There are some trivial problems like the failure to report new countries like Djibouti, but more serious problems where gaps are left in estimates for key countries like Iran and Iraq—although such data are reported by the CRS—and trend lines reflect a consistency in dollar cost that does not reflect the pattern of actual weapons transfers (a common problem for many smaller developing countries).

Sections need to be added on proliferation: At present, no analysis is made of the expenditures of proliferating countries on missiles and weapons of mass destruction. There should be overview tables on the state of the

biological, chemical, nuclear, and missile developments in proliferating countries, and which show main supplier countries.

I would be grateful for your detailed views on these suggestions, and on the steps being taken to improve this critical document.

Sincerely,

JOHN MCCAIN,  
U.S. Senator.

CONGRESSIONAL RESEARCH SERVICE,  
Washington, DC, March 30, 1993.

To: Honorable John McCain.

Attention: Anthony H. Cordesman.

From: Richard F. Grimmett, Specialist in National Defense, Foreign Affairs and National Defense Division.

Subject: Considerations regarding use of arms sales data.

This memorandum responds to your request for a review of key considerations involved in using published data on conventional arms sales—in particular, the use of dollar cost data. To this end, we examined key published sources of data on the conventional arms trade.<sup>1</sup>

This examination revealed that many of these sources provided comparisons and analytical commentaries based on dollar cost data. While these dollar cost data can be useful in assessing broad, general trends in international arms sales, analyses based totally on such data exclude other information which could be quite useful in providing a context for the arms sales activity under discussion. Dollar data alone on arms sales will not, for example, provide clear indices of the level of technology involved in a weapon sale; they will not give details regarding the specific type and category of the weapon sold. Such information, if available, is likely to be of greater significance for analytical purposes than merely the total dollar value of the sale, because it is the weapon itself that confers military capability, not its price. At the same time, the actual dollar value data for an arms sale, if not detailed in nature, may obscure whether or not a sale includes only major weapons systems or also includes costly services and spare parts associated with the weapons. This information is also useful for determining the quantity of major systems sold in contrast to the level of support items. Whether or not the dollar values of arms sales are based primarily on press accounts or on official government sources can also lead to significant variations in data totals and, thus, conclusions reached regarding the nature of the international arms trade.

Bearing these key factors in mind, what follows is a review of and commentary on the arms sales data published by the Stockholm International Peace Research Institute (SIPRI), a non-governmental research organization, and arms sales data published by the U.S. Arms Control and Disarmament Agency (ACDA). Through this review we set out the various strengths and weaknesses of two representative data sources on arms sales. To further illustrate certain points raised by this examination of SIPRI and ACDA data, an analysis of U.S. arms sales data provided to Congress in unclassified for-

mal notifications for calendar years 1991 and 1992 is also made.

#### SIPRI ARMS SALES DATA: BASIC ELEMENTS

SIPRI arms sales data, published annually in a systematic format, are based on open source information. SIPRI's coverage of nations buying and selling arms is global in nature. SIPRI limits its dollar based data to deliveries of specific categories of major conventional weapons systems, SIPRI does not generally include data on small arms, ammunition, military support items and services in its publications. In a separate weapons data set, SIPRI lists and describes specific weapons it concludes were actually transferred from one country to another. To the extent possible, these data include the quantity, type, specific model of weapons that were reportedly transferred.<sup>2</sup> SIPRI notes that such published information "cannot provide a comprehensive picture because the arms trade is not fully reported in the open literature," that only partial information is provided in published reports, and "substantial disagreement" is common among such reports. Thus, SIPRI must exercise judgment in compiling its arms data and make estimates where insufficient data exist. SIPRI estimates what it believes are the "average production costs of weapons" based upon publicly available cost data for weapons systems and uses those costs to establish the value of weapons delivered. SIPRI's dollar values in its data sets, therefore, are not "actual prices of weapons that have been paid in a particular deal."<sup>3</sup>

#### ACDA ARMS SALES DATA: BASIC ELEMENTS

The U.S. Arms Control and Disarmament Research Agency (ACDA), periodically publishes a volume titled *World Military Expenditures and Arms Transfers (WMEAT)*.<sup>4</sup> It is global in its coverage. The dollar based arms sales data provided by ACDA report both imports and exports of conventional military equipment, "including weapons of war, parts thereof, ammunition, support equipment, and other commodities designed for military use." ACDA data for U.S. arms exports are for fiscal years not calendar years. ACDA data also include U.S. licensed commercial deliveries. ACDA excludes from its data United States arms sales figures for military services such as military construction, technical support and training, while including them for foreign arms suppliers. When the primary mission of dual use equipment is military, it is included in the totals. Data on countries other than the United States "are estimates by U.S. Government sources." United States arms sales data are provided for various sets of fiscal years and come from official United States data compiled routinely by the Departments of Defense and State.<sup>5</sup>

WMEAT provides a table listing the dollar value of arms imports and arms exports of most countries of the world for the most recent ten years covered by the volume. It provides a table giving the dollar values of agreements and deliveries of arms to regions of the world by selected supplying nations

and supplier nation groupings during these same ten years. It also provides a table listing, for the most recent five-year period used in the volume, the dollar value of arms delivered to most countries in the world from the top six leading suppliers and six other regional supplier nation groupings—such as all Middle East suppliers as a group. ACDA, in addition, publishes another table providing the estimated number of arms actually delivered to specific regions, for the most recent five-year period used in the volume, by five leading arms suppliers and four other groupings of supplying countries. In this latter table, ACDA provides estimated totals of actual deliveries for 13 separate categories of major weapons systems.<sup>6</sup>

#### UTILITY AND LIMITATIONS OF SIPRI AND ACDA ARMS SALES DATA

SIPRI and ACDA dollar based data on arms sales have both utility and limitations. SIPRI's figures are limited to the data it can obtain from open sources. As a non-governmental organization, SIPRI lacks the resources a government could provide to help verify the accuracy of the data it collects. By contrast, ACDA, as an agency of the United States Government, has access to government information resources that are notably more comprehensive than those data published in open source literature. Of course governments cannot guarantee that they will be able to verify all details of foreign arms sales, especially those of other governments that take great pains to keep them secret. Nevertheless, governments—given the resources they can bring to bear—are more capable of verifying information about the transfers of major weapons systems, and thus are in a better position to compile a more accurate data base on the cost and nature of arms transactions than are private research organizations.

However, if one seeks public information on specific foreign arms sales, indicating equipment type and numbers delivered by individual nations to other specific nations in a single year, SIPRI yearbooks are useful resources—subject to the methodological and source limitations noted above. In this regard, SIPRI data provide certain advantages over ACDA information. ACDA WMEAT volumes, for example, do not provide these data for any single year, or even for a number of years aggregated into one total. The WMEAT report provides the dollar value of arms delivered by a select list of suppliers and suppliers groupings to individual countries throughout the world during a five year period; and they provide delivery data on certain specific weapons systems categories to various regions of the world by selected suppliers and supplier groupings. But ACDA volumes do not provide detailed annual data

<sup>6</sup> ACDA's WMEAT volume provides weapons delivery data on tanks, anti-air artillery, field artillery, armored personnel carriers, major surface combatants, other surface combatants, submarines, missile attack boats, supersonic and subsonic combat aircraft, other aircraft, helicopters, and surface-to-air missiles. Another yearly U.S. Government report gives unclassified annual dollar value estimates of arms sales agreements and arms deliveries to the Third World by major supplying nations and supplying nations groupings. It does not provide country to country transfer data. It does indicate, however, the top 10 purchasers of weapons in the Third World and the top 11 suppliers of weapons to the Third World, based on U.S. Government estimates of the dollar value of arms agreements and arms deliveries made in a given year or series of years. See Richard F. Grimmett, *Conventional Arms Transfers to the Third World, 1984-1991* CRS Report for Congress 92-577F, July 20, 1992. Congressional Research Service, Library of Congress.

<sup>2</sup> Stockholm International Peace Research Institute (SIPRI), *SIPRI Yearbook 1992: World Armaments and Disarmament*, London: Oxford University Press, 1992, p. 353-359. This volume contains arms transfer data for the years 1982-1991.

<sup>3</sup> Ibid.

<sup>4</sup> As of early 1993, the latest edition of this volume was *World Military Expenditures and Arms Transfers 1990*. U.S. Arms Control and Disarmament Agency, Washington, U.S. Gov't Printing Office, 1991. The volume generally provides data for the period 1979-1989.

<sup>5</sup> Ibid., p. 31-32.

<sup>1</sup> The key data sources on the worldwide conventional arms trade are yearbooks published by the Stockholm International Peace Research Institute (SIPRI), and periodic volumes produced by the U.S. Arms Control and Disarmament Agency (ACDA), titled *World Military Expenditures and Arms Transfers*. Varying types of data on the conventional weapons trade are published routinely in several defense trade periodicals, and from time to time in major newspapers and magazines.

on country to country arms transfers, either in terms of dollars or in terms of specific weapons systems.

A further limitation shared by each publication is that neither SIPRI nor ACDA provide a clear indication of how current their dollar based data may be. ACDA, in recent years, has released its report from one to two years later than the most recent data contained within it. SIPRI has been more punctual in releasing its annual volume covering the weapons trade, but is captive to the timeliness of the open source data it utilizes. Thus, one or both of these organizations may be publishing some data that—while collected and reported in a consistent manner—may not be up to date, thereby potentially overstating or understating the actual levels of arms sales.

#### DATA ON PROSPECTIVE MAJOR UNITED STATES ARMS SALES

Congress receives, through the statutory arms sales process, a formal notification of all prospective U.S. government-to-government, and commercially licensed arms sales whose estimated case values is \$14 million or more—for sales of major defense equipment (MDE) or \$50 million or more—for sales of defense articles or defense services. These data exclude U.S. covert transfers such as those reportedly made in the past to Afghan, Angolan and Nicaraguan resistance groups. These formal arms sales notifications to Congress provide key details on major arms sales in a systematic manner not matched by any other country in the world. Were every other arms selling country to publish comparable data on all their major arms sales, it would be possible to have a much more comprehensive view of the world's arms market and the precise role of every nation in it.

The data contained in the statutory notifications to Congress include the name of the purchasing country, the specific weapon or weapons purchased, including numbers purchased, model or type purchased, and the estimated case value of the proposed sale—indicating not only the total estimated dollar value of the proposed sale, but the estimated dollar value of major defense equipment (MDE) in the sale, as well as the estimated dollar value of other items in the sale, such as services, logistical support and training.

These data provide perspective regarding the overall dollar values of United States arms sales, by making a clear distinction between the value of major defense equipment to be sold—such as tanks, aircraft and missiles—in contrast to the value of other support equipment, spare parts, and services to be sold.

#### CONTENT OF PROSPECTIVE MAJOR UNITED STATES ARMS SALES COMPARED

A review of the total estimated case values of major U.S. government-to-government arms sales proposals notified to Congress from January 1991 through mid-March 1993 shows that, during this period, the United States proposed to sell \$49.5 billion in weapons, defense articles and defense services to the entire world. (See the appendix attached to this memorandum for a detailed summary of these notifications.)<sup>7</sup> Of this total, \$26.6 billion (53.7 percent) constituted proposed sales of major defense equipment (MDE), while \$22.9 billion (46.3 percent) constituted proposed sales of other defense articles, services and support. For the Near East region, during this same time period, the United States proposed to sell \$26.36 billion in weapons, defense articles and defense services—or 53.2 percent of all proposed major arms sales by the U.S. to the world. Of the total for the Near East region, nearly \$12.4 billion constituted major defense equipment (MDE) (about 47 percent), while \$13.98 billion (53 percent) constituted defense articles, services and support.<sup>8</sup>

These dollar cost data on United States arms sales notifications demonstrate that total dollar values, if not provided in detail, will not show whether major weapons systems, as opposed to services or parts for weapons systems, are included in a given arms sale proposal. This is important to note, for using aggregated dollar values alone to characterize the nature of an arms sales proposal or a buyer/client relationship can be very misleading. The dollar values only give a broad overview of activity between arms suppliers and buyers. The dollar values can show general trends in seller/buyer relationships. One must look to other data, such as totals of major weapons systems actually delivered, the characteristics of such equipment—its level of technological sophistication and capabilities—and the ab-

sorptive capacity of the recipient nation, to gain insight into the military capabilities conferred by any given arms sale, or series of arms sales.

Sources such as SIPRI's yearbooks and ACDA's WMEAT volumes do provide estimates regarding deliveries of specific major weapons systems. Yet both sources have the same limitations in this data area as they do for their dollar based data—the limited utility of SIPRI's open sources, and the lack of annual supplier-to-buyer data in ACDA's WMEAT. SIPRI does provide its estimates of actual numbers, types and classes of major weapons systems transferred annually from one country to another, based on published sources. ACDA provides totals of major weapons categories delivered to regions of the world over a five-year period, without giving specific details regarding either the major weapons transferred or the particular recipients. ACDA's data, however, are based on United States Government sources, not merely open source literature.<sup>9</sup>

In summary, apart from the notifications on prospective United States foreign arms sales provided by law to the Congress, there is no systematic and comprehensive public source of detailed data on the international arms trade. The available public data have clear limitations regarding scope and/or degree of accuracy. Publicly available details on individual arms sales cases can vary widely, depending on which nations are involved in the transactions, and their individual approaches to release of arms sales information. The fact that information on arms sales is published in a reputable periodical or newspaper is no guarantee that that information is complete or accurate in its particulars. Furthermore, since many major arms selling nations do not systematically publish or comment on their arms sales activities—and in some cases make strong efforts to keep such data from public view—there is no guarantee that government data on the foreign arms trade can be complete and accurate in every case, despite efforts to make it so. Published arms sales data, then, should be used with caution, with due regard for its limitations whether it is dollar based or not, and whether it is non-governmental or governmental in nature.

#### APPENDIX—MAJOR U.S. ARMS SALES NOTIFIED TO CONGRESS IN CALENDAR YEARS 1991 AND 1992

[Pursuant to section 36(b) of the Arms Export Control Act]

Date submitted, transmittal number, and purchaser	Principal items	Total estimated case value
1991		
1/7/91, 91-12, CCNA (Taiwan)	100 MK-46 torpedoes and support	\$28 million (\$24 m. MDE; \$4 m. other). <sup>1</sup>
1/8/91, 91-13, Singapore	30 HARPOON missiles and support	\$60 million (\$48 m. MDE; \$12 m. other).
2/28/91, 91-05, Egypt	46 F-16C/D aircraft; spare parts; bombs; missiles and support	\$1.6 billion (\$900 m. MDE; \$700 m. other).
3/22/91, 91-15, Saudi Arabia	Military support services by U.S. Army	\$158 million (\$0 m. MDE; \$158 m. other).
3/22/91, 91-16, Saudi Arabia	Logistical support costs for spare and repair parts for military equipment (Army)	\$461 million (\$0 m. MDE; \$461 m. other).
3/22/91, 91-17, Saudi Arabia	Logistical support costs for spare parts for military equipment (Air Force)	\$300 million (\$0 m. MDE; \$300 m. other).
3/22/91, 91-18, Israel	1 PATRIOT missile fire unit; 8 launchers and 64 PATRIOT missiles, spares and support	\$150 million (\$130 m. MDE; \$20 m. other).
4/24/91, 91-20, Turkey	150 STINGER RMP missile systems; 319 STINGER RMP missiles, spares and support	\$33 million (\$27 m. MDE; \$6 m. other).
4/25/91, 91-19, Turkey	100 AGM-88 HARM missiles, spares and support	\$29 million (\$22 m. MDE; \$7 m. other).
6/6/91, 91-22, Greece	24 HARPOON missiles and support	\$38 million (\$35 m. MDE; \$3 m. other).
6/11/91, 91-03, United Arab Emirates	20 AH-64 APACHE helicopters; 620 HELLFIRE missiles; spare parts and related equipment	\$682 million (\$347 m. MDE; \$335 m. other).
6/18/91, 91-24, NATO Consortium	950 SPARROW missiles (RIM-7M and RIM 7P configurations) and related equipment	\$278 million (\$256 m. MDE; \$22 m. other).
6/18/91, 91-29, Australia	U.S. Government and contractor technical support relating to development, modification and flight testing of aircraft	\$90 million (\$50 m. MDE; \$40 m. other).
7/8/91, 91-30, Greece	200 nonstandard tank fire-control systems, spare parts and support	\$176 million (\$0 m. MDE; \$176 m. other).

<sup>7</sup> Data taken from official, unclassified, Department of Defense arms sales notifications to Congress submitted pursuant to section 36(b) of the Arms Export Control Act (AECA). It is important to note that statutory arms sales notifications to Congress are proposals to sell; they are not completed contracts between the United States Government and the foreign government for the purchase of the items specified at the price estimated. Once an arms sale proposal clears Congressional review under the AECA the President is then authorized to conclude the arms sale he has proposed. However, foreign governments are free to decline to make a purchase or

to purchase fewer items. The fact that a formal notification of a proposed arms sales has been made to Congress does not mean that the specific arms sale will actually result, or that the estimated dollar value given in the notification will be the final contract price for the sale, if it is consummated.

<sup>8</sup> The Near East region includes all countries along the southern and eastern Mediterranean Sea from Morocco eastward to Syria, (including Jordan) and all nations on the Arabian Peninsula or bordering the Persian Gulf (including Iraq).

<sup>9</sup> For detailed estimates and descriptions of the weapons systems in the inventories of nearly every

nation in the world, a standard, unclassified, annually revised source is *The Military Balance* prepared by the International Institute for Strategic Studies, in London, England. For delivery data of 14 major categories of weapons systems by major arms suppliers and supplier groupings to the *Third World* and its regions during recent four year periods see Richard F. Grimmett, *Conventional Arms Transfers to the Third World, 1984-1991*. CRS Report for Congress, 92-577F, July 20, 1992. Congressional Research Service, Library of Congress.

APPENDIX—MAJOR U.S. ARMS SALES NOTIFIED TO CONGRESS IN CALENDAR YEARS 1991 AND 1992—Continued

[Pursuant to section 36(b) of the Arms Export Control Act]

Date submitted, transmittal number, and purchaser	Principal items	Total estimated case value
7/8/91, 91-37, South Korea	Sale, co-assembly, and licensed production of 120 F-16C/D aircraft with spares, support and training	\$2.52 million (\$176 b. MDE; \$760 m. other)
7/10/91, 91-31, Saudi Arabia	2,300 High Mobility, Multi-Purpose Wheeled Vehicles (HMMWV) with support, spares and training	\$123 million (\$114 m. MDE; \$9 m. other)
7/10/91, 91-32, Saudi Arabia	Contractor support services for E-3A AWACS and KE-3 aerial tanker aircraft	\$350 million (\$0 m. MDE; \$350 m. other)
7/15/91, 91-38, Spain	6 SH-60B ASW helicopters, with spares and support	\$251 million (\$176 m. MDE; \$75 m. other)
7/15/91, 91-39, Italy	3 AV-8B HARRIER aircraft, spares and support	\$177 million (\$88 m. MDE; \$89 m. other)
7/17/91, 91-27, Japan	One AEGIS combat system, including various seaborne weapons systems, spares and support	\$548 million (\$299 m. MDE; \$249 m. other)
7/17/91, 91-28, Japan	13 HARPOON missiles, spares and support	\$30 million (\$28 m. MDE; \$2 m. other)
7/19/91, 91-33, Morocco	Limited refurbishment of 20 excess F-16 A/B aircraft, new engines, spares and support	\$250 million (\$105 m. MDE; \$145 m. other)
7/19/91, 91-34, Oman	119 V-300 COMMANDO armored vehicles, with spares and support	\$150 million (\$0 m. MDE; \$150 m. other)
7/19/91, 91-35, Egypt	Modification kits for 12 HAWK missile battery support systems, with spares and support	\$146 million (\$0 m. MDE; \$146 m. other)
7/19/91, 91-36, Brazil	12 AAV7 Amphibious Assault Vehicles, with equipment, spares and support	\$134 million (\$29 m. MDE; \$5 m. other)
7/23/91, 91-43, Turkey	80 F-16C/D aircraft, spare engines, spare parts and support	\$2.8 billion (\$2.3 b. MDE; \$500 m. other)
7/24/91, 91-40, CCNAA (Taiwan)	97 STANDARD missiles SM-1, spares and support	\$55 million (\$47 m. MDE; \$8 m. other)
7/24/91, 91-41, Saudi Arabia	2000 MK-84 bombs; 2,100 CBU-87 cluster munitions; 770 A/M-7M SPARROW missiles, laser guided bomb components, spares and support	\$365 million (\$264 m. MDE; \$101 m. other)
7/29/91, 91-42, Greece	Logistical support services for reactivation and transfer by lease of 4 Guided Missile destroyers from the U.S. Navy	\$91 million (\$0 m. MDE; \$91 m. other)
9/13/91, 91-47, CCNAA (Taiwan)	110 M60A3 tanks, and overhaul of the tanks, with spares and support	\$119 million (\$65 m. MDE; \$54 m. other)
9/13/91, 91-48, Egypt	Communications equipment, facility construction, spare parts and support	\$70 million (\$0 m. MDE; \$70 m. other)
9/17/91, 91-49, Kuwait	Engineering and other services to reconstruct and restore two military air bases	\$350 million (\$0 m. MDE; \$350 m. other)
9/17/91, 91-50, South Korea	179 AIM-7M SPARROW missiles, with spares and support	\$31 million (\$27 m. MDE; \$4 m. other)
9/17/91, 91-51, Thailand	18 F-16A/B aircraft with spares and support	\$547 million (\$491 m. MDE; \$56 m. other)
9/17/91, 91-52, South Korea	Purchase of various aircraft spare parts	\$86 million (\$0 m. MDE; \$86 m. other)
9/18/91, 91-53, Spain	150 STANDARD SM-1 missiles and support	\$88 million (\$68 m. MDE; \$20 m. other)
9/18/91, 91-45, Greece	Rework and overhaul of 36 A-7/TA-7 excess aircraft, spares and support	\$120 million (\$0 m. MDE; \$120 m. other)
9/18/91, 91-46, Turkey	Purchase of spare parts for various aircraft and support	\$70 million (\$0 m. MDE; \$70 m. other)
10/28/91, 92-02, Japan	24 STANDARD missiles, spares and support	\$20 million (\$17 m. MDE; \$3 m. other)
10/30/91, 92-07, Germany	175 AIM-120 AMRAAM missiles, spares and support	\$81 million (\$72 m. MDE; \$9 m. other)
10/31/91, 92-03, Japan	2 Ocean Surveillance Information Systems (OSIS) with spares and support	\$40 million (\$19 m. MDE; \$21 m. other)
10/31/91, 92-05, Greece	Various naval weapons systems, including 16 HARPOON missiles; 64 STANDARD missiles; 56 MK 46 MOD5 torpedoes, spares and support	\$100 million (\$72 m. MDE; \$28 m. other)
10/31/91, 92-06, Greece	20 AH-64 APACHE helicopters, 446 HELLFIRE missiles, various spares and support	\$505 million (\$351 m. MDE; \$154 m. other)
11/8/91, 92-04, Japan	Naval shipboard combat systems with spares and support	\$56 million (\$27 m. MDE; \$29 m. other)
11/14/91, 92-11, Turkey	350 MAVERICK missiles, spares and support	\$60 million (\$45 m. MDE; \$15 m. other)
11/14/91, 92-09, Italy	74 AGM-88 high-speed, anti-radiation missiles (HARM), and support	\$20 million (\$18 m. MDE; \$2 m. other)
11/18/91, 92-08, CCNAA (Taiwan)	Modification kits for 20 HAWK missile battery ground support systems, spares and support	\$170 million (\$0 m. MDE; \$170 m. other)
11/18/91, 92-10, Belgium	240 AIM-9M SIDEWINDER missiles and support	\$23 million (\$21 m. MDE; \$2 m. other)
12/5/91, 92-12, Saudi Arabia	12 PATRIOT fire units, 1 training fire unit, 1 maintenance fire unit; 758 PATRIOT missiles, associated equipment, spares and support	\$3.3 billion (\$1.7 b. MDE; \$1.6 b. other)
1/24/92, 92-13, Thailand	3 F-2C aircraft, with spares and support	\$382 million (\$240 m. MDE; \$142 m. other)
3/10/92, 92-15, Spain	1 TAV-8B aircraft, spares and support	\$25 million (\$23 m. MDE; \$2 m. other)
3/10/92, 92-16, Turkey	5 AN/TQ-36 Firefinder counter-mortar radar sets, related equipment and support	\$28 million (\$24 m. MDE; \$4 m. other)
3/10/92, 92-17, Germany	9 D-500 aircraft, 1 ground station, spares and support	\$795 million (\$0 m. MDE; \$795 m. other)
3/31/92, 92-18, Kuwait	6 PATRIOT fire units, 1 training fire unit, 1 maintenance fire unit; 450 PATRIOT missiles, and equipment; 6 HAWK batteries with 342 HAWK missiles; equipment and support	\$2.5 billion (\$1.0 b. MDE; \$1.5 b. other)
4/6/92, 92-19, Egypt	695 TOW 2A anti-armor missiles, 152 launchers; support equipment and spares	\$78 million (\$20 m. MDE; \$8 m. other)
5/6/92, 92-21, Spain	Logistics support for M60A3 tanks	\$17 million (\$0 m. MDE; \$7 m. other)
5/27/92, 92-22, CCNAA (Taiwan)	Weapons and ammunition for PHALANX CIWS; 48 anti-submarine rockets (ASROC), various support equipment and services	\$212 million (\$34 m. MDE; \$178 m. other)
5/27/92, 92-23, South Korea	28 HARPOON missiles, with spares and support	\$58 million (\$47 m. MDE; \$11 m. other)
5/27/92, 92-24, CCNAA (Taiwan)	Various spare parts for fighter and cargo aircraft, radars and a navigation system	\$107 million (\$0 m. MDE; \$107 m. other)
6/1/92, 92-25, Saudi Arabia	Logistics support and technical services for Saudi Army Ordnance Corps	\$400 million (\$0 m. MDE; \$400 m. other)
6/1/92, 92-26, Saudi Arabia	Contractor maintenance, training and support services for F-5 aircraft	\$157 million (\$0 m. MDE; \$157 m. other)
6/1/92, 92-27, Saudi Arabia	8 UH-60 MEDVAC helicopters, spare engines, spare parts, technical and logistic support	\$223 million (\$85 m. MDE; \$138 m. other)
6/1/92, 92-28, Saudi Arabia	Contractor maintenance and training technical services in support of F-15 aircraft	\$495 million (\$0 m. MDE; \$495 m. other)
6/1/92, 92-29, Saudi Arabia	362 HELLFIRE Missiles; 3,500 HYDRA-70 rockets; 40 HMMWV vehicles; various spare parts, support and services for APACHE helicopters	\$606 million (\$22 m. MDE; \$584 m. other)
6/8/92, 92-30, Singapore	11 F-16A/B aircraft; retrofit of 7 F-16A/B aircraft with APG-66 radars; 7 spare engines; 30 Sidewinder and 6 Maverick training missiles; various spares and support services	\$657 million (\$381 m. MDE; \$276 m. other)
7/23/92, 92-31, South Korea	37 AH-64 APACHE attack helicopters; 775 HELLFIRE missiles; eight spare engines; various other related items, spares and support services	\$997 million (\$677 m. MDE; \$320 m. other)
8/4/92, 92-33, CCNAA (Taiwan)	207 STANDARD missiles SM-1, spares, support and service	\$126 million (\$106 m. MDE; \$20 m. other)
8/12/92, 92-32, Netherlands	Conversion of 2 commercial DC-10 aircraft to KDC-10 tanker/cargo configured aircraft, with various systems modifications, spare parts and support	\$280 million (\$0 m. MDE; \$280 m. other)
9/8/92, 92-25, Japan	50 STANDARD missiles, spares, support and service	\$37 million (\$34 m. MDE; \$3 m. other)
9/8/92, 92-36, Japan	14 HARPOON missiles, including spares and logistics support	\$35 million (\$32 m. MDE; \$3 m. other)
9/10/92, 92-37, Japan	Naval shipboard combat systems, including 1 PHALANX CIWS; 1 Vertical Launching System (VLS); 1 Guided Missile Vertical Launching System (GLS), and related equipment, spares, technical and logistical support services	\$66 million (\$32 m. MDE; \$34 m. other)
9/10/92, 92-38, Italy	446 AGM-88 High Speed Anti-radiation Missiles (HARM), with support, technical and logistics services and support	\$145 million (\$125 m. MDE; \$20 m. other)
9/10/92, 92-44, Austria	62 STINGER RMP missile systems; 406 STINGER RMP reload missiles; together with training equipment, spares, logistics services and support	\$39 million (\$126 m. MDE; \$13 m. other)
9/14/92, 92-40, CCNAA (Taiwan)	150 new production F-16A/B fighter aircraft; 40 spare aircraft engines/modules; 900 SIDEWINDER air-to-air missiles and 600 SPARROW air-to-air missiles; 500,000 rounds of 20mm cartridges, spares, technical, logistical and support services	\$5.8 million (\$4.5 b. MDE; \$1.3 b. other)
9/14/92, 92-42, Saudi Arabia	72 F-15XP aircraft; 24 aircraft spare engines/modules; 48 sets of navigation and targeting pods; 9.0 AGM-650/G MAVERICK missiles; 600 CBU-87 bombs; 700 GBU-10/12 bombs; spares and support equipment, technical and logistics services	\$9 billion (\$6 b. MDE; \$3 b. other)
9/17/92, 92-39, Korea	Spare parts for support of F-4, F-5, T-37, C-130 and F-16 aircraft; AN/FPS-117 radar, and the AN/FRN-45 TACAN navigation system	\$95 million (\$0 m. MDE; \$95 m. other)
9/17/92, 92-41, Greece	40 F-16C/D aircraft; 10 spare aircraft engines/modules; 40 sets of LANTIRN Pathfinder/Sharpshooter equipment, spares, technical, support and logistics services	\$1.8 billion (\$1.4 b. MDE; \$400 m. other)
9/17/92, 92-43, Turkey	200 AIM-9M SIDEWINDER air-to-air missiles, and related logistics support	\$23 million (\$19 m. MDE; \$4 m. other)
9/18/92, 92-45, CCNAA (Taiwan)	12 SH-2F LAMPS MK I ASW helicopters, including overhaul of helicopters and engines; 12 spare engines, and logistics and technical support and services	\$161 million (\$23 m. MDE; \$138 m. other)
9/21/92, 92-46, Turkey	200 AIM-120 Advanced Medium-Range Air-to-Air Missiles (AMRAAM), technical services, support equipment and logistics support	\$17 million (\$15 m. MDE; \$2 m. other)
10/26/92, 93-01, Denmark	63 F-16A/B aircraft Mid-Life Update (MLU) modification kits; installation; support equipment, training and technical assistance and logistical support	\$300 million (\$0 m. MDE; \$300 m. other)
10/26/92, 93-02, Norway	56 F-16A/B aircraft Mid-Life Update (MLU) modification kits; installation; support equipment, training and technical assistance and logistical support	\$275 million (\$0 m. MDE; \$275 m. other)
10/26/92, 93-03, Netherlands	170 F-16A/B aircraft Mid-Life Update (MLU) modification kits; installation; support equipment, training and technical assistance and logistical support	\$775 million (\$0 m. MDE; \$775 m. other)
10/26/92, 93-04, Belgium	Up to 110 F-16A/B aircraft Mid-Life Update (MLU) modification, kits; installation; support equipment; training and technical assistance and logistical support	\$500 million (\$0 m. MDE; \$500 m. other)

## APPENDIX—MAJOR U.S. ARMS SALES NOTIFIED TO CONGRESS IN CALENDAR YEARS 1991 AND 1992—Continued

(Pursuant to section 36(b) of the Arms Export Control Act)

Date submitted, transmittal number, and purchaser	Principal items	Total estimated case value
1/5/93, 93-05, Kuwait	Armored and infantry battalion combat equipment, combat support equipment and combat services support equipment to include 256 M1A2 ABRAMS tanks; 46 M88 recovery vehicles; 52 M577 combat post carriers; 30 M1064 mortar carriers; 1,178 machine guns; 967 SINGARS radio systems; 132 M998 troop/cargo carriers; 460 tactical and commercial heavy equipment transporters, trucks and trailers; 130,000 rounds of 120mm tank ammunition, together with technical and logistic support, spares, and training.	\$4.5 billion (\$1.7 b. MDE; \$2.8 b. other).

<sup>1</sup> Major Defense Equipment as defined by Section 47(C) of the Arms Export Control Act.

### THE CALIFORNIA WELLNESS FOUNDATION

• Mr. SIMON. Mr. President, the California Wellness Foundation [TCWF] is an independent, private foundation created to improve the health of the people of California. It was funded in February 1992 by a substantial endowment from Health Net, California's second largest health maintenance organization. Through proactive development, implementation, and evaluation of health promotion and disease prevention programs, the foundation is taking a leadership role in developing strategies and public policies necessary to enable individuals and communities to adopt healthy lifestyles.

Its mission is to:

Improve the quality and accessibility of health promotion and disease prevention programs and services for a culturally diverse cross-section of California's children, youth, and families;

Encourage the integration of health promotion and disease prevention activities into the delivery of health and human services;

Increase the availability of work-related health promotion opportunities for California workers and their families; and

Facilitate the development of public policies that support health promotion and disease prevention.

The California Wellness Foundation pursues its mission primarily through independent and collaborative grant-making activities. The foundation collaborates within partnerships with other foundations, government agencies, the media and other businesses, and community groups to ensure that change is appropriate and meaningful.

TCWF supports programs in both the private and public sectors that:

Demonstrate preventive impact on people's health status;

Foster healthful lifestyles, behaviors, and values; and

Address systemic problems that pose barriers to health promotion.

In August 1992 a national advisory committee composed of experts on the issue of violence prevention and members of communities affected by vio-

lence met to strategize as to how best address the issue of violence. It was decided to view violence from a public health perspective and to support strategies and methods that focus on preventive initiatives to reduce violence. Under the umbrella of the Pacific Center for Violence Prevention, four interactive components have been developed—a leadership program, community action program, policy program, and a research program.

The criminal justice approach of arrest, trials, and incarceration is not only costly but addresses violence after the fact. The TCFW is looking to the root causes of violence and to empowering those individuals and organizations that can and will make a difference in their communities.

In 1991, almost 25,000 victims died at the hands of others. Homicide is the Nation's 12th leading cause of death and the 6th leading cause of premature mortality. Two to 4 million women manually are battered by a domestic partner; more than 650,000 are raped; 1.5 million children and 1.1 million elderly are abused.

Initially, the Foundation will allocate \$24 million over 5 years to develop and evaluate a comprehensive multifaceted approach to reducing youth violence throughout the State.

Since young people are disproportionately represented as both perpetrators and as victims of violence, the foundation's initiative will concentrate on youth age 24 and younger. The easy availability of firearms contributes to the increasing lethality of youth violence. A nationwide survey found that one student in 25 carried a gun in 1990.

Homicide is now the second leading cause of death in the United States among youth 15-24 years old.

Those between the ages of 12 and 24 face the highest risk of nonfatal violence of any segment of society.

Nearly 50 percent of the estimated 4.2 million nonfatal crimes of violence in the nation in 1989 were committed by offenders between age 12 and 24.

For more than a decade, homicide has been the leading cause of death among both male and female African Americans in the 15-24 age group.

TCFW will fund a number of community based projects that include min-

isters, former gang members, mentors, and potential leaders. Academic fellowships in violence prevention and media and public policy campaigns will also be funded to study the problem and assist in formulating policy development and monitoring the effectiveness of TCFW grants. A coalition which will include the philanthropic community, government agencies, the criminal justice system, educational institutions, the entertainment industry, and mental health and public health professionals will look at the long-term health and economic benefits of health promotion programming to reduce violence.

The lifetime cost of firearm injuries alone totaled \$20.4 billion in 1990. The cost in terms of the well-being of people is measured by the chronic anxiety and fear of individuals and communities and widespread feeling and insecurity.

The California Wellness Foundation's commitment to violence prevention, to stop the spread of violence, and to improve the overall well-being and quality of life for all citizens is to be emulated. The public health approach to viewing violence as a problem that continues to plague on our communities is one that should be given our vigorous support. I applaud the foundation's leadership and look forward to working with them in the coming years. •

### HONORING LEON S. COHAN

• Mr. RIEGLE. Mr. President, on May 31, 1993, Leon S. Cohan of Michigan, a friend to both public service and private industry, a passionate and compassionate citizen, retires after 20 years of service at the Detroit Edison Co.

On behalf of Senator LEVIN and myself, the citizens of Michigan and others who have benefited from his generosity, I am pleased to pay tribute to, and to honor, Leon Cohan.

He is a man of many facets:

Appointed in 1961 as deputy attorney general for the State of Michigan, he has served in that position longer than anyone in the State's history;

He has been the general counsel and trusted advisor to three chief executive officers at Detroit Edison—and the founder and guiding force behind his company's government relations organization;

He is known for his commitment to ethics in our governmental institutions and their leaders;

He is known as a passionate advocate for racial and religious harmony and respect for all people;

He is known, perhaps, as the State's key spokesman for the arts for the enrichment they bring to the human spirit and for the benefits they bring to the State's economy; and he is known for his commitment to cancer research to treat and end this horrible disease.

He has also been honored many times for the causes to which he has been committed.

For finding commonality in human differences—as a member of the Race Relations Council of Metropolitan Detroit and three-term president of the Jewish Community Center of Metropolitan Detroit—he has earned:

The NAACP-Detroit branch's Judge Ira W. Jayne Award, given annually to a person outside the black community who has given outstanding service that builds and benefits all segments of the Detroit community;

The Israel Histadrut Menorah Award for leadership and achievements;

The Fellowship Award of the American Arabic and Jewish Friends of Metropolitan Detroit;

The Knights of Charity Award from the Pontifical Institute for Foreign Missions;

The Judge Learned Hand Award, from the Institute of Human Relations of the American Jewish Committee, for outstanding service that has benefited the community; and

Election to the International Heritage Hall of Fame by the Friends of the International Institute of Metropolitan Detroit.

In support of the arts he has served as:

Chairman of the Michigan Council for the Arts;

A member of the Arts Commission of the City of Detroit, which is the governing body of the Detroit Institute of Arts;

Director of the University of Michigan Musical Society;

Director of the Concerned Citizens for the Arts in Michigan; and

Most recently, founder and president of the arts action alliance.

In recognition of his outstanding contributions to the arts, he has received the Governor's Arts Award for Civil Leadership in the Arts.

For his commitment to ethics in government, Leon received a gubernatorial appointment to the State Board of Ethics in 1973 and served with distinction on that board for nearly 20 years, the last 5 years as chairman.

In fighting cancer, he served three terms as chairman of the board of trustees of the Michigan Cancer Foundation and was honored by the Foundation with lifetime membership on its board.

In addition, Leon has received the Distinguished Alumni Award from the Wayne State University Law School and the Distinguished Service Award of the Wayne State University Board of Governors.

Earlier this month he was named a Michigania of the Year by the Detroit News.

In his work at Detroit Edison, Leon's influence was always evident in the honesty, candor, and integrity of his testimony provided in response to our need for information.

Indeed, he has been a friend and mentor to scores of men and women in government service and in industry—and many of those whose lives he has touched are now extending his philosophies and teachings in their leadership roles throughout our Nation.

As a member of this legislative body, I am honored to add this tribute to Leon's many achievements.

As a friend, I would like to thank Leon Cohan, for his passion, his humanity, and his dedication to others which have served us all so well.

I ask that a letter from Senator LEVIN be included in the RECORD at the conclusion of my remarks.

The letter follows:

U.S. SENATE.  
Washington, DC, April 20, 1993.

Mr. LEON COHAN,  
Detroit Edison,  
Detroit, MI.

DEAR LEON: I am truly sorry I cannot join you on May 3rd as you are honored upon your retirement from Detroit Edison.

There are few people I know who have devoted more energy to their community than you. We go back to the time when you were Frank Kelley's chief assistant and I was on Frank's staff. Your intellectual honesty and judgment and community involvement have manifested themselves in innumerable ways in the three decades since.

I know you will continue your involvement in our community as you leave Edison and take on a new challenge.

You and Heidi have also been good personal friends to Barb and me. We both send our very best to you and to all of those who are serenading you on the 3rd.

Sincerely,

CARL LEVIN.●

#### RECOGNITION OF ALLEN F. STEINBOCK, KENTUCKY SMALL BUSINESS PERSON OF THE YEAR

● Mr. FORD. Mr. President, I rise today to pay tribute to Mr. Allen F. Steinbock of Louisville, KY, who has been named Kentucky Small Business Person of the Year by the U.S. Small Business Administration. He will be honored in Washington, along with other individuals who have been recognized from across the Nation, during

Small Business Week, May 9 through May 15, 1993.

Allen F. Steinbock is president of Whip Mix Corp., a dental equipment and supply company in Louisville, KY. Founded by Allen Steinbock's grandfather in 1919, Whip Mix was the first company to manufacture and market the first complete dental inlay casting unit. Allen took over management of the company 7 years ago and has continued his grandfather's tradition of innovation. Today, Whip Mix is known internationally. Under Allen's astute leadership, the company has shown steady growth and opened many new markets in a field that is showing little growth. The firm has added 40 employees for a total of 180, while sales increased 37 percent, from \$9.2 million to \$12.6 million.

One of the more remarkable aspects of the Whip Mix success story begins in the 1950s when the firm began to expand globally. Improved preventative dental care and fluoridation significantly impacted the dental field at this time and Whip Mix immediately saw the advantage of exporting these new innovations. An aggressive export strategy paid off and today nearly half of all Whip Mix shipments go to customers in more than 80 countries.

Through his personal devotion to product research, Allen has earned election to both the Academy of Dental Materials and the Academy of Operative Dentistry. He has also pioneered innovations in porcelain veneer, unit dose packaging, and breakthrough products and devices. Allen's innovations in management and team-building developed a clear mission and value statement that helped align and motivate the company. Whip Mix employees carry copies in their pockets.

Allen Steinbock has also demonstrated strong leadership for the business community and a commitment to the economic growth of Louisville, KY. His dedication clearly transcended his interest in the development of his own business. Allen and his employees are deeply involved in the community, supporting scouting, numerous charities, local ballet and theater, and educational and professional organizations. They sponsor a home for abused children, a camp for disadvantaged children, and many educational projects. And Allen even finds the time in his busy schedule to serve as a cook at a local shelter once a week.

Mr. President, Allen Steinbock's leadership, dedication, integrity, and innovation have made him a role model for small business persons across my State. In being named Kentucky Small Business Person of the Year, I believe he now can be recognized as a fine example for aspiring young entrepreneurs nationwide.

Although it has been said many times, it is still quite true that small business is the backbone of our econ-

omy. With the continued efforts of individuals like Allen Steinbock, this will continue to be the case for some time into the future.

As we continue Small Business Week, I rise to recognize and congratulate Allen Steinbock and the other State Small Business Persons of the Year for their distinguished achievements.●

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

Mr. GLENN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 66, Fernando M. Torres-Gil, to be Commissioner on Aging.

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

Mr. GLENN. Mr. President, I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nomination considered and confirmed is as follows:

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

Fernando M. Torres-Gil, of California, to be Commissioner on Aging.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

##### MEASURE INDEFINITELY POSTPONED—S. 766

Mr. GLENN. Mr. President, I ask unanimous consent that Calendar No. 55, S. 766, be indefinitely postponed.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the quorum call be rescinded.

Mr. GLENN. Reserving the right to object, Mr. President, it will be fine so long as at the end of the Senator's statement that we return to the quorum call, and that it be agreed that no attempt be made to go back to the Nickles amendment that we were discussing earlier.

Mr. NICKLES. Mr. President, I have no objection.

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

The Senator from Oklahoma.

#### DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. NICKLES. Mr. President, I would like to discuss the amendment without really going on to the amendment, and I am assuming under the unanimous consent that this is not charged to the amendment, we are not on the amendment, we are on the underlying bill. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GLENN. As I understand it, time is not being charged on the amendment, we are on general time on the bill itself.

The PRESIDING OFFICER. The Senator is correct.

Mr. NICKLES. I thank my colleague from Ohio. I appreciate his leadership and cooperation on this legislation.

Mr. President, Senator BYRD mentioned several strong objections to the point-of-order rule that is in this legislation. I will just make a couple of general comments.

It is not this Senator's intention to set up a rules change, it is not this Senator's intention to get bogged down in a lengthy debate on rules change. It is my intention to try to find if legislation and/or Executive rulings or administrative acts have very significant negative impact on the economy. I think we should know that.

So I contacted a couple of other cosponsors on this legislation and indicated a willingness to drop the rules section. This is on page 5 of our amendment where we would drop the point of order that, if the GAO report is not done, that a point of order would lie against the bill. We will drop the rule change. We will drop it entirely. We will state that the economic and employment impact statement will be required, accompanying each bill or conference report, and we will stop this.

In other words, hopefully it will be done. This Senator is going to have a very strong intention to make sure it is done on very significant legislation. But there will not be a point of order lying against the bill if it is not done. I think that would alleviate many of the concerns raised by the Senator from West Virginia. I respect his concerns.

It is certainly not this Senator's intention to delay all 15 appropriations bills throughout the year on this. As a matter of fact, the appropriations bills were not in this Senator's intention. If you look at rule XXVI, appropriations bills were exempted from rule XXVI.

What I am saying is, I offer to the Senator from West Virginia to exempt appropriations. I will go further than that. We will not make a rules change. We will not make a rules change by

statute. It has been done before. As a matter of fact, I told my friend and colleague from West Virginia we made a rule change in the statute when we passed the so-called Byrd rule in 1985. I think that was an excellent change. It was one that needed to be made. That was a reconciliation package so we could not have a lot of extraneous measures on reconciliation package.

I have to remember we are talking to the American people, not just colleagues. People do not understand that lingo. What it means is, you cannot offer an entirely different, totally extraneous piece of legislation on a reconciliation package, that you have very limited rules and limited debate. I think Senator BYRD was right in passing that. I compliment him for doing so.

So my statement that I am making is that I appreciate and respect the concerns that were raised by my colleague from West Virginia. It is not my intention to hold up legislation on the floor of the Senate. It is my intention to try to find out on major pieces of legislation what the economic impact and employment impact is on that legislation, and hopefully before we vote on it, hopefully before it becomes law.

Likewise, the same thing before final rules come down from the administration, from a multitude of regulatory agencies.

I hope, too, that my colleagues would realize this is not a partisan attempt. I have tried to pass this legislation for the last 2 or 3 years. We have gained more and more support. Actually, I think we have a majority vote both in the House and the Senate for this concept. So I hope that we will be successful.

I, frankly, think that regulations grew far too much and far too expensive under the previous administrations, probably, in President Reagan's administration, but certainly in President Bush's administration.

The cost of regulation—I had the charts up here—exceed now \$4,000 per household. That is a bill that is being put on the people. That is a bill that people have to pay. It shows up in utilities, it shows up in your water bill, gas bill, it shows up in the price of gasoline, it shows up in the price of cars, it shows up in the price of insulation, it shows up in everything.

Many of those regulations are probably well worthwhile, many are not. My point is that if we have regulations that cost thousands of jobs, we ought to know about it. We ought to have that in our decisionmaking mode before we make final decisions.

So my point is, I will drop the point-of-order section in the bill. That is not critical to my intent. My intent is to find out how much some of these pieces of legislation cost. And not on every piece of legislation, but only legislation that has economic impact of over

\$100 million. So we are not talking about trivial pieces of legislation. We are talking about significant major pieces of legislation.

We also say if it has an impact of over 10,000 jobs. All of us, I know, Democrats and Republicans, are interested in job creation. We should also be interested if we are passing legislation that will have negative job creation. If it is an unemployment bill, if we are going to be passing legislation that is going to put thousands, or more than 10,000 people, out of work, we ought to know that.

So that is the purpose of legislation. Again it is not to get bogged down into procedural points of order. That is not my intention. We will delete that controversial section and hopefully delete the opposition to this amendment and pass it. Because again I think this amendment could be one of the more positive things we can do toward jobs creation, toward putting a balance or common sense in regulatory costs.

If you ask—I know all of us are having health care meetings—ask the doctors, ask the hospitals, ask the administrators how much administrative costs are in the overall medical field, I think you would be astounded at the answers.

They spend such an enormous amount of time now just trying to comply with well-meaning regulations. I mentioned the Clinical Laboratory Improvement Act that passed a few years ago. The cost of compliance with that act alone was very significant. It would have put a lot of hospitals in Oklahoma out of business. It did not mean to; that was not the intention of the authors, and I know it was not. Yet, that was the impact.

Actually, we passed legislation on appropriations bills to postpone those regulations to make a little more sense on it; and we did. We should not have to do that. We should have some impact or idea of the impact of some of the rules and regulations coming down from the various regulatory agencies before they happen; and, likewise, we should have some indication of the economic impact and the amount of jobs

which will be impacted before we pass legislation.

That is the purpose of this amendment, not to make rule changes, not to subvert the rules of the Senate. That is not my intention nor that of the Senator from Nevada. I consulted him, and we are willing to drop the point of order section dealing with the House and Senate. We are also willing to change that the statement has to accompany legislation before it can be put up. A point of order will not lie as a result of this legislation.

I hope my colleagues will review this and either cosponsor or vote for it. I hope that we will have a resounding vote that the House will concur in and that we will have a better attainment of the overall cost of the regulations and maybe be able to slow down the cost of regulation in both the legislation and in executive action as a result of this amendment. Madam President, I yield the floor.

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

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### ORDERS FOR TOMORROW

Mr. GLENN. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m., Thursday, April 29; 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 there then be a period for morning business, not to extend beyond 11:45 a.m., with Senators permitted to speak therein for up to 5 minutes each; with the following Senators recognized to speak in the order listed, if present, for up to 10 minutes

each: Senators LEAHY, CONRAD, AKAKA, GRASSLEY, PRESSLER, GRAMM, and BOXER; that at 11:45 a.m., the Senate resume consideration of S. 171, the Department of Environment Act, with the Nickles amendment No. 329 as the pending amendment.

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

#### RECESS UNTIL 10:30 A.M. TOMORROW

Mr. GLENN. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:14 p.m., recessed until Thursday, April 29, 1993, at 10:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate April 28, 1993:

##### DEPARTMENT OF STATE

KARL FREDERICK Inderfurth, of North Carolina, to be the alternate representative of the United States of America for special political affairs in the United Nations, with the rank of ambassador.

##### SMALL BUSINESS ADMINISTRATION

ERSKINE B. BOWLES, of North Carolina, to be administrator of the small business administration. VICE PATRICIA F. SAIKI, RESIGNED.

##### DEPARTMENT OF TRANSPORTATION

MICHAEL P. HUERTA, of California, to be associate deputy secretary of transportation. VICE ROBERT E. MARTINEZ, RESIGNED.

RODNEY E. SLATER, of Arkansas, to be administrator of the federal highway administration. VICE THOMAS D. LARSON, RESIGNED.

##### DEPARTMENT OF THE TREASURY

GEORGE J. WEISE, of Virginia, to be commissioner of customs. (NEW POSITION)

#### CONFIRMATION

Executive nomination confirmed by the Senate April 28, 1993:

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

FERNANDO M. TORRES-GIL, of California, to be commissioner on aging.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUEST TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.